

June 27, 2006

Meeting 10:00 a.m.

COMMISSION MINUTES

MEETING OF JUNE 27, 2006

(The meeting convened at 10:00 a.m.; recessed at 12:34 p.m.; reconvened at 5:03 p.m., recessed at 5:05; reconvened at 5:17, recessed at 9:24; reconvened at 9:37 p.m. and adjourned at 11:42 p.m.)

PLEDGE OF ALLEGIANCE was led by Broward County Commissioner John E. Rodstrom, Jr., District 7.

MOMENT OF SILENCE

In memory of Kathleen Gooden, Administrative Aide to Vice Mayor Josephus Eggelletion, District 9.

CALL TO ORDER

CONSENT AGENDA

BOARD APPOINTMENTS

1. MOTION TO APPROVE appointment of Terry Danger to the Parks and Recreation Advisory Board. Mr. Danger fills a vacancy. (Commissioner Gunzburger)

ACTION: (T-10:15 AM) Approved.

AVIATION DEPARTMENT

2. MOTION TO AUTHORIZE AND DIRECT the County Administrator, the Director of Aviation and the Office of County Attorney to (1) take administrative, legal and procedural actions and filings in connection with the matters described in the confidential memorandum dated June 16, 2006 from the Director of Aviation to the Board of County Commissioners, and the confidential memorandum dated June 15, 2006 from the Office of County Attorney to the Director of Aviation, as may be considered desirable to protect the County's interest, (2) report any such actions to the Board of County Commissioners following the summer break, and (3) if deemed desirable; authorize the Office of County Attorney to retain outside counsel in connection with the matters described by the referenced memoranda up to an initial maximum amount of \$25,000.

ACTION: (T-10:31 AM) Approved. (Refer to minutes for full discussion.)

3. MOTION TO APPROVE Assignment of Real Estate Lease and Agreement between Broward County, Florida and North Perry Aviation, Inc., to the United States Small Business Administration, and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:15 AM) Approved.

4. MOTION TO APPROVE Settlement Agreement between Broward County and QORE for claims relating to the testing of materials for various Airport Expansion Projects at Fort Lauderdale–Hollywood International Airport, in the amount of \$95,084 as full and final settlement of County and QORE claims; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:15 AM) Approved.

5. MOTION TO APPROVE Terminal Building Lease Agreement (“TBLA”) between Broward County, Florida and Jetblue Airways Corporation, (“Jetblue”) for the lease and use of 680 square feet of ticket counter, 3,862 square feet of airline ticket offices, 9,939 square feet of holdroom, 3,502 square feet of useable covered area, 306 square feet of baggage service office and 8,973 operations space in Terminal 1, with anticipated annual revenues of \$1,167,231 at the Fort Lauderdale-Hollywood International Airport (“FLL”), effective upon Board approval, for a five year term, with a 30-day written notice of termination by either party, and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:15 AM) Approved.

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

CONSTRUCTION MANAGEMENT DIVISION

6. A. MOTION TO ADOPT budget Resolution 2006-428 transferring within the Library Bond Capital Outlay Fund the amount of \$851,192 for the West Regional Library.

ACTION: (T-10:15 AM) Approved.

B. MOTION TO APPROVE first amendment to the agreement between Broward County and James A. Cummings, Inc., RLI No. 041700-RB, Managing General Contractor for Construction Services, to increase the Guaranteed Maximum Price by \$851,192; from \$12,815,773 to \$13,666,965 for additional scope of work for the West Regional Library with no increase in contract time, and authorize the Mayor and Clerk to execute same. (Project No. 6048A99) **(Commission District 1)**

ACTION: (T-10:15 AM) Approved.

7. A. MOTION TO ADOPT unanticipated revenue Resolution 2006-429 within the Library Bond Capital Outlay Fund (3180), recognizing a Florida Department of State's Division of Library and Information Services Public Library Construction Grant in the amount of \$500,000 for the West Regional Library.

ACTION: (T-10:32 AM) Approved. (Refer to minutes for full discussion.)

B. MOTION TO ADOPT budget Resolution 2006-430 transferring within the Library Bond Capital Outlay fund the amount of \$485,478 for additional funding for Change Order No.1 for the new West Regional Library.

ACTION: (T-10:32 AM) Approved. (Refer to minutes for full discussion.)

C. MOTION TO ADOPT budget Resolution 2006-431 transferring within the Library Bond Capital Outlay fund the amount of \$880,346 from the Library Bond Fund Reserve for the West Regional Library.

ACTION: (T-10:32 AM) Approved. (Refer to minutes for full discussion.)

D. MOTION TO APPROVE Change Order No. 1 to Agreement with James A. Cummings, Inc. for the new West Regional Library, RLI 041700-RB, increasing the Guaranteed Maximum Price by \$485,478; from \$13,666,965 to \$14,152,443 (inclusive of first amendment under consideration by the Board for \$851,192) and increasing the contract time by 83 calendar days, from 516 calendar days to 599 calendar days; and authorize the Mayor and Clerk to execute same. (Project No. 6048A99) **(Commission District 1)**

ACTION: (T-10:32 AM) Approved. The board directed the County Administrator to have Construction Management Division (CMD) staff complete the analysis identifying the reasons and responsibility for the delay as originally requested by the Selection Negotiation Committee. The staff analysis should be completed by CMD and submitted to the Board no later than August 15, 2006. Further, that the analysis separate the revisions that were owner-initiated changes or city changes from failure to design according to the building code. (See County Auditor's memorandum dated June 26, 2006.) (Refer to minutes for full discussion.)

8. MOTION TO APPROVE agreements between Broward County and:
(1) Beiswenger, Hoch and Associates, Inc. (BHA); (2) Brown and Brown Architects; (3) Saltz Michelson Architects, Inc.; and (4) Singer Architects; to provide general professional architectural and engineering consultant services for vertical construction projects, when authorized, with a contract time of 365 calendar days, with cumulative fees not to exceed \$500,000 per annual fiscal year, effective upon execution, with two, one-year options to extend the term of each contract; and authorize the Mayor and Clerk to execute same (RLI No. 20051118-0-CM-1)

ACTION: (T-10:15 AM) Withdrawn for further staff review.

HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION

9. MOTION TO ADOPT Resolution 2006-432 accepting a road easement, at a nominal cost of \$1 to the County, executed by Noel Levy, for right-of-way for SW 23rd Street at the southwest corner of the intersection with SW 50th Avenue in the City of West Park. **(Commission District 8)**

ACTION: (T-10:15 AM) Approved.

10. MOTION TO ADOPT Resolution 2006-433 accepting a road easement, at a nominal cost of \$1 to the County, executed by Countyline Real Estate Corp., for right-of-way for County Line Road at the northeast corner of the intersection with State Road 7, or US 441 in the City of West Park. **(Commission District 8)**

ACTION: (T-10:15 AM) Approved.

11. MOTION TO APPROVE first amendment to Joint Participation Agreement between Broward County and the Florida Department of Transportation for reimbursement of eligible costs for repair of Federal Highway Administration functionally classified roads damaged by Hurricane Katrina. The amendment provides for the redistribution and increase of funding in the amount of \$73,717.96, from the original agreement amount of \$826,543.00, to \$900,260.96, and is based on actual costs incurred. The amendment will be effective upon execution by the Florida Department of Transportation; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:15 AM) Approved.

REAL PROPERTY SECTION

12. MOTION TO APPROVE Tenant Estoppel Certificate pursuant to Lease between Broward County, Tenant, and Century Plaza Associates, L.P., Landlord, for the Century Plaza Branch Library premises located at Century Plaza 1856A W. Hillsboro Boulevard, Deerfield Beach, Florida; and authorize the Mayor and Clerk to execute same. **(Commission District 2)**

ACTION: (T-10:15 AM) Approved, as corrected. (Scrivener's error - See County Administrator's memorandum: Printed Agenda Report reads: Deerfield Beach Branch Library premises located at . . . 1888 W. Hillsborough Boulevard . . . should read: "Century Plaza Branch Library premises located at 1856 W. Hillsborough Boulevard . . .")

13. MOTION TO ADOPT Resolution 2006-434 authorizing the conveyance by quit claim deed of a tax deed property that has escheated to Broward County for delinquent real estate taxes to the municipality in which the land is located, at no cost to the County, pursuant to Florida Statutes Chapter 197.592. This

property is located within the City of Oakland Park; authorize the Mayor and Clerk to execute deed, covenants, and restrictions, and authorize recordation of same. **(Commission District 4)**

ACTION: (T-10:15 AM) Approved.

SEAPORT CONSTRUCTION AND PLANNING DIVISION

14. A. MOTION TO ADOPT Resolution 2006-435 authorizing the Mayor and Clerk to execute a Joint Participation Agreement between Broward County and the Florida Department of Transportation for the purpose of applying grant funds in the total amount of \$1,050,000 to the Port Everglades Department for the construction of the Cruise Terminal 27 and Berth 27 Extension project, requiring \$1,050,000 in matching funds from the County, for a total project cost of \$2,100,000; effective upon execution by the Florida Department of Transportation through July 1, 2008.

ACTION: (T-10:15 AM) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 2006-436 within the Port Everglades Capital Fund (4710) for the Port Everglades Department in the amount of \$1,050,000 for the construction of the Cruise Terminal 27 and Berth 27 Extension project.

ACTION: (T-10:15 AM) Approved.

15. A. MOTION TO ADOPT Resolution 2006-437 authorizing the Mayor and Clerk to execute a Joint Participation Agreement between Broward County and the Florida Department of Transportation, for the purpose of applying grant funds in the total amount of \$1,050,000 to the Port Everglades Department for the construction of the High Wind Bollards project, requiring \$1,050,000 in matching funds from the County, for a total project cost of \$2,100,000; effective upon execution by the Florida Department of Transportation through July 1, 2008.

ACTION: (T-10:15 AM) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 2006-438 within the Port Everglades Capital Fund (4710) for the Port Everglades Department in the amount of \$1,050,000 for the construction of the High Wind Bollards project.

ACTION: (T-10:15 AM) Approved.

WATER AND WASTEWATER SERVICES

16. MOTION TO APPROVE Mutual Aid Agreement between Broward County and Florida's Water/Wastewater Agency Response Network, authorizing participation in the Water/Wastewater Mutual Aid Program established to provide a method whereby water/wastewater utilities sustaining physical damage from natural or man-made disasters could obtain emergency assistance. The mutual aid assistance may be in the form of personnel, equipment, materials, and other services as necessary for the recovery effort; and authorize the Water and Wastewater Services Director to execute same.

ACTION: (T-10:15 AM) Approved.

WATER AND WASTEWATER ENGINEERING DIVISION

17. MOTION TO APPROVE Change Order No.7 to Contract No. P605178CF, with Ric-Man International, Inc., for the construction of Broadview Park Bid Package 1, for the redesign and installation of a new water main on Peters Road, for an increase of

\$316,337.07; from \$10,022,835.05 to \$10,339,172.12, and no increase in contract time; and authorize the Mayor and Clerk to execute same. (BCWWS Project No 11561) **(Commission District 7)**

ACTION: (T-10:15 AM) Approved.

WASTE AND RECYCLING SERVICES

18. MOTION TO APPROVE Interlocal Agreement between Broward County and the City of West Park, initially dated November 25, 1986, and as subsequently amended for Solid Waste Disposal Services; subject to approval by the City of West Park on June 21, 2006; and authorize the Mayor and Clerk to execute same. **(Commission District 8)**

ACTION: (T-10:15 AM) Approved.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

19. MOTION TO ADOPT Resolution 2006-439 of the Board of County Commissioners of Broward County, Florida relating to the County's multi-purpose Commercial Paper Program authorizing debt issuance via Commercial Paper or Revenue Bonds for selected projects in the approved Capital Budget; providing for the issuance from time to time of Commercial Paper Notes and Revenue Bonds to finance capital improvement projects for the County's Water and Wastewater System as such projects are described and authorized in the County's Capital Budget for Fiscal Year 2006; authorizing other necessary actions; providing severability and effective date.

ACTION: (T-10:15 AM) Approved.

20. MOTION TO ADOPT Resolution 2006-440 of the Board of County Commissioners of Broward County, Florida, authorizing the issuance of not to exceed \$210,000,000 in principal amount of Broward County, Florida Professional Sports Facilities Tax and Revenue Refunding Bonds (Broward County Civic Arena Project) (the "Series 2006 Bonds"), in one or more Series to refund and defease on a current basis all or a portion of the outstanding Broward County, Florida Professional Sports Facilities Tax and Revenue Bonds, Series 1996A (Broward County Civic Arena Project) and all or a portion of the outstanding Broward County, Florida Professional Sports Facilities Tax and Revenue Bonds, Taxable Series 1996B (Broward County Civic Arena) (the "Series 1996 Bonds") as described herein; providing that such Series 2006 Bonds shall be secured by the Pledged Revenues and shall not constitute a debt of the County within the meaning of any constitutional, statutory or other provisions of law, or a pledge of the County's full faith and credit or its ad valorem taxing power; providing for a Covenant, subject to certain limitations, to Budget and Appropriate sufficient non-ad valorem revenues to satisfy certain funding deficiencies; delegating to the County Administrator authority to determine certain terms and provisions of the Series 2006 Bonds within prescribed parameters; delegating to the County Administrator authority to determine the termination of certain Interest Rate Swap Agreements and providing for payment of Termination Payments in respect thereto, if necessary; approving the form of and authorizing the execution and delivery of a Second Supplemental Trust Indenture pursuant to which the Series 2006 Bonds will be issued and secured; providing for the refunding of the Series 1996 Bonds; approving the form of and authorizing the execution and delivery of an Escrow Deposit Agreement; ratifying the appointment of an Escrow Agent and Verification Agent in respect thereto; finding the necessity for either a negotiated sale of the Series 2006 Bonds to the Underwriters named herein or a negotiated private placement with the Original Purchaser named herein, in each case as provided herein; approving the form of and authorizing the execution and delivery of a Bond Purchase Agreement with the Underwriters or the Original Purchaser; providing for a Book-Entry Only System with respect to the Series 2006 Bonds; approving the forms of and authorizing the distribution of a Preliminary Official Statement and the execution, delivery and distribution of an Official Statement relating to the Series 2006 Bonds, if necessary; ratifying the selection of a printer of said Preliminary Official Statement and Official Statement; providing for continuing disclosure and approving the form and authorizing the execution and delivery of a Continuing Disclosure Agreement with respect to the Series 2006 Bonds; authorizing a Credit Facility and/or Reserve Fund Credit Facilities and the execution of agreements relating thereto; authorizing County officials to do all things deemed necessary in connection with the issuance, sale and delivery of the Series 2006 Bonds and the refunding of the Series 1996 Bonds; providing for conflicts and severability; and providing an effective date.

ACTION: (T-10:15 AM) Approved.

ACCOUNTING DIVISION

21. MOTION TO APPROVE business travel for County employees on the attached list, in accordance with Volume 1 of the Administrative Code Chapter 3, Part II, Section 3.10 – County Employee Travel.

ACTION: (T-10:15 AM) Approved.

22. MOTION TO FILE Statement of County Funded Court-Related Functions Section 29.0085 Florida Statutes For the Broward County, Florida Year Ended September 30, 2005.

ACTION: (T-10:15 AM) Approved.

23. MOTION TO FILE Broward County, Florida's, Comprehensive Annual Financial Report (CAFR) Management Letter and Management Response.

ACTION: (T-10:15 AM) Approved.

COUNTY RECORDS DIVISION

24. A. MOTION TO APPROVE minutes of the 10:00 A.M. Broward County Board of County Commissioners meetings of May 2, 2006, May 9, 2006, May 16, 2006, and May 23, 2006; and the minutes of the 2:00 P.M. Public Hearings of May 9, 2006, and May 23, 2006.

ACTION: (T-10:15 AM) Approved.

B. MOTION TO APPROVE FOR FILING supplemental papers pertaining to the plats and other items that were approved in prior years.

ACTION: (T-10:15 AM) Approved.

25. MOTION TO APPROVE agreement between Broward County and Pioneer Technology Group, LLC to redesign the software application of the Value Adjustment Board (VAB) to improve and extend the automation process for the VAB (RLI 20051107-0-CR-01) of the County Records Division, in the amount of \$360,000 for software and perpetual license, to include the first 18 months of maintenance; after which and at the County's option, it may continue maintenance services annually in the amount of \$32,500 for up to five years, to be renewed annually on the anniversary date.

ACTION: (T-10:15 AM) Approved.

PURCHASING DIVISION

For Aviation Department

26. MOTION TO APPROVE final payment in the amount of \$4,587.46, to LM Engineering, Inc. d/b/a Gilliotti, Frione & Associates (GFA) International for emergency professional engineering testing services for the Fort Lauderdale-Hollywood International Airport, RLI No. 2002130-0-PC-01.

ACTION: (T-10:15 AM) Approved.

27. MOTION TO AWARD fixed contract to single bidder, Skanska USA Building, Inc. (Skanska), for Terminals 1, 2 and 3 Interim Baggage Solution at the Fort Lauderdale/Hollywood International Airport, Bid No. N-2-06-069-CF in the amount of \$20,460,269 for the Aviation Department, subject to receipt and acceptance of insurance/performance and payment guaranty; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:37 AM) Tabled to the conclusion of the 2:00 p.m. Public hearing. (Refer to minutes for full discussion.)

ACTION: (T-5:03 PM) Approved, as amended. The Board waived the Procurement Code and awarded the contract to Skanska. (Refer to minutes for full discussion.)

(Scrivener's error - See County Administrator's memorandum: Throughout entire Agenda Item and Exhibits remove any reference to Terminal 1.)

For Community Services Department

28. MOTION TO AMEND emergency open-end contracts to multiple responsive and responsible quoters, Abet Medical Transportation, Inc., M & T Transportation, Inc., and Medex Transportation, Inc., for Paratransit Supplemental Transportation Service, Quotation No. G06MT15M, at current Paratransit trip reimbursement rates, to increase the not-to-exceed contract amounts for each provider from \$60,000.00 to \$90,000. The contracts will expire upon implementation of replacement Paratransit Transportation Services contracts or no later than December 31, 2006.

ACTION: (T-10:15 AM) Approved.

29. MOTION TO AWARD fixed contract to single responsive, responsible bidder, New Flyer of America, Inc., for 48 Diesel 40-foot Low Floor Buses (Group1 consisting of Items 1a, 2 and 3), Bid No. C206055BV, in the total amount of \$19,570,822.20, and open-end contract for Buses-Diesel and Hybrid Electric (Groups 2 and 3), in the estimated annual amount of \$28,279,337.77, and authorize the Purchasing Director to renew the contract for four, one-year periods for a total potential estimated contract amount of \$141,396,688.85. The initial contract shall begin on date of award and shall terminate one year from that date.

ACTION: (T-10:15 AM/10:20 AM) Withdrawn due to protest. (Refer to minutes for full discussion.)

30. MOTION TO AWARD open-end multiple-award contracts based upon the Southeast Florida Governmental Purchasing Cooperative RFP No. 06-A-098F for Diesel Fuel and Biodiesel to best-ranked vendors as indicated below, (Broward County Contract D606241G1), in the estimated annual amount of \$9,559,187; and authorize the Purchasing Director to renew for two, one-year periods as the lead agency may renew, for a total potential contract amount of \$28,677,561 for the Mass Transit Division and various County agencies, contingent upon receipt and approval of insurance certificates. The initial contract period shall begin on date of award and shall terminate one year from that date.

ACTION: (T-10:15 AM) Approved.

For Finance and Administrative Services Department

31. MOTION TO AWARD open-end contract to single bidder, Reddy Ice Corporation, for bagged ice for hurricane emergencies, Bid No. G506170B1, in the estimated annual amount of \$240,000; not including the cost of freight, for the various County agencies, and authorize the Purchasing Director to renew the contract for a one-year period for a potential total estimated amount of \$480,000. The initial contract period shall begin on date of award and shall terminate one year from that date.

ACTION: (T-10:15 AM) Approved.

32. MOTION TO ADOPT budget Resolution 2006-441 transferring \$398,134 within the General Fund (0010) from the Commission Reserve to fund the purchase of hurricane supply items, and to renovate a vacant County warehouse building for use as a hurricane Emergency Distribution Center.

ACTION: (T-10:15 AM) Approved, as corrected. (Scrivener's error - See County Administrator's memorandum: Printed Agenda reads: . . . to fund the purchase of hurricane supply items, and to renovate a vacant County warehouse building for use as a hurricane Emergency Distribution Center, should read: "to fund the purchase of hurricane supply items for use by County agencies; offsite storage of ice that will be delivered immediately after a storm; equipment and minor buildout of the 64th Street Warehouse for use as a hurricane Emergency Distribution Center" to be consistent with the signed Agenda.

For Human Services Department

33. MOTION TO APPROVE Sole Source Determination and Agreement between Broward County and the Broward Sheriff's Office (BSO) for special security details for Family Success Administration, and other Broward County agencies that may need special security details, in the estimated 15-month amount of \$225,000; and authorize the Purchasing Director to renew the agreement for up to three, one-year terms for a potential total estimated amount of \$765,000; and authorize the Mayor and the Clerk to execute same. The initial term of the contract shall start on the date of award and shall end on September 30, 2007.

ACTION: (T-10:39 AM) Approved per the County Auditor's recommendation that the Board limit approval of subject agreement for the initial 15-month term and require Board approval for all subsequent renewals. (See County Auditor's memorandum dated June 26, 2006.) (Refer to minutes for full discussion.)

For Public Works and Transportation Department

34. MOTION TO AWARD open-end contract to the low bidder, a certified small business enterprise, Spring Sign Supply, Inc., Groups 1 and 2, for stop signs and school crossing signs, Bid No. E106012B2, in the estimated two-year amount of \$499,960 for the Traffic Engineering Division; and authorize the Purchasing Director to renew the contract for a one-year period, for a potential contract amount of \$749,940. The initial contract period for Group 1 shall start on the date of award, and the initial contract period for Group 2 shall start July 31, 2006. Both Groups 1 and 2 shall terminate July 30, 2008.

ACTION: (T-10:15 AM) Approved.

35. MOTION TO APPROVE release of retainage and final payment in the amount of \$10,250 to Wharton-Smith, Inc. for North Regional Wastewater Treatment Plant, Bid Package J, Contract No. PY02272CF. (WWS 8624-J) **(Commission District 2)**

ACTION: (T-10:15 AM) Approved.

36. MOTION TO AWARD open-end contract to low bidder, Austin Tupler Trucking, Inc., for Items 1 through 4 and low responsive, responsible bidder No. Item 5, in the estimated amount of \$420,365.60, for six months, for Aggregates (Re-Bid), Bid No. E406133B1, for the Public Works and Transportation Department, and authorize the Purchasing Director to renew the contract for three, six-month periods for a potential contract amount of \$1,681,462.40. The initial contract period shall begin on date of award and shall terminate six months from that date.

ACTION: (T-10:15 AM) Approved.

37. MOTION TO AWARD fixed contract to single responsive, responsible bidder, Environmental Products of Florida Corporation, Storm Sewer Vacuum Trucks (Re-Bid) (Line Items 1 and 2), Bid No. C505130FF, for three trucks for Highway and Bridge Maintenance Division (HBMD) in the amount of \$947,835; and two trucks for Water and Wastewater Services (WWS) in the amount of \$654,200; for a total amount of \$1,602,035.

ACTION: (T-10:15 AM) Approved.

HUMAN SERVICES DEPARTMENT

38. MOTION TO ADOPT Resolution 2006-442 of the Board of County Commissioners of Broward County, Florida ("Board"), authorizing the County Administrator to execute certain agreements, addenda,

and amendments to agreements (collectively "Agreements") for the continuation of Medicaid billing and payments; providing for review by the Office of the County Attorney; providing for severability; and providing for an effective date.

ACTION: (T-10:15 AM) Approved.

39. MOTION TO ADOPT Resolution 2006-443 of the Board of County Commissioners of Broward County, Florida, authorizing appropriations and disbursements for providers for Fiscal Year 2007; prescribing requirements and conditions for disbursement of appropriated funds; approving funding for not-for-profit organizations, governmental entities, and for profit organizations for services in the amount of \$41,032,953; approving standard form contracts and addendums for execution by the Broward County Administrator; approving the County Administrator to execute amendments to previously approved unit of service contract forms previously approved by Resolution No. 2003-454; providing for review by County Attorney's office; providing for severability; and providing for an effective date.

ACTION: (T-10:15 AM) Approved.

CHILDRENS' SERVICES ADMINISTRATION DIVISION

40. MOTION TO ADOPT Resolution 2006-444 of the Board of County Commissioners of Broward County, Florida; making a finding and determination that the work and services of certain organizations and individual providers serve a public purpose; authorizing one time appropriations and disbursements for the organizations and individual providers in the amount of \$28,500; approving funding for not-for-profit organizations, for-profit organizations and governmental entities; authorizing the County Administrator to execute amendments to the previously approved form contracts on behalf of the Board by the County Administrator; providing for severability; and providing for an effective date.

ACTION: (T-10:15 AM) Approved, as corrected. (Scrivener's error - See County Administrator's memorandum: All references to Fiscal Year 2006-2007 should read: 2005-2006.)

SUBSTANCE ABUSE AND HEALTH CARE SERVICES DIVISION

41. MOTION TO ADOPT unanticipated revenue Resolution 2006-445 within the Substance Abuse and Health Care Services Divisions Myers Act Fund (9757) for year two of the three year agreement from the State of Florida Department of Children and Families, in the amount of \$3,669,377 for the purpose of providing substance abuse treatment services.

ACTION: (T-10:15 AM) Approved.

42. MOTION TO ADOPT Resolution 2006-446 of the Board of County Commissioners of Broward County, Florida approving the allocation of \$1,086,390 in appropriated Fiscal Year 2006 Ryan White Title I Comprehensive AIDS Resources Emergency (C.A.R.E.) Act Grant funding; authorizing the County Administrator to execute contracts and any amendments or revisions to the approved contracts and addenda; providing for severability; and providing for an effective date. The funding for this Resolution is from a federal grant in the amount of \$14,963,638; and no County funds are required.

ACTION: (T-10:15 AM) Approved.

COMMUNITY SERVICES DEPARTMENT

CULTURAL DIVISION

43. MOTION TO APPROVE agreement between Broward County and the Downtown Development Authority (DDA) designating Huizenga Plaza as the location of the *Broward Light Project*, which will mark the 30th Year of Broward County's Public Art and Design Program; providing for maintenance of the artwork; for a five-year term with automatic successive one-year renewals; at no cost to the County; commencing upon execution by all parties; and authorize the Mayor and Clerk to execute same. **(Commission District 7).**

ACTION: (T-10:15 AM) Approved.

PARKS AND RECREATION DIVISION

44. A. MOTION TO APPROVE Tree Replacement Action Plan in the amount of \$6,000,000 for the implementation of a restorative tree replacement program in designated Broward County Parks and natural areas.

ACTION: (T- 10:40 AM) Approved. (Refer to minutes for full discussion.)

B. MOTION TO ADOPT budget Resolution 2006-447 transferring within the General Capital Outlay Fund (3010) in the amount of \$6,000,000 from the Reserve for Future Capital Outlay to cover the costs of implementing a Tree Replacement Action Plan for Broward County Parks.

ACTION: (T-10:40 AM) Approved. (Refer to minutes for full discussion.)

ENVIRONMENTAL PROTECTION DEPARTMENT

BIOLOGICAL RESOURCES DIVISION

45. MOTION TO APPROVE third amendment to the agreement between Broward County and Nova Southeastern University, for biological monitoring of the Broward County Segment III Shore Protection Project, extending the completion date from September 30, 2007 to September 30, 2009, amending tasks to Segment III Monitoring, and increasing the contract maximum amount by \$1,435,917; from \$5,296,265 to \$6,732,182; and authorize the Mayor and Clerk to execute same. **(Commission District 6)**

ACTION: (T-10:51 AM) Approved with recommendations made by the County Auditor and County Attorney. (See County Auditor's memorandum dated June 26, 2006. (Refer to minutes for full discussion.)

46. MOTION TO APPROVE Amendment No. 3 to Florida Department of Environmental Protection (FDEP) Contract No. 00BO1 for the Port Everglades Inlet Management Plan, increasing the estimated project costs by \$880,334; from \$1,160,000 to \$2,040,334; increasing the State's funding contribution by \$440,167; from \$580,000 to \$1,020,167; with an equal increase in the County's contribution, and extending the term of the agreement from July 31, 2006 through July 31, 2008; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:53 AM) Approved. (Refer to minutes for full discussion.)

PORT EVERGLADES DEPARTMENT

47. MOTION TO APPROVE Lease Agreement between Broward County and K. Carlton International, Inc., for 5,949 square feet of warehouse space in Building "E", Bays No. 14 and No. 15 of Foreign Trade Zone No. 25 at Port Everglades, for the period of September 1, 2006 through August 31, 2007, with rent in the amount of \$47,592 over the lease term; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:15 AM) Approved.

48. MOTION TO APPROVE Lease Agreement between Broward County and Seariders Brokerage Corporation for 2,993 square feet of warehouse space in Bay No. 12 of Building "E" of Foreign Trade Zone No. 25 at Port Everglades, for the period of July 1, 2006 through June 30, 2007, with rent in the amount of \$23,944 over the lease term; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:15 AM) Approved.

OFFICE OF MANAGEMENT AND BUDGET

49. A. MOTION TO ADOPT budget Resolution 2006-448 transferring funds within the General Capital Outlay Fund in the amount of \$77,500; for one-time capital maintenance projects at regional fire stations.

ACTION: (T-10:15 AM) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 2006-449 within the General Fund for the Broward Sheriff's Office (BSO) in the amount of \$77,500; for one-time capital maintenance projects at regional fire stations.

ACTION: (T-10:15 AM) Approved.

50. A. MOTION TO ADOPT unanticipated revenue Resolution 2006-450 within the Fire Rescue Special Purpose Fund (0440) for the Broward Sheriff's Office (BSO) in the amount of \$650,493; for amounts expended for Hurricane Wilma that are now being reimbursed by FEMA.

ACTION: (T-10:15 AM) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 2006-451 within the General Fund (0010) for the Broward Sheriff's Office (BSO) in the amount of \$8,230,505; for amounts expended for Hurricane Wilma that are now being reimbursed by FEMA.

ACTION: (T-10:15 AM) Approved.

51. MOTION TO ADOPT unanticipated revenue Resolution 2006-452 within the General Fund for the Broward Sheriff's Office (BSO) in the amount of \$35,628 for a State of Florida contract, under the State Domestic Security Preparedness Strategy.

ACTION: (T-10:15 AM) Approved.

52. MOTION TO ADOPT unanticipated revenue Resolution 2006-453 within the Law Enforcement Trust Fund in the amount of \$58,300; for the Broward Sheriff's Office Technical Support Unit.

ACTION: (T-10:15 AM) Approved.

53. MOTION TO ADOPT unanticipated revenue Resolution 2006-454 within the Law Enforcement Trust Fund in the amount of \$159,993; to provide funding for the purchase of a SWAT Equipment Response Vehicle.

ACTION: (T-10:15 AM) Approved.

54. MOTION TO ADOPT unanticipated revenue Resolution 2006-455 within the Law Enforcement Trust Fund in the amount of \$33,000; to provide funding for the Coordinating Council of Broward.

ACTION: (T-10:15 AM) Approved.

GREATER FORT LAUDERDALE CONVENTION AND VISITOR'S BUREAU

55.

A. MOTION TO APPROVE agreement between Broward County and LMN Architects for Consultant Services for the Convention Center Master Plan at a lump sum fee of \$495,329 for basic services, and to reimburse consultant for reimbursables up to a maximum amount not-to-exceed of \$100,043; and a travel meeting allowance up to a maximum amount not-to-exceed \$100,0000; for a total maximum lump sum of \$695,372 with contract time for professional services of 180 days plus additional days as required for County review (RLI 200050909-0-CVB-01); and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:58 AM) Approved. (Refer to minutes for full discussion.)

B. MOTION TO ADOPT budget Resolution 2006-456 transferring within the Convention Center Special Revenue Fund (1100) the amount of \$695,372 for funding of the consulting agreement between Broward County and LMN Architects for Phase I of the Master Planning study for the Convention Center site.

ACTION: (T-10:58 AM) Approved. (Refer to minutes for full discussion.)

OFFICE OF ECONOMIC DEVELOPMENT

56. A. MOTION TO ADOPT Interlocal Agreement by and Between Broward County and the Florida Inland Navigation District (FIND) for engineering and environmental services to deepen a portion of the Dania Cut Off Canal in partnership with the cities of Fort Lauderdale and Dania Beach; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:15 AM) Approved.

B. MOTION TO AWARD Broward Boating Improvement Program (BBIP) grant in the amount of \$27,500 to be used as the County's match for funds provided by the FIND, for the planning, design, and permitting portion of the project to deepen a portion of the Dania Cut Off Canal; and authorize the County Administrator to take the necessary administrative and budgetary actions to implement same.

ACTION: (T-10:15 AM) Approved.

COUNTY ATTORNEY

57. MOTION TO APPROVE settlement in the amount of \$25,000; including costs and attorney's fees, in the case of Anna Rita Burns vs. Broward County, Case No.: 05-16906 (14).

ACTION: (T-10:15 AM) Approved.

COUNTY AUDITOR

58. A. MOTION TO FILE County Auditor's Report – *Construction Contract Review of the Airport Miscellaneous Construction Items Agreement*.

ACTION: (T-11:06 AM) Approved. (Refer to minutes for full discussion.)

B. MOTION TO ADOPT County Auditor's Recommendations.

ACTION: (T-11:06 AM) Deferred to the Tuesday, August 15, 2006 Commission meeting. The Board requested that Commissioner Lieberman review the invoices and the backup material provided by the County Auditor and report back to the Board at the August 15, 2006 meeting. (Refer to minutes for full discussion.)

59. MOTION TO APPROVE agreement between Broward County and Pamela D. Brangaccio for employment as the Broward County Administrator.

ACTION: (T-10:15 AM) Approved.

COUNTY ADMINISTRATION

60. MOTION TO ADOPT Resolution 2006-457 of the Board of County Commissioners of Broward County, Florida, approving and authorizing the issuance by the Housing Finance Authority of Broward County, Florida, (the "HFA"), of not to exceed \$17,500,000 aggregate principal amount of Single Family Mortgage Revenue Bonds, Series 2006A, Single Family Mortgage Subordinate Revenue Bonds, Series 2006B, and Single Family Mortgage Revenue Bonds, Series 2006C (collectively, the "Bonds"); determining the need for a negotiated sale of the Bonds; approving the execution and delivery of a Bond Purchase Agreement; approving the use by the Underwriters of the Preliminary Official Statement; approving the form of and authorizing the execution and delivery of the Official Statement for the Bonds; approving the form of and authorizing the execution and delivery of a Master Mortgage Origination and Servicing Agreement; approving the form of and authorizing the execution and delivery of a Program Administration Agreement; approving the form of and authorizing the execution and delivery of a Master Trust Indenture and a 2006 Supplemental Indenture of Trust with the Bank of New York Trust Company, N.A., as Trustee; approving the appointment of the trustee, and designating the trustee as registrar and paying Agent for the Bonds; approving the form of and authorizing the execution and delivery of the Trustee Fee Agreement; appointing the Master Servicer and Program Administrator; authorizing certain investments; authorizing an expenditure by the HFA of not to exceed \$350,000 as its contribution to be used in connection with the Single Family Program; authorizing the use of HOME and SHIP funds in connection with the Single Family Program; authorizing the proper officers to do all things necessary or advisable; and providing an effective date.

ACTION: (T-10:23 AM) Approved. (Refer to minutes for full discussion.)

COUNTY COMMISSION

61. MOTION TO APPROVE request from the Supervisor of Elections for assistance from the County during the upcoming general elections in September 2006 and November 2006. Assistance will include approximately 300 VST's who will be granted election leave to participate; the use of the Emergency Operations Center as a Technical Call Center on election day; and the provision of the GIS precinct mapping system, and assistance picking up voting machines after the elections. (Mayor Graber)

ACTION: (T-10:15 AM) Approved.

62. MOTION TO APPROVE allocation of \$500,000 from County Commissioner Jim Scott's District 4 Discretionary Bond funds, to the City of Wilton Manors for capital improvements at the Richardson Historic Park and Nature Preserve. (Commissioner Scott) **(Commission District 4)**

ACTION: (T-10:23 AM) Approved. (Refer to minutes for full discussion.)

63. MOTION TO APPROVE allocation of \$100,000 in County District 5 Commissioner's Discretionary Bond funds to the City of Pembroke Pines for capital improvements at the River of Grass Arts Park. **(Commission District 8)**. (Commissioner Wexler)

ACTION: (T-10:15 AM) Approved.

64. MOTION TO APPROVE reassignment of Open Space Site OS-75.2 to the Green Space Inventory as a greenway component; the allocation of funds from the Safe Parks and Land Preservation Bond program to the parcel; and direct staff to reactivate due diligence and negotiation efforts to acquire OS-75.2 (Folio No. 484126040050) to further the City of Margate's Rock Island Greenway project and provide for equity in expenditure of Bond funds in County Commission District 1. **(Commission District 1)**. (Commissioner Lieberman)

ACTION: (T-10:15 AM) Approved.

65. MOTION TO APPROVE international travel to the United Kingdom for Vice Mayor Josephus Eggelation of the Broward County Board of County Commissioners. This mission is to accompany Governor Jeb Bush to the United Kingdom and Scotland to promote growth of international business, direct foreign investment and to explore the life sciences and aviation industry already established in the United Kingdom and Scotland. (Mayor Graber)

ACTION: (T-10:15 AM) Approved.

66. MOTION TO FILE City of Coconut Creek Resolutions No. 2006-46 supporting Affordable Housing, Resolution No. 2006-47 supporting communities for a Lifetime Initiative, and No. 2006-59 supporting one-cent surtax for Mass Transit System. (Mayor Graber)

ACTION: (T-10:15 AM) Approved.

67. MOTION TO FILE Hallandale Beach Resolution No. 2006-20 supporting a one-cent penny surtax for transportation to support an expanded mass transit system in Broward County. (Mayor Graber)

ACTION: (T-10:15 AM) Approved.

68. MOTION TO FILE Lauderdale Lakes City Commission Resolution No. 06-72 in support of "A Way Home", Broward County's ten-year plan to end homelessness. (Mayor Graber)

ACTION: (T-10:15 AM) Approved.

69. MOTION TO FILE City of Lauderdale Lakes Resolution No. 06-91 supporting the identification of a one-cent penny surtax for transportation to support an expanded mass transit system in Broward County and a letter and proclamation proclaiming the month of May as Older Americans Month in support of the Communities for a Lifetime Initiative established by the Governor and Florida Cabinet. (Mayor Graber)

ACTION: (T-10:15 AM) Approved.

70. MOTION TO FILE Margate City Commission Resolution No. 10-602 urging members of the Florida Legislature to support amending Senate Bill 1608 and House Bill 949 to provide for an exemption for Broward County. (Mayor Graber)

ACTION: (T-10:15 AM) Approved.

71. MOTION TO FILE City of Parkland Resolution No. 2006-54 demonstrating its support for a referendum to be placed on the November, 2006 ballot for a transportation surtax to support an expanded mass transit system. (Mayor Graber)

ACTION: (T-10:15 AM) Approved.

72. MOTION TO FILE Tamarac City Commission Resolution R2006-87 supporting the identification of a one-cent penny surtax for transportation to support an expanded mass transit system in Broward County. (Mayor Graber)

ACTION: (T-10:15 AM) Approved.

REQUEST TO SET FOR PUBLIC HEARING

73. MOTION TO ADOPT Resolution 2006-458 directing County Administrator to publish Notice of Public Hearing to be held on Tuesday, August 22, 2006 at 2:00 P.M. in Room 422 of the Governmental Center, to vacate and abandon a 14-foot wide Ingress/Egress Easement located north of East Atlantic Boulevard (State Road 814) between State Road A1A and NE 1st Street (NE 4th Street), in the City of Pompano Beach; and at no cost to the County. Petitioner: WCI Communities, Inc. (2006-V-26) (Gunster Yoakley - Agent) **(Commission District 4)**

ACTION: (T-10:15 AM) Approved, as corrected. (Scrivener's error - See County Administrator's memorandum: Motion statement reads: 2006-V-26; should read: 2005-V-26.)

74. MOTION TO ADOPT Resolution 2006-459 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, August 22, at 2:00 P.M., in Room 422 of the Governmental Center to consider adoption of a Boat Facility Siting Plan as a required element of Broward County's Manatee Protection Plan.

ACTION: (T-10:15 AM) Approved.

75. MOTION TO ADOPT Resolution 2006-460 directing the County Administrator to publish notice of a Public Hearing to be held by the Broward County Board of County Commissioners on Tuesday, August 2006 at 2:00 P.M., in Room 422 of the Governmental Center to consider adoption of a proposed Resolution, the title of which is as follows: **(Commission Districts 1 - 9)**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY TRANSMITTING PROPOSED AMENDMENTS TO THE ADMINISTRATIVE ELEMENT, FUTURE UNINCORPORATED AREA LAND USE ELEMENT, RECREATION AND OPEN SPACE ELEMENT, COASTAL MANAGEMENT ELEMENT, NATURAL DISASTER COMPONENT OF COASTAL MANAGEMENT ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, DRAINAGE AND NATURAL GROUNDWATER AQUIFER RECHARGE ELEMENT, POTABLE WATER ELEMENT, SANITARY SEWER ELEMENT, SOLID WASTE ELEMENT, HOUSING ELEMENT, TRANSPORTATION ELEMENT, AND CONSERVATION ELEMENT OF THE BROWARD COUNTY COMPREHENSIVE PLAN TO THE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING AN EFFECTIVE DATE.

ACTION: (T-11:55 AM) Approved with text changes to: Page 45, Section 3.2.2 (9) and Page 46, 3.2.4 (4). (Refer to minutes for full discussion.)

76. MOTION TO ADOPT Resolution 2006-461 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, August 22, 2006, at 2:00 P.M., in Room 422 of the Governmental Center to consider adoption of a proposed Resolution amending the Administrative Code, the title of which is as follows:

A RESOLUTION THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING THE BROWARD COUNTY ADMINISTRATIVE CODE BY ADOPTING AN UPDATED TRAFFIC REVIEW AND IMPACT PLANNING SYSTEM (TRIPS) STATUS REPORT DATED AUGUST 22, 2006, AND BY AMENDING THE COST PER TRIP PER ZONE BY LAND USE EXHIBIT; PROVIDING FOR INCLUSION IN THE BROWARD COUNTY ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-10:15 AM) Approved.

77. MOTION TO ADOPT Resolution 2006-462 directing the County Administrator to publish a notice of Public Hearing to be held by the Broward County Board of County Commissioners on Tuesday, August 2006 at 2:00 P.M. in Room 422 of the Governmental Center, to consider enactment of an Ordinance changing the Zoning District boundaries of certain lands within the Unincorporated Area of Broward County, Florida **(Commission District 7)**.

REZONING PETITION 1-Z-06

"AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 5, TOWNSHIP 50, RANGE 42, BROWARD COUNTY, FLORIDA, FROM RS-6, ONE-FAMILY DETACHED DWELLING DISTRICT TO RD 10, DUPLEX AND ATTACHED ONE-FAMILY DWELLING DISTRICT; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL ZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HERewith; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE,"

ACTION: (T-10:15 AM) Approved.

78. MOTION TO ADOPT Resolution 2006-463 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M., in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan map (PC 06-17), located in the City of Pembroke Pines, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan.
(Commission District 8)

ACTION: (T-10:15 AM) Approved.

79. MOTION TO ADOPT Resolution 2006-464 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M. in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan map (PC 06-22), located in the City of Coconut Creek, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan.
(Commission District 2)

ACTION: (T-10:15 AM) Approved.

80. MOTION TO ADOPT Resolution 2006-465 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M. in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan map (PC 06-23), located in the City of Margate, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan. **(Commission District 2)**

ACTION: (T-10:15 AM) Approved.

81. MOTION TO ADOPT Resolution 2006-466 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M. in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan map (PC 06-24), located in the City of North Lauderdale, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan.
(Commission District 9)

ACTION: (T-10:15 AM) Approved.

82. MOTION TO ADOPT Resolution 2006-467 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M. in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan map (PC 06-25), located in the City of Pembroke Pines, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan.
(Commission District 8)

ACTION: (T-10:15 AM) Approved.

83. MOTION TO ADOPT Resolution 2006-468 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M. in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan map (PC 06-26), located in the City of Pembroke Pines, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan.
(Commission District 8)

ACTION: (T-10:15 AM) Approved.

84. MOTION TO ADOPT Resolution 2006-469 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M. in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan map (PC 06-27), located in the City of Plantation, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan. **(Commission District 1)**

ACTION: (T-10:15 AM) Approved.

85. MOTION TO ADOPT Resolution 2006-470 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M. in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan map (PC 06-28), located in the City of Pompano Beach, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan. **(Commission District 2)**

ACTION: (T-10:15 AM) Approved.

86. MOTION TO ADOPT Resolution 2006-471 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M. in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan map (PC 06-29), located in the City of Tamarac, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan. **(Commission District 9)**

ACTION: (T-10:15 AM) Approved.

87. MOTION TO ADOPT Resolution 2006-472 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M. in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan map (PC 06-30), located in the City of Tamarac, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan. **(Commission District 1)**

ACTION: (T-11:59 AM) Approved with the inclusion of comments made by Commissioner Lieberman that transportation concurrency and impact on roadways will be incorporated in the backup for the Public Hearing. (Refer to minutes for full discussion.)

88. A. MOTION TO ADOPT Resolution 2006-473 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M. in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan text (PCT 06-6), designating a "Transit Oriented Corridor" in the town of Davie, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan. **(Commission District 7)**

ACTION: (T-12:01 PM) Approved. (Refer to minutes for full discussion.)

B. MOTION TO ADOPT Resolution 2006-474 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M. in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan map

(PC 06-19), designating a "Transit Oriented Corridor" in the town of Davie, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan. **(Commission District 7)**

ACTION: (T-12:01 PM) Approved. (Refer to minutes for full discussion.)

89. A. MOTION TO ADOPT Resolution 2006-475 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M. in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan text (PCT 06-7), designating a "Transit Oriented Development" in the City of Deerfield Beach, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan. **(Commission District 2)**

ACTION: (T-12:01 PM) Approved. (Refer to minutes for full discussion.)

B. MOTION TO ADOPT Resolution 2006-476 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M. in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan map (PC 06-20), designating a "Transit Oriented Development" in the City of Deerfield Beach, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan. **(Commission District 2)**

ACTION: (T-12:01 PM) Approved. (Refer to minutes for full discussion.)

90. A. MOTION TO ADOPT Resolution 2006-477 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M. in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan text (PCT 06-8), designating a "Transit Oriented Corridor" in the City of West Park, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan. **(Commission District 8)**

ACTION: (T-12:01 PM) Approved. (Refer to minutes for full discussion.)

B. MOTION TO ADOPT Resolution 2006-478 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M. in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan map (PC 06-21), designating a "Transit Oriented Corridor" in the City of West Park, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan. **(Commission District 8)**

ACTION: (T-12:01 PM) Approved. (Refer to minutes for full discussion.)

91. MOTION TO ADOPT Resolution 2006-479 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M. in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan Natural Resource Map Series (PCNRM 06-1), to amend the Broward County Wetlands map, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan.

ACTION: (T-10:15 AM) Approved.

92. A. MOTION TO ADOPT Resolution 2006-480 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M. in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan (PCT 02-8), designating a "Local Activity Center" in the City of Pompano Beach (a portion of the East Pompano Beach Community Redevelopment Area), as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan. **(Commission Districts 2 and 4)**

ACTION: (T-10:15 AM) Approved.

B. MOTION TO ADOPT Resolution 2006-481 directing the County Administrator to publish notice of a Public Hearing to be held on August 22, 2006, 2:00 P.M. in Room 422 of the Governmental Center, to consider transmittal to the State of Florida Department of Community Affairs of a proposed amendment to the Broward County Land Use Plan map (PC 02-8), designating a "Local Activity Center" in the City of Pompano Beach (a portion of the East Pompano Beach Community Redevelopment Area), as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan. **(Commission Districts 2 and 4)**

ACTION: (T-10:15 AM) Approved.

HOUSING FINANCE AUTHORITY OF BROWARD COUNTY AND
DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT

93. MOTION TO ADOPT Resolution 2006-482 of the Board of County Commissioners of Broward County, Florida, authorizing the issuance by the Housing Finance Authority of Broward County, Florida, of not to exceed \$7,750,000 of its Multifamily Housing Revenue Bonds (Woodsdale Oaks Apartments); authorizing the execution of a request for Bond allocation on behalf of the Housing Finance Authority of Broward County, Florida, in connection with such issuance for the purpose of providing funds to finance the acquisition and rehabilitation of a multifamily rental housing development located in the County, to provide rental housing for persons and families of low and moderate income to be owned by the party specified herein; approving the public hearing held in respect of such issuance; and providing an effective date. **(Commission District 9)**

ACTION: (T-10:23 AM) Approved. (Refer to minutes for full discussion.)

ACTION: (T-12:09 AM) Reconsidered. (Refer to minutes for full discussion.)

ACTION: (T-12:09 AM) Approved. (Refer to minutes for full discussion.)

94. MOTION TO ADOPT Resolution 2006-483 of the Board of County Commissioners of Broward County, Florida, approving the issuance of not to exceed \$6,500,000 of The Housing Finance Authority of Broward County, Florida (the "Authority") Multifamily Housing Revenue Bonds (Palms of Deerfield Town Homes Project), Series 2006 (the "Bonds"), authorizing the execution for bond allocation on behalf of the Authority in connection with such issuance for the purpose of providing funds to finance the acquisition and construction of a multi-family residential rental development to be located in Broward County, Florida to provide housing for persons and families of low and moderate income to be owned by the party specified herein; approving the public hearing held in respect of such issuance; and providing an effective date. **(Commission District 2)**

ACTION: (T-10:23 AM) Approved. (Refer to minutes for full discussion.)

DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT

95. MOTION TO ADOPT Resolution 2006-484 of the Board of County Commissioners of Broward County, Florida, approving State Housing Initiatives Partnership (SHIP) program funding for Fiscal Year 2006 in the amount of \$3,681,677; and 2007 in the amount of \$2,040,600; approving funding for organizations awarded funds through the Office of Housing Finance's Request for Proposals process; approving the standard form shell agreements for subgrantees; authorizing the County Administrator to execute approved standard form shell agreements and take all necessary administrative actions for implementation of the program; any related time extensions, increases/decreases in funding amounts, and project scope amendments consistent with all applicable rules and regulations; providing for severability, and providing for an effective date.

ACTION: (T-10:23 AM) Approved. (Refer to minutes for full discussion.)

PLANNING SERVICES DIVISION

96. A. MOTION TO ACCEPT findings compiled by HDR Architecture, Inc. (Consultant) for Phase One of the Governmental Center Downtown Campus Project. **(Commission District 7)**

ACTION: (T-12:10 PM) Approved. (Refer to minutes for full discussion.)

B. MOTION TO DIRECT Project Manager to issue a Notice to Proceed for HDR Architecture, Inc. to begin work on Phase Two of the Governmental Center Downtown Campus Project.

ACTION: (T-12:10 PM) Approved. The Board asked that the consultant not be limited to ignoring changes in the housing market with respect to other developments proposed in the area and that they factor that into their analysis as well. (Refer to minutes for full discussion.)

QUASI-JUDICIAL CONSENT HEARING

DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT

DEVELOPMENT MANAGEMENT DIVISION

97. DISCUSSION: of plat entitled "Pines At Lot 208" - **Commission District 1**, (082-MP-05).

ACTION: (T-10:15 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

98. DISCUSSION: of plat entitled "San Mellina" - **Commission District 2**, (070-MP-05).

ACTION: (T-10:15 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

99. DISCUSSION: of plat entitled "Wal-Mart At Coconut Creek" - **Commission District 2**, (073-MP-04).

ACTION: (T-10:15 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

100. DISCUSSION: of plat entitled "Pompano Beach Residences" - **Commission District 4**, (090-MP-05).

ACTION: (T-10:15 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

101. DISCUSSION: of plat entitled "Gramanzini Plat" - **Commission District 5**, (074-MP-05).

ACTION: (T-10:15 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

102. DISCUSSION: of plat entitled "Shops At Pembroke Gardens" - **Commission District 6**, (111-MP-05).

ACTION: (T-10:15 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

103. DISCUSSION: of plat entitled "H. A. C. F. L. Plat No. 1" - **Commission District 7**, (103-MP-05).

ACTION: (T-10:15 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

104. DISCUSSION: of plat entitled "Dania Beach Fire Station No. 93 Plat" - **Commission District 7**, (066-MP-05).

ACTION: (T-10:15 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

105. DISCUSSION: of plat entitled "City Furniture Plat" – **Commission District 3**, (001-MP-06).

ACTION: (T-10:15 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

106. DELEGATION: Lorri Hall, regarding request to amend the note on the Inverrary Commercial Center Plat - **Commission District 1**, (100-MP-83).

ACTION: (T-10:15 AM) Withdrawn to be resubmitted February 6, 2007, or sooner, under Section 5-181(j) of the Land Development Code to study consistency with the Land Use Plan.

107. DELEGATION: Stephanie Toothaker, regarding request to revise the note on the Commerce Park of Coral Springs Plat - **Commission District 3**, (025-MP-96).

ACTION: (T-10:15 AM) Approved subject to staff's recommendations.

108. DELEGATION: Leticia Hamid regarding request to amend the note on the Pleasant Acres Plat - **Commission District 5**, (014-UP-86).

ACTION: (T-12:21 PM) Tabled to allow the applicant, staff and District Commissioner to resolve outstanding issues. (Refer to minutes for full discussion.)

ACTION: (T-5:04 PM) Approved, as amended, subject to staff's recommendations. 1) Strike the word "guardrails" on page 2 of the Staff Report. 2) Amend condition three from the Traffic Engineering and Highway Construction and Engineering Divisions' memorandum, to read as follows: "Provide a physical barrier that ensures safe and adequate access adjacent to the private roadway to be constructed in the roadway easement. The final design shall be subject to approval by the Traffic Engineering and Highway Construction and Engineering Divisions. Including the entrance radii at the intersection with Southwest 48 Street.

3) The applicant has requested to secure the improvements with a lien, instead of a letter of credit. Staff advised they had no objection. The Board directed the County Attorney's Office to prepare the appropriate agreement for execution and recordation by the applicant so that the applicant does not have to return before the Board. This action is necessary in order for the applicant to obtain building permits. (Refer to minutes for full discussion.)

109. DELEGATION: Michael D. Rose regarding request to revise the note on the Hyder Plat - **Commission District 2**, (001-UP-03).

ACTION: (T-10:15 AM) Approved subject to staff's recommendations.

110. DELEGATION: Michael D. Rose regarding request to modify conditions of plat approval on the Hyder Plat - **Commission District 2**, (001-UP-03).

ACTION: (T-10:15 AM) Approved subject to staff's recommendations.

111. DELEGATION: Nicholas Saponara, regarding request to amend the note on the Louis & Geneva Sambataro Plat - **Commission District 2**, (064-MP-90).

ACTION: (T-10:15 AM) Approved subject to staff's recommendations.

112. DELEGATION: Nicholas Saponara regarding request to amend the non-vehicular access line on the Louis & Geneva Sambataro Plat - **Commission District 2**, (064-MP-90).

ACTION: (T-10:15 AM) Approved subject to staff's recommendations.

113. DELEGATION: Gerald L. Knight, regarding MOTION TO APPROVE agreement among Broward County, City of North Lauderdale, and Mediterania Townhomes @ North Lauderdale, Inc. relating to the

issuance of building permits prior to plat recordation for the Mediterania Plat - **Commission District 1**, (121-MP-05).

ACTION: (T-10:15 AM) Approved subject to staff's recommendations.

END OF QUASI-JUDICIAL CONSENT HEARING

REGULAR AGENDA

SAFE PARKS AND LAND PRESERVATION BOND PROGRAM

114.

A. MOTION TO DIRECT the County Administrator to publish Notice of Public Hearing to be held at 10:00 AM, Tuesday, August 22, 2006, in Room 422 of the Governmental Center, to consider Contract for Sale and Purchase of 0.3011 acre, or 13,118 square feet, of unimproved vacant land, known as Open Space Site 92.1 in the Safe Parks and Land Preservation Bond Program, located at the northwest corner of Miami Road and SE 18th Street, in the City of Fort Lauderdale, pursuant to Florida Statutes Chapter 125.355. **(Commission District 4)**

ACTION: (T-10:15 AM) Approved. (Transferred to the Consent Agenda.)

B. MOTION TO ACKNOWLEDGE to Broward County Board of County Commissioners that Real Property Section intends to present for consideration on or after August 22, 2006, a Contract for Sale and Purchase for the acquisition of Open Space Site 92.1 for a total purchase price of \$742,500. **(Commission District 4)**

ACTION: (T-10:15 AM) Approved. (Transferred to the Consent Agenda.)

115. A. MOTION TO DIRECT the County Administrator to publish Notice of Public Hearing to be held at 10:00 AM, Tuesday, August 22, 2006, in Room 422 of the Governmental Center, to consider Contract for Sale and Purchase of 0.16 acre, or 7,000 square feet, of improved property known as Open Space Site 92.2 in the Safe Parks and Land Preservation Bond Program, located at 1813 Miami Road, in the City of Fort Lauderdale, Florida, pursuant to Florida Statutes Chapter 125.355. **(Commission District 4)**

ACTION: (T-10:15 AM) Approved. (Transferred to the Consent Agenda.)

B. MOTION TO ACKNOWLEDGE to Broward County Board of County Commissioners that Real Property Section intends to present for consideration on or after August 22, 2006, a Contract for Sale and Purchase for the acquisition of Open Space Site 92.2 for a total purchase price of \$472,500. **(Commission District 4)**

ACTION: (T-10:15 AM) Approved. (Transferred to the Consent Agenda.)

116. A. MOTION TO DIRECT the County Administrator to publish Notice of Public Hearing to be held at 10:00 AM, Tuesday, August 22, 2006, in Room 422 of the Governmental Center, to consider Contract for Sale and Purchase of 0.16 acre, or 7,000 square feet, of unimproved vacant land, known as Open Space Site 92.3 in the Safe Parks and Land Preservation Bond Program, located at the west side of Miami Road between SE 18th Court and SE 18th Street, in the City of Fort Lauderdale, Florida, pursuant to Florida Statutes Chapter 125.355. **(Commission District 4)**

ACTION: (T-10:15 AM) Approved. (Transferred to the Consent Agenda.)

B. MOTION TO ACKNOWLEDGE to Broward County Board of County Commissioners that Real Property Section intends to present for consideration on or after August 22, 2006, a Contract for Sale and Purchase for the acquisition of Open Space Site 92.3 for a total purchase price of \$472,500.
(Commission District 4)

ACTION: (T-10:15 AM) Approved. (Transferred to the Consent Agenda.)

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

PURCHASING DIVISION

For Aviation Department

117. MOTION TO APPOINT Selection Committee (SC) to recommend the most qualified firm to provide miscellaneous architect/engineer and interior design services for the Ft. Lauderdale-Hollywood International Airport, and approve Request for Letters of Interest (RLI) No. 20060508-0-AV-01.

ACTION: (T-5:17 PM) Approved the following to serve on the Selection Committee: Vice Mayor Eggelton, Commissioners Gunzburger, Lieberman, Rodstrom and Wexler; Director, Broward County Aviation Department (Chair); Director, Department of Public Works and Transportation, County Architect, Construction Management Division. Plus, administrative support staff from the offices of the County Attorney, County Auditor, Equal Opportunity, Risk Management, Purchasing and the requesting agency.

For Office of Economic Development

118. MOTION TO APPOINT Selection Committee (SC) to recommend the most qualified firm to provide services for a New Broward County Targeted Industries Study for the Office of Economic Development (OED), and approve Request for Letters of Interest (RLI) No. 20060510-0-OED-1RE.

ACTION: (T-5:18 PM) Approved the following to serve on the Selection Committee: Vice Mayor Eggleston and Commissioners Lieberman, and Wexler; Director, Office of Economic Development (Chair); Director, Office of Equal Opportunity, and President/CEO The Broward Alliance. Plus, administrative support staff from the offices of the County Attorney, County Auditor, Equal Opportunity, Risk Management, Purchasing and the requesting agency.

ENVIRONMENTAL PROTECTION DEPARTMENT

119. MOTION TO APPROVE agreement to a partial satisfaction and partial release of lien between Broward County and Speedy's Food Stores, No. 41, Inc. (prospective future property owner) for violations of Chapter 27 of the Broward County Code of Ordinances, involving underground petroleum storage tank regulations by Matthew R. Lyons (current owner); and authorize the Mayor and Clerk to execute same (**Commission District 4**) (Deferred from June 20, 2006 – Item No. 51)

ACTION: (T-5:19 PM) Approved, as corrected. (Scrivener's error - See County Administrator's memorandum: Line 2 of the Motion reads: prospective future; should read: current; Line 4 reads current; should read: former.) (Refer to minutes for full discussion.)

AVIATION DEPARTMENT

120. MOTION TO ACCEPT Aviation Department ("BCAD") Staff's recommendation to issue two (2) Requests for Letter of Interest ("RLI's") for News and Gift General Merchandise, three (3) RLI's for Specialty Retail, one RLI for Fresh Flowers, and one RLI for Business Technology Service Center.

ACTION: (T-7:07 PM) No Board was action taken. (Refer to minutes for full discussion.)

121. A. MOTION TO WAIVE Chapter 26, Operational Policy, Aviation, of the Broward County Administrative Code; Section 26.14 a, b, c, d, and f to provide for a revision to the general description, to allow the Selection Negotiation Committee ("SNC") to short list qualified firms, to allow for the award of the concessions through a Request for Letters of Interest, to extend the concession term; and Section 26.4. d. 2 to provide for a mandatory pre-response conference for the News and Gift concessions at the Fort Lauderdale-Hollywood International Airport ("FLL").

ACTION: (T-7:10 PM) The Board approved a blanket waiver of Chapter 26, Operational Policy, Aviation, of the Broward County Administrative Code as to agenda items 121, 122, 123, and 124.

B. MOTION TO APPROVE Request for Letters of Interests News and Gift Terminals 1 and 2 FLL Package No. 1 RLI No. 20060620-0-AV-01 ("RLI for Terminals 1 and 2").

ACTION: (T-7:10 PM) Approved, but directed that any vendor could propose on either the RLI for Terminals 1 and 2 (Package No. 1) or the RLI for Terminals 3 and 4 (Package No. 2) or a vendor could also make a comprehensive proposal including both packages in a single submittal (i.e., including Terminals 1, 2, 3, and 4 in a single submittal). The S/NC may evaluate the proposals and recommend awarding to two separate proposers (i.e. one for Terminals 1 and 2 and one for Terminals 3 and 4) or recommend a single award for all four terminals. The SN/C shall have the discretion to make recommendations for award as it deems to be in the County's best interest. (Refer to minutes for full discussion.)

C. MOTION TO APPROVE Request for Letters of Interests News and Gift Terminals 3 and 4 FLL Package No. 2 RLI No. 20060620-0-AV-02 (“RLI for Terminals 3 and 4”).

ACTION: (T-7:10 PM) Approved, but directed that any vendor could propose on either the RLI for Terminals 1 and 2 (Package No. 1) or the RLI for Terminals 3 and 4 (Package No. 2) or a vendor could also make a comprehensive proposal including both packages in a single submittal (i.e., including Terminals 1, 2, 3, and 4 in a single submittal). The S/NC may evaluate the proposals and recommend awarding to two separate proposers (i.e. one for Terminals 1 and 2 and one for Terminals 3 and 4) or recommend a single award for all four terminals. The SN/C shall have the discretion to make recommendations for award as it deems to be in the County’s best interest. (Refer to minutes for full discussion.)

D. MOTION TO APPOINT Selection Negotiation Committee (“SNC”) to recommend the most qualified firm to provide news and gift concession services for the RLI Terminals 1 and 2 and the RLI for Terminals 3 and 4.

ACTION: (T-7:10 PM) Approved the following to serve on the Selection Negotiation Committee: Full Board of County Commissioners; Director of Aviation, Aviation Department (Chair); Interim Deputy Director, Port Everglades Department, and President of the Greater Fort Lauderdale Convention and Visitors Bureau. Plus, administrative support staff from the offices of the County Attorney, County Auditor, Small Business Development Division, Risk Management, Purchasing and the Aviation Department.

122. A. MOTION TO WAIVE Chapter 26, Operational Policy, Aviation, of the Broward County Administrative Code, Section 26.14 a, b, c, d, and f to provide for a revision to the general description, to allow the Selection Negotiation Committee (“SNC”) to short list qualified firms, to allow for a revision to the eligibility requirements, to allow for the award of the concessions through a Request for Letters of Interest, and to extend the concession term, and Section 26.4.d.2 to provide for a mandatory pre-response conference for the proposed concessions at the Fort Lauderdale-Hollywood International Airport (“FLL”).

ACTION: (T-7:10 PM) The Board approved a blanket waiver of Chapter 26, Operational Policy, Aviation, of the Broward County Administrative Code as to agenda items 121, 122, 123, and 124.

B. MOTION TO APPROVE Request for Letters of Interests Specialty Retail – Health/Beauty Terminals 2 and 3 FLL Package No. 3 RLI No. 20060627-0-AV-01 (“RLI Health and Beauty”).

ACTION: (T-7:10 AM) Approved. (Refer to minutes for full discussion.)

C. MOTION TO APPOINT SNC to recommend the most qualified firm to provide specialty retail health and beauty concession services for RLI for Health and Beauty.

ACTION: (T-7:10 PM) Approved the following to serve on the Selection Negotiation Committee: Full Board of County Commissioners; Director of Aviation, Aviation Department (Chair); Assistant to the Port Director, Port Everglades Department, and Deputy Director, Greater Fort Lauderdale Convention and Visitors Bureau. Plus, administrative support staff from the offices of the County Attorney, County Auditor, Small Business Development Division, Risk Management, Purchasing and the Aviation Department.

D. MOTION TO APPROVE Request for Letters of Interests Specialty Retail – Electronics/Gadgets Terminals 2 and 3 FLL Package No. 4, RLI No. 20060627-0-AV-02 (“RLI Electronics”).

ACTION: (T-7:10 PM) Approved. (Refer to minutes for full discussion.)

E. MOTION TO APPOINT SNC to recommend the most qualified firm to provide specialty retail electronics and gadgets concession services for the RLI Electronics.

ACTION: (T-7:10 PM) Approved the following to serve on the Selection Negotiation Committee: Full Board of County Commissioners; Director of Aviation, Aviation Department (Chair); Assistant to the Port Director, Port Everglades Department, and Deputy Director, Greater Fort Lauderdale Convention and Visitors Bureau. Plus, administrative support staff from the offices of the County Attorney, County Auditor, Small Business Development Division, Risk Management, Purchasing and the Aviation Department. (Refer to minutes for full discussion.)

F. MOTION TO APPROVE Request for Letters of Interests Bookstore Terminals 2 and 3 FLL Package No. 5 RLI No. 20060627-0-AV-03 ("RLI Bookstore").

ACTION: (T-7:10 PM) Approved. (Refer to minutes for full discussion.)

G. MOTION TO APPOINT SNC to recommend the most qualified firm to provide themed national branded bookstore concession services for the RLI Bookstore.

ACTION: (T-7:10 PM) Approved the following to serve on the Selection Negotiation Committee: Full Board of County Commissioners; Director of Aviation, Aviation Department (Chair); Assistant to the Port Director, Port Everglades Department, and Deputy Director, Greater Fort Lauderdale Convention and Visitors Bureau. Plus, administrative support staff from the offices of the County Attorney, County Auditor, Small Business Development Division, Risk Management, Purchasing and the Aviation Department.

123. A. MOTION TO WAIVE Chapter 26, Operational Policy, Aviation, Broward County Administrative Code, Section 26.25 a, c, and e to provide for additional services to be offered by the concessionaire, to provide for the awarding of the concession through a Request for Letters of Interest, and to extend the concession term, and Section 26.4.d.2 to provide for a mandatory pre-response conference for the proposed Fresh Flowers concession at the Fort Lauderdale-Hollywood International Airport ("FLL").

ACTION: (T-7:10 PM) The Board approved a blanket waiver of Chapter 26, Operational Policy, Aviation, of the Broward County Administrative Code as to agenda items 121, 122, 123, and 124.

B. MOTION TO APPROVE Request for Letters of Interests Fresh Flowers Concession Terminals 1, and 3 at FLL Package No. 6 RLI No. 20060627-0-AV-04 ("RLI Flowers").

ACTION: (T-7:10 PM) Approved.

C. MOTION TO APPOINT a Selection Negotiation Committee ("SNC") to recommend the most qualified firm to provide fresh flowers concession services at FLL for RLI Flowers.

ACTION: (T-7:10 PM) Approved the following to serve on the Selection Negotiation Committee: Full Board of County Commissioners; Director of Aviation, Aviation Department (Chair); Assistant to the Port Director, Port Everglades Department, and Deputy Director, Greater Fort Lauderdale Convention and Visitors Bureau. Plus, administrative support staff from the offices of the County Attorney, County Auditor, Small Business Development Division, Risk Management, Purchasing and the Aviation Department.

D. MOTION TO WAIVE Chapter 26, Section 26.23 4 in order to extend the maximum three (3) year term for a pilot program concession and authorize the Director of Aviation to execute an Amendment to the Agreement between Broward County and Everlasting Bouquet Company, Inc. for a Fresh Flower Kiosk Pilot Concession at FLL dated October 1, 2003, to operate on a month-to-month basis until the Board awards a new agreement with the selected respondent.

ACTION: (T-7:10 PM) The Board approved a blanket waiver of Chapter 26, Operational Policy, Aviation, of the Broward County Administrative Code as to agenda items 121, 122, 123, and 124.

124. A. MOTION TO WAIVE Chapter 26, Operational Policy, Aviation, of the Broward County Administrative Code, Sections 26.20 c, d, and e to allow for the award of the concession through a Request for Letters of Interest, to allow for additional criteria to be used in awarding the concession, to extend the concession term and Section 26.4 d. 2. to provide for a mandatory pre-response conference for the Business Technology Service Centers concession at the Fort Lauderdale-Hollywood International Airport ("FLL").

ACTION: (T-7:10 PM) The Board approved a blanket waiver of Chapter 26, Operational Policy, Aviation, of the Broward County Administrative Code as to agenda items 121, 122, 123, and 124.

B. MOTION TO APPROVE Request for Letters of Interests Business Technology Service Centers Terminals 1, 2, 3 and 4 at FLL Package No. 7, No. 20060627-0-AV-05 ("RLI Business Centers").

ACTION: (T-7:10 PM) Approved. (Refer to minutes for full discussion.)

C. MOTION TO APPOINT a Selection Negotiation Committee ("SNC") to recommend the most qualified firm to provide business technology services for the RLI Business Centers.

ACTION: (T-7:10 PM) Approved the following to serve on the Selection Negotiation Committee: Full Board of County Commissioners; Director of Aviation, Aviation Department (Chair); Assistant to the Port Director, Port Everglades Department, and Deputy Director, Greater Fort Lauderdale Convention and Visitors Bureau. Plus, administrative support staff from the offices of the County Attorney, County Auditor, Small Business Development Division, Risk Management, Purchasing and the Aviation Department. (Refer to minutes for full discussion.)

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

REAL PROPERTY SECTION

125. MOTION TO DIRECT staff to continue due diligence and initiate negotiations of a Purchase and Sale Agreement for acquisition by the County of a 5.54 acre (more or less) parcel of vacant land located on the east side of State Road 7, north of I-95, at Riverland Road, Fort Lauderdale, as a site for construction of an office/warehouse facility for occupancy and use by the Supervisor of Elections.

ACTION: (T-9:37 PM) The Board directed staff to research and perform due diligence on the warehouses located on 27th Avenue and return before the Board with a recommendation to do a quick take or whether the County can purchase the property. (Refer to minutes for full discussion.)

126. A. MOTION TO APPROVE Business Lease Agreement between Broward County, Tenant, and Plantation Properties of Broward LLC, Landlord, for 16,225 square feet of office/warehouse space for the relocation and consolidation of the Revenue Collection Division's Auto Tag Agency (RCDATA); premises located at the Plantation Technology Center,

1800 NW 66th Avenue, Plantation, for a period of five years with option to renew for an additional five years and three additions and consecutive periods of three years each, commencing 30 days following the completion of landlord's work and delivery of premises to Tenant; modified gross rent \$12.40, per square foot for the first year, increasing 3% annually thereafter; total five year aggregate rent \$1,068,145.03, averaging \$13.17, per square foot per year; and authorize the Mayor and Clerk to execute same.

ACTION: (T-5:19 PM) Approved.

B. MOTION TO ADOPT budget Resolution 2006-485 transferring funds within the General Capital Fund (3010) for the Revenue Collection Tag Agency in the amount of \$1,689,690 for the payment of furniture, fixtures, equipment, security, relocation and tenant improvements for the office/warehouse facility described in Motion A.

ACTION: (T-5:19 PM) Approved.

C. MOTION TO ADOPT termination of Business Lease for premises at NE 13th Street, Fort Lauderdale, occupied by Revenue Collection, and authorize Real Property Director to notice Landlord of said termination approximately 90 days in advance of the date that Revenue Collection will be able to effect an orderly relocation to premises identified in Motion A, above.

ACTION: (T-5:19 PM) Approved.

D. MOTION TO APPROVE staff to proceed with due diligence and to negotiate a lease, the term of which to run concurrently with the lease cited in Motion A, for additional contiguous space, not to exceed 12,000 square feet, for the relocation of Revenue Collection's Customer Tag Agency from the West Regional Courthouse. **(Commission District 9)**

ACTION: (T-5:19 PM) Approved.

COMMUNITY SERVICES DEPARTMENT

PARKS AND RECREATION DIVISION

127. MOTION TO DISCUSS current status of the Central Broward Regional Park project.

ACTION: (T-9:53 PM) The Board directed staff to meet with the contractor and the City of Lauderhill to attempt to negotiate what changes or designs can or cannot be made to get the project back on budget. Further, the Board authorized staff to continue with the completion of the earth work initiated, including major utilities (within the existing budget, not to exceed \$3.5 million), and that the current subcontractor can continue to work and get paid for actual work completed under the terms of the agreement. (Refer to minutes for full discussion.)

COUNTY AUDITOR

128. A. MOTION TO FILE the County Auditor's Interim Review of the Tangible Personal Property Tax Collection Process.

ACTION: (T-10:15 AM) Withdrawn for further analysis.

B. MOTION TO ADOPT County Auditor's Recommendations.

ACTION: (T-10:15 AM) Withdrawn for further analysis.

COUNTY COMMISSION SELECT COMMITTEE REPORTS

SELECT COMMITTEE ON ATTAINABLE HOUSING

129. A. MOTION TO APPROVE standard Declaration of Covenants and Restrictions for the Broward County Unincorporated Area Single Family Housing Infill Program; providing for a 30 year affordability period; and, approving the standard agreement to ensure long-term affordability of homes constructed under the Infill program. (Commissioner Jacobs, Commissioner Gunzburger, Commissioner Wexler)

ACTION: (T-5:20 PM) Approved. (Refer to minutes for full discussion.)

B. MOTION TO APPROVE standard Declaration of Covenants and Restrictions for owner occupied single family or multifamily affordable housing constructed utilizing financial or regulatory incentives approved by Broward County; providing for a 50 year affordability period; and, approving the standard agreement to ensure long-term affordability of housing constructed with Broward County approved subsidies or incentives.

ACTION: (T-5:20 PM) Approved. (Refer to minutes for full discussion.)

130. MOTION TO APPROVE staff recommendation to establish the Housing and Community Development Division within the Urban Planning and Redevelopment Department. (Commissioner Gunzburger, Commissioner Jacobs, Commissioner Lieberman, Commissioner Diana Wasserman-Rubin, Commissioner Wexler)

ACTION: (T-5:20 PM) Approved.

SELECT COMMITTEE ON PROCUREMENT

131. A. MOTION TO ADOPT recommendations of the 2005 Business Opportunity Act Annual Report, as revised and approved by the Procurement Select Committee. (Commissioner Wexler, Commissioner Lieberman, Commissioner Rodstrom)

ACTION: (T-5:20 PM) Approved. (Refer to minutes for full discussion.)

B. MOTION TO AUTHORIZE the County Attorney's Office, in consultation with the Office of Equal Opportunity, to draft necessary changes to the Business Opportunity Act of 2004 and Administrative Code, to implement the recommendations revised and approved by the Procurement Select Committee, and to make technical and other necessary changes as deemed necessary by the Office of Equal Opportunity.

ACTION: (T-5:20 PM) Approved. (Refer to minutes for full discussion.)

COUNTY COMMISSION

132. A. MOTION TO APPROVE placement of a Countywide Referendum for a 1% Transit System Surtax on the November 7, 2006 ballot. (Mayor Graber)

ACTION: (T-5:22 PM) Approved, as amended. The Board directed staff to: 1) Identify the specific categories and restrictions for those serving on the Citizen's Oversight Committee. 2) The Office of Management and Budget staff shall review and verify the sales tax assumptions and the information provided in the financial plan. 3) A reauthorization date of no longer than 30 years is included in the plan. 4) Staff was directed to review the elements of the Community Vision for Mobility Today (page 29) plan and identify anything that is not in the three subject documents (MPO 2030 Long Range Transportation Plan, Broward County Transit Investment Plan and 2005-2009 Broward County Transit Development Plan). (Refer to minutes for full discussion.)

(Scrivener's error - See County Administrator's memorandum: In the Motion, it reads: for a 1% Transit System Surtax; should read: for a 1 cent Transit System Surtax.) (Refer to minutes for full discussion.)

B. MOTION TO DIRECT County Attorney's Office to prepare language for a Countywide referendum for a Transit System Surtax of 1%, and bring the item back to the Board for its consideration on the August 22, 2006 Commission meeting.

ACTION: (T-5:22 PM) Approved. (Refer to minutes for full discussion.)

133. MOTION TO DIRECT County Attorney to prepare an agreement for the transfer of jurisdiction for Sistrunk Boulevard, from N.W. 19th Avenue to N.W. 7th Avenue, from Broward County to the City of Fort Lauderdale, with legal safeguards to assure such property remains as public right-of-way. **(Commission District 7)** (Commissioner Rodstrom)

ACTION: (T-12:26 PM) Approved. (Refer to minutes for full discussion.)

COUNTY ADMINISTRATOR'S REPORT

134. Hurricane Status Report

ACTION: (T-10:15 AM) No Board action was taken.

(Scrivener's error - See County Administrator's memorandum: ITEM FORTHCOMING RE: Hurricane Status Report; should read: Hurricane Status Report.)

135. **MAYOR'S REPORT**

A. COMMENDATION TO BERTHA HENRY

ACTION: (T-11:06 PM) Mayor Graber, on behalf of the County Commission, recognized and thanked Bertha Henry for her months of service as the Interim County Administrator. The Mayor read into the record a letter of commendation thanking her; a plaque is forthcoming. The Board voted to award Ms. Henry a \$5,000 bonus, separate and apart from any other bonus she may receive. Further, Vice Mayor Eggelletion presented a photograph of singer, Jerry Butler, to be autographed at a later date. (Refer to minutes for full discussion.)

B. COMMISSIONER SCOTT – ELECTED CHAIR TO SFRTA

ACTION: (T-11:12 PM) The Mayor, on behalf of the County Commission, congratulated, Commissioner Scott on his election to serve as Chair of the South Florida Regional Transportation Authority. (Refer to minutes for full discussion.)

SUPPLEMENTAL AGENDA

COUNTY COMMISSION

136. MOTION TO FILE City Of Deerfield Beach Resolution No. 2006-128 supporting a referendum to be placed on the November 2006 ballot to consider the Metropolitan Planning Organization's request for a one-cent (penny) surtax for transportation to support an expanded mass transit system in Broward County. (Mayor Graber)

ACTION: (T-10:15 AM) Approved. (Transferred to the Consent Agenda.)

137. MOTION TO AWARD fixed agreement to highest-rated firm, Catalfumo Construction, L.L.C. d/b/a Seawood Builders (Seawood Builders), for design/build services for Park improvements to T.Y. Park, Design Build No. N903245CF, in the amount of \$9,481,300; with a project completion time of 395 days, subject to receipt and acceptance of performance and payment guaranty; and authorize the Mayor and Clerk to execute same. (**Commission District 6**) (Commissioner Gunzburger)

ACTION: (T-10:31 PM) Approved. (Refer to minutes for full discussion.)

138. MOTION TO DISCUSS Supreme Court of Florida's approval of Hometown Democracy Initiative for placement on the ballot. (Commissioner Lieberman)

ACTION: (T-10:57 AM) The Board directed staff to analyze the issue quantifying the impact this proposed initiative would have on the County and return before the Board August 15, 2006. Further, the Board requested that staff provide a two-month synopsis of the land use issues that have come to the County, how many there are, what space would be taken up on the ballot, how it would affect the Supervisor of Elections, what the cost of those elections would be, and how far apart the elections would need to be in order to offset the costs. (Refer to minutes for full discussion.)

SELECT COMMITTEE ON INSURANCE

139. MOTION TO APPROVE re-issuance of a Request for Letters of Interest (RLI) No. 20060403-0-HRB-2RE-1, to provide Group Dental Insurance

ACTION: (T-11:00 PM) Approved, as amended, that requests for litigation history be limited to the State of Florida. (Refer to minutes for full discussion.)

NON AGENDA

140. BUDGET ITEMS - WISH LIST – COMMISSIONER WASSERMAN-RUBIN

ACTION: (T-11:12 PM) Commissioner Wasserman-Rubin advised the Board that she had two budget items to add to the Wish List regarding the Broward County Professional Firefighters and Paramedics and Sister Cities International. (Refer to minutes for full discussion.)

141. UPDATE – FLORIDA TURNPIKE AUTHORITY'S WIDENING PROJECT – COMMISSIONER JACOBS

ACTION: (T-11:13 PM) Commissioner Jacobs informed the Board that she has made some progress with the Turnpike Authority with respect to adding a noise barrier in the center section of Wynmoor Village, north of Atlantic Boulevard as a part of Phase III of their widening project. The gap is not completely closed. Commissioner Jacobs thanked Congressman Wexler, the Secretary of Transportation, Representative Ron Greenstein and Mayor Jim Waldman for their assistance in resolving the issue. Commissioner Jacobs commented that the issue is not funding but that the areas do not meet their decibel noise criteria to warrant sound barriers. Following discussion regarding the Turnpike Authority's oversight of building sound barriers in affected areas in Broward County, the Mayor suggested that he and the County Attorney meet with representatives of the Florida Turnpike to resolve the issue. (Refer to minutes for full discussion.)

142. IMPROVE HEALTH INSURANCE RATES – COMMISSIONER GUNZBURGER

ACTION: (T-11:16) The Board directed staff to place an item for discussion on the August 15, 2006 agenda regarding the health insurance rates. (Refer to minutes for full discussion.)

143. BUDGET ITEM - WISH LIST – COMMISSIONER RODSTROM

ACTION: (T-11:41) Commissioner Rodstrom added a budget item to the Wish List for \$50,000 for Rebuild America. (Refer to minutes for full discussion.)

144. BUDGET ITEM – WISH LIST – COMMISSIONER GUNZBURGER

ACTION: (T-11:41 AM) Commissioner Gunzburger added a budget item to the Wish List for Broward Beautiful. Broward Beautiful has been frozen at \$200,000 for the past 10 years and would like their budget increased \$400,000 for a total of \$600,000.

MEETING/WORKSHOP NOTICES

PEDESTRIAN BRIDGES AND REVENUE CONTROL PLAZA
RLI NO. 20040813-0-AV-01
Tuesday, June 27TH at 9:00 AM
in Room 430, Governmental Center

THE BROWARD COUNTY

BOARD OF COUNTY COMMISSIONERS
MEETING OF
JUNE 27, 2006
10:00 A.M.

A meeting of the Broward County Commissioners of Broward County, Florida was held in Room 422 of the Government Center, Ft. Lauderdale, Florida, at 10:00 a.m., Tuesday, June 27, 2006.

The following members were present: Mayor Ben Graber, Vice Mayor Josephus Eggelletion, Jr., Commissioners Diana Wasserman-Rubin, Ilene Lieberman, Suzanne N. Gunzburger, Kristin D. Jacobs, James E. Scott, John E. Rodstrom, Jr., Lois Wexler.

CALL TO ORDER

MAYOR GRABER: I'd like to welcome you to the Broward County Commission meeting of June 27th, 2006. This is our last meeting before break, so we have a very full agenda, and we have a full house.

Let me just mention, a lot of the people in the audience, if any of you are here to speak, you need to fill out these speaker forms. If you haven't, please do so, otherwise we won't be able to recognize you, and you can get them over here by our clerk.

So if you could all please rise for a moment of silence, I'd like to recognize Vice Mayor Eggelletion for the moment of silence.

Vice Mayor.

VICE MAYOR EGGELLETON: Thank you, Mayor. Good morning, Mayor, members of the Board of County Commissioners. This moment of silence that I've requested is in memory of my aide, Kathleen Gooden. Kathy passed away on Saturday, June 24th. As most of you know, Kathy was at an event at our Performing Arts Center on December the 6th, and she had what doctors are describing as an electrical shut down of her body and went into a coma, and has been in a coma since that time. She passed away on Saturday.

The family of Kathy Gooden would like to say that -- all their thank you's to everybody here on the Board of County Commissioners, our aides, all the employees of the county who donated their sick leave time as well as their vacation time to Kathy and her family during her time of illness. They indicate that the outpouring of love, the kind deeds, the prayers during Kathy's time of illness, that the words cannot express their gratitude or their thoughtfulness in that they will never be forgotten.

The viewing for Kathy will be held on July 1st, 2006 from 1:00 to 4:00 p.m. at Saint Benedicts Episcopal Church at 7801 Northwest 5th Street in Plantation. And the funeral will be Sunday, July 2nd, 2006, from 1:00 to 3:00 at the very same church in the same location. The funeral arrangements are being handled by Roy Mizell & Kurtz Funeral Home, and I would ask at this time, Mayor, just for a moment of silence for Kathleen Gooden.

MAYOR GRABER: Thank you, Vice Mayor. Please, for a moment of silence, everyone.

(Moment of silence.)

MAYOR GRABER: Okay. Thank you. Please join us in the Pledge of Allegiance. I'd like to recognize Commissioner Rodstrom to lead us today.

COMMISSIONER RODSTROM: Everybody rise.

(PLEDGE OF ALLEGIANCE WAS LED BY JOHN E. RODSTROM, JR., BROWARD COUNTY COMMISSIONER, DISTRICT 7.)

MAYOR GRABER: Okay. Thank you. Please be seated. Before we begin the Consent Agenda, I'd just like to announce that at various times during the morning, I may interrupt the meeting to take some issues out of order as certain people arrive. We have a few presentations and a few items where we're expecting some guests, so I'll announce that as we go along.

CONSENT AGENDA

MAYOR GRABER: Today's Consent Agenda are Items 1 through 113. Let me read the morning memo. Get a little higher, we'll all be visible today.

Under the morning memo under withdrawals and deferrals, Item Number 8 has been withdrawn for further staff review.

Item Number 106 has been withdrawn to be resubmitted February 6th, 2007, or sooner.

Under the Land Development Code, Item 128 was withdrawn for further analysis.

There are scrivener's errors on Items 12, 27, 32, 40, 73, 119, and 132, and 134.

There's additional information for Item Number 14, 43, 55, and Item 65.

The Mayor requests to move Items 114, 115, 116, and 136 to the Consent Agenda.

COMMISSIONER LIEBERMAN: Wait. You need to go slowly, please.

MAYOR GRABER: Okay. I'll repeat that. Moved to the Consent Agenda are Items 114, 115, 116, and 136.

COMMISSIONER LIEBERMAN: 114.

MAYOR GRABER: 115, 116, and 136.

COMMISSIONER LIEBERMAN: And 136. Okay.

MAYOR GRABER: Are there any objections? Okay. Items to be pulled, let's begin with Commissioner Scott.

COMMISSIONER SCOTT: Right. Mayor -- Mayor, I would -- I'm going to pull Item 62, not for any debate or contentious reason, but we have some guests and they all haven't arrived yet from Wilton Manors yet on this matter involving the Richardson estate.

MAYOR GRABER: Okay. I'll hold the item until they arrive or until the end.

Commissioner Gunzburger?

COMMISSIONER GUNZBURGER: Mine is for a different reason. Mine is to discuss. Forty-six, 58, and 96.

MAYOR GRABER: Forty-six, 56, 96.

Commissioner Rodstrom?

COMMISSIONER RODSTROM: Fifty-five.

MAYOR GRABER: Commissioner Rodstrom, 55.

Commissioner Wexler?

COMMISSIONER WEXLER: (Inaudible).

MAYOR GRABER: Do you want me to come back to you?

COMMISSIONER WEXLER: No, I've got them highlighted. Twenty-seven, 44, 58. I'd like to take 88, 89, and 90, I know they're set for public hearing, but I'd like to make one comment on the three of them together.

MAYOR GRABER: Okay.

COMMISSIONER WEXLER: And that's it.

MAYOR GRABER: Okay. From Commissioner Wexler, Item 27, 44, 58, 88, 89, and 90.

Commissioner Lieberman?

COMMISSIONER LIEBERMAN: Yes, I have 2, 58, 75, and 87.

MAYOR GRABER: That's 2, 58, 75, and 87.

COMMISSIONER GUNZBURGER: Two, 58.

COMMISSIONER LIEBERMAN: Seventy-five and 87.

MAYOR GRABER: Seventy-five and 87.

Commissioner Wasserman-Rubin? No pulls.

Commissioner Jacobs?

COMMISSIONER JACOBS: Only that 45 and -- 33 and 45 are moved as recommended, by the Auditor in 33 and the County Attorney in 45.

MAYOR GRABER: So 33 and 45?

COMMISSIONER JACOBS: Only to move them, but only as recommended by the County Attorney and Auditor.

MAYOR GRABER: Okay. Well, we'll call upon you at the time to put it in the record.

COMMISSIONER JACOBS: Okay.

MAYOR GRABER: And Vice Mayor Eggelletion?

VICE MAYOR EGGELLETON: Mayor, I wish to pull Items 60, 93, 94, and 95. On these particular items, Mayor, I would like to pull those for the appearance of a conflict. I do not have a conflict with any of the above items. However, to avoid even the appearance of a conflict, I wish to abstain from voting on these particular items.

MAYOR GRABER: Okay. So Items 60, 93, 94, 95 for the appearance of a conflict for Vice Mayor Eggelletion.

Can someone move the remaining Consent Agenda?

COMMISSIONER LIEBERMAN: So moved.

MAYOR GRABER: Moved by Commissioner Lieberman.

COMMISSIONER GUNZBURGER: Second.

MAYOR GRABER: Seconded by Commissioner Gunzburger.

All in favor, say aye.

UNIDENTIFIED SPEAKER: Aye.

MAYOR GRABER: I do apologize, were there any pulls from the audience? Okay. There are no -- I'm sorry, you have a pull, sir?

MS. RODRIGUEZ: Yes, good morning, Lita Rodriguez, I'm speaking on Item Number 29. We would ask that it be pulled from the agenda. This is an item whereby the commission is being asked to approve a contract for the purchase of buses that will --

COMMISSIONER LIEBERMAN: Twenty-nine was withdrawn.

MAYOR GRABER: Okay. Twenty-nine has been pulled. Okay.

COMMISSIONER LIEBERMAN: No, it's withdrawn.

MAYOR GRABER: It's been withdrawn.

MS. RODRIGUEZ: Withdrawn, thank you, very much.

MAYOR GRABER: Are there any other items from the audience?

COMMISSIONER GUNZBURGER: Evan Lukic?

MR. DANOWITZ: Yes, Commissioners, Dave Danowitz, Development Management Division. I understand that the applicant on Item 108, Mrs. Hamid, would like to discuss some of the items with you at that time. It's a quasi-judicial item.

MAYOR GRABER: Item 108?

MR. DANOWITZ: Yes, sir.

MAYOR GRABER: Okay. Did she fill out a form? She did. What's her name, I'm sorry?

MR. DANOWITZ: Latisha Hamid.

MAYOR GRABER: Letty Hamid.

MR. DANOWITZ: Yes, Letty Hamid.

MAYOR GRABER: Okay. I have it. Thank you.

Mr. Lukic.

MR. LUKIC: Point of clarification with respect to Item 7. I had a memorandum this morning. I wanted to make sure that the board included that in its Consent motion, and part of that response was to request that staff complete a comprehensive analysis and bring it back to the board by August 15th.

MAYOR GRABER: So you're going to withdraw that?

MR. LUKIC: No, I'm not withdrawing that. I'm asking that the board accept that recommendation.

MAYOR GRABER: To move it with your recommendation. Okay.

COMMISSIONER WEXLER: Mayor.

MAYOR GRABER: Well, that was moved, I believe.

Yes, Commissioner Wexler.

COMMISSIONER WEXLER: I wandered over to Mr. Lukic when you were starting the pulls for exactly that reason. There were so many yellow sheets that came from the Auditor between last night and this morning that some of the things I do completely agree with. Other things I have questions about. I wondered if all of the sheet -- all of the ones -- I know this is terrible to ask for. Some of them I've pulled, but I think -- I don't want to approve what he said automatically without knowing what it is that's included in the document.

COMMISSIONER RODSTROM: You bet.

COMMISSIONER WEXLER: So I would ask that the item that he yellow sheeted we pull and see if we want to put his recommendation in it or not.

MAYOR GRABER: So, Mr. Lukic, we recommend you pull those items for discussion.

COMMISSIONER WEXLER: That's why --

MAYOR GRABER: So repeat the items.

MR. LUKIC: The items that I have yellow sheets on are Items 7, 27, 33, 45, and I think that does it on the Consent.

MAYOR GRABER: That's it?

MR. LUKIC: Yes.

MAYOR GRABER: Seven, 27, 33, and 45. Show those withdrawn from the Consent Agenda without objection along with 108 for discussion. Okay. Anything else? Any other items? Okay.

We'll now begin the pulled items.

Let's start with Item Number 2, Commissioner Lieberman.

COMMISSIONER SCOTT: Mr. Mayor. Mr. Mayor.

MAYOR GRABER: No, we did vote on it. Oh, we didn't. Okay. Motion to move the Consent Agenda.

COMMISSIONER LIEBERMAN: So moved.

COMMISSIONER GUNZBURGER: And I seconded.

MAYOR GRABER: Moved by Commissioner Lieberman; seconded by Commissioner Gunzburger. We did it before. We'll do it again.

All in favor say aye.

Opposed?

COMMISSIONER SCOTT: Mr. Mayor.

MAYOR GRABER: Okay. It passes unanimously.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER SCOTT: Mr. Mayor.

MAYOR GRABER: Yes.

COMMISSIONER SCOTT: Mr. Mayor.

MAYOR GRABER: Okay. Well, I pulled those. We will do them later.

COMMISSIONER SCOTT: Mr. Mayor.

MAYOR GRABER: I pulled your items and we'll do that later.

COMMISSIONER SCOTT: Mr. Mayor.

MAYOR GRABER: Okay. Commissioner Scott.

COMMISSIONER SCOTT: I have -- everyone is now here with regard to Item 62 if the commission would indulge us to take that up just for a moment so I could introduce the public officials.

MAYOR GRABER: We'll do that.

Commissioner Jacobs.

AGENDA ITEMS 60, 93, 94, 95

COMMISSIONER JACOBS: I'd like to move Items 60, 93, 94, and 95 on behalf --

COMMISSIONER LIEBERMAN: Second.

MAYOR GRABER: Sixty, 93, 94, and 95 has been moved by Commissioner Jacobs; seconded by Commissioner Lieberman.

All in favor say aye.

Opposed?

It passes 8 to 0 with one abstention, Vice Mayor Eggelletion.

VOTE PASSES UNANIMOUSLY WITH COMMISSIONER EGGELLETON ABSTAINING.

AGENDA ITEM 62

MAYOR GRABER: Okay. So those are taken care of. Item -- we'll move ahead to Item 62.

Commissioner Scott.

COMMISSIONER SCOTT: Right. Thank you, Mayor. This item involves my favorite project and I think the whole commission, which is the Richardson estate property in Wilton Manors. And we have a number of people here that have worked very hard on this, and I'm going to, if it's all right, ask them to just maybe come up to the podium and I'll tell you what it is. We're taking, with your indulgence, \$500,000 from my discretionary fund so that we can get this park open soon, and that's -- it has not been able to open even though -- when we bought it was very injured by the hurricane tremendously. So I have with us today Representative Jack Seiler who is -- Jack, and I have Mayor Scott Newton, Vice Mayor Ted Galadis and Commissioner Gary Resnick as well as Joe Yalagos, City Manager. And I think we might have some other staff here also, but these will be the ones that I wanted to bring up.

We're asking the commission to approve the use of this money which together with some money that they've been collecting will enable us to get this park open and go a long ways toward getting it restored and, you know, the beautiful thing that we wanted. So, Mayor, would you like to address --

MAYOR GRABER: Sure, I'll recognize you briefly.

MAYOR NEWTON: Mayor, thank you, Commission. The funds that you are going to vote on today will just put us over the top. We've been working very hard to get this park open, but a lot of parks each in the county as you understand from the hurricane were damaged, and it happened to ours, and, in fact, we've finally got one of our parks back open probably three weeks ago, four weeks ago, and a small city like us, it's very difficult to find funds to do the things we want to do.

And Richardson, you helped us a couple years ago to actually get the land for this park, and we were just biting at the grip to get it open. And these funds that Jim Scott has is going to put us over the top where

we can actually -- in fact, tonight we're going to vote on a contractor and this money really makes it so we can actually do something with that contractor and get this thing open, probably within, I would say 12 months, 10, 12 months we can get this open to the public, to the whole county and we appreciate everything you can do for us in Wilton Manors.

COMMISSIONER SCOTT: Thank you, Mayor. And you'll recall that Jack Seiler, who's -- a number of years in Tallahassee and one of our main legislators up there has worked hard to get some state money as I believe it was 2,000,000.

MAYOR GRABER: Representative Seiler.

COMMISSIONER SCOTT: Yes, Jack, would you like to address?

REPRESENTATIVE SEILER: Thank you, Mayor. I will tell you it's very nice to appear before such a friendly commission. It's always good to get back to Broward. One, Jim, I just want to say thank you to Commissioner Scott. You've been a champion to this project. The City of Wilton Manors thanks you. My district thanks you. Looking around this commission, everybody up here has truly been so helpful to Wilton Manors.

Commissioner Scott is correct, we had about \$2,000,000 we've gotten out of state funds for this project. We've gotten the original 1.6. We gotten some FERDAF funds, and we had another \$178,000 in the budget that got vetoed by our Governor about a month ago. So it kind of set us back, and then for Commissioner Scott to step up with these funds following that veto actually moves us ahead of where we were, and we thank you. We thank this commission.

I also want to recognize the Wilton Manors City Commission who have worked so hard to turn that city around. And I think you all know how that city has been turned around. It's even -- I know Kristin Jacobs is delighted to announce this, it's a NatureScape city. So we're making a lot of progress. With this park, we'll be dynamite. Thank you again for all your help and especially you, Commissioner Scott.

MAYOR GRABER: You see what the state takes away the commission gives back.

REPRESENTATIVE SEILER: I'm not sure why you'd want to go up there and deal with that.

MAYOR GRABER: Let me recognize Commissioner Jacobs for a minute.

COMMISSIONER JACOBS: Just -- Representative Seiler spilled the beans that the City of Wilton Manors just became the second city in the State of Florida to become a habitat city certified by the National Wildlife Federation and a part, a big part of the NatureScape Broward campaign and has become a shining example of what to do and how to do it well, save our resources while looking beautiful in the process. And I know that the money that you're expending for this park are going to be a wonderful reflection of that whole program, and you're to be congratulated on your foresight and for your effort.

I know the hurricane kind of set you back a little bit from your competition with the City of Coconut Creek. So you're number two and not number one, but in the State of Florida, there's a lot of cities, so congratulations.

REPRESENTATIVE SEILER: Thank you.

MAYOR GRABER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah, I just want to commend the city. When I first got elected, Wilton Manors was in my County Commission district and we identified this property as one that the city wanted

to save and as you know we went through redistricting and, in fact, I think you've had three commissioners through the redistricting who have represented this city.

But when we talk about saving what's unique in our heritage, I want to give Commissioner Scott a lot of credit, because he made the deal finally put together. It like started and then, you know, we each had a follow-up as the districts got changed, but I drive by there -- in fact, I was talking to the Mayor. I drive by there fairly regularly. There's a great Dairy Queen across the street from the property. And it's so exciting to know that this piece of our history, whether it's the green space, the open space or the historical perspective, it's great to know that we've been a part of saving that through the foresight of the City of Wilton Manors. Commissioner Scott, it's just a really exciting day in Broward County and I want to commend everybody.

COMMISSIONER SCOTT: Thank you.

Mr. Mayor, I might just say two things. One, it is going to be nice, and we were out there, I think it was Thursday or Friday that the Mayor, and Jack, and the City Manager, and we were out there, and one of the first things we're going to do is get rid of all the sandspurs because we were like covered up after we walked the property to see what was going to happen. And they have some things that they'll show you and we'll make sure that we keep everybody apprized of our progress there but this will enable us to open along the water and the nature -- and the part that's going to be -- and then eventually we'll get the money to completely fix up the house on it.

So the other thing I want to say is I've represented Wilton Manors -- I don't want to say 30 years. I was 12 when I was elected, Ted. You remember that? Anyway, and it's really come a long way, baby. You know, I mean it's like that song. It's mean just tremendous, and we're very excited and I'm happy that we're able to do this and thank the commission. I would move the item.

MAYOR GRABER: Commissioner Scott moves Item 62; seconded by Commissioner Jacobs.

All in favor say aye.

COMMISSIONER LIEBERMAN: Aye.

MAYOR GRABER: Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

MAYOR GRABER: Congratulations, gentleman.

UNIDENTIFIED SPEAKER: Thank you. We'll invite you when we open it up.

MAYOR GRABER: We'll look forward to that.

(Applause.)

AGENDA ITEM 2

MAYOR GRABER: Okay. Now we'll go back on to the beginning of the Consent to the Consent Agenda.

Item Number 2, Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah, I'm going to move Item Number 2, but I need to move it with a comment. I asked a question as to why it took so long to bring this to the attention to the Board of County Commission, and my understanding is it took a little over six months, and the answer I got back is staff has been attempting to negotiate an amicable resolution of this matter with the TSA. Staff was awaiting results of these negotiations prior to recommending any further actions in this matter.

With all due respect to the Airport Director, I think it's an unacceptable answer, Ms. Henry. There are some things that -- we are the Board. It's impossible to make policy if we're not kept in the loop. This is something where the Board needed to be advised. Mr. Newton said we could have had a Shade Meeting, and I think the frustrating thing for me is when I found out about it and I got copies of documents, which we get on a need-to-know basis and are told if we disclose any information, there's a substantial fine. I then read the paper this morning and all the stuff we said couldn't be disclosed is in the paper having been confirmed by the TSA.

You know, I think we all have the same opinion which is if it's a matter of importance we'll hold a workshop, we'll hold a Shade Meeting. You can walk down the hall and can talk to everybody, but letting something go on for this length of time without bringing the Board in the loop I think is unacceptable. So I'll move it with that comment and I sincerely hope that in the future we'll be better apprised of these kind of situations.

MAYOR GRABER: Ms. Henry?

MS. HENRY: Yes.

MAYOR GRABER: Okay. It's been moved by Commissioner Lieberman; seconded by Commissioner Jacobs.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 7

MAYOR GRABER: Item Number 7, Mr. Lukic.

MR. LUKIC: Thank you, Mayor.

COMMISSIONER LIEBERMAN: Mayor, I forgot to pull 7. I'll go after him.

MR. LUKIC: Item 7 relative to the construction at the West Regional Library, we recommend the Board approve the change order, but we also request that the Board direct staff or the Construction Management Division to complete the analysis identifying the reasons and responsibility for the delay as originally requested by the S/NC and have that analysis prepared by August 15th, 2006.

MAYOR GRABER: Okay.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah, what concerned me when I read this is when it talks about these delays, some of them go to the heart of our processes, and how is it possible that we have these design/build projects where the design is inconsistent with the building code, because that's apparently what went on here? I mean to me it calls into question the whole process.

MAYOR GRABER: Mr. Lukic.

MR. LUKIC: The purpose of my request is to identify the specific reasons for the delays. It appears that there are several issues at hand, and I think we need to go deeper into more detail and find out exactly what it was related to.

COMMISSIONER LIEBERMAN: Well, I guess what I'd ask you to do, Mr. Lukic, I meant to pull this. I had comments on it. You know, this morning is a heavy agenda, but what concerned me is it appears that at least two to three of these issues are because our design professional -- and I understand we're reserving our rights and we may go after the design professional but my concern is a process-oriented concern. To me, the purpose for design/build is you get people knowledgeable in the code requirements so you don't have all these revisions. These revisions drive up price, and I would ask Mr. Lukic that when you delve into this, you separate those that were owner-initiated changes or city nice-to-have changes from failure to design according to the building code.

MR. LUKIC: My office will certainly review the work done by the Construction Management Division that I'm requesting be directed today. I believe that it's construction management's responsibility to do the first review and we would review that with them.

COMMISSIONER LIEBERMAN: And then the one other comment I had is in the backup, and I think you all got the answer that I got, it took 63 days for staff to negotiate a reduced permit fee, and the question that wasn't answered is, did they get a reduced permit fee? What's the cost of delay versus what they were seeking? I mean someone has to do some thought processes here, because while it might be nice to have a permit if it's going nowhere, the amount of delay could exceed the amount of reduction, and then it's a negative.

MAYOR GRABER: Ms. Henry.

MS. HENRY: Yes, I will have the analysis that the Auditor has requested that we'll present to the Board so that when you come back after break we can deliberate but there are some issues that we do need to talk about and I won't belabor it today since we're going to come back on the 15th and we'll be prepared to do that at that time.

COMMISSIONER LIEBERMAN: If I may, Mayor. Just a thought. Part of it though, goes to the heart of the design/build process. It makes no sense to do it if we're not getting design professionals who can design according to the code. I'm assuming that the first thing they're doing and the reason we go through this process is that they're having conceptual discussions with the regulatory agency so that what they design the first time meets the code requirements.

MS. HENRY: I don't disagree with that.

MAYOR GRABER: Any further discussion on this item?

Commissioner Wexler.

COMMISSIONER WEXLER: Just a quick question. This was design/build or CM at risk?

MAYOR GRABER: Mr. Lukic.

MR. LUKIC: It's a CM at risk.

COMMISSIONER WEXLER: That's what I thought. But one of the biggest issues that I recall when I sat on this S/NC when we tried -- when we had this discussion was the partial GMP, which is something that we are not going to do any longer and we've learned our lesson. However, it is happening again, and I hope I pulled that item, but there was one in here today where it was also a partial GMP and I'm going to tell you, I don't want to go down this road again. So I hope we learn from those mistakes. Thank you.

MAYOR GRABER: All right. Direction to staff is to please consider this issue in the future so we don't have to constantly repeat this. Okay. Do I hear a motion on Item Number 7?

COMMISSIONER LIEBERMAN: Oh, so moved.

MAYOR GRABER: It's moved by Commissioner Lieberman; seconded by Commissioner Wexler.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 27

MAYOR GRABER: The next item is Item Number 27, Commissioner Wexler and Mr. Lukic.

Commissioner Wexler.

COMMISSIONER LIEBERMAN: And this was another one.

MAYOR GRABER: Okay.

COMMISSIONER WEXLER: Thank you, Mayor. I pulled this item. I really think it needs to wait until after our meeting at 12:00, 12:30, whenever we're meeting with the in-line baggage today, because this is the interim in-line baggage solution. And in Leigh Fisher's analysis of everything that we had received regarding the meeting for the lunchtime, it addresses the interim solution and that we would probably be able to save 70 to 80 percent of that, but Mr. Lukic had some issues, and I really believe that -- a process issue, first of all, which Legal, I guess, is going to have to advise us as far as waiving the code, because they did not meet the MWBE requirement as requested. And then they were given an opportunity to cure it and they did upon that opportunity.

So, I'm under the impression that when we do take action, the code has to be waived, but I am asking that we do not do anything on this until we come to closure on our 12:30 meeting, because that is the permanent in-line baggage solution.

MAYOR GRABER: So you'd like to defer it until this afternoon?

COMMISSIONER WEXLER: Or table it until this afternoon.

COMMISSIONER LIEBERMAN: Second.

COMMISSIONER WEXLER: Thank you.

MAYOR GRABER: So any objections to deferral for this afternoon?

All in favor say aye.

COMMISSIONER LIEBERMAN: Aye.

MAYOR GRABER: Opposed?

We'll take it up this afternoon at the public hearing.

VOTE PASSES UNANIMOUSLY.

MAYOR GRABER: That's Item Number 27.

AGENDA ITEM 29

MAYOR GRABER: Next we'll hear Item Number 29. I'm sorry, that's been deferred. That's been pulled.

The next item will be Number 33, Mr. Lukic.

MR. LUKIC: Yes, on this item, I'm recommending that the Board limit the approval of this agreement for the initial 15-month period and require board approval of subsequent renewals. As currently presented to you, the Director of Purchasing will be delegated both the negotiation and the approval of any renewals. Because of the dollar amounts involved, we believe that it's more appropriate for the renewals to come back to the Board.

COMMISSIONER LIEBERMAN: Move it as suggested by the County Auditor.

COMMISSIONER WASSERMAN-RUBIN: Second.

MAYOR GRABER: So it's been moved as suggested by the Auditor by Commissioner Lieberman; seconded by Commissioner Wasserman-Rubin.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 44

MAYOR GRABER: Next is Item 44, Commissioner Wexler.

COMMISSIONER WEXLER: I just received my answer to that late last night, and what I find troubling -- and I passed quite -- this is the \$6,000,000 for trees, right?

MAYOR GRABER: Six million dollars.

COMMISSIONER WEXLER: I passed Quiet Waters -- I think, Kristin, it's Quiet Waters by 10th Street.

COMMISSIONER JACOBS: Yes.

COMMISSIONER WEXLER: And it is decimated.

COMMISSIONER JACOBS: Yes, it is.

COMMISSIONER WEXLER: It is unbelievable, but you've got -- no, we've got, staff has all kinds of parks in this item. And quite frankly, after getting an answer from staff regarding, if you recall at last week's budget workshop, staff is going to be providing us with the -- from the general capital out -- the outlay reserve, the projects that we have committed to that are underway that are going to cost this county more money as well as projects that have not begun yet that are going to cost this county also more money.

The capital reserve is \$31,000,000. With next year's reserve added into it, it comes up to \$59.3 million. I'm going to quote from this e-mail from Kayla, a budget workshop on August 15th is scheduled, however, it is likely that the list will exceed the available dollar amount. So what I am suggesting is that we do fund for Quiet Waters Park, which I saw firsthand and replace those trees but that the others wait until after the August 15th budget because I just -- \$6,000,000 from reserve is an awful lot of money to take at this point for trees without knowing what the whole need of the county is for buildings.

MAYOR GRABER: So what you're saying is you want to prioritize?

COMMISSIONER WEXLER: I want to prioritize that list, right, yes, at this point in time. Thank you.

MAYOR GRABER: Okay. Commissioner Jacobs and then I'll recognize Vice Mayor Eggelton and Commissioner Gunzburger.

COMMISSIONER JACOBS: I would ask that we don't -- although -- and I appreciate you setting Quiet Waters aside. The devastation to that park is absolute. There are all three sides of that park. There are the erosion since the removal of the exotic species that did manage to survive, the rodents that have moved into the neighborhood, it's just -- in the surrounding areas, it's just -- it's astonishing.

However, as bad as Quiet Waters is, and I beg this Board not to do anything that affects the restoration of that park. Markham Park has been also severely impacted. Not like Quiet Waters, but when you look across the county park system, the devastation caused by Wilma is -- if we don't start recovering now, the cost of materials only escalates. We have a time for the summer rains for planting to allow Parks to go in and do the restoration that they need to move this item on.

This is parks reserve. I would not want to see parks reserve dollars spent on anything other than restoration of our parks. That's what the money is for, is parks, and I can't imagine anything else that's more important than the one thing that the voters of this county recognize Broward County for is our parks and our libraries. And getting those systems back up to speed are really important. And while Quiet Waters is undergoing restoration, there are other amenities that have issues that need to be addressed because Quiet Waters is almost -- is virtually unusable right now.

There's no shade. There's multiple damaged structures throughout the park, but mostly it's the missing landscaping and trees that are going to take -- right now, the number, I think, is 4,000 trees that were on this first phase. We can't even find 4,000 trees. We may have a lot of difficulty. So at the end of the day, I would ask that we grow forward with this agenda item as proposed, as staff has done a lot of soul-

searching and prioritized themselves, to look at the amount of damage that needs to be recovered, not just at these big parks, but parks throughout the system.

MAYOR GRABER: So you support it as is.

COMMISSIONER JACOBS: I support the item as is, yes.

MAYOR GRABER: Okay. Vice Mayor Eggelletion.

VICE MAYOR EGGELLETON: You know, I can go either way on this item, but here's my concern with Commissioner Wexler's motion, and that is if you're going to prioritize, and I'm not saying that Quiet Waters doesn't need a major makeover, but let me just remind the commission, if you look at some of the trees that were taken out of Quiet Waters, a lot of those trees were exotics and needed to come out. The majority of the trees came -- that came out of Quiet Waters was Australian pines that the state is eradicating anyway, and the same thing with Markham. A lot of the trees were exotics.

And so unfortunately, you know, we had those parks. The exotics was already there and they made great canopy and that's good, but the only thing that I'm saying if you're going to prioritize, Quiet Waters ought to be a part of that priority and it ought not to be taken out, and I may vote for Quiet Waters to be top of the list, but I don't want to single them out.

So, you know, if that be the case and this is coming out of park reserve, I would agree with Commissioner Jacobs, the park has -- the park division has looked at these items. They have scrutinized them very carefully. If you look at this, Quiet Waters is getting more than half the money anyway.

COMMISSIONER GUNZBURGER: More than half.

VICE MAYOR EGGELLETON: Actually more than half. So it needs it. I'm not saying that it doesn't need it.

But the point is, you either go with this list or you either rearrange the entire list. I don't want to start second-guessing staff. I mean, staff knows what they are doing. They do these parks on a regular basis. So I would say that if you're going to spend 6 million, go ahead and spend it the way the staff has recommended it. Or if you want to go back and reprioritize, I can tell you that I have some parks in my area that I would like to take some of this 3 point some odd million dollars in Quiet Waters and shift in that area. So that's sort of where I'm coming from.

MAYOR GRABER: Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I'm so glad to hear that two of the other commissioners who have spoken agree with what I was going to say. You know, to start changing a list without us having any knowledge of what is the greatest priority, all of us have seen devastation in every neighborhood that we traverse, and staff gave us a list of what they felt was the best use of this \$6,000,000 reserve, and I'm hoping that we will agree to stay with the list. The number of trees available, we have no idea how much we can purchase, and I'd like to keep the list as proposed.

COMMISSIONER WEXLER: I have a point of -- a clarification, Mayor.

MAYOR GRABER: Do you have a motion?

COMMISSIONER WEXLER: Well, I have a point of clarification about where these dollars are coming from.

MAYOR GRABER: Commissioner Wexler.

COMMISSIONER WEXLER: \$6,000,000 according to the agenda item in my correspondence is not from a park reserve. It's from your capital reserve fund and it's being transferred to the park general capital fund. So I'd like staff to verify what you think this money is coming from.

MAYOR GRABER: Mrs. Henry.

MS. HENRY: That's correct.

COMMISSIONER WEXLER: Okay. It's coming from where, the capital fund?

MS. HENRY: I'm sorry. It is coming from general capital outlay to support the park projects.

COMMISSIONER WEXLER: That's my original point. We don't know what our whole capital needs are for this county until August 15th, but we do know we're going to have a shortfall. If you want to vote for trees now, that's fine. I'm not going to support this item.

MAYOR GRABER: Mrs. Henry, Commissioner Wexler is concerned about a shortfall and that we're prioritizing \$6,000,000 this early on. Can you give her comfort?

MS. HENRY: Actually, she is correct, we do have capital projects that we expect to exceed the amount of reserves that we have. The nature of the conversation that I had with Commissioner Wexler was, how do we prioritize trees over some of the other issues that are sure to be at the center of the conversation on August 15th, and my response was: Staff was under the impression that we had direction from this board to move forward on the tree issue.

As you recall, we submitted a report some time ago. Staff was asking for something in the neighborhood of 12,000,000 to complete the restoration of trees in the parks. We certainly were not able to do that and came back with a recommendation at this point of 6,000,000. So it's the will of the Board at this point if this item should move forward in advance of the August 15th, but staff did feel that it was under the direction of the Board to move forward on the trees.

MAYOR GRABER: Is there a technical reason for having to do this now as opposed to later, Ms. Henry?

MS. HENRY: Again, as Commissioner Jacobs indicated that we wanted to get the trees in and staked during the rainy season because obviously that's a critical component of the survivability of the trees, though whatever trees we would ultimately purchase we would certainly insure.

MAYOR GRABER: So this is the optimal time to go ahead and do this is what you're saying.

MS. HENRY: Optimal time to do the planting.

(VICE MAYOR EGGELLETON LEFT THE ROOM.)

MAYOR GRABER: Okay. Do I hear a motion?

Yes, Commissioner Rodstrom.

COMMISSIONER RODSTROM: If we vote on this today, when would the trees likely be planted?

MS. HENRY: Staff has indicated that they will start the planting -- as they gather the trees, they'll start the planting immediately.

MAYOR GRABER: So it's basically a policy decision of the Board. Do I hear a motion?
Commissioner Jacobs.

COMMISSIONER JACOBS: I'd like to move the item, and then in addition, Commissioner Rodstrom, staff has identified multiple sources for the trees. The berming work that needs to go to just start to buffer the three edges of the park, I don't know if you've had a chance to go by it but there is literally nothing standing. Eighty acres flat, flat just dirt. If you saw it, it would make you cry. It's just terrible.

COMMISSIONER RODSTROM: Is FEMA going to reimburse us at all?

MAYOR GRABER: Someday maybe.

Ms. Henry.

MS. HENRY: FEMA does not reimburse us for trees.

COMMISSIONER LIEBERMAN: For landscaping we get no reimbursement.

MAYOR GRABER: Did you read the paper this morning, they lost \$2,000,000,000 in all kinds of scams. So I don't think we're going to see much money from FEMA. Do I hear a motion?

Commissioner Jacobs.

COMMISSIONER JACOBS: I move it.

MAYOR GRABER: It's been moved by Commissioner Jacobs; seconded by Commissioner Gunzburger.

All in favor say aye?

Opposed.

COMMISSIONER WEXLER: No.

MAYOR GRABER: It passes 7 to 1.

VOTE PASSES 7 TO 1 WITH COMMISSIONER WEXLER VOTING NO.

AGENDA ITEM 45

MAYOR GRABER: Item 45, Mr. Lukic.

MR. LUKIC: Yes, Item Number 45 relates to a procedural matter. The agenda item reports that there were negotiations. We searched the records and it was not Sunshined. We've asked the County Attorney to advise whether or not in this particular instance this required a Sunshine advertisement.

MAYOR GRABER: Commissioner Jacobs.

COMMISSIONER JACOBS: I had only pulled it to move it according to the recommendations of the Auditor.

MAYOR GRABER: Okay.

Ms. Henry.

MS. HENRY: Yes, we've had discussions with the Auditor and the County Attorney on this issue. Amendment 2 of the agreement that we have with Nova Southeastern provided for a unit cost for monitoring. When staff completed the permitting process, it was determined that we needed some additional units and called Nova Southeastern to see -- to let them know that -- following permitting that some additional time would be needed, and they agreed.

Technically there was really no real negotiation going back and forth between Nova Southeastern and our staff, but I do understand that at the end of the day, we changed the time frame, but, you know, we debated whether or not this was technically a negotiation since Amendment 2 provided for monitoring and the only thing that changed was, following permitting, we needed additional units that we didn't contemplate or anticipate in the Amendment 2.

MAYOR GRABER: Okay.

Mr. Lukic.

(VICE MAYOR EGGELLETON RETURNED TO THE ROOM.)

MR. LUKIC: Yes, we've had some extensive discussions within the County Attorney, with the administration, and with purchasing. While we believe that technically based on those discussions it's not clear what took place in the telephone conversations, I believe in the best interest of the county at this time we could move this forward with the understanding that the staff needs to take care that when they engage in any discussion of amending a contract, they need to Sunshine those meetings in the future.

MAYOR GRABER: Okay. Any further discussion on this item?

It's moved by Commissioner Jacobs; seconded by -- who seconds this item, 45?

COMMISSIONER GUNZBURGER: Second.

MAYOR GRABER: Seconded by Commissioner Gunzburger.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 46

MAYOR GRABER: Item Number 46, Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Thank you. This really goes along with it. As you know that the beach renourishment project was completed this past year from Countyline Road up through the state

park by Port Everglades. One of the critical parts of this particular project is the sand bypass, and it is moving slower than the sand is.

The literal drift of the sand is in the opposite direction because of some of the jetties in Port Everglades. And I'd like to know if there is any opportunity in spite of the need to work with the State of Florida to move this along faster so that we do not continue to build a beach to the Bahamas north of Port Everglades rather than keep the beach in the south end of the county.

MAYOR GRABER: Okay. Further discussion on this --

COMMISSIONER GUNZBURGER: I'd like an answer to the question.

MAYOR GRABER: Oh, okay.

Ms. Henry.

MS. HENRY: Mr. Wilkins, could you please respond to Commissioner, please.

MR. WILKINS: Rick Wilkins, Environmental Protection Department. We certainly understand your concern. The purpose of this agenda item is to receive additional money from the state, \$440,000 that will go toward what you and we would like to accomplish. The money that's coming from the Florida Department of Environmental Protection, that same agency also has to authorize or permit the work. So we really have to go by their time schedule, and there is no opportunity to go faster than what they will allow us to go, unfortunately.

COMMISSIONER GUNZBURGER: Is there any way, Ms. Henry, if I may address him?

MS. HENRY: Please.

COMMISSIONER GUNZBURGER: Mr. Wilkins or Mr. Higgins, that we can urge them to speed up the process, because I have lived through this whole thing for a very -- for almost 30 years, 25 years, and I know it's the winter storms more than the hurricane season that starts to really beat up on our beaches. And I'd hate to see all the sand that's there today gone by next year, and if we could work with the State of Florida to ask them if they could expedite the process at all. Have we tried that?

MR. WILKINS: Yes, ma'am, of course, we have. The problem, as we all know, is that we have had a number of hurricanes around Florida the past several years, and so there are a number of locations that the Florida Department of Environmental Protection has got to provide assistance to, so we are just one of many, but, yes, we, of course, have attempted to do that and will continue to do so.

COMMISSIONER GUNZBURGER: Because the actual implementation is not until 2008 or 9?

MR. WILKINS: That's what we're estimating.

COMMISSIONER GUNZBURGER: I mean, I'm going to move it, but if we could find a way to work with the state even if it means that we do some of the work and get paid for it after the fact, I would really appreciate it, because, otherwise, all that sand is going to be sitting up there in the north end of the port or at a certain apartment house where it will take two camels to get to the beach instead of one.

COMMISSIONER JACOBS: (Inaudible).

COMMISSIONER GUNZBURGER: Oh, good, I'm glad to hear they're complaining they have too much sand. We'd like it back. And I can't go up there with a sand pail and start bringing it back. I'll move the

item and urge staff to see if there's any way to speed the process before we lose too much sand in the next two years.

MAYOR GRABER: Item 46 has been moved by Commissioner Gunzburger; seconded by Commissioner Jacobs.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 55

MAYOR GRABER: Next item is Item 55, Commissioner Rodstrom.

COMMISSIONER RODSTROM: Item 55 has to do with the hiring a consultant for the convention center hotel. And I had the opportunity to visit with some folks that own the lease North Port, and they expressed to me their desire to build a convention center hotel. I would only request that before we spend all this consultant money going out for requests for proposals and bringing in all these folks to talk about our four acres, which we know is a rather tight four acres to work with, because one of the problems we had previously was the lack of the site to have its own parking facility, and we also had some issues with the convention center on some common areas and what have you.

I think it's imperative that if we're going to bring these folks on, the very first order of business for them would be to speak to the folks in North Port and report back to us about the viability and the feasibility of working within the folks from North Port. Obviously the virtue of the fact that they are interested in doing a convention center hotel, obviously the fact that they have a lease almost 90 years from the county makes them a player in this no matter how you look at it. So if their desire is to do something, we ought to be speaking to them first before we start talking to the universe and then only come to find out after the fact that these folks had always been willing, able, and we get caught up in the crossfire. So I'd want to know this early on where we stood.

And the other issue I want to make sure we have resolved is our ability to build a convention center hotel in light of the DRI and the City of Fort Lauderdale's objections and all that to make sure that's also is not going to be an impediment when we get ready to go forward.

MAYOR GRABER: Okay. Ms. Henry, do you have some responses for Commissioner Rodstrom?

MS. HENRY: I would like to call Ms. Grossman to the podium.

MAYOR GRABER: Ms. Grossman.

MS. GROSSMAN: Thank you, very much. Through the Mayor to Commissioner Rodstrom, that is job one actually. We have two issues that are on parallel tracks. As soon as we get this consultant onboard, the number one issue is to deal with the extension of the DRI. We've got pre-design work that we have deliberately divided this into free three phases. Phase I is going to be dealing directly with the City of Fort Lauderdale as you directed, bring the consultant with us and talk about what the DRI issues that they're going to deal with so that we can get the extension, number one, and some amendments to the DRI that are going to be required.

Number two is to deal with the folks that have the lease on the adjacent four acres. They have made some significant overtures to the county in terms of becoming a partner in one way or another in the ultimate development. The consultants have their names, their phone numbers, their addresses, the time of day that they're at work so that they can approach them simultaneously with getting the DRI work done. So we're very, very, very keenly aware of the interest of the marketplace people.

MAYOR GRABER: Okay. Commissioner Scott.

COMMISSIONER SCOTT: It's been mentioned to me about the possibility of some -- I'm not sure what, but at least consideration for the Marriott, which is now bought by Blackstone that was part of a whole big package in connection -- they're just on the other side of the bridge, 17th Street, Marriott, and I know they planned --

COMMISSIONER RODSTROM: The hotel that I wanted to buy after 911, the one for 40,000,000 that sold for 100.

COMMISSIONER GUNZBURGER: I remember.

MS. GROSSMAN: Well, he's right.

COMMISSIONER SCOTT: In any event, though, I'm not sure how that fits and I also would chime in with what Commissioner Rodstrom is saying about the use of the port property there.

MS. GROSSMAN: Some of the same players have been involved up to this point in terms of whatever convention center hotel -- headquarters hotel gets built on the county site of utilizing a number of the over 350 rooms that will be reconstructed at the now called the Fort Lauderdale Grand. And so they're going to be some significant campus development issues as we move forward. The consultant is aware as well of the interest by what was the Marriott, is now the Grand, in terms of becoming part of the convention center campus.

Suddenly everybody wants to be part of this proposal, which is very good, because if we can build 800 rooms on-site and pick up an additional 350, you know, under the bridge, 280 steps away from the front door of the convention center, even better, perfect. Well, that's how we sell it.

COMMISSIONER SCOTT: Thank you, very much.

MAYOR GRABER: Thank you.

Commissioner Wexler, then Eggelletion.

COMMISSIONER WEXLER: Thank you. I just wanted to chime in that I was under the impression, as you indicated, Ms. Grossman, that approving this would allow these folks to do their due diligence which would include exploring what Commissioner Rodstrom brought forward, and it seemed to me that we also, the provisions within this contract allow us to cut the relationship at every phase of moving forward.

MS. GROSSMAN: Correct.

COMMISSIONER WEXLER: So it's not just a blanket approval. It's in increments, which I really like that and I wanted to commend whoever negotiated this, you did a really good job.

MS. GROSSMAN: Thank you, very much. Having three daughters, it helped a lot.

COMMISSIONER GUNZBURGER: One of which just got engaged.

MS. GROSSMAN: Just got engaged, yes, ma'am. Thank you for noticing.

COMMISSIONER LIEBERMAN: Mazel tov.

MS. GROSSMAN: Thank you.

MAYOR GRABER: Commissioner Eggelletion.

VICE MAYOR EGGELETION: The only thing I want to say here is I really want this issue to move forward. It's critical that a convention center hotel is built on-site notwithstanding the folk who purchase or now lease that particular building. I remember when I first came here back in 2000, I was trying, as you remember, Commissioner -- I mean Commissioner -- Mrs. Grossman, to get the county to buy that building, just like Commissioner Rodstrom tried to get us to buy the Marriott Hotel. We didn't act. So we pay for these things later on.

The point is, I want the negotiations to move forward, and they could include -- including them, they could include buying it, whatever, but the only thing that I'm concerned about is at the end of the day, that we have a very good developer to develop the convention center hotel. That means whatever we have to do with that building at North Port, whatever it is, knock it down, buy it, whatever, but that's what we have to do.

And, you know, so, Mrs. Grossman, I know with your skills and with the consultant that we have, I know they're going to bring back a recommendation to the county, and that's what I'm looking for is that recommendation because we cannot continue to lose major conventions, because we do not have a convention center hotel and that's sort of where we are at this point.

MS. GROSSMAN: Well, you were on the selection committee and as our negotiations went forward, I will tell you that you made a very, very good selection.

MAYOR GRABER: I think the message is clear that we'd like to expedite this.

So, Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I'd also like to point out though that there are other people who are very interested in being a partner with the county other than the owners of North Port, and we really need to let this process play out before we make any decisions.

MS. GROSSMAN: Correct.

MAYOR GRABER: As chair of the committee, we appreciate that, Commissioner Gunzburger.

So, Commissioner Rodstrom, do you wish to move the item?

COMMISSIONER RODSTROM: I'll move it.

MAYOR GRABER: Item 55 has been moved by Commissioner Rodstrom; seconded by Commissioner Gunzburger.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 58

MAYOR GRABER: The next item is Item 58, Commissioner Gunzburger, Wexler, and Lieberman.

Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Yes. What really discouraged me and dismayed me was not so much the reports as much as the results, that the oversight of the program manager was not sufficient throughout the course of the agreement. When you have an oversight manager that is not doing their work and we had some issues with one of the contractors that there was, I think, over \$2,000,000 paid out without invoices provided to show that the services were done, I'm wondering what we can do in light of what this report shows. I am really shocked, to say the least.

MAYOR GRABER: Ms. Henry.

MS. HENRY: It might be helpful -- Mayor?

MAYOR GRABER: Yes.

MS. HENRY: It might be helpful if I hear the comments from the other board members, because what I'd like to do is sort of summarize where we really need to go in this program, because we do believe it not only affects aviation but all of our capital -- our major capital programs. So if I could hear the comments from the other board members, then I'd -- Commissioner Gunzburger, I'll respond.

COMMISSIONER GUNZBURGER: Thank you.

MAYOR GRABER: Okay.

So let's hear from Commissioner Wexler, Lieberman, and then Eggelletion, Vice Mayor Eggelletion.

(COMMISSIONER JACOBS LEFT THE ROOM.)

COMMISSIONER WEXLER: Thank you. My comments are going to be very short, Mayor. What goes to the heart of this -- and I need a little bit of assistance from staff on this one, is I believe I recall reading maybe once or twice in the newspaper prior to my even being elected of similar types of lack of oversight that were revealed through auditing in previous years and that different methods, processes, oversight, changes in structure were going to be put in place so that these types of errors didn't continue.

I think that -- and one of the things that's glaringly missing for me here is administration's response, and I know that you have a transmittal to us that we will have a response by September 12th, and I'm very hesitant as a commissioner to just do a blanket acceptance of an auditor's recommendation without hearing what staff, Aviation Department, as well as yourself, believe is appropriate, defensible, reasonable, logical, and I don't have that here. And so as much as I appreciate the hard work, and I suspect that much of this is absolutely correct and that I will accept it, I really have a difficult time just a blanket -- other than I'm receiving this agreement but I'm adopting the recommendations, and I'm concerned about adopting recommendations without having staff's response to those findings and recommendations, and for me it's really a process question.

MAYOR GRABER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah, I need to address the merits of this audit, and I realize we wouldn't do it normally at this point, because it's just a motion to file, but I find this audit extremely troubling. I want to commend Mr. Lukic. The audit is troubling. We hire a program manager, because they're supposed to do the kind of oversight that Mr. Lukic did when he went there. I want to know who is watching the store. There's no reason to have a program manager if they're not going to imagine the construction projects at the airport, and without any doubt, this is not the first time we've had an issue.

There was an issue with Core, I believe, and there was another vendor I was trying to remember yesterday. There were at least three URS oversights, quote, unquote, with respect to construction projects they were supposed to be looking at. I mean this goes to their core responsibility, which was to manage the airport.

The second thing that Mr. Lukic uncovered which absolutely astonished me is that it's on Page 5 of his audit, and I highlighted it, underlined it, and circled it because it was that disturbing, concerns regarding excessive labor charges culminated in October 2004. Do y'all remember when we had the issue with TLMC, okay, how is it that when we went through that procurement, none of these issues were brought to the attention of the Board? Do you remember when we found out by accident that, in fact, there was overbilling at the Miami Airport. Here's overbilling at the Fort Lauderdale Airport. I remember asking --

UNIDENTIFIED SPEAKER: (Inaudible).

COMMISSIONER LIEBERMAN: I'm going there. I asked that question. I said: Do we have any evidence of overbilling at our airport? And I was categorically -- and you can pull the minutes of the meeting. I was categorically told no. The person who told me that should have known because this was -- it says in Evan's report that they knew as of October 2004 that there were overbilling issues at the airport. So either someone was less than honest in answering this question or someone who had a responsibility to have oversight wasn't exercising their oversight responsibility. Either of those two answers cause me major concern when I read this audit.

The third -- the fourth thing that causes me concern when I read the audit is, this is not the first time that an issue has surfaced. I asked Mr. Lukic -- and I think you all if have the answer to his question -- which was when the audit was on the consolidated rental car facility at the Fort Lauderdale International Airport, TLMC who was a subcontractor to Cummings Syntax Rooney was given a \$2,100,000 work authorization for which it actually performed less than \$100,000 worth of work. In fact, it's debatable it performed that because 2,000,000 of the 2.1 million was performed by a third vendor.

What is going on at the airport with this vendor? This is the third incident that's come to our attention. I don't understand how we continue to do business under these circumstances with a vendor who we found out subcontracted all of their work, was paid a, quote, mentorship or some sort of fee but did not work under one contract, had overbilling issues we knew of since October 2004. I don't understand why the vendor enjoys such a protected status to continue to do business at the airport.

And then the final thing I want to raise is, I appreciate Mr. Lukic doing all these audits. I really do, but the problem is that there's a program manager, and they should be finding this stuff. I hate to think that the only way we're going to have any comfort is that Mr. Lukic has to audit every construction project. He's going to want to double his staff, but we clearly have a major problem where program oversight that we're paying for isn't happening. And I was going to, when I make the motion to file this to say that this audit and management's response needs to be sent to the State Attorney's Office to determine if there's any criminal charges to be filed. In his answer to me, Mr. Lukic said he was planning on doing that too. So I want to incorporate that in the motion.

We need -- it's not just this audit. It's all these circumstances that we need to get to the bottom of. We pride ourselves on not having these issues at the airport. This is the third time it has surfaced. It's two times too many -- actually it's three times too many. So when the time is right, Mayor, I'm ready to make my motion, but I absolutely am requesting that as a part of the motion that this audit be sent to the State Attorney's Office for them to determine if there's any criminal charges to be filed.

(VICE MAYOR EGGELLETON LEFT THE ROOM.)

(COMMISSIONER JACOBS RETURNED TO THE ROOM.)

MAYOR GRABER: Okay.

The Vice Mayor is not on the dais, so, Commissioner Rodstrom, you're recognized.

COMMISSIONER RODSTROM: I'll take it one step further, Commissioner Lieberman. You remember when we raised the issue, the staff said: We really think -- not the staff, but URS stood up here and said: We think they've done a great job. We think they're a terrific vendor, and we felt very bad about the action that was taken at that time and moved forward with a settlement, because of the actions that we took, never, ever suspecting that the work that had been done was poor, never knew there was a billing issue as outlined in this audit. I mean, it's pretty astounding, and it almost makes you wonder if you could audit any contractor at the airport and have similar results because of the lack of oversight by our program manager. And I don't know where to go next, but it seems to be there's a systemic problem there and it's very troubling.

COMMISSIONER LIEBERMAN: Mayor, if I can just follow up with Commissioner Rodstrom about remedies. I also asked the County Attorney to research breach of contract as a remedy against URS.

MAYOR GRABER: Okay.

Vice Mayor Eggelton isn't here, so I'll recognize Mrs. Henry.

MS. HENRY: In fairness to staff and URS, we do have -- I'm sorry, the Vice Mayor has just --

(VICE MAYOR EGGELLETON RETURNED TO THE ROOM.)

MAYOR GRABER: Do you wish to hear from him first?

MS. HENRY: Yes.

MAYOR GRABER: Okay. Let's hear from him so he can answer everyone at the same time.

Vice Mayor Eggelton, you're recognized.

VICE MAYOR EGGELLETON: I'm sorry. I apologize. You know what, I take a different view from my colleagues on this item, and the Auditor as well, and let me tell you why. And I think we need to be very careful on this item that we don't get ourselves in a quagmire here. The operative word in this is "miscellaneous." This was a miscellaneous contract, which means that anything may pop up. It doesn't matter.

If you want the program manager or the airport to bring back to you, for instance, a contract to, for instance, remove all the rocks off of a site that's been piled there because they had to move them from one area to another, it will literally shut the construction process down, and you need to be very careful, and that's why these things are titled "miscellaneous" contracts.

Now, what happened was when, as I understand it, when I went through this and I looked at it and having reviewed it, it looks as though -- and Mr. Jargiello or someone from URS can help me on this, but I believe when this firm submitted their bid, they submitted an overall bid. Well, there were many, many categories, you know, that did not fit the scope of the work, and, as a result, they had to convert those things to a line item. And so, therefore, when they submitted the invoices, here it is you have an invoice that doesn't fit the scope, and the reason for that in the construction process is, it's miscellaneous.

(COMMISSIONER GUNZBURGER LEFT THE ROOM.)

VICE MAYOR EGGELLETON: That's the reason for it. Every single contract you have done at the airport have a miscellaneous contract with it, and that's why it's termed "miscellaneous." Every single thing that you do will simply not fit for scope of work because things pop up on a construction site that you simply cannot anticipate in the process.

Secondly, you know, when you look at the overtime document when you look at the billing on this and the Auditor say that you were overbilled, if you look at the way the contract was constructed and you look at the people on this payroll, some of these folk were not on an hourly basis. They were on a salary basis. So if you were to go back and you were to pull a salary out and you were to convert it, you'll find that there was no overbilling. Simply -- it just simply does not reflect in the payment to the contractor. And every single contract you have, you're going to have that. Everybody does not fit a subcontractor -- a subcontractor is different from the primary contractor.

Now what I will agree with the auditor on is there was a clear lack of the program manager in terms of monitoring some of the things that went on here. And I can tell you what went on, if you really want to know what went on, as things popped up, URS was trying to get a job done. They were trying to get a garage built. They were trying to get various projects built. So you know what they told the contractor, they said: "Look, go ahead and bill it, we will invoice it later. We'll figure it out," and what happened was they took such a long period of time to go ahead and submit those invoices, that's what happened.

So now you've got these open categories and all these things popping up, but anybody in the construction trade will tell you flat out that if you don't have these miscellaneous contracts and if y'all are asking all these things to simply come back to the Board, you're going to shut your projects down because every single week they're going to be coming back to you to have a billable category for something in a miscellaneous part of the construction or contract that is simply not there.

So, you know, you can send anything over you want, but I can tell you that when this all breaks down, what you're going to find is what the Auditor said, that the program manager did not do a very good job of monitoring some of these contracts, but you've got to understand the gun that the program manager was under and the construction company was under. They had to get a garage built. You wanted it built. They had to get other projects built you wanted built.

For instance, let me give you an example. There is no line item in this contract for boilers at this airport, none, yet still they had to be done. You had somebody crash through the airport in a car, almost kill people, and so what do you do? You wait to try to bring that back to the County Commission and say: Oh, by the way, we need you to approve a contract to put up boilers in front of the terminal. No, what you do is you act to do that, and so you simply tell your program manager: "Get this done." There's no line item in there for it, but it has to be done, so it gets done, and then they invoice you for it later on. And that's exactly what happened in this contract in many instances.

So the only thing I'm saying to you, Commissioners, is, you need to be very careful because you're heading down a steep, slippery slope if you want a contractor to do work for this county on these very large jobs in these miscellaneous contracts that usually go to subcontractors, because they're small contractors to have to come back to you for every single thing that you have that sub to do. Bring me

back a contract to clean up all of the two-by-fours left in this corner. I mean, that makes no sense. That's why it's called a miscellaneous contract.

So, you know, that's my comment there, and I just -- and I don't know what Mrs. Henry is going to say, and I'm not trying to defend anybody on this, but the fact is, is don't -- let's not put policies in place to slow the process down and to hamstring a contractor that we hire to get a job done and have the contractor under the gun to get it completed by a certain period of time. I'm going to close with this. It's given the term "miscellaneous" for a reason.

(COMMISSIONER WASSERMAN-RUBIN LEFT THE ROOM.)

(COMMISSIONER SCOTT LEFT THE ROOM.)

MAYOR GRABER: Commissioner Jacobs, Lieberman, then Ms. Henry.

COMMISSIONER JACOBS: Just a brief comment, because my colleagues have said so enough of what already needs to be said and I know Ms. Henry wants to weigh in, but the point is that the reason why you have a contract manager is to provide the oversight. So when you are in an emergency situation, you don't say: Go build it and we'll catch you -- we'll straighten it all out later, because things get lost in the process. This is not our money. This is the public's money. This is the process where an auditor has to come in at some point and be able to follow a trail.

We don't even know if those poor workers who are out there doing the work that are being called on the moment are being paid the wages that they were supposed to be paid. Where is the money? That money that they would earn that would go back into our community? These are mistakes that should have been taken care of by the oversight of a contract manager. That's what they're hired to do is to watch over all these details, because it is a huge, busy, complicated process going on out there. It's all happening at once.

And the idea that there are things falling through the cracks and we're still not sure what they are and we can't go back and fix some of it, it makes me crazy that we've known some of these issues for so long or staff knew and the Board didn't know that this company evidently that we hired to be our eyes and ears also didn't know. It's unacceptable.

MAYOR GRABER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah, the Vice Mayor misstates the concern of the Board. This is not about bringing everything back to the Board for approval or not having miscellaneous contracts. This is about two issues. This is about when you hire someone to do oversight, they're supposed to do it. Okay. Duh. It's a no-brainer. And I don't believe it hampers a contractor to submit accurate invoices. In fact, that's what we should expect.

So I would refer you to Page 3 of the audit, "The contractor experienced difficulties submitting invoices containing the required documentation to adequately support the units billed to the county." I would urge you to look at Page 5: Throughout the term of the agreement, the program manager experienced difficulty with the review and approval of the contractor's invoices. Contract payments were delayed because invoices were sent for work not completed. Invoices were incorrect or illegible. Tickets and invoices were omitted. There was an overrepresentation of the number of barricades utilized. Then: Excessive labor charges were identified in October 2004. The contractor invoiced individual laborer's times for identical dates and hours across the simultaneous projects. They overbilled for employees. Okay.

(COMMISSIONER GUNZBURGER RETURNED TO THE ROOM.)

COMMISSIONER LIEBERMAN: You know, I could go through this and I could identify several other issues. I don't believe it hamstring a contractor, and, frankly I'd hate to send a message to a contractor saying: Just send any old invoice and we'll pay it. Don't worry about its accuracy. To me, I think we expect accuracy from a contractor. They have an obligation to keep records so that what they send in is accurate. What troubles me about this report is the lack of oversight and the inability of this contractor to submit accurate invoices.

MAYOR GRABER: Ms. Henry.

MS. HENRY: Thank you. Again, I wanted to start this conversation with, in fairness to URS and aviation staff, they have a response for each of these items. In my conversations with the Auditor, I don't know that it would change his report at all. I mean he's had an opportunity to see the response that came from staff and the response that came from URS.

(COMMISSIONER RODSTROM LEFT THE ROOM.)

MS. HENRY: What is more important, and, I guess, we've had this conversation a couple of times in terms of how do we get to a point where we do fix these issues? Because obviously when you're on a job site, there's a lot of things that are going on and you do have -- whether you're having a program manager that's a staff person in some of our capital projects under Public Works or you have a program manager such as URS, there will be issues that come up.

What is clear we need to do is, as a unit, meaning in cooperation with the Auditor, our Public Works, our purchasing, all of the entities that are involved in this entire process, we need to come up with a complete revamping of the system so that when the Auditor goes into an aviation project, he's looking at the information in the same format, the same manner in which he would look at that information in Public Works so that everybody understands what is expected.

I think what we have here, URS would argue that, a lot of those invoices that were submitted were submitted in draft, that they instituted a process with their -- with the contractors or subcontractors that invoices be submitted in draft so that they can review those invoices and have the debate that's taken place in some of the issues that have been raised by the Auditor, so that that goes back and forth, and at the end of the day, the final invoice is something that they can approve. So they would argue that a lot of that tit-for-tat that was witnessed by the audit staff was built into the process.

Again, if we're not on the same page as an organization about what the expectations are, we're going to have these variety of different processes that create the consternation.

(COMMISSIONER RODSTROM RETURNED TO THE ROOM.)

MS. HENRY: So what we were attempting to do is, given that this is -- we have another audit that's coming out at the airport, past audits, we really do need to sync up the processes out at the airport with the processes that we have internally to make sure that there is a seamless way of making sure that what our expectations are, are consistent with the way this Board would like to see business handled.

And at this point we need more time to do that, otherwise we'll be back in this -- potentially back in this same situation again, and we certainly find it counterproductive for everybody when we do that.

MAYOR GRABER: Okay. Before I go around again, let me just make a comment -- or a question actually. You've heard from some of the commissioners and possibly from Mr. Lukic about calling in the State Attorney. Does this reach the level of a criminal act that we should respond at that point, or do you feel comfortable that you need more time to research this, and I'll ask Ms. Henry that question and Mr.

Lukic that question, because I have concerns that if we start calling in the State Attorney every time there's an irregularity it's going to create a chilling effect in our ability to do business at the airport. So I'd like to hear your response to that before I call on the next commissioner.

MS. HENRY: Well, at this point, I'm not aware of a situation that would warrant a review by the State Attorney's Office. I understand that Commissioner Lieberman has those concerns and that the Auditor shared similar concerns. Those concerns have not been shared with me. So I'm not sure what the nature of those are. I don't have any information that would suggest that we're in that type of a situation at this point.

MAYOR GRABER: Let me ask the question of Mr. Lukic.

MR. LUKIC: It is customary for our office when there are irregularities in billings involving invoices that have characteristics that raise questions about the validity underlying information, it is customary for us to turn those over to the State Attorney's Office. We are not a law enforcement authority. We do not have the ability to determine if they're fraudulent. We turn it over to the State Attorney's Office. They make an assessment and they would tell us back. It's simply a routine that we go through with most of the instances that we have these problems.

MAYOR GRABER: So you're not saying that you think there's a criminal activity; you just refer them because of their forensic expertise; is that how you do it? In other words, you see, the message being sent here is that something criminal is going on, and I want to know if that's what your message is as well.

MR. LUKIC: No, I'm not in a position to determine if it's criminal or not, and that's not my role, but when I have instances where we're overbilled in this manner, it's typically our practice to send them on to the State Attorney's Office.

MAYOR GRABER: And is that because you want their expertise as forensic accountants?

MR. LUKIC: That's correct. They then make an assessment whether or not they feel there's something that needs to be looked at.

MAYOR GRABER: Would any forensic accountant other than the State Attorney accomplish the same thing for you?

MR. LUKIC: Perhaps; perhaps not because law enforcement has a great deal -- a greater toolbox than a forensic auditor or myself to look at things than I do.

MAYOR GRABER: Okay. Next on the queue is Commissioner Jacobs, and then I'll go back again to Commissioner Lieberman.

COMMISSIONER JACOBS: See, here's what I find most frustrating. Ms. Henry, you said that staff's response had been and URS's response had both been shared within the Auditor and he did not change his recommendations in the conversations you had. We have this filed with us now. We should have staff's response now. We have no idea what staff's response is. The fact that the Auditor has seen it, URS has given it and our staff has given it and we haven't seen it leads us to the problem where we are today.

Second point, we don't negotiate invoices. You don't give a draft and just touch -- you know, put your toe in the water and see whether this is going to fly or not. Your invoices are based on reality, on contract requirements, and you give an invoice, and if the program manager is doing their job, they will look at that invoice, and they'll say: No, this is inappropriate and they'll kick it back.

But the idea that you could start submitting draft invoices says that it's all kind of pretend, it's not the real deal, just turn in and get a touchy-feely idea about what's acceptable or not, and it doesn't seem to me that the process is tight enough -- for maybe for a contractor not to understand. So I agree with your point that we need to tighten up that process and everybody has a clearer understanding, but certainly the program manager is charged with that responsibility. They should not have any gray areas.

This idea that you're not going to submit an invoice in its final form really concerns me if that's what's been going on. The fact that it was submitted in draft form, then the program manager looks at it, says: No, no, no, you need to massage it, kicks it back and then our Auditor comes down the road a year later, four, six months later, and still the invoice is wrong after they've gone through this little charade of do you want this in, do you not, and then it turns out to be bogus.

I just -- the whole program seems to me to be very, very loose, and perhaps the impression that I and many of my colleagues share is in the absence of staff's response, and I don't know where along the line we changed our processes, but it used to be, when we had a motion to file and we had recommendations from the Auditor, staff had a response. And I'm not too sure that it benefits us to be tossing around this idea of State Attorney investigations without our own staff weighing in for the support and this conversation seems almost to be premature and I would ask that at some point, and I don't know if my colleagues agree with this, but we should not have these types of recommendations coming to us until such time as they are matched up with staff's response. Certainly URS has a shot at it and we have a comprehensive real conversation, not this one-sided conversation. I just find the lack of information very frustrating.

MAYOR GRABER: Commissioner Lieberman, then Rodstrom.

COMMISSIONER LIEBERMAN: Yeah, three things really quickly. I guess I'm even more concerned now that this discussion has continued than I was when I read the report. I would urge you all to look at the date of this report. Evan finished this report February 23rd, 2006, February 23rd, 2006. Traditionally when you get an audit report, you've got 30 days to respond. Ms. Henry's told us that they've given their responses, which we'll say was March 23rd, 2006.

Today is June 27th, 2006. Okay. And Ms. Henry is asking until September 12th, 2006, to send her response in. That's what's wrong. You know, with all due respect to Ms. Henry, I don't know any one of you that would go into a store and say: I think I want to buy that television and the salesperson will say: Well, let me give you a draft invoice and if you agree in concept, then I'll give you a better price.

COMMISSIONER JACOBS: Only used car lots.

COMMISSIONER LIEBERMAN: Only used car lots. You know, that's what I'm beginning to feel like that's what the airport is from having heard this discussion. It's not the way you operate when you're a public entity. It doesn't hamstring a contractor to give you accurate invoices showing the amount that they -- of barricades they put out, showing the number of employees they had, the wages they paid, the hours they worked. Frankly, it's SOP, standard operating procedure. For anyone to suggest that at our airport it's different than any other construction job tells me there's something wrong at the airport. It's not the way we should be doing business.

Construction is not a loosey-goosey thing, especially when you read Evan's report and it says that this contractor billed for services not rendered, not complete, for multi-billed employees across simultaneous jobs that they were not present at. And with respect to the Mayor's question on the State Attorney, here's why: None of us are empowered to interpret whether there's a criminal act or not. We don't know. We don't have the ability to do that. The State decides that. And, frankly, to not -- I think to not send it to the State Attorney for them to look at this and to weigh in on this might even be malfeasance on our part.

Evan is right. He's right on the mark when he says whenever it talks about overbilling issues, it's his routine practice to send it to the State Attorney. I would urge us not to deviate from Evan's routine practice, because the State can look at it. They can get information we can't get, and they can decide whether or not there's a criminal act going on. We don't have the ability to decide that. It's not about forensic accounting. It's about individuals who are trained in criminal law and they need to look at this to see whether there was intentional overbilling or not. It's not something that we would know.

So I mean, I'm prepared to make a motion to approve to file the Auditor's report, adopt his recommendations, and to send a copy of this report to the State Attorney, for the State Attorney to review and weigh in on.

And I would urge us in the future, I urge us in the future when Evan completes a report we follow standard practice. This report was finished on February 23rd according to the cover page. Responses from any affected party are due within 30 days. The item, plus its responses are then to immediately be placed on the Board of County Commissioner's agenda.

And with all due respect, Ms. Henry, if you disagree with the responses of your staff or the Auditor, it still needs to come to the Board in the time frame that's established.

MAYOR GRABER: Okay. On the queue is Commissioner Rodstrom, Wexler, Eggelletion.

Commissioner Rodstrom.

COMMISSIONER RODSTROM: It's ironic that also on the agenda today is the CORE settlement, and you remember -- it was some time ago, but the issue there -- and we were lucky in that respect, because the company that we hired to do testing for us didn't follow any of the procedures that we had outlined in our contract, but there was absolutely no oversight by the program manager over those procedures as well, and so we had this company virtually not testing our concrete. Fortunately for us, our general contractor and the folks supplying the concrete were supplying correct concrete and we didn't have to rebuild a whole garage, but that would have been what would have happened had this company did something nefarious because no one was watching. And that again is the point.

No one was watching. No one was following their procedures. No one was checking on their procedures. It was only after we did an audit did we realize that: Oops, all this is screwed up. And that leads me back to what I said before that, you know, it's becoming -- there's a repetition here. I mean, we're seeing a pattern. It's not a pattern that we like. It's a very bad pattern, and it's something that we've got to get a hold of very quickly, because we're going to be criticized as a Board very quickly for not getting our house in order, but I can see that there are some problems here on oversight.

And regardless of what the background was, Vice Mayor Eggelletion, you know, it's the oversight that I find the most troubling in how that contract was managed.

(COMMISSIONER SCOTT RETURNED TO THE ROOM.)

COMMISSIONER LIEBERMAN: Absolutely.

MAYOR GRABER: Commissioner Wexler.

COMMISSIONER WEXLER: Thank you. That's why I really would like the -- Motion A and Motion B. I accept the County Auditor's report. No question about it. Until I get the response from staff regarding the recommendations, maybe staff wants to go even further. Maybe they want to modify some of these recommendations. I think that it's a -- and I agree with Commissioner Lieberman, the practice of 30 days

and a response and put it on the agenda is critical, just critical. And now we're going to not have a response until September.

Ms. Henry, I would think that we should have a response our first meeting back in August, and forget September. I don't even understand what that's about considering this came out in February, but I certainly received the report, but as far as those recommendations, without having staff's response, management's response, because at the end of the day, it is county staff that URS reports to. Thank you.

MAYOR GRABER: Vice Mayor Eggelletion.

VICE MAYOR EGGELLETON: You know, I want to say this, and, first of all, sometimes we need to pull back and take a deep breath on what we're doing. And let me just say this, Commissioner Lieberman, in all due respect, and if I'm stating this incorrectly, I apologize in advance, but I believe that you said in some of your statements the first time you spoke that there was evidence of the overbilling in Miami by this company, and that's incorrect. This company was never involved in overbilling in Miami, and that's incorrect.

Secondly, let me just say this, you're right, this report was done way back in February, okay. When we went through this whole issue of trying to pay this contractor because we were holding a quarter of a million dollars of this subcontractor's money. We were holding that money. Let me remind each of you that you force -- the Auditor forced this contractor to give back \$38,000 of their money, and the reason for that was because they couldn't figure out some of this billing. And the reason being, if the contractor have a person on salary, it's not reflected in your hourly billing and that's where the real argument was between the two parties on the \$38,000 that was given back in order for this company to get their money.

These are small contractors that are hired to do miscellaneous work, and when a contractor scopes a job for a bid, they put in a single bid. You have a lot of things in that -- on the job, however, that does not fit the scope, and so, therefore, those items must be converted to some sort of line item for billing. You don't know what those things are, and that's why they do a draft billing. I mean we're sitting here as if you had a subcontractor out there doing anything they wanted to do on the job. The subcontractor only does what they're told to do. They don't just go and say: Oh, well, let me do this today. Someone told them to do it. They did it and they did it and then an invoice is prepared based on what they did. They have to convert those items to fit the contract. That's why it's called miscellaneous.

So the only thing that I want to say here is simply this, should there have been better oversight? Yes, but this has been around a long time and I guarantee the staff have already answered the Auditor. Why you don't have it, I don't know, but the fact is, the bottom line is, I'm quite sure that all this can be explained.

And let me point something else out to you; merely because an auditor makes a report doesn't necessarily make it right. Okay. I mean -- and that's the point that I'm trying to make. It doesn't -- you know, people sometimes deal with concrete perspective things.

Well, everything doesn't fit in that box sometimes, and because it doesn't, the Auditor will always call an exception to that. And so you answer the Auditor, and I'm quite sure that the program manager has done that. And I'm not trying to defend the program manager, and I'm not trying to defend the subcontractor. The only thing I'm trying to point out are the facts, and I don't care what you do, I don't care how you color it, you cannot change the fact. And the fact is, is that many of the things that subcontractors with miscellaneous contracts must do are not in the original scope of work and they must be converted, and that's exactly what happens, and, therefore, you have these things.

That's why on a miscellaneous contract, you just put in a blank amount, and the amount grows according to whatever miscellaneous job that they're called onto do, and they bill it, and that's what it is. And so that's what you have here, and I think you're just making a lot to do out of nothing. And I think you need to be very careful, because if I'm a contractor sitting out there or if I'm a subcontractor sitting out there I'd

think really twice about: Do I want to work for Broward County, because if I submit something that's not in the scope, my company is tainted and perhaps won't get any other work because we have been referred to the State Attorney on something that's clearly explainable.

And I think we need to be very careful how you start to color companies and send things forward for some sort of investigation that you may have a very reasonable answer to and because you don't have it right now, the answer is: Send them up for investigation, which, in many cases, could kill these small contractors in the future. And I don't think that that's fair to the small contractor. I don't think that that's fair to the Auditor. I don't think that that's fair to the Administration, and I don't think that that's fair to the airport staff or the contract manager, and that's what I feel about it.

And I'd be willing to put my head on the chopping block that when you get the audit response to this, I think you'll think twice about some of the comments that you're making and just remember these are miscellaneous contracts. They're never going to fit the scope, and that's why they call it miscellaneous.

MAYOR GRABER: Okay. I'd like to close this discussion, so let me hear from Ms. Henry, and then we'll take your motion up.

COMMISSIONER LIEBERMAN: I just have one quick question, it's a point of information.

MAYOR GRABER: Question for?

COMMISSIONER LIEBERMAN: It's for Mr. Lukic.

MAYOR GRABER: Go ahead.

COMMISSIONER LIEBERMAN: Ms. Henry said that you have the responses, and it didn't change your opinion. You have the responses from the program manager and the airport?

MR. LUKIC: I checked with my staff. I have not seen the final program manager's response to our review. We have had extensive meetings with them. We provide the drafted part of the normal process. They've had an opportunity to review the draft. We exchanged more information. We make modifications to our report as appropriate. That process started a long time ago. I have not seen the final response from URS. And I would wait to refer this to Legal -- the State Attorney pending the response that I receive.

One point of information on this though, and I certainly would be concerned about, any opportunity or any requirement that I defer my issuance of my audit reports pending a response from management or from a third party. To do so, while I get comfort from receiving their response and it validates my findings, if a report is coming out that's not well received, it would simply stay off the table until a response is received and we would never bring it into the public light. So there has to be a time frame certain and we need to move it forward, but at this point I have not received a formal response from URS.

COMMISSIONER LIEBERMAN: You have nothing in writing?

MR. LUKIC: I have not received it in writing, no.

COMMISSIONER LIEBERMAN: Ms. Henry, do you have anything in writing?

MAYOR GRABER: Okay. Let me recognize Ms. Henry now.

MS. HENRY: Yes, I do.

COMMISSIONER LIEBERMAN: Is there any reason the Board can't be copied on it?

MS. HENRY: Of course. The comments that I really want to make on this issue and part of what's happening here is one of the reasons why you don't have that response, generally speaking, you have a management response. I can tell you that nine times out of ten, the response that starts -- it generates from the staff, or the department or the agency, starts a preliminary response. Nine times out of ten, again, it's very defensive. It brings in a lot of extraneous issues that really do not get at the heart -- do not get at the heart of the issue that the Auditor raised, and so I take the opportunity to go through, look at the issue that the Auditor raised and make sure that I respond. Ninety-five percent of those items come with a management response because we're comfortable that we can address those issues that the auditor has raised.

In this particular instance, in this particular instance, it was very clear to me that there would be a tit-for-tat back and forth in terms of what the Auditor pointed out, what the staff response and URS's response would be. So I didn't want to find ourselves pretty much in the situation that we're in today, that we're going tit-for-tat even though we don't have their response. There is a way for us to get at the heart of these issues and get them resolved, and that's really my ultimate goal.

I do apologize, Evan, you and I had a conversation and I had asked you: Did you get the URS response and I asked staff to bring that to you, so I assumed you had gotten it, and that was based on the conversation you and I had the phone. So I apologize if you did not get it. But generally speaking as he's indicated, there's been exit interviews, there's been conversations, and I know he and I have talked about it quite a bit. We know that we're going to find ourselves in a tit-for-tat situation and ultimately it is not resolved.

So our goal is to come back with a response that addresses the issues, that get at the heart of the issues that have been raised, do not bring in some of the extraneous issues that are not really pertinent to the issues that are raised by the Auditor. So I do, as the Interim Administrator, take liberty at making sure that those responses are something that I can put my signature to.

MAYOR GRABER: I'd like to close this out. There's a motion on the floor by Commissioner Lieberman. Let me just say this, Mr. Lukic just said that he's still waiting for URS's response in writing before he submits this to the State Attorney.

COMMISSIONER LIEBERMAN: It is appropriate.

MAYOR GRABER: Yeah, it is appropriate. Let me just caution you that if you start sending stuff to the State Attorney prematurely, we're going to get a reputation of doing that and that item is going to become almost moot, and I urge you to be very careful and that you do your due diligence thoroughly before you reach that level. It's always available to you, but it should not be used easily. That's my recommendation. But now we're on the motion.

COMMISSIONER RODSTROM: Who pulled this item if I could just ask?

MAYOR GRABER: I'm sorry?

COMMISSIONER RODSTROM: Who pulled this item?

MAYOR GRABER: Commissioner -- three items were pulled.

COMMISSIONER RODSTROM: Could I make a request --

MAYOR GRABER: Certainly.

COMMISSIONER RODSTROM: -- that a member -- you know, both -- it seems to me that Commissioner Wexler and Lieberman have --.

COMMISSIONER GUNZBURGER: And me.

COMMISSIONER RODSTROM: Okay. Hear my request. There's obviously some real interest in this, and I would wonder, Mayor, if we would have maybe a member of our commission take a look at all these bills and look at the Auditor's stuff and then come back to us, because if it's going to be a he said, she said deal, I want someone on our side of the table, not that the Auditor isn't, but I just want another fresh set of eyes just to say: You know what, by God, there's a real problem here. Would one of you three volunteer?

COMMISSIONER LIEBERMAN: I would like to do it.

COMMISSIONER RODSTROM: Would you just take a look at it and just come back? I just would feel better if you would take a look at it.

MAYOR GRABER: Well, we can send this to the airport committee.

COMMISSIONER RODSTROM: I want one Commissioner. Commissioner Lieberman is good enough for me. Just take a look at the stuff and tell me next meeting when we're back.

MAYOR GRABER: Let me ask the Board. Does the Board want to go that route? I want to hear a motion on that.

COMMISSIONER RODSTROM: Yeah, I'll make a motion.

MAYOR GRABER: There's a motion by Commissioner Rodstrom to create a committee to --

COMMISSIONER GUNZBURGER: No.

COMMISSIONER LIEBERMAN: No.

COMMISSIONER WEXLER: No.

COMMISSIONER RODSTROM: No, I want Commissioner Lieberman to just look at it and just report back without a lot of fan-fair. I don't want to have it take six months. I just want at the next meeting to have her tell me what she's seen.

COMMISSIONER WEXLER: I'll second that.

MAYOR GRABER: Is there a motion or there is not a motion?

COMMISSIONER WEXLER: Yes, there's a motion.

COMMISSIONER RODSTROM: It's a motion.

MAYOR GRABER: What's your motion?

COMMISSIONER GUNZBURGER: Second.

COMMISSIONER WEXLER: And a second.

MAYOR GRABER: Just have Commissioner Lieberman take a look at it?

COMMISSIONER RODSTROM: Just take a look at it, and come back next meeting and let me know what she thinks, if you need a motion for that.

MAYOR GRABER: A motion, seconded by Commissioner Wexler.

COMMISSIONER RODSTROM: You need a motion for that.

MAYOR GRABER: We're fine with that. All in favor?

COMMISSIONER JACOBS: Wait, Mayor.

MAYOR GRABER: Wait. Discussion.

Commissioner Jacobs.

COMMISSIONER JACOBS: I just want to make clear that our Interim County Administrator is going to be preceded by the County Administrator. There's a lot for her to come up to speed in exchanging between the two. In the absence of any response by either URS or our staff, the Auditor isn't sending anything anywhere right now. So that whatever Commissioner Lieberman sets out to do that it's done in conjunction with that --

COMMISSIONER LIEBERMAN: Absolutely.

COMMISSIONER JACOBS: -- exchange of information and working through all of those issues raised by the Interim Administrator.

COMMISSIONER LIEBERMAN: Absolutely. I understand that all the motion does is just to look at the backup and report back to you.

COMMISSIONER RODSTROM: We can all do this on our own. We all have the power to do this, but I'm just asking as a favor --

MAYOR GRABER: We're assigning Commissioner Lieberman to do it, but the ultimate resolution will come back before this board.

COMMISSIONER LIEBERMAN: Absolutely.

COMMISSIONER RODSTROM: That's correct.

MAYOR GRABER: That's correct.

COMMISSIONER JACOBS: One other question.

COMMISSIONER RODSTROM: I just want an opinion.

COMMISSIONER JACOBS: One other question. Commissioner Lieberman, this isn't going to take away any of your summer vacation, is it?

COMMISSIONER LIEBERMAN: No, but even if it did, I'll be glad to do it.

COMMISSIONER JACOBS: Okay.

MAYOR GRABER: She's volunteered for it. It's hers. Okay.

Vice Mayor Eggelletion, discussion.

VICE MAYOR EGGELLETON: This doesn't preclude any other commissioner from –

COMMISSIONER RODSTROM: Absolutely not.

COMMISSIONER LIEBERMAN: No.

MAYOR GRABER: Any commissioner can sit on that committee.

COMMISSIONER RODSTROM: It's not a committee. Anybody can look at the records.

COMMISSIONER LIEBERMAN: It's not a committee. Anybody can do the same thing I'm going to do. They're public records.

MAYOR GRABER: Any Commissioner can participate. We're just sort of making this informal. All right.

All in favor of this informal recommendation, say aye.

All opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER WEXLER: I'm going to make a motion.

MAYOR GRABER: Commissioner Wexler has a motion.

COMMISSIONER WEXLER: I'm going to make a motion to separate Motion A and Motion B.

MAYOR GRABER: Can you explain why?

COMMISSIONER WEXLER: Motion A I fully accept. It's the Auditor's report. Motion B is the Auditor's recommendations. I don't want to accept that until we have staff's response.

MAYOR GRABER: Okay. So we separated it.

COMMISSIONER LIEBERMAN: We can bifurcate it.

AGENDA ITEM 58A

MAYOR GRABER: So on 58 A, it has been moved by Commissioner Wexler.

COMMISSIONER LIEBERMAN: Second.

MAYOR GRABER: Seconded by Commissioner Lieberman.

All in favor of 58 A, say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 58B

MAYOR GRABER: 58 B, do I hear a motion?

COMMISSIONER WEXLER: Move it.

MAYOR GRABER: Motion to defer 58 B by Vice Mayor Eggelletion.

COMMISSIONER GUNZBURGER: I'd like to only defer it until we get the report back.

COMMISSIONER WEXLER: Exactly. That's the intent.

COMMISSIONER LIEBERMAN: Until our first meeting.

COMMISSIONER GUNZBURGER: Until our first meeting in August.

MAYOR GRABER: Deferred until the first meeting in August.

It's been seconded by Commissioner Jacobs.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

MAYOR GRABER: Very good. Thank you.

AGENDA ITEM 75

MAYOR GRABER: Now we can move on to Item Number 75.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Okay. Hold on one second. The only reason I pulled this is I asked for two amendments, and I didn't see it come in. If you look on Page -- let me find the page. Page 45, Page 45, Section 3.2.2, sub 9, I think it's inconsistent with our settlement agreement, so I asked, and I was told that they will make the appropriate changes, and I didn't see a yellow sheet.

MAYOR GRABER: Okay. Ms. Henry.

COMMISSIONER LIEBERMAN: And on 46, on 46, 3.2.2 sub 4, I think needs to be deleted in view of the settlement agreement. Those we supposed to be yellow sheeted and they weren't. So I will be glad to remove it, but the problem is I can't give you an answer. Mass transit has to revise the number in 3.2.2, sub 9, because it's inconsistent with the settlement agreement. They're disputed. It's inconsistent.

MAYOR GRABER: Ms. Henry, Commissioner Lieberman feels there's inconsistency on --

MS. HENRY: Yes, may I have Ms. Chambers come to the podium, please?

MAYOR GRABER: Ms. Chambers is recognized.

MS. CHAMBERS: Cynthia Chambers. We concur with Commissioner Lieberman's statements, and we'll provide the text changes for you before the next meeting in August.

COMMISSIONER LIEBERMAN: I'll move it with the understanding that both those sections will have text changes before the meeting, the public hearing in August.

COMMISSIONER JACOBS: Second.

MAYOR GRABER: Okay. There's a motion by Commissioner Lieberman; seconded by Commissioner Jacobs.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 87

MAYOR GRABER: Item Number 87, Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Mayor, Mayor, point of information.

MAYOR GRABER: Yes.

COMMISSIONER LIEBERMAN: I know that we didn't pull Ms. Brangaccio's contract for discussion, and it passed unanimously without discussion among the Board, but I believe she's in our audience. It would be kind of nice to recognize her and say welcome.

MAYOR GRABER: I think that would be nice.

Ms. Brangaccio.

COMMISSIONER LIEBERMAN: Welcome.

MAYOR GRABER: Come forward for a minute. Come forward for a minute.

COMMISSIONER GUNZBURGER: Let's also let her know this is not a typical board meeting.

COMMISSIONER LIEBERMAN: Yes.

COMMISSIONER GUNZBURGER: We do not meet 'til midnight usually.

MS. BRANGACCIO: I won't be here until midnight tonight.

MAYOR GRABER: All right. You were sitting right behind that white card and I couldn't see you. Perfect spot. You blended in.

MS. BRANGACCIO: I told Bertha I was fine with that seat today.

MAYOR GRABER: We want to welcome you aboard.

MS. BRANGACCIO: Thank you.

MAYOR GRABER: We approved your contract unanimously, without discussion and we look forward to your beginning. It's going to be soon I understand.

MS. BRANGACCIO: Yes, sir.

MAYOR GRABER: Anything, of course, you need from us please let us know. We're going to do it a little bit more later during non-agenda, but any of the members wish to make a comment at this point?

COMMISSIONER GUNZBURGER: Yes.

MAYOR GRABER: Okay. Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: This is the best time for you to come in. Six weeks without us bothering you.

MS. BRANGACCIO: I'll take that to heart, thank you.

COMMISSIONER GUNZBURGER: To learn the staff and everyone else, I think it's a marvelous way to begin on July 5th.

MAYOR GRABER: Commissioner Scott.

COMMISSIONER SCOTT: Well, I was going to say that differently, I was going to say: Now that you're here, we're leaving, so take care of everything.

MS. BRANGACCIO: Will do. Everything will be back on August 15th as promised.

MAYOR GRABER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: No, I saw you sitting in the audience and I thought it would be appropriate to bring you forward because your item passed without consent. I know we're all glad to see that you'll be starting with us on July 5th and we'll fortunately all be on vacation so you have free and unfettered access to almost everything.

MS. BRANGACCIO: Thank you, very much.

COMMISSIONER LIEBERMAN: I will be at the Auditor's office.

MAYOR GRABER: This is our new Administrator. We're happy to have her. I will be around this summer, so I'll be around to talk with you, and welcome, and we'll talk more. Thank you.

MS. BRANGACCIO: Thanks again.

MAYOR GRABER: Okay. Let's continue. Item 87, Commissioner Lieberman.

COMMISSIONER LIEBERMAN: I thought we were 77.

MAYOR GRABER: Was there a 77? We're at 77.

COMMISSIONER LIEBERMAN: Yeah, you put that in your memo. You wanted to remove 77, 80, and 86 from the Consent Agenda to the Regular Agenda. That was in your memo.

MAYOR GRABER: Didn't we pass that?

MS. HENRY: I'm sorry, I apologize. That -- those were in error. The ones that the Mayor read were correct. So he read --

COMMISSIONER JACOBS: (Inaudible).

COMMISSIONER LIEBERMAN: Because in the memo, it says that you were moving them from the --

MAYOR GRABER: The one I read? No, I didn't read that memo.

COMMISSIONER LIEBERMAN: The one that was left here this morning said that you requested that 77, 80 and 86 be removed from Consent and put on Regular.

MAYOR GRABER: That was the old memo.

COMMISSIONER LIEBERMAN: Okay.

MAYOR GRABER: The new memo was 114, 15, and 16 and 37.

COMMISSIONER LIEBERMAN: Okay.

MAYOR GRABER: You're just a memo behind. That's okay.

COMMISSIONER LIEBERMAN: Sorry. There were so many memos when we got here.

MAYOR GRABER: I know. I know. You got to be a speed reader to work here.

AGENDA ITEM 87

MAYOR GRABER: Eighty-seven, Commissioner Lieberman.

COMMISSIONER LIEBERMAN: 87 is a motion to notice for a public hearing. When this comes to us on the -- and I'm going to move it because we're just noticing a public hearing. We're going to have all of the backup. I think the key issue has to do with transportation concurrency and impact on roadways. So I just want to make sure it will be incorporated in our backup, and I'll move it.

MAYOR GRABER: Okay. So Item 87 has been moved with comments by Commissioner Lieberman. Seconded by Vice Mayor Eggelletion.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER LIEBERMAN: And it doesn't pass. It's going to be a public hearing August 22nd.

MAYOR GRABER: Well, your comments are passing unanimously, but it's going to be set for a public hearing.

COMMISSIONER LIEBERMAN: Okay.

AGENDA ITEMS 88, 89, 90

MAYOR GRABER: Commissioner Wexler, 88, 89, 90.

COMMISSIONER WEXLER: Thank you. I have a similar statement. I'm certainly going to support these three items to set them for public hearing, however, it goes to a very bigger picture for me that I'm going to be discussing this afternoon on item --

COMMISSIONER GUNZBURGER: I can't hear you, Lois.

COMMISSIONER LIEBERMAN: Are you on 88?

(COMMISSIONER WASSERMAN-RUBIN LEFT THE ROOM.)

COMMISSIONER WEXLER: I'm on 88, and 89, and 90. I pulled all three of them together, and I can't get any closer to the microphone --

COMMISSIONER GUNZBURGER: (Inaudible.)

COMMISSIONER WEXLER: -- to really bring out the point of the top, the transit-oriented corridor, and issues that have been coming forward with that regard. We have our first one on our Public Hearing Agenda this afternoon, and I will go into greater detail. I think that my comments would be more appropriate at that time than at this time, but I do want to tell you that on the Public Hearing that's set, I really think this is not fully cooked. Thank you, Mayor.

MAYOR GRABER: Okay. So you move the motions to --

COMMISSIONER WEXLER: I'm going to set them for public hearing, you bet.

MAYOR GRABER: Commissioner Rodstrom.

(COMMISSIONER SCOTT LEFT THE ROOM.)

COMMISSIONER RODSTROM: If I could just make a comment on 88, beside it being a transit-oriented corridor, part and parcel of this is the location that it may be very, very close to the 60 DNL noise contour.

(COMMISSIONER LIEBERMAN LEFT THE ROOM.)

COMMISSIONER WEXLER: Yes.

COMMISSIONER RODSTROM: And one of the issues that I'm going to want to see when it comes back or when it comes before us for public hearing is that there is some agreement that we're not going to be mitigating something because they're doing this on their own. I want some sort of waiver sign and notice and all this stuff. And this ordinance that we asked for regarding these kinds of things has taken an awful long time to come back before the Board so it can be incorporated in our land use code which it's not now.

So I would ask, Mr. Newton, if we could see that because these issues keep cropping up where we're going to be asked to promote or approve more housing around the airport runway and I want to keep as many problems from occurring as we possibly can have occur.

MR. NEWTON: And we should have those amendments to you in ordinance form in some time August, September.

COMMISSIONER RODSTROM: Great.

MAYOR GRABER: Commissioner Jacobs, then Wexler.

COMMISSIONER JACOBS: Just to add my two cents in on 89, which is in my district, which if you looked at the map, this is the poster child of the definition of transit-oriented corridor. It's on the CSX railway. It is on Hillsboro Boulevard, which is very close to I-95. It is a mixed-use development that will tie into the existing Tri-Rail station that's there and offer amenities for those who are at the station to come over and shop and dine and all kinds as well as residential that will be mixed in, including open space.

So I know the details of the project aren't here, but I've seen them, and it's -- if you're going to talk about where to dump density and where to move people and create these nodes or hubs around the county for a transit corridor to be effective, this is it. So I welcome the conversations that come back, and I thank you for moving it forward.

MAYOR GRABER: Commissioner Wexler.

COMMISSIONER WEXLER: I'm going to be more specific, Mayor. The problem is specifically not the concept. I think it's a great concept. It's the fact that the schools and the use -- that the number of children generated. It's been five years since the Planning Council asked the school district for an updated student generation rate. It's still not done. Okay. I'm going to tell you, the numbers are on the low side. Even with the numbers on the low side with the backup that we have, 88 generates 6,400 new units; 89 generates 650 new units. Item 90 generates 1,428 new units. With every one of those, there are critically overcrowded schools and no land to build schools.

I have a recap from Mr. Sniezek that nobody was copied on. I am going to copy everybody on it, because I didn't have the chronological of the TOC, and it was a good refresher for me, but that part of that

requirement is that it is subject to the objectives of the Broward County Land Use Plan and particularly objective 8.07.00, and by the way, staff recommended denial to the Planning Council. It came forward. They recommended -- they approved it obviously.

Mayor, you serve on the Planning Council. But there was a reason for it, because they didn't meet the school mitigation. So I think it's really important, and that's what I would like them to research. There is a pink -- a pink -- a purple sheet that details from the school district on the afternoon agenda, Item Number 12, five, six pages worth of detail, exactly what their issues are. So I'm going to -- for the next public hearing, I'd like staff to really do their due diligence and make sure that that answer has been -- question has been answered as far as school use. Thank you.

MAYOR GRABER: Let me just respond from the Planning Council point of view. When we had this discussion, we have a bit of a quandary because there's construction that needs to be moved forward. The more you delay, the more it costs. The School Board has issues. The School Board, taking their position to protect every child, is a good position, but it's reached a point where it's so severe that they almost have veto power over development, and our belief at the Planning Council was, their criteria is too severe and can be modified and can be worked on without delaying projects unnecessarily at that level. So that's why these moved ahead despite denial recommendations.

I believe the School Board policy has to be modified, and the way we deal in the future in development, we have to take into account the School Board's position, but they are so severe in their position that it's almost -- it stifles the process. They want land and they want guarantees, which they can't get prior to some of these things moving forward.

COMMISSIONER WEXLER: We will talk about that at 2:00 o'clock.

COMMISSIONER RODSTROM: Mayor.

MAYOR GRABER: Commissioner Rodstrom.

COMMISSIONER RODSTROM: Commissioner Wexler, maybe you could answer my question or the Mayor could. I was told that -- I was at a housing workshop recently, and I was told that the Legislature had incorporated school concurrency and it was to take affect in 2008.

COMMISSIONER WEXLER: That's correct, and I'm on the school oversight committee that you appointed me to.

COMMISSIONER RODSTROM: Unfortunately, it's coming a little late for these projects.

(COMMISSIONER WEXLER RETURNED TO THE ROOM.)

COMMISSIONER WEXLER: Yes, it is -- that's exactly correct. However, the whole concurrency and the interlocal agreements -- county staff is part of the process. Maybe we need a report to come forward, Ms. Henry, regarding where we are in that process.

COMMISSIONER RODSTROM: This commission was on record and fought the hard battle for concurrency, do you remember? Commissioner Gunzburger knows it all too well for school concurrency.

COMMISSIONER GUNZBURGER: I went to Tallahassee.

COMMISSIONER RODSTROM: Right. And we came up on the short end of the stick, and I learned recently that the Legislature had passed it. So that's a great thing. It's just that it's not going to take affect until 2008.

COMMISSIONER GUNZBURGER: When I went there, it was the School Board who fought us.

COMMISSIONER RODSTROM: Yeah.

MAYOR GRABER: I think at some point it's going to come to a head but I see two areas moving into conflict that's going to create a major problem in the future, so hopefully by 2008 they'll resolve that. In any case on the item, do you move the items?

COMMISSIONER JACOBS: Just a quick comment and just to tag onto something that Commissioner Wexler said and that is that often in the past we have been told that projects generate no students, only to go by those projects after they're constructed and there are big wheels and bicycles and toys all over the place and the children are clearly there.

(COMMISSIONERS SCOTT AND LIEBERMAN RETURNED TO THE ROOM.)

COMMISSIONER JACOBS: So I did not know that the School Board had been working for five years to look at that formula and update it, and I would be interested to know -- share anything you may know about how that formula is being reconfigured, because I think students are popping up in all kinds of places, including high-rises where we previously didn't count them.

Commissioner Wexler: (Inaudible.)

MAYOR GRABER: Okay. Do we have a motion?

COMMISSIONER WEXLER: Yes.

MAYOR GRABER: So Commissioner Wexler moves 88, 89, and 90; seconded by Commissioner Jacobs, for pass for a motion to adopt.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 93

MAYOR GRABER: Vice Mayor Eggelletion would like to reconsider Item 93. Do I hear a motion to reconsider?

COMMISSIONER GUNZBURGER: Which is 93?

COMMISSIONER JACOBS: So moved.

COMMISSIONER LIEBERMAN: Second.

MAYOR GRABER: It's moved by Commissioner Jacobs; seconded by Commissioner Lieberman.

Item 93, Vice Mayor Eggelletion.

VICE MAYOR EGGELLETON: I just have a question on the item. This is Woodsdale Oaks, and I remember this very well. I was on the city commission in Lauderdale Lakes when this was originally built, and I'd just like to know what are we doing here? Is anyone here from housing finance?

COMMISSIONER LIEBERMAN: We got a letter from Anita Fain-Taylor, it was in our backup that tells us that they're doing renovations.

VICE MAYOR EGGELLETON: Okay. Is that was this is for?

COMMISSIONER LIEBERMAN: Yeah, yeah.

VICE MAYOR EGGELLETON: The 7,000,000 is for renovations?

COMMISSIONER LIEBERMAN: Yeah.

VICE MAYOR EGGELLETON: Okay. That was all I needed to know because I know this was --

COMMISSIONER LIEBERMAN: Do you want to move the item?

VICE MAYOR EGGELLETON: This was the first original sale project in Broward County, but not -- I can't --

COMMISSIONER LIEBERMAN: I'll move the item.

VICE MAYOR EGGELLETON: I want to recuse myself.

MAYOR GRABER: Item 93 is moved by Commissioner Lieberman; seconded by Commissioner Gunzburger.

All in favor say aye.

Opposed?

It passes 8 to 0 with one abstention, Vice Mayor Eggelletion.

VOTE PASSES UNANIMOUSLY WITH COMMISSIONER EGGELLETON ABSTAINING.

AGENDA ITEM 96

MAYOR GRABER: We're now on Item Number 96.

Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Thank you. I spoke about my concerns about this item with staff yesterday and that Boca Resorts has bought Riverwalk and plans to tear it down and put in a great deal of residential and do a lot of the things that we had originally envisioned as part of this Governmental Center. Also the entire condo housing market seems to be changing dramatically, and I'm wondering if we should go ahead with this project at this scope at this time.

MAYOR GRABER: Do you have a motion?

COMMISSIONER GUNZBURGER: Well, I'd like to hear more discussion before I decide what to do.

MAYOR GRABER: Okay. Commissioner Rodstrom, then Jacobs.

COMMISSIONER LIEBERMAN: I had my hand up too.

MAYOR GRABER: And Lieberman.

COMMISSIONER RODSTROM: I think that the problem with this project in going forward and spending more money for an architect to design this thing is the fact that we don't have the will of this Board to fund it. And we all know there's no free lunch and we all know that if we're not going to fund it ourselves that the only possible way to fund it is this, quote, unquote, public/private partnership. Well, the public/private partnership consists, as Commissioner Gunzburger alludes to, residential, high end residential, and retail. We have an abundance of retail in the downtown and the high-end residential at this point is no longer selling.

So, you know, I don't know why we would want to continue on with this project, unless this Board had another way of financing this project and this was a higher priority than it seems to have found itself. But I got to tell you, when it came to the committee that I sat on and I approached the subject about putting it in conjunction within the courthouse there was no interest in doing that, and that's fine. But there was no interest in taking this issue separately and asking for a bond issue, and so absent of that, I've got to be honest with you, there really is no way to pay for this right now, unless you're willing to reach into your pocket and raise taxes and I'm not willing to do that. So, I mean, I don't know why we'd pay any more money to design the thing. I think it's time maybe to just kill it for now and eventually when the time is ripe, it will come back and deal with it at that time.

MAYOR GRABER: Commissioner Jacobs.

COMMISSIONER JACOBS: I disagree. When you look at the downtown project, I ask you all to look backwards to the conversation with the courthouse. When you remember each --

(VICE MAYOR EGGELLETON LEFT THE ROOM.)

COMMISSIONER JACOBS: And Commissioner Lieberman is there every day, and she testified quite clearly what the environment is like when you go to work there. Does anybody here think that that same scenario is not what lies in the future for Broward County Government? The idea that we can go -- our consultants have consistently demonstrated that this is a project unlike the courthouse that you have to go out and ask the public to completely 100 percent fund.

This would be, in my mind, taking leadership in the wrong direction to ask the community to fund something when we can find another way to meet the same objective. There have been multiple points raised by two different consultants that have come in. In fact, they showed us the most conservative scenario and the most expansive scenario, and under every one of them, we did not bear the full cost of this project.

This building is aging. It is not technically -- I won't even say advanced. It's not even -- I don't think it actually has reached the year 2000 yet. We do need to replace this building at some point in the future. If we're able to do it now, we ought to go forward. And, again, I remind you that we had a workshop on this very issue and the Board weighed in April, a mere three months ago. We can't in my opinion continue to give staff direction and then backtrack. We need to go forward. If we say in April that we need to go forward with the next phase and vote to do that, we can't in June turn around and say: Oh, we've thought more about it and kill a project when the very consultants that gave us the courage and the

understanding that this was the right thing to do sat before us in April are not here to tell us why we might not want to do this.

Additionally, this whole project was set up with multiple go, no go scenarios so that we could back out at any point along the route that we choose. I say to you today that we have not gone far enough down that road and this would be inappropriate to stop now. There may be a point down the road, Commissioner Rodstrom, where everything that you've said is right and there is no way to fund this but to go and ask the taxpayers to do it and that's a position I think we need to stop and think about very carefully to do, but I don't believe that that's the position we're going to find ourselves in at the end of this journey on a downtown area.

We are already -- the amount of money that we have put into this project, in this downtown area, our effort, our half a million dollar effort is already being used by other developers along to justify their development of doing the very same project on the other side of the river. It's time for us to take our own information and believe that what was being given to us is real. It certainly has been worth the money, because other developers are using it to move forward on their projects, and we ought to go to the next phase. I urge to you move Item 96. With that, I'll move the item.

COMMISSIONER LIEBERMAN: Second.

MAYOR GRABER: Okay. Commissioner Lieberman, then Wexler.

COMMISSIONER LIEBERMAN: Yeah, I support moving it forward for a little bit different reason than Commissioner Jacobs, but I think we need to move it, and we need to do the next phase. What needs to happen though is a little bit different than what we voted on. It's clear that the vision has changed somewhat. At the time we voted we did not know there was a proposal to buy Riverwalk and to convert it to some degree of housing with retail on the first floor. That obviously affects to some degree what we might do in the downtown.

The market has changed too since we had that discussion, and that needs to be factored in. But to me, what I see this doing is really what government is all about, is Broward Boulevard and the downtown Andrews Avenue is going to be undergoing a massive redevelopment phase. That's where we are in the growth of this county as we've urbanized. We're going to redevelopment. What government can be is the catalyst. With all of the discussion about high-rise expensive top of the market housing and the discussion about office space and the discussion about retail space, has anybody noticed what's missing from the discussion?

COMMISSIONER GUNZBURGER: Affordable housing.

COMMISSIONER LIEBERMAN: Workforce housing, exactly, and it may be as this goes forward we find that by moving our Government Center on top of the mass transit depot or maybe making that available, I think they need to broaden where they're looking, because that may be our location for workforce housing because we own that property too. I just think it needs to go forward and they need to factor in the new circumstances. I think I'm not ready to pull the plug because there are some situations occurring along Broward Boulevard that should we be able to have a feasible project, and feasible is -- I'm not going to go to the public for a bond issue to do this.

Everything that we looked at with the consultant said that this was a case where it was probably not a bond issue-type project between the sale of property, the potential for relocating and I know this is going a little far afield but the potential for relocating the federal courthouse to the south side of the river and that's a vacant property. We need to make this downtown really be a downtown for an urban area, and we can be the catalyst in driving that, and that's what I see this doing; is providing the analysis to show where we should be the catalyst and where we can network with the private community to recreate a

downtown that just sort of grew and wasn't really planned, but needs to be planned as we go into our next phase.

So I second the motion, and the only thing I would ask is that the consultant not be limited to ignoring changes in the housing market, changing in -- that we're aware of with respect to other developments proposed in the year and they factor that in their analysis as well. So if you'll accept that in the motion, I remain your seconder.

MAYOR GRABER: Commissioner Wexler.

COMMISSIONER WEXLER: There is no need for me to comment. It was well said by Commissioner Jacobs and Lieberman. Thank you.

MAYOR GRABER: Commissioner Rodstrom.

COMMISSIONER RODSTROM: I just don't want my comments to be mistaken. I support a new Government Center and I don't have a problem with putting it on the ballot and letting the voters vote it up or down. You may not agree with me, but I will tell you this -- I will tell you this, we sit on a piece of property that may be worth 25 or \$30,000,000. And we can sell this piece of property, but it doesn't -- it's only a small down payment of the 160 or 170,000,000 we're going to have to spend to build a new facility. And if you think we're going to put residential housing on the same site with the Government Center --

COMMISSIONER LIEBERMAN: No.

COMMISSIONER RODSTROM: No. Okay.

COMMISSIONER LIEBERMAN: With a mass transit.

COMMISSIONER RODSTROM: Hear me out. Please let me finish what my thought pattern is.

MAYOR GRABER: Let him speak.

COMMISSIONER RODSTROM: So you're not going to do that for a host of reasons, security being one of them, okay? But for a host of reasons. So that means you have to site the housing somewhere else, and I will tell you downtown Fort Lauderdale right now is inundated with high-end housing.

Now if you're going to use affordable housing, which we all have sat and spent a lot of time discussing, that takes a subsidy. So you're going in the wrong direction if you're trying to raise 160,000,000, \$150,000,000, you're going to have to raise it from somewhere and trust me when I tell you, you're not going to be able to raise it through the housing market or retail.

COMMISSIONER LIEBERMAN: We own the land already.

COMMISSIONER RODSTROM: That's all I'm telling you.

So you know, you can do a cops bond issue. You can do a general obligation bond issue but this public/private partnership has not materialized. We've been talking about it for almost three years now, and it's not any further along than it was before, but we keep spending money on this consultant, and that's the only thing I'm telling you is a waste of money.

MAYOR GRABER: Let me just say something. I don't want to get into a debate on this, but I support the item and I support the motion. Let me just say that when it comes to urban blight, if we don't do something, everything around us will be redone and we will be the urban blight.

COMMISSIONER LIEBERMAN: Right.

MAYOR GRABER: So we do need to plan for the future for this old Burdines.

COMMISSIONER LIEBERMAN: That's exactly right.

MAYOR GRABER: If we don't, and we have a long way to go before we have a final resolution.

COMMISSIONER RODSTROM: Then let's bring a financing plan forward that's reasonable.

COMMISSIONER LIEBERMAN: That's what this does.

MAYOR GRABER: There's a motion on the floor. There's a second. Let's vote.

All in favor of the motion as amended say aye?

Opposed?

COMMISSIONER RODSTROM: No.

COMMISSIONER GUNZBURGER: No.

MAYOR GRABER: There's two nays.

COMMISSIONER GUNZBURGER: Yes.

MAYOR GRABER: It passes 7 to 2. Seven to 2.

VOTE PASSES 7 TO 2, WITH RODSTROM AND GUNZBURGER VOTING NO.

MAYOR GRABER: All right. Thank you. Now we're getting close to running out of time so I've got I couple things we want to do. That was 96.

AGENDA ITEM 108

MAYOR GRABER: We have left 108. If you remember the audience. Let me recognize two people to speak on 108. Letty Hamid and Robin Lewis. If you can come forward, I will give you three minutes each on this item, 108. Yes, sir.

MR. DANOWITZ: Commissioner, Dave Danowitz, Broward County Development Management Division. I believe we've resolved the issues that the applicant has raised and I'd like to discuss this with you briefly, and I think we can resolve this very expeditiously.

MAYOR GRABER: Okay. You're recognized.

MR. DANOWITZ: This is a request to amend the note on Track C from a nursery to three single-family homes. Staff is recommending approval subject to certain conditions, which include construction of a private access road across an existing 44-foot wide canal from Southwest 48th Avenue to provide paved and legal access to the three lots.

Mrs. Hamid, who is the applicant, has requested two changes to the recommended staff report that I think we've resolved, hopefully, to her satisfaction.

First, she wants to waive the requirement for guardrailing on the land side of the bridge, and staff has reviewed this and with the highway construction engineering division, and we'd like to amend the staff recommendation 3 and the memorandum from the Highway Construction Division and Traffic Engineering to read as follows: Provide guardrails or other physical barrier that ensures an equivalent degree of safe and adequate access adjacent to the private roadway to be constructed within the roadway easement.

The final design shall be subject to approval by the traffic Engineering and Highway Construction Engineering Division. This change will allow an alternative other than a guardrail, and I believe the applicant -- such as a berm or planting. I believe the applicant is okay with this.

The second item that she's requesting is she wants to provide a lien for the security instead of a letter of credit. Our current county policy requires a letter of credit, however in this case staff does not object to a lien due to the unique circumstances, which includes the fact the applicant is not a developer but rather one of three lot owners. The other two property owners do not want to build their homes at this time and the property is in the unincorporated area, which the county will control the issuance of building permits and their certificates of occupancy.

If the Board approves the lien, staff recommends that the Board direct the County Attorney's office to prepare the lien agreement as soon as possible for execution of recordation by the applicant so that the applicant does not have to return to the County Commission for approval of the agreement. This will allow the applicant to apply for building permits after the agreement is recorded. I believe the Land Development Code gives you the ability to do this, and I hope that the applicant will concur. Ms. Hamid, do you want to come up, with what I just said.

COMMISSIONER JACOBS: I just don't think she can possibly speak that fast.

MR. DANOWITZ: Okay.

COMMISSIONER JACOBS: That is the fastest synopsis I think I've ever heard.

MAYOR GRABER: The attorney, this is quasi-judicial. Are we okay where we are going at this point?

MS. AZSCOITIA: If the County Commission accepts the changes to the development review report as well as the applicant, then you don't have to have the quasi-judicial.

MAYOR GRABER: Okay. So, Ms. Hamid, you're recognized.

MS. HAMID: I mean, I agree, I think I agree with what he presented to me this morning. He went over it with me. I just want to make sure --

MAYOR GRABER: This is Letty Hamid, right?

MS. HAMID: This is.

MAYOR GRABER: Okay. Go ahead.

MS. HAMID: I've been going through this for a year. This is the second time I have tried to amend the note, and I just want to make sure that when I try to comply with the obligations, which would be in lieu of the guardrails, some kind of plants for safe inadequacies that my engineer drew up in the plans, I just

want to make sure it's not going to be a back and forth thing because I just want to be able to comply with these obligations, start my house and be able to move in.

MAYOR GRABER: So you're okay with what you've been offered?

Commissioner Wexler, do you have a question?

COMMISSIONER WEXLER: This happens to be my district.

MAYOR GRABER: Yes.

COMMISSIONER WEXLER: Soon, July 5th they'll either be in Davie or Cooper City.

MS. HAMID: Yes.

COMMISSIONER WEXLER: They will be -- this is United Ranches area.

MS. HAMID: Pleasant Acres, right.

COMMISSIONER WEXLER: Area.

MS. HAMID: Area.

COMMISSIONER WEXLER: I don't understand what staff said at all. I will tell you that. Talk fast, I don't understand it.

MAYOR GRABER: Pretty clear to me.

COMMISSIONER WEXLER: Well, that's great. And what I would ask that we do, and I don't want to delay you, is that you just give us a couple of more hours -- you know, you're going to spend the day here anyway, right?

COMMISSIONER JACOBS: No, she's not.

COMMISSIONER GUNZBURGER: She'd be done.

COMMISSIONER WEXLER: She'd be done. Do you know what you're voting on, because I don't know what I'm being asked to vote on. What I was going to ask is that this be tabled until the afternoon, staff can sit down and explain the details to yourself and me so that we make sure that this guardrail, the no bond, whatever the waiving of code is, that we're both comfortable with.

MAYOR GRABER: That's the prerogative of the --

COMMISSIONER WEXLER: I think that's the appropriate way to proceed.

MAYOR GRABER: District Commissioner, that's a request, so we'll go ahead and we'll table this until this afternoon. Okay. So without objection, we'll defer this until this afternoon. Okay. So everyone is on the same page.

MAYOR GRABER: Okay. This is deferred. That completes our Consent Agenda.

AGENDA ITEM 133

MAYOR GRABER: We now have -- I'd like to move ahead to Item Number -- on the regular agenda, Item 133, motion to direct the County Attorney to prepare an agreement for the transfer of jurisdiction for Sistrunk Boulevard.

Commissioner Rodstrom, you're recognized.

COMMISSIONER RODSTROM: I'm happy to support this item and, as you know, this has been an item that's been before this board. There's been a lot of discussion about this item. The county -- most recently, the county had presented to the City of Fort Lauderdale, as you know, a plan, which had two lanes going eastbound for three hours a day. It envisioned a median strip and a permanent one-lane westbound lane. That was what was offered. Ms. Henry was kind enough to promote this plan and get it through her staff.

When we presented the plan to the City of Fort Lauderdale, they came back with a new plan that had been devised with the assistance of Commissioner Moore and the folks from the Broward Workshop, and this plan would have no median strip, but it would have ten-foot wide sidewalks with lush landscaping and would also have two lanes eastbound permanently, and one lane westbound.

Well, from the county's perspective, that's better than what we had originally agreed upon. And so I made a representation to them that night that I would support that plan and thought the county staff would as well, and the county staff was with me, and they had no problem with it.

So I'm -- we seem to have found a compromise here and can move forward and do something we've all wanted to do for a long time, and that's support Sistrunk, which we're all wearing these yellow buttons and the revitalization of it.

So one other thing I wanted to add to that, what I had also said to the city, part and parcel of our discussions as we brought this issue forward and we went back and forth with a number of different plans. There was some discussion if you recall about the federal funds and the funding of this project, and we still don't know where we stand with the federal funds. But I had told the city is that I'd be supportive in asking my colleagues here for \$2 and a half million to back up the federal funds should it be lost. But should they not be lost, that would be in addition to, so when this comes back after our legal staff has a chance to review it and bring it back, it will also be with that request as well. So in that vein, I offer 133, and I believe Commissioner Carlton Moore from the City of Fort Lauderdale is here.

MAYOR GRABER: Okay. Just let me clarify. Who else is here from the City of Fort Lauderdale? Just Commissioner Moore? Whoever is here from the City of Fort Lauderdale, please come forward. Let me just clarify that. The \$2 and a half million you just mentioned is not in this item; is that correct?

COMMISSIONER RODSTROM: No, but I thought it because appropriate for me to mention it to you, because I will be coming back with that as well.

MAYOR GRABER: All right. I just want to be clear we're not voting on that today. That's an item for the future. Okay.

Commissioner Moore, you're recognized.

COMMISSIONER MOORE: I'm just here to say that it's been a very challenging situation, but I'm very, very pleased to see the opportunity to work with Commissioner Rodstrom in coming to this particular ending of this discussion. I hope that all of you will support the efforts that we now have on the table.

MAYOR GRABER: Okay. The item has been moved by Commissioner Rodstrom.

Seconded by --

COMMISSIONER LIEBERMAN: Second.

COMMISSIONER JACOBS: Second.

MAYOR GRABER: – Commissioner Lieberman. Now before we vote, Commissioner Jacobs.

COMMISSIONER JACOBS: I just wanted to say congratulations to the two of you.

COMMISSIONER LIEBERMAN: You bet.

COMMISSIONER JACOBS: And to the city and to all the residents who -- this was a heart issue. This was a huge project, and when something gets that emotional and so many care that much about it, you have -- you take ownership of your ideas. And that you finally managed to make it through all of that, do what's great for the community, find compromise. Hats off to you. I'm just really excited to see this item.

And, Commissioner Moore and Commissioner Rodstrom, congratulations. I read in the paper that you were shaking hands and smiling and that was a good thing.

MR. MOORE: Many have said that he was Shaq and I was Dwayne Wade in the championship, but I just really, really want to say that I'm happy what it's come to, to give us an opportunity —

COMMISSIONER RODSTROM: I want to be Dwayne Wade.

MAYOR GRABER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: I want to congratulate Commissioner Rodstrom and Commissioner Moore, but more importantly, I think what's interesting about what's in front of us is that it shows a community effort because when Commissioner Rodstrom was talking, he said despite the plan proposed by Commissioner Moore or the plan proposed by the county, the Broward Workshop came with a plan that everybody said: Wow, this really works.

So by having the community partner with us, they were able to come up with a solution that was a win/win for everyone. And I know the \$2.5 million is not on the agenda today, but frankly, you know, as we've moved toward becoming a regional government, one of the things I think we can do, is there are places we really need to partner, and the best way to partner is with them is to make them economically viable.

I think we have long-term commitments to areas that may not have gotten their fair share years ago when they were unincorporated or when they were part of cities. So I look forward to that item coming back to us and I'm sure it's not going to be the only one. There are just some areas that we need to be better partners. So congratulations to all of you for making the right decision.

(Applause.)

MAYOR GRABER: Now before we vote I just want to say something from my perspective. Back in May when we had this discussion, Commissioner Rodstrom said to me: What do you want to see from this? And I said: I want to see you and Commissioner Moore shake hands on this in June. So I understand we can get that done. So after we vote I'm going to ask you a favor so I can have a photo op with you. I would like to be in that picture too and everybody else. So with that, the item has been moved and seconded.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

MAYOR GRABER: Congratulations.

(Applause.)

MAYOR GRABER: Let's go down and take a picture.

Let me just do a quick motion here. Do I hear a motion to extend the meeting beyond 12:30 until we complete the agenda?

COMMISSIONER GUNZBURGER: No.

COMMISSIONER LIEBERMAN: No.

MAYOR GRABER: All right. How about until we complete the photo? All right. Without objection.

Okay, let me just tell you our schedule now, if I could have your attention. Our morning meeting ends normally at 12:30, and then we go into recess until our afternoon meeting, which begins at 2:00 o'clock. At that time, we'll have a Public Hearing and then we'll complete the agenda items after the Public Hearing. I know many of you are here for a number of issues. Unfortunately it took a little longer. It's our last day, but we will complete the entire agenda this afternoon.

COMMISSIONER GUNZBURGER: Or evening.

MAYOR GRABER: Or evening, so I urge you to go have lunch and return at 2:00 o'clock and we'll continue the meeting. So we're now in recess. Thank you.

(THE MEETING RECESSED 12:34 P.M. AND RECONVENED AT 5:03 P.M.)

MAYOR GRABER: I'd like to do a couple of easy items and then we're going to get into some of more difficult ones.

AGENDA ITEM 27

MAYOR GRABER: Let's look at Item 27, Commissioner Wexler from this morning.

COMMISSIONER WEXLER: Motion to take it off the table. It was tabled.

MAYOR GRABER: It was a motion to defer until now, Item 27.

COMMISSIONER WEXLER: Is that how you do it?

MAYOR GRABER: Yeah. We deferred it until this afternoon so it's your call.

COMMISSIONER WEXLER: Okay. The item has been discussed in our S/NC, and I don't believe that any of the commissioners of which it's a majority that were in there are going to do anything but be able to support this interim solution.

COMMISSIONER LIEBERMAN: So move it.

COMMISSIONER WEXLER: I'm moving it.

COMMISSIONER LIEBERMAN: Second.

COMMISSIONER WEXLER: Except Mr. Attorney, Mr. Mayor, has to --

MR. NEWTON: I would just ask you include in the motion a waiver of the initial determination of non-responsiveness.

MAYOR GRABER: Okay. We'll add that to the motion.

MR. NEWTON: Yes.

MAYOR GRABER: So it's Item 27 with the amendment.

COMMISSIONER LIEBERMAN: Yes.

MAYOR GRABER: It's moved by Commissioner Wexler; seconded by Commissioner Lieberman.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 108

MAYOR GRABER: I understand Item 108 has been resolved. So we don't need to bring that back. On 108 we still have to vote on it.

MR. DANOWITZ: Mayor, that's correct, the item has been resolved.

MAYOR GRABER: I'm sorry.

MR. DANOWITZ: But for the record I need to read some things into the record with your indulgence.

MAYOR GRABER: Okay. Go ahead.

MR. DANOWITZ: There were two issues here that the applicant has agreed to that she objected to that we have come to a resolution on. One is the guardrail requirement and I would like to do two things related to that. As an amendment to the backup, we want to strike the word "guardrails" on Page 2 of the

report, and amend condition 3 on the memo from Highway Construction Engineering and Traffic Engineering Divisions, to read as follows: Provide a physical barrier that ensures safe and adequate access adjacent to the private roadway to be constructed in the roadway easement. The final design shall be subject to approval by the Traffic Engineering and Highway Construction and Engineering Divisions.

Lastly, the applicant is requesting to secure these improvements with a lien instead of a letter of credit. Staff has no objection to that. However, we would ask the Board to direct the County Attorney's Office to prepare the appropriate agreement for execution of recordation by the applicant so that she does not need to return to the Board to get that done. This is a step necessary in order for her to obtain building permits. With those changes we recommend approval.

COMMISSIONER WEXLER: Exactly that, and she is grateful for having the opportunity to understand what it is that we're actually doing now. She said to thank you.

MAYOR GRABER: Thank you, Commissioner Wexler. You did a good service for your district.

On Item Number 108, it's been moved and seconded.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

MAYOR GRABER: We're going to take a five-minute break right now. We'll be back in five minutes. We're in recess.

(THE MEETING RECESSED AT 5:05 P.M. AND RECONVENED AT 5:17 P.M.)

MAYOR GRABER: Okay. If you could take your seats, we'll get started. Everyone please take your seats, and we have a quorum, so we'll get started.

I'm going to jump ahead to Item 132, because we have a lot of people who want to speak. I have about 26 people who want to speak.

COMMISSIONER LIEBERMAN: These are no-brainer issues.

COMMISSIONER GUNZBURGER: (Inaudible.)

COMMISSIONER LIEBERMAN: Let's see what the items are that can go without discussion and get rid of those. And at least those people can go.

MAYOR GRABER: Okay. If we start any discussion, though, I'm tabling it.

COMMISSIONER LIEBERMAN: Exactly.

MAYOR GRABER: Any discussion we'll table it. Okay. Just a couple of cleanup items. Okay. Let's look through here.

COMMISSIONER JACOBS: Any conversations --

MAYOR GRABER: Any conversations --

COMMISSIONER GUNZBURGER: (Inaudible).

MAYOR GRABER: Which one? Eighteen.

AGENDA ITEM 117

COMMISSIONER LIEBERMAN: What about 117?

COMMISSIONER GUNZBURGER: 117.

MAYOR GRABER: We have two selection committees. Item 117, motion to appoint --

COMMISSIONER LIEBERMAN: Move 117 and I'd like to serve.

MAYOR GRABER: Okay. 117 has been moved by Commissioner Lieberman; seconded by Commissioner Jacobs.

Commissioner Lieberman wishes to serve.

COMMISSIONER GUNZBURGER: Which one is that?

MAYOR GRABER: 117 is the Fort Lauderdale International Airport.

COMMISSIONER WEXLER: Put me down for all of them.

COMMISSIONER LIEBERMAN: Okay. So it's the airport. Architect and engineer.

MAYOR GRABER: So we have Lieberman, Wexler, Rodstrom, Eggelletion, and Gunzburger to serve.

COMMISSIONER LIEBERMAN: All right. Move it with Commissioners Lieberman, Wexler, Rodstrom, Eggelletion and Gunzburger.

MAYOR GRABER: It's been moved and seconded.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 118

MAYOR GRABER: Item 118, selection committee.

COMMISSIONER LIEBERMAN: Move 118 and I'd like to serve.

COMMISSIONER JACOBS: Second.

MAYOR GRABER: It's been moved and seconded with Commissioner Lieberman serving, Commissioner Wexler. Who else?

Commissioner Eggelton. Anyone else wish to serve? So it's been moved with those three commissioners serving.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 119

COMMISSIONER LIEBERMAN: Okay. Move 119. It's not my district, but I had asked the questions about this. And I understand that the liens have been transferred to other properties owned by Mr. Lyons, correct Mr. Newton?

MR. NEWTON: Correct.

MAYOR GRABER: Okay. Item 119 has been moved by Commissioner Lieberman; seconded by Commissioner Jacobs.

All in favor say aye.

Opposed?

It's been approved unanimously.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER GUNZBURGER: The next one will be a while.

MAYOR GRABER: We'll hold off on that one.

COMMISSIONER LIEBERMAN: One twenty to 124 will take a while.

MAYOR GRABER: I think the others – let me see what else we've got here. All the others will take discussion.

So let's move on to 132.

Now, the rules are I'm going to recognize the public to speak --

COMMISSIONER LIEBERMAN: Wait a second, what about 126?

COMMISSIONER GUNZBURGER: What about 125?

COMMISSIONER LIEBERMAN: I have a question on 125.

AGENDA ITEM 126

MAYOR GRABER: That's it. 126, anyone have any questions on 126?

COMMISSIONER LIEBERMAN: Move 126.

COMMISSIONER GUNZBURGER: Second.

MAYOR GRABER: Okay. 126 has been moved and seconded.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 129

COMMISSIONER LIEBERMAN: Okay. What about 129?

MAYOR GRABER: One twenty-nine, does anyone have any questions on 129?

COMMISSIONER GUNZBURGER: Second.

MAYOR GRABER: A and B. No questions.

It's been moved by Commissioner Lieberman; seconded by Commissioner Gunzburger.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 130

COMMISSIONER LIEBERMAN: Move 130.

MAYOR GRABER: Number 130, moved by Commissioner Lieberman; seconded by Commissioner Gunzburger.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 131

COMMISSIONER LIEBERMAN: Move 131.

COMMISSIONER JACOBS: 132, all those in favor?

COMMISSIONER LIEBERMAN: Not quite.

MAYOR GRABER: 131, select committee on Procurement.

Moved by Commissioner Lieberman; seconded -- actually moved by Commissioner Wexler --

COMMISSIONER LIEBERMAN: Second, 131.

MAYOR GRABER: Seconded by Commissioner Lieberman.

All in favor say aye.

Opposed?

One thirty-one passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 133

COMMISSIONER LIEBERMAN: Move 133.

MAYOR GRABER: One thirty-three.

COMMISSIONER GUNZBURGER: Wait.

MAYOR GRABER: We already passed that.

COMMISSIONER LIEBERMAN: Did we do that?

MAYOR GRABER: That's Sistrunk. That passed.

COMMISSIONER LIEBERMAN: That's it.

COMMISSIONER JACOBS: What about 134?

COMMISSIONER LIEBERMAN: One thirty-four went to Consent, I think.

COMMISSIONER WASSERMAN-RUBIN: (Inaudible).

COMMISSIONER LIEBERMAN: Because we're women, we're multi-taskers.

MAYOR GRABER: Multi-taskers. Okay. We're back to 132 now.

COMMISSIONER GUNZBURGER: (Inaudible.)

COMMISSIONER LIEBERMAN: How about 139, we need to go out to bid on 139 -- this is the insurance -
- move 139.

COMMISSIONER GUNZBURGER: Second.

VICE MAYOR EGGELLETON: Wait, 139?

COMMISSIONER LIEBERMAN: Yeah, it let's them go back out on dental.

MAYOR GRABER: Any questions on 137? Any questions on 137?

VICE MAYOR EGGELLETON: One thirty-seven, yes.

MAYOR GRABER: There's questions, okay. Let's skip that. One thirty-eight.

COMMISSIONER LIEBERMAN: That one we have to discuss.

AGENDA ITEM 139

MAYOR GRABER: One thirty-nine.

COMMISSIONER LIEBERMAN: Move 139.

MAYOR GRABER: Any discussion?

Moved by Commissioner Lieberman; seconded by Commissioner Jacobs.

Ms. Henry.

MS. HENRY: There will be some discussions on 139.

MAYOR GRABER: There will.

MS. HENRY: Yes. Sorry.

MAYOR GRABER: Okay. We'll hold off on 139.

AGENDA ITEM 132

MAYOR GRABER: All right. We're back to 132.

COMMISSIONER LIEBERMAN: Okay.

MAYOR GRABER: Now the rules are we're going to recognize the public to speak. I have to give you each two minutes because there's 26 people. If you wish to waive your time and just stand up and say you support or reject, that would be appreciated as well, and I have a list in no particular order as I received them, so let's start --

Yes, Commissioner Wasserman-Rubin.

COMMISSIONER WASSERMAN-RUBIN: (Inaudible).

MAYOR GRABER: How many would be left afterwards? Certainly. Let me call the first person. Before they speak, I'll tell you all that.

So the first person to speak will be Chris Pollack, Christopher Pollack, and after Christopher Pollack will be George Hanbury. So please come forward and be prepared to speak at the right time.

Now, the items that are left for discussion -- I'll recognize you in a moment -- will be Item 119, 120, 121, 22.

COMMISSIONER LIEBERMAN: 119 passed.

MAYOR GRABER: 119 passed?

COMMISSIONER LIEBERMAN: Yes.

MAYOR GRABER: I'm sorry. 120, 121, 22, 23, 24, 25.

COMMISSIONER LIEBERMAN: 27.

MAYOR GRABER: 27, 28 --

COMMISSIONER LIEBERMAN: No, 28 was withdrawn.

MAYOR GRABER: That's withdrawn.

COMMISSIONER LIEBERMAN: Thirty-two, 132.

MAYOR GRABER: Thirty-two we're going to do now. And 137 and 138 and 139. That will be what's left. Okay.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER SCOTT: Mr. Mayor.

MAYOR GRABER: Commissioner Scott.

COMMISSIONER SCOTT: Yeah, I was just out back there, and 124, there was an S/NC on 124, am I right?

MAYOR GRABER: Yes, would you like to serve on that?

COMMISSIONER SCOTT: Yes, it involves the airport.

MAYOR GRABER: Show Commissioner Scott serving on the S/NC, Item 124.

COMMISSIONER GUNZBURGER: We didn't do it.

COMMISSIONER LIEBERMAN: Are you talking about 117, which was architectural engineering?

MAYOR GRABER: The S/NC for the airport is 117.

COMMISSIONER JACOBS: There was one right after that.

MAYOR GRABER: And 118.

COMMISSIONER LIEBERMAN: 118 is Targeted Industries and 117 is the airport.

MAYOR GRABER: That's 117. Do you wish to serve on 117?

COMMISSIONER SCOTT: No, it's 124.

COMMISSIONER GUNZBURGER: We're not on that.

MAYOR GRABER: So we didn't get to that yet.

COMMISSIONER SCOTT: Sorry. I thought I heard you say 124.

MAYOR GRABER: All right. Mr. Pollack, you're recognized for two minutes.

MR. POLLACK: Thank you, Mayor, Vice Mayor, Commissioners. There's not a day that goes by that I don't get members of the Chamber of Commerce talking about affordable housing and transportation, and obviously you've been addressing afford housing in various aspects today.

As the leader of the Chamber of 1,800 members, I can assure you that we get a lot of opinions, and when we take a position, I do hear about it. Attainable housing has brought up a lot of emotions. NIMBE-ism and socialism, but since we took this position of supporting the Broward Workshop and asking you to allow this one cent talk to go on the November referendum, I have not had -- I have had not one member complain about our position. We believe that the business community does not like the tax itself, sees this as one of the most important futures for our economic development, and we ask that you put it on the ballot in November. Thank you.

MAYOR GRABER: Okay. Thank you, sir.

Next, Mr. George Hanbury, Dr. George Hanbury.

MR. HANBURY: Thank you, Mayor. Members of the Commission. My name is George Hanbury, and on behalf of the President, Ray Ferrero, Jr., and the entire Board of Trustees of Nova Southeastern, we encourage you to unanimously adopt 132 A and B.

We feel that Broward County is in the decision theory process. You've adopted a lot of seeds today, and you've planted a lot of seeds. We think this is another seed that needs to be planted for future generations.

Toward that effort, we assisted with Vision Broward and transportation along with the other items you've indicated was number one priority. We encourage you to support your own Vision Broward strategic planning. As the seventh largest private university in the country of 1,600 such universities headquartered in Broward, we have over 44,000 trips per day coming to Central Broward. Downtown Fort Lauderdale, and many of you know that our city manager only has 25,000 trips per day. We need mass transit coming to Central Broward. 44,000 trips a day made up of usually one student, one car. We need to get the cars off the road.

The district secretary informs us that only 14 percent of new roadways will be built in the next 25 years, yet your own planning staff indicates there will be a 56 percent increase in population. We are, indeed today an urban county. We will be more of an urban county in the future. Therefore, I encourage you to go to this particular referendum, allow the people to decide so that Broward County will not be a donor county on taxes, that we'll actually be able to leverage some federal and state taxes that we are now foregoing. Thank you.

MAYOR GRABER: Thank you, sir. Next, Ms. Lottie Albert and then Sidney Calloway. Is Lottie Albert here?

UNIDENTIFIED SPEAKER: She had to leave.

MAYOR GRABER: She had to leave. Okay.

Mr. Calloway.

UNIDENTIFIED SPEAKER: He's not here.

MAYOR GRABER: He's not here.

UNIDENTIFIED SPEAKER: He's coming back after (Inaudible.)

MAYOR GRABER: He's coming back.

Okay. Errol Taylor. Errol Taylor. Mr. Taylor, you're recognized.

MR. TAYLOR: Good afternoon, Mayor, Vice Mayor, commissioners. My name is Errol Taylor. I'm a resident of Miramar, and I'd just like to say that I recently moved here about ten months ago, and prior to coming here, I've been a transit user for the past 15 years to go to work. I lived in San Francisco Bay area and the Washington, D.C., area. Those areas have world-class transportation networks. Now that I'm here, I would love to see the same thing here. It's very difficult to drive to work here. Traffic is extremely bad.

I went to church some Sundays ago last month. My pastor said he does not drive on I-595 anymore. It's frustrating to him. It takes him a long time to get to Fort Lauderdale. I found that interesting because, you know, I listen for those things. So I'm here to say that, please allow us, the residents of Broward County, to vote and determine what we want to do for transit in Broward County. Thank you.

MAYOR GRABER: Thank you, sir.

Mr. Dan Glickman, followed by Diane Glasser.

Is Mr. Glickman here? You're recognized, sir.

MR. GLICKMAN: Thank you. Dan Glickman. I am in favor of a one half-cent transit sales tax. There are two points I ask you to consider. The first is learn from history or repeat its failures. Specifically in 1999, Miami-Dade proposed a full penny transit surtax. One-third of the voters voted yes. Two-thirds voted no. Three years later they proposed a half penny sales tax. In that case, a full third of the voters added, so it became two-thirds yes, and only one-third no. It passed.

Secondly, in politics, do not let the perfect be the enemy of the good. Perfect is one penny. Good, in fact, very, very good is a half-cent. Trust with respect to Commissioner Wexler, who I thought about when I thought about this both ways. First, you trust in the voters. Second, voters trust in you, our Commissioners, especially your judgment of what level of transit sales tax can actually pass in this election. Voters will look for prudence and caution, both of which are embodied in a half-cent sales tax.

Finally, we absolutely need a dedicated funding source for transit. I ask you to give the voters a prudent, cautious, reasonable level to approve. Some will say a half a penny is not enough. Compared to today, it's like landing a woman or a man on the moon. Mars can wait. And circumstances in the future warrant an additional sales tax can be considered. Thank you.

MAYOR GRABER: Thank you, sir. We've already been to the moon though.

Mr. Jim Weldon.

MR. WELDON: Thank you, Mayor, folks. Good to see y'all. It's a long hard day. I just have a comment, a few to make. Jim Weldon, Business Manager, Local Union 728, Electricians. I think the T-shirts say it all: Let the people vote. The facts are obvious. We badly need improved mass transit and the time to fund it is now. Let me remind you all of a couple of others very important enlightened moves that's time had arrived.

Neil Stirling worked very hard for the passage of a huge bond issue that was essential to the expected huge student growth that was inevitable. It passed because it was needed, and many doubted it would because there was a strong feeling that your senior citizens would not support schools. They did. The Sawgrass Expressway was very strongly resisted, but county leadership hung in there and we built a road that's been a hugely successful, and it was done in just a few years, tremendously added to the economics of our community.

Now had we waited just a little longer, we would have had lawsuits, eminent domain arguments, and on and on and on. Commissioner Jerry Compson played a significant role in moving that project along. The transit system is as necessary as the two previous examples with our continued growth and very importantly the issue of -- should arise is fuel costs coupled with an already stressed system. The economic necessity for this one-cent sales tax is upon us. Thank you, Commissioners.

MAYOR GRABER: Thank you, sir. Gerry O'Reilly followed by Seymour Foos.

MR. O'REILLY: Mayor, Vice Mayor, my name is Gerry O'Reilly. I'm the Director of Transportation development here in District 4, Department of Transportation, representing the Department of Transportation. FDOT is here to support the commission identifying a dedicated revenue source for transit projects and improvements in Broward County. I've seen various figures and various figures being quoted but over the next 25 years, we expect the Broward County population to increase by approximately 50 percent.

Our current transportation network has a hard time supporting the trips that happen on it today. With a 50 percent increase in population and a larger increase in trips, we do not see how that could be supported without a dedicated local revenue source. That revenue source is needed to construct the projects that are necessary to support those trips. That dedicated revenue source is also necessary to capture the federal funds and the state funds that are currently available for mass transit systems. Every six-year

cycle federal funds are identified for major transit improvements. Broward County is not eligible to get those transit funds right now because there is no dedicated revenue source.

In the current DOT work program statewide, there's \$409,000,000 available for new starts. Broward County isn't eligible to capture those funds because they do not have a dedicated revenue source. Other areas of the state are eligible, but Broward County is not. DOT feels this is important for the area, important for Broward County's future transit improvement. Thank you.

MAYOR GRABER: Thank you, sir.

Seymour Foos followed by Dan Reynolds. Is Mr. Foos here?

Okay. Mr. Reynolds, please.

Next will be Bill Keith.

MR. REYNOLDS: Mr. Mayor, Vice Mayor, Commissioners, thank you for your time. I'm Dan Reynolds. I'm president of the Broward County AFL-CIO which all of its 51 affiliates voted unanimously to support putting a penny on the ballot for the voters to choose. There's no question there's a need for spending transportation dollars in Broward County, and as you just heard, without a dedicated funding source, there's a lot of money that we're letting slip through the cracks that could be used here that's essential to generating the -- keeping the engine of the economy going in this county into the future.

So you're asking to make a bold move, yes. Taxes are not popular, that's true. And generally the AFL-CIO is reluctant to support sales tax, because it's seen as regressive and hits our members harder than it does the more wealthy in the community, however, the fact that there's the ability to get matching federal and state dollars and the ability to bond those dollars multiplies the affect of this sales tax enough that it brought us to support even a regressive sales tax.

COMMISSIONER GUNZBURGER: Did you say brothers?

COMMISSIONER JACOBS: He said: Brought us.

MR. REYNOLDS: Brought us.

COMMISSIONER GUNZBURGER: Oh, sorry.

MR. REYNOLDS: Listen, I'm the one that got Lori Parrish to start saying grandparent, so don't lecture me on that. But thanks.

COMMISSIONER GUNZBURGER: You have an extra 30 seconds.

MAYOR GRABER: Okay.

MR REYNOLDS: Anyway, and people are going to say: Well, the plan doesn't hit all that it should in this community. Well, there's time to fix the plan. The fact of the matter is if the people don't get to vote on whether or not to have this penny available and the multiplier of the dollars that will come with it, then we can't even talk about a plan. We won't be able to have a plan. So please, I urge you to put it on the ballot so the people can vote to have this available to address some of the transportation needs and keep our economy growing. Thank you.

MAYOR GRABER: Thank you, sir.

Bill Keith, followed by Sid Spiro.

MR. KEITH: Good afternoon, Mayor. Bill Keith representing the Broward Workshop. The first thing I want to do is thank Mr. Jim Cummings, the chair of the Workshop for the efforts he's put forth to bring this before you today. Tremendous effort by that one individual, and I just have great admiration for his efforts and what he's done for our community.

Let's keep this real simple. If you don't want this, create doubt. Doubt is the biggest enemy of success. If you don't want it, delay your decision. If you don't want it, you're saying there is no relationship between transportation and housing. If you don't want it, you said there's no relationship between education and jobs. If you don't want it, you're saying it will not jeopardize our federal and state funding under the six-year program that Gerry had addressed earlier. Let me just keep it real simple, I have to live with real life experiences, and we've done studies a foot high. You can do more studies and you'll have the same results.

I have four children and eight grandchildren and they all live in Broward County. One is a senior this year starting next week at Florida Atlantic University up in Boca Raton and we picked her up at the airport last Friday. She spent six months in Spain. She said: I want to learn Spanish because I think that's important for me, because I want to stay in South Florida. And we picked her up and we were coming back and she said: I'm sorry you had to go to Miami International Airport to pick us up. She said: Why don't we have a transportation system in South Florida in Broward County like they have in Europe? That was a hard question to answer.

And then we went on and she said: You know, I realize that in a year or two years, I'll be out of school, and I'm going to be looking for a house, and she said: Can I afford to buy a home in the community that I was born and raised in? That was another tough question for me to try to answer to her. I just can't help but think that she needs the opportunity and you need to give her that opportunity to vote yes, to vote in favor of this issue. You can talk about it in all different ways, but that's the reality. She said you know: Dad, grandpa, she said, I can't afford to take classes at Florida Atlantic University and take classes at Nova in Davie. I can't afford the gasoline. It's important that we -- this is a 21-year-old college student. Please support Item Number 132. Thank you.

MAYOR GRABER: Thank you, sir.

Mr. Spiro, followed by Rick Chesser.

MR. SPIRO: Good evening, Commissioners. My name is Sid Spiro. I am co-chair of the Urban Core Committee of the Broward Workshop as well as vice chair of the Broward Housing Partnership. I think, as most of you know, the issue of housing and transportation are totally interlinked and interwoven. I think that was addressed as well at the Vision Broward, and, therefore, and during that process, it was outlined the fact that we need an integrated transportation system in this county. As a matter of fact, we need a regional transportation system.

So I urge you to let the voters decide in November on the one cent sales tax and take the opportunity to get the matching funds from both the federal government and from the state.

Thank you very much.

MAYOR GRABER: Thank you. Rick Chesser, please.

UNIDENTIFIED SPEAKER: He had to leave.

MAYOR GRABER: Oh, he left. Okay.

Bob Kornahrens.

MR. KORNAHRENS: Thank you, Mayor, Vice Mayor, Commissioners. My name is Rob Kornahrens. I'm the owner of Advanced Roofing. We've been in Broward County since 1982. We employ 350 people. We're located on 22nd Street next to Oswald Park. I'm also the chairman of the WinterFest Boat Parade. You know me from the bus barge probably. I'm not here for another bus in the parade. I'm sure you will be happy with that.

I'd really like you to ask you, plead with you to let the voters decide. I'm doing five HUD projects right now. We've hired 10 local people inside those HUD projects. After the jobs are over they have no way to get to our shop. The busses don't run early enough. They don't run often enough. There is a tremendous need to upgrade the transit system, and the one-cent is needed. I've studied this plan, three booklets, very well put together. A half-cent is not going to be enough.

We will get the people to decide for themselves once we educate them. We'll educate them that in 1974 when the oil crisis and we were on rationing, we were importing 30 percent of our fuel from foreign countries. Today it's 60 percent. People want to get away from that. We've got to find solutions. Mass transit is part of that solution. The return on investment, for every dollar spent on transit is a six-fold to the economy and everything to jobs for the county. Thank you, very much.

MAYOR GRABER: Thank you. Next is Mr. Walt Jolliff, followed by Franklin Hileman.

MR. JOLLIFF: Thank you, Commissioners for the opportunity to say a few words to you today. I support everything all these people said. I serve on the -- I have the privilege of serving on the citizens' involvement roundtable, and I agree we need it and we need it desperately. There's no question about that. That should be obvious to even the most closed-minded individual.

But I think what is important here is to recognize what will be successful, and when I look at what's been successful, and I would echo Mr. Glickman's comments with regard to the success in Dade County, the real added value that I think is missing is there needs to be a plan by which the public can buy in. They're not going to buy because you're going to take away their car. They're going to buy in because they feel they participated in the effort that's part of a program that they can support and it meets their dollar requirements, whatever that may be. In that context, I think we will be successful.

Keep in mind that failure at this point will delay this thing for quite some time. As you all know, Broward County voters are not a happy group when it comes to approving taxes. So I would submit to you that what we need is a plan. The plan I see, the one I'm looking at, the one that's being presented to me lacks a lot. Even the one in Dade County, it had verbiage on the actual referendum to say what was going to happen, where the controls were, where the money was going to be spent. That way, the individual voters, your constituents, could take ownership because they had been involved in over 80 workshops. That's not happening. There needs to be a plan.

And, in closing, let me say you've demonstrated to me today the leadership you can provide. I think the voters of Broward County are entitled, are worthy, and they will demand that you provide them with an effective plan. Thank you.

MAYOR GRABER: Thank you, sir.

Franklin Hileman, followed by Karen Boutros.

MR. HILEMAN: Thank you, Mayor, Vice Mayor, Commissioners, my name is Franklin Hileman I am the legislative specialist for the City of Hallandale Beach. I'm here solely because the Mayor could not be here and city manager could not be here. I want to let you know how much they support this initiative. The city commission supports it to the extent that we have committed \$50,000 to be contributed to Progress for People to support the campaign once it gets moving.

I can tell you the last legislative session I was not working for the city. I was a lobbyist for the city as well as the Miami-Dade Expressway Authority. I sat through virtually every transportation committee hearing that was held, and if you don't get matching dollars, you will not get funding. That's the simple truth. The state funding really requires it. The federal funding really requires it. This is the opportunity to get those matching dollars. We need those matching dollars desperately. The only way we're going to do that is to get a dedicated source of funding. I can't emphasize enough our city supports it. We are looking for your support and hope to see this on the initiative. Thank you.

MAYOR GRABER: Thank you.

Careen Boutros.

UNIDENTIFIED SPEAKER: She had to leave.

MAYOR GRABER: Sean Guerin, Sheryl Dickey.

MS. GUERIN: Good afternoon, Mayor, Vice Mayor, and Commission. I had the opportunity to speak to at least five groups that represent entities, that I normally am interfaced with outreach initiatives. The Caribbean Chamber, the Lodging and Hospitality Organization, the Latin Chamber, the professors at FAU, and the minority empowerment group that represent the Haitian community, and in doing so, we talked about the penny tax, because, of course, we knew it was coming up. And they all agreed, they all represent entities that are workers and usually are low-income individuals and/or moderate income individuals who are using the bus system, and they all indicated that they wanted to see a better bus system, that the workers sometimes weren't getting to work on time because there's not an earlier bus for those people who actually have those 7:00 o'clock and 6:00 o'clock jobs that they have to get to, and also for the later people who work at the hotels and other positions that get off at 11:00 o'clock.

And so there's not a system for that. So they were encouraged by the fact that there was a plan being put together so that, hopefully, an initiative would be voted on by the commission to at least put it on the referendum for them to vote on.

They felt the other big need though would be that the community would have to be educated. So without doubt as this plan is put forth and their encouragement of you putting on the ballot this November a referendum, they would have to be educated. Most of the leadership of those organizations understood that folks had to be educated about what it all meant, because even though they have individual needs, they needed to understand the whole system. So they, of course, had encouraged me to represent that they want to see the referendum on the ballot, and so I wanted to bring that forward for those groups that typically cannot be at these initiatives. However, if they knew that it was an evening time event they could have made it at this point but they couldn't make it earlier. Thanks.

MAYOR GRABER: No matter what time we start, we always finish in the evening. So --

Representative Ken Gottlieb.

COMMISSIONER GUNZBURGER: Wait, I'd like to say that when the Vice Mayor did the meetings, we were through one in 45 minutes.

MAYOR GRABER: I called in. It was midnight. Of course, I was in China.

VICE MAYOR EGELLETON: The Vice Mayor had a shorter agenda.

MAYOR GRABER: That's true. That's why we're here so late. Thank you.

Representative Gottlieb.

REPRESENTATIVE GOTTLIEB: Good afternoon. I just wanted to express my views that I support the penny sales tax that you're going to be voting on. Thank you for giving us that opportunity. You've been fantastic to work with over the years, and I know that you'll always make the right decisions. The reasoning behind my supporting it is I feel that poverty is one of the biggest issues facing us today and the approach to poverty has to be comprehensive. We can't just have homeless shelters. We can't just talk about affordable housing. We also need to talk about transportation. It's one of the biggest ways to get people from their home to the job in a reasonable amount of time. This will help us to get to that place much quicker and better.

I also feel that the quality of life issues and the environmental issues are extremely important. Getting the cars off the road so we don't have to build more lanes, which are just as expensive to our bottom line, and getting the cars off the road are good for the environment. Getting the cars off the road are good for us when the traffic is much reduced. And so for all those reasons as well as the reasons that others have mentioned prior to my getting up here, I support the penny sales tax, and I just wanted to let you know. Thank you.

MAYOR GRABER: Thank you, sir.

Next, Gloria Katz. Is Gloria Katz here? Former Commissioner.

MS. KATZ: Good evening, Mayor, and Commissioners. I represent Smart Growth Partnership, which is a group that is composed of a few: Urban Land Institute, the Realtors, Q's from FAU, South Florida Redevelopment Association, Broward Alliance, and the Audubon Society. We're a mixed group. And I'm here to tell you that the one penny sales tax is going to be the lynch pin of every issue that you discussed here today. You can't have a transit-oriented development corridor unless you have transit. You can't have affordable housing out in the very western parts of the county unless you have transit to get these people to work.

Economic development relates to transit. Livable communities and quality of life relates to transit. So I'm here hoping that you'll begin this process by taking the first step and allowing us to vote on a one-penny sales tax in the fall. Thank you.

MAYOR GRABER: Thank you.

Commissioner Carlton Moore.

COMMISSIONER MOORE: Thank you, Mayor, and Vice Mayor, and Commissioners. I come before you today because I'm concerned in reference to this referendum. I am not in objection to having something on the ballot, but I do not believe that an entire penny is a necessity. Earlier today and most of the day you spoke of attainable housing, affordable housing, and one of the nexuses that I've always felt, bus transportation is a key to providing that.

I have not been sold on the fact that the entire penny is a necessity. I would hope that there would be a way that if there were a referendum that you, as a County Commission, can allow the people a choice. The choice should be whether it is one cent or a half. And I also believe that there could be the other half

that I think the people will support to be for attainable housing units. I really believe that the two are a necessity.

I want to commend the committee that has been working on this issue, even though they have been difficult to talk to, even though that they have been difficult to understand the issue that resonates, and that is the fact that there must be a dedicated source. We do not want to be at the disadvantage of Miami-Dade County or the northern cities, but there must be a dedication with thought, and a half-cent would be workable. I also believe that it would deter a group of individuals who I would be forced to work with to create an anti-vote on the penny. So I would urge you all to consider the fact that there must be a dedication, that a half cent can get us there, and that there are other needs that we may be able to consider, and that, I truly appreciate.

MAYOR GRABER: Thank you. We're down to our last two speakers, John Hart followed by James Cummings. Then we'll go into debate.

Mr. Hart.

MR. HART: Thank you, Mayor, Vice Mayor, Commissioners. I think the first thing that I want to say to you in this couple of minutes left for me to speak to you tonight is that we are not voting or you're not voting for a tax today. You're actually allowing the people within this community to exercise the most fundamental franchise, and that's to be able to make a choice, a free choice.

Interestingly enough though with all of the talk about the half a cent or the penny or what's adequate, what's not adequate, I would remind the commission that in essence what we are here is asking you to put on the ballot your plan, because your strategic goal, your Vision Broward process, your Management and Efficiency Study Committee have all recommended a dedicated funding source, and when it comes to the actual goals and objectives that you have placed on your website, the key initiative was to bring together a citizens' group to review the plans that had already been formulated through months and years of community participation and come before us with a plan, which you have had and that plan then should be put on the ballot, not for a half a cent, not for a mixed message, but for a penny sales tax for transportation dedicated exclusively for transportation. So that, in effect, we could leverage those necessary critical state and federal dollars to meet the objectives of what has been put forward in your plan.

I find myself tonight actually somewhat ironically in the position of actually begging you to allow our voters to make a decision that you said they needed to make this November. I also find it intriguing for me to recall that Martin Luther King once said: "The time is always right to do what's right." You know what is the right thing to do. It's time we believe for you to allow it to happen and let the voters in our community make this decision and don't deny them that opportunity. Thank you.

MAYOR GRABER: Thank you, sir.

Mr. James Cummings.

MR. CUMMINGS: Thank you. My name is James Cummings. I'm the chairman of the Broward Workshop. Somehow as I come before you, I know that you know I'm not going to make this easy for you. What I'd like to do is just clearly outline some of the facts of the plan, which has been distributed to everybody, and we have had numerous workshops. We've had over 12 city commissions unanimously endorse this.

First, let me say, and this is for the benefit of those people here and the press and the reporters and anybody else that might be here, the ultimate authority on this plan as its written vests with the County Commission. That's very clear. There is an oversight committee in this plan, and therein lies the ability of the plan to be flexible. There is flexibility in this plan. Things may change four or five years down the

road when you find out there is no federal funding available or there may be not any state funding. Anything less than a full penny simply won't complete the job and serve the people of Broward County. Our financial analysis proves that out.

The gentleman, Mr. Glickman and one other fellow mentioned that a half penny should be utilized. Well, this past Friday we had a meeting with the Regional Transportation Authority of which I am a member. Many of you people may or may not know Commissioner Bruno Bararri from Dade County who spearheaded the initiative down there. It didn't fail because they had a one-penny versus a half a penny, it failed because they didn't have specificity in the projects that were being developed. It failed because they didn't have an oversight committee. It was not until November of the election of '03 that it did pass where those parts of the plan were utilized and people bought into the plan. Our plan has that.

You're voting to put on the ballot in November a question to levy a one percent county transit surtax in accords with Florida Statute 212.055 which is specifically outlined in our plan. The plan basically provides for the money to go to an independent trust fund, similar to what was utilized in Dade County. It establishes an independent citizens' oversight committee. Ten percent of the funds raised will go back to the cities for transit and transportation uses. The initial projects included are those as outlined in the plan. We have scheduled those. We have analyzed the pricing. We have evaluated federal and state funding to complete those, and they are very specific in the plan.

The county's present contribution to the county transit program will be frozen and will be contributed to the resources necessary to implement the plan. That's presently about \$32,000,000 in your '06 budget. The plan calls for the restructuring of the present transit organization to accommodate an expanded size of the operation. If you allow the people of the county to vote on this initiative as outlined, we will ask for your financial assistance for educational purposes. Similar to what you did with the parks program, which was about a \$400,000,000 project, and I believe you contributed \$200,000 for that plan. Those are the specifics of the plan.

There are some minor arithmetical problems with the plan, very minimal. There are some grammar errors. These all will be corrected. But we have taken this plan to many cities, many organizations, many of those people have been here today. It would be shortsighted, shortsighted for us now for us to say we will change the plan. What we have sold the people of Broward County is the plan that was developed by no less than five national engineering firms, very capable of understanding what needs to be done in Broward County. There have been many, many, many workshops involving the people of Broward County. And before this is done, there will be many more.

All I ask for you today from the business community and the people that work with us that you allow the people of Broward County to vote, to vote on a one penny that is necessary to adequately address the serious problem we have today. Thank you.

MAYOR GRABER: Thank you. For those folks watching at home, the County Commission did workshop this issue, and we had many of our questions answered at that time. So I'd like to open it -- the floor to the County Commissioners for discussion. Would someone like to be heard on the subject, or for motions?

Commissioner Jacobs.

COMMISSIONER JACOBS: I guess I'll go first. Everyone knows where I stand on this issue, so my comments won't be a surprise. There have been many good points made by the community, but mostly what I'd like my colleagues to notice, which I don't think it is lost on you, is who is represented here in our community who supports a one penny sales tax. It is those -- it is those people who are most involved in our community who really care about its future that have a stake in the way that Broward County is growing.

We know that we're growing by almost a million people in the next two decades. What are our roads going to look like if we don't provide the leadership? What strikes me the most about this meeting today is that this is a plan and initiative being brought to us by the community. This is a plan that we began talking about a couple of years ago that we were supporting. Now we're back on the other side where we have citizens actually begging us to let them go vote for it.

We are a Board of leaders, and I think that we need to make sure that we do not stand in the way of putting an item out there to allow the community to vote. Whether you like it or you don't like the tax is really irrelevant. It is for those in the community to weigh in on.

There has been much said about the plan itself. People don't like certain elements of the plan. The plan wasn't created by this organization of concerned citizens. It was drawn from our own existing plans, from Broward County's Mass Transit master plan, from the MPO, from a variety of different institutions. It is almost an insult to the MPO, to all of those cities who weighed in over years to get projects organized the way they have and which are all reflected in this plan to say that their efforts were for naught and that only the County Commission would come up with a plan.

I think the plan is not identified to any one group but, in fact, grabs a little piece from all of the different organizations that have cared and worked and volunteered over the years to create this system, a plan which actually doesn't have any funding, but -- and is never going to be funded or built unless we come up with the monies. Denver, Phoenix, San Diego, even Miami-Dade County, they're all hearing and have heard loud and clear and their communities have supported them, that the state and federal government is saying to us: You've got to come to the table with more than your appetite.

If you think for a moment that any of the problems facing this county are going to be funded by these agencies in the future without us coming to the table with a full menu and money to pay the bill at the end of the dinner, we are not going to be able to build a thing in this county. We simply do not have the funds necessary. We have challenges all over the place for this community. Affordable housing is a huge issue for us.

You've heard in the plan that one of the thing that they are proposing is that we would freeze the county's contribution. Right now, it's about \$32,000,000 a year. I'm not sure, I don't have the number at my fingertips and, Ms. Henry, I don't know if you know the number, but in the next ten to twenty years what the county's contribution to transportation would be. It's certainly whatever that number is, we know it is significantly higher than the \$32,000,000 that we are giving to it now. Those are funds that could be used for another purpose. Those are funds that we would be able to put together that would compliment a transit system.

Somebody said that we have a transit corridor and we don't. We approved -- how many items did we approve today for transit corridors? We have no transit. Not only do we not have transit, but we don't have a reliable system that's going to move anybody around this county with any efficiency. It's been said this is not a good time to pass a tax. I would say there's never a good time to pass a tax. There's never a good time to be stuck in gridlock on I-95. There's never a good time to not be able to go after a new job because you can't get to it because there's no transit that's going to get you there. All of those things are part of transportation initiatives. All of those things are part of reducing poverty. All of those things are part of a quality community that's going to grow into the future just like they are in Phoenix and Denver and San Diego and Miami-Dade.

The half a penny that Miami-Dade passed is not enough to move their program forward and you're hearing a lot of frustration by the residents of that county because they were promised the half a penny was going to go build a substantial system and they're learning that it can't, but at least that commission allowed the item to go on the ballot and allow the folks to weigh in on it.

The other issue for us I think that's really important for us to consider is the six-year cycle of monies from the federal government. We are not eligible. The \$407,000,000 from the state, we are not eligible. When you consider that our transit system is basically chasing the car, that's all of the monies that come from these other agencies are to build more roads, right now as you know, they're already shopping around, what do we think about widening I-95 and they're talking two and three lanes. Estimates say that in order to accommodate the traffic that would be generated in the next two years by the explosion of a 50 percent increase in population, I-95 would have to be widened to 32 lanes.

We know that we can't do that. We know that doesn't make sense. We also know that we're going to have to fund a system. The longer we wait to fund a system the further behind we get. Right now we are approving projects in massive density along major transit lines and we have no way to move those folks around. The amount of time it will take just to be able to order buses and move people through this community is significant.

But this isn't a plan that only deals with mass transit, with light rail, with bus rapid transit. It also streamlines a signalization so that automobiles can move through our county. This is a plan that was drawn that does help those who are in a car. It doesn't say as one speaker said, that this is a plan only that does not help people with cars. It is a plan that helps people with cars.

I urge you today to do the right thing, to be the leaders to take this initiative that we started so long ago on this journey. We started it. We need to finish it. We need to put it out for the voters to decide on and to weigh in on what they want the future of this county to look like. And with that, Mayor, I'd like to move the Items A and B.

COMMISSIONER LIEBERMAN: Second.

MAYOR GRABER: So Item 132 A and B has been moved by Commissioner Jacobs and seconded by Commissioner Wasserman-Rubin.

COMMISSIONER LIEBERMAN: I have an amendment.

MAYOR GRABER: And Lieberman. The next one on the queue is -- I have you on the queue but the next one is Commissioner Wasserman-Rubin.

COMMISSIONER WASSERMAN-RUBIN: Yes, thank you. You know, as an immigrant to this country, and I don't mean to sound hokey, but I value and treasure my right to vote. And the first civic involvement that I participated in was a voters' registration drive in my City of Pembroke Pines where I chose to raise my children because I was surprised that the issues that were important to children and families, the parks, the amenities for kids were just not getting done. And I found out very quickly that it was because people in that age bracket generally -- were apathetic about -- to vote.

And so I believe that it is not only by duty, my right, but my obligation to go to the poll and vote to elect my representatives and vote for referendums and make my voice heard. And in that regard, I believe that it is important for us to, as Commissioner Jacobs said, to demonstrate our leadership. The reason why people voted for us, is to make decisions on their behalf, and now they want us to put this item on the ballot so they can make -- they can tell us how they feel, and what a better way to do it than through the vote. And so I support this initiative of putting this item on the ballot so that the people can speak and we can act accordingly. And that's all I will say for now. Thank you.

MAYOR GRABER: Thank you.

Commissioner Rodstrom.

COMMISSIONER RODSTROM: Do the right thing. I think we sit here and do the wrong thing week in and week out. Of course, we're going to do the right thing. It's not an issue of whether you do the right thing or not and to not put this on the ballot I don't think is an insult to anybody. But I'll tell you what we are doing here, we're putting a tax in place that's there forever. It never goes away. There's no sunset. It's a tax forever, and everybody in this room recognizes the fact that the population in this county is going to grow; someone said by a million people. That means this tax is going to grow. As this community grows, so will the tax, but as this community grows, so will other problems grow with this community.

I mean, do you think for a moment we're not dissimilar to Dade County, that we don't have immigration, that we're not going to have emergency rooms that are going to be overcrowded with people? Do you think for a second we're not going to have homeless, we're not going to have indigent care? I mean Dade County puts money towards indigent care from their sales tax. Well, once we give away our penny, we can't do anything because it's all gone. There is no ability to go to the Legislature and get help and you think the Legislature is going to help us? Do you think the feds are going to help us? No way. We've got to solve our own problems. We've got to do it locally.

To me, doing the right thing means to be in favor of affordable housing and it means to support indigent care and to realize that you're no different than Dade County, that you're going to have the same problems they have. You may not have them today, but you're going to have -- you have the affordable housing problem and it's just getting started. We don't even know how bad that's going to be. Turn the clock ahead ten years from now. One gentleman talked about his daughter can't afford to live here. Well, guess what? Ten years isn't going to be any better if we don't do anything about it.

We need a dedicated tax. We need a dedicated source of revenue. So I will do the right thing in my mind by putting a half a cent on the ballot and supporting mass transit because I think we need a dedicated tax. I think we need to leverage it. I think we need those federal funds, but to say it's not sufficient, I mean, come on, you know, \$250,000,000, support 2 and a half, \$3,000,000,000 worth of projects. That's today's -- that's a lot of money. That's a lot of infrastructure. But that's going to keep coming every year and it's going to continue to grow.

So to me do the right thing is looking to the future of this county. It's understanding that there are going to be greater needs than just traffic, that there is an affordable housing component. There is an indigent care. There are going to be people coming here that are only going to have the shirt on their backs and we're going to be required to take care of those people. So if you really care about affordable housing and you really care about those people who can't take care of themselves and need help, then you need to look beyond the half a cent for just transit and you need to say: I'll put a cent -- I'll put a whole cent on, but a half a cent will go to indigent care and affordable housing and be more like Dade County and understand that there are more needs than just traffic.

MAYOR GRABER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah, I didn't know that it was a crime in Broward County to be 16, pass your driving test, and not have your own car until my daughter on her 16th birthday explained to me the reason for that little known law was that mass transit didn't get you anywhere if you were her age to the places you wanted to go.

The dynamics of our community have changed from the time my family first moved here. You have a lot more families which have two working parents or single-parent households, where you have kids who would like to stay after in school, and the activity bus doesn't work for them because they're staying for some other reason, they're going to a club. Maybe it's not a sport activity. Or they want to be able to travel to the library or visit other places and their parents are at work. So clearly we need to fix mass transit.

I had said I had an amendment. When I offered to second Commissioner Jacobs's motion, I had an amendment, and there's three things that I think have to happen before this item is voted on, though I think we can do them over the summer and it will come back to us to approve these details. See, I think it's Mr. Glickman who said one of the things about the Miami-Dade plan was that it had specificity, and there's three areas I think we need to fix.

First of all, and I'd ask that you accept all these as friendly amendments to your motion, the first is, it mentions that we're going to have an advisory committee. Not only do we need to have an advisory committee, we need to name the categories in the ordinance that comes back to us after break with the ballot language. So we need to be able to say to the voters: This is what the advisory committee is going to look like. This is the groups that will be on it, and for argument's sake, I put a couple of categories down. There ought to be at least one rider of mass transit on a regular basis, somebody who buys a 30-day bus pass.

And we can probably identify that person just from the bus pass purchases. There ought to be a regular rider of Tri-Rail. There should be a member of the Broward Workshop. There should be a representative from the League of Cities, and I mean there are other categories. I was just trying to think. No one can be on the oversight committee who benefits. In other words, they can't be from an agency that's a recipient of funds. They can't be someone who would get a contract to do construction related to this item or a vendor from whom we buy buses. So there has to be a restriction that no one in that category would be allowed to be on the advisory committee. So that's the first amendment. I have three. That's the first. Do you accept that one?

COMMISSIONER JACOBS: Commissioner, I do accept it and I think it's important to note that that is exactly what has been proposed, is it would function very similar to the advisory board that was adopted for our bond -- parks and land bond and that was they were in categories that we, as a board, decided and then we, if you recall, we interviewed and we agreed on them. So it's the same --

COMMISSIONER LIEBERMAN: Here's the problem, the problem is though in concept they've talked about an advisory board. I think before the voters are asked to vote, they have to know --

COMMISSIONER JACOBS: I agree.

COMMISSIONER LIEBERMAN: The board, how many members, what the categories are, what the restrictions are. So I'd ask that you accept that in your motion and then I'll go to the other two.

COMMISSIONER JACOBS: Okay.

COMMISSIONER LIEBERMAN: Okay. The second issue with respect to the item that's in front of us is there is -- there's an assumption that says that the sales tax -- it's on Page 5 and 6 of the financial report. I was trying to find exactly where it is, but they made an assumption about annual growth and sales tax, which this whole plan is predicated on. And they based it upon what Ms. Olsen provides us, on an annual basis with sales tax projections. And I know that sometimes when you raise sales tax there is some decrease as well as some increase. So you can't use the same percentage and just assume that that percentage remains flat when you do that increase.

So I'd ask that we also have Ms. Olsen look at the sales tax information and verify the assumptions that are being made based on the fact that if there is an increase in sales tax it is a common trend that the percent does not remain the same and that would be the second amendment I'd want in your motion, to verify the sales tax information.

COMMISSIONER JACOBS: Adopted.

COMMISSIONER LIEBERMAN: Okay. The third item is, and it's interesting because Commissioner Rodstrom and I are in agreement, though we're in different places on this issue. I think it needs a reauthorization date. What concerns me is there's nothing in the proposal in front of us that says this tax ever goes away. I'm uncomfortable going to the voters with a tax that has a life of its own.

COMMISSIONER JACOBS: That's a good point.

COMMISSIONER LIEBERMAN: So when I look at this and I was trying to find the page that I dog-eared, and I can't find the page, but for argument's sake, if you go to Page 29 of the moving Broward plan, a community vision for mobility today.

COMMISSIONER GUNZBURGER: Which one?

COMMISSIONER LIEBERMAN: This one. Okay. If you go to Page 29, it says: The moving Broward plan projects come from the current transit planning documents including the 2005, 2030 Broward County transit investment plan, the MPO's 2030 long-range plan and the 2005 to 2009 Broward County Transit development plan. Okay. So though a percentage of this is to buy buses, a percentage is light rail and other projects, which are based on the 2005 to 2009 county transit plan. I would suggest that we do the sales tax for five years with a reauthorization at the end of five years. If it's successful, you'll be able to go there.

COMMISSIONER GUNZBURGER: You can't --

COMMISSIONER LIEBERMAN: Well, then ten years, but it can't just be out there in perpetuity.

COMMISSIONER GUNZBURGER: You can't --

VICE MAYOR EGGELLETON: Commissioner Lieberman has the floor.

COMMISSIONER LIEBERMAN: I mean I just have a concern we need to set a date. There's nothing in here. There has to have a date for reauthorization. If you're going to look at bonding and you need to do 30-year bond, then you do 30 years, but you've got to have a number. You can't leave it out there without a number. And then the last point.

COMMISSIONER JACOBS: That's three.

COMMISSIONER LIEBERMAN: I'll do 30 if that's the bondable one and we include no longer than 30 years without reauthorization for bond ability, would be the third amendment.

The fourth thing, which is not an amendment, but the fourth item that needs to be addressed during the break is -- hold on, let me just find it. Okay. If you look at the preliminary financial plan, on Page -- no page number. Okay. Right behind Page Number 25, go to the page behind Page 25 --

COMMISSIONER JACOBS: I don't have it with me so you'll have to read it.

COMMISSIONER LIEBERMAN: If you go to that page, it says: Preliminary financial plan, community bus capital improvements, 2007 to 2030. Okay. If you look at that number, it says: Year 2007 total bus units in service, 73. New units, 8. Replacement units, 12. Total units purchased. Okay. So at the end of that year, you'd have 81 units. I have no clue how they started off 2008 with 115 units, because if you look at these numbers, it may be that they're anticipating we're buying some and the sales tax is buying some, but nowhere in any of these documents is that made clear.

So either it's 81 buses -- because if you're replacing buses some of them are coming out of service. You don't get to 115. We can ask them, but we can also during the summer break, they need to go through this table. They need to get the data. It may be there's a column missing from the table, which means that we're buying some buses and there's some additional buses in transit that got them to the 115.

But, you know, I'm not the mathematician on this Board, but I knew that 73 plus 8 minus 12 was not 115, and the same problem -- I could go through each year and do the same thing with you, and the numbers just don't add up. So someone needs to -- because this is something we're going to have to explain to the voters, Ms. Henry, someone during the summer break -- it could be Mass Transit; it could be Ms. Olsen -- needs to work through what's wrong with these numbers because they simply don't add up. So I'd ask that you accept my first three amendments.

COMMISSIONER JACOBS: Commissioner Lieberman, I would ask you to fold that into your amendment two which was for staff to verify --

COMMISSIONER LIEBERMAN: Okay. That's fine.

COMMISSIONER JACOBS: -- the sales tax assumptions and also the financial plan.

COMMISSIONER LIEBERMAN: That will be fine.

COMMISSIONER JACOBS: The sales tax assumptions and financial plan.

COMMISSIONER LIEBERMAN: That will be fine. But they need to verify, it's not just the financial plan. The numbers simply for the buses -- I'm on this cover (indicating), which says Preliminary Financial Plan. There is no page number, but if you go to Page 25 and go to the next page, which is spreadsheet 1, which has no number, if you look at year 2007, it says: Total bus units in service, 73. New units, 8. Gives you 81. Replacement units, 12, means that 12 buses are coming out of service. Okay. So the next year you would start with 81. They're saying we start with 115. And the same is true -- because if you take 115 and you add 43, you don't get to 165 the following year.

So whether it's -- you know, the point Mr. Glickman is making, which I agree with, these details we have time we're off during summer. Every assumption in here needs to be totally verified so that when we come back and the item is in front of us, we also have -- absolutely know for a fact that these assumptions are 1,000 percent correct. And along with that, Commissioner, there's an assumption made in here that six percent of the funds will be operating and maintenance because that's industry standard. That's the other thing that needs to be verified. We may be operating above or below industry standard, but we need to verify all those assumptions.

VICE MAYOR EGGELLETON: Okay. Very good.

Commissioner Wexler, you're recognized.

COMMISSIONER WEXLER: Am I on that list?

VICE MAYOR EGGELLETON: Yes, you are.

COMMISSIONER WEXLER: Okay. Thank you.

VICE MAYOR EGGELLETON: Followed by Commissioner Gunzburger.

COMMISSIONER WEXLER: Thank you. I didn't realize about 18 months ago in my naivety that -- let me see how I can say this, I think I threw out the concept of a penny sales tax. And in that concept, what I

threw out was that there were many needs in our community, and I actually identified what those needs were at that time, but, you know, I thought: Well, they seem relevant to me, and it was certainly a need to help continue to fund public education, public safety, and mass transit. And I will continue today to stand by that particular observation on my part some 18 months ago that we do have many, many needs in our community. And to just put one penny for mass transit at the very top of the list without considering all of the other needs of our community for me, for me, is an irresponsible action. And I say that I just was naive at the time, but I'm not opposed to putting a tax out there.

I want to get it out there and champion it and sell it and have the darn thing pass, but I believe it has to be the right thing. And I truly, truly believe that if we could share this penny with the other needs in our community that we have a recipe for success.

I also have to comment on one of the speakers, one of the gentleman from FDOT that came forward to speak, and he refrained from identifying supporting a penny, but he certainly did focus on supporting a dedicated revenue stream, and I don't want anybody to think that I don't support a dedicated revenue stream. I want my fair share from the feds. I want my fair share from Tallahassee, but I also want to be able to take care of all of the needs, as many of the issues that we have, the complexities of this community.

Commissioner Rodstrom is right, we're, I'd say, about five to ten years behind Miami-Dade County as far as the issues are concerned, the homelessness, the immigrant situation, the just downright poverty. I think that for me, I know that for me, Hurricane Wilma made it a reality, to still see the people in the FEMA trailers out at CB Smith Park, to still have people question how they're going to pay their homeowners' insurance bills, is something that, as a community -- ah, let's not forget the elderly, please, something else that Tallahassee has not been too kind with us in allowing us to go out and promote like we did for children, a taxing district for our elders.

So I believe that this community is going to turn to us, the County Commission for dollars, for resources, for solutions, and I do want to be able to identify those resources in the future. I think that if this does move forward, there definitely needs to be a reauthorization at some point in time. I believe that the rolling out of a plan and the trust of a community is a critical, critical piece. And from what I hear out there, and I'm out in the community, at least in District 5 quite often, there's a great deal of conversation amongst my homeowners and my stakeholders of not trusting government, not trusting our ability or this oversight committee's ability to spend responsibly and what are the components of the plan.

Commissioner Lieberman pointed out a couple of arithmetic issues that didn't make sense. The MPO members pointed out a couple of areas that hadn't been defined or identified for various cities, but you know what, that's the least of it. It is still a work in progress. It's really for me, colleagues, the concept of an entire penny dedicated for one issue that rises to the importance of the most important issue in Broward County, and in good consciousness, I cannot do that. If you would modify it to a half a cent, I would be able to support that. Thank you.

MAYOR GRABER: Thank you.

Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Thank you. It's interesting, last night when I couldn't sleep, I started thinking about this issue. Yeah, I really did. And I was thinking about so many of the things that ended up bubbling up today from the speakers. When I asked, developer after developer, about affordable housing, and the answer was: I really don't have to do it because the city hasn't adopted a plan, because that was the real answer we were getting no matter what they said.

I know that we have to come to the fort -- we have to come to the table and we have to come to the table with dollars and probably with land, and the only way we can do it is if we decide not to put a full penny on

for a gas -- for a sales tax for transportation. I could support a half-cent sales tax for transportation, and I could also support a half-cent for affordable housing. I really -- when we talk about the two greatest needs in this county and we have been talking about those two needs for probably the last six years, I don't see any other funding source for affordable housing. We've gone hat in hand to Tallahassee every year asking for a devoted fund for affordable housing. It has been defeated each and every year. I can't wait, nor can all the people wait.

In yesterday's *Sun-Sentinel*, I believe, the rest of the community learned what we've been talking about, the gap between housing that's available and that which is affordable. When people were telling me: Well, the median-priced house in Broward County is \$330,000, but the median salary in Broward County is \$50,000, means an affordable housing is \$150,000. It's supposed to be three times your annual income. So that those are telling me that they're building and it's only a \$225,000 house. That's out of the reach of the vast majority of people in Broward County. How do we help them realize the American dream rather than face the American nightmare that they are facing here? That's where we can step up to the plate.

And John also talked about indigent health care. You're right, Dade County was the first place that provided mammograms for indigent women. Dade County stepped up to the plate in that area where we have not. We have gotten, just as we get an increasing bill, when it come to our paratransit costs, we get an increasing bill each and every year from our hospital districts. This is another growing need. If we're going to put these items on the November ballot and we're supposed to be looking out for the future of Broward County, we cannot address one factor only. And the only thing I will support is if we break out and do these other things as well. Otherwise, count me out, because then we're not taking care of the problems that we are facing today in Broward County.

Some of the problems with the plan you were talking about, one of the things that I know is one of the centerpieces besides the rail that's going to be way too expensive to bring down the center of 595, you'd bust the plan on that alone, is to purchase the FEC tracks which used to be double tracked. They're single tracked. Now you're going to have to double track them, and in the agreement in Dade County, which I assume would be the agreement in Broward County, they have the right, first right in scheduling all of their freight trains. They run 28 freight trains a day. Now, how do you run a commuter rail system around 28 freight trains a day? I don't know.

And Palm Beach County where a lot of our people are commuters, they're not even willing to be part of this mix whatsoever when we're talking about the FEC as the centerpiece of the entire transportation plan. Palm Beach County has not agreed to purchase the FEC. They're not interested. They're not doing it.

And the other thing that really bothers me, and I know that some people disagree, but a sales tax is the most regressive form of taxation, and people who say: Oh, it's only \$45 or \$50 a year, don't remember that the Boys' and Girls' Club of Broward County only charges \$5 a year for a child to attend, because those children's parents can't afford more than that on an annual basis, and there are many who are there on scholarships even at that price.

Now let me tell you one other thing. You heard Mr. Cummings say that he will have to have money for an educational program. He shared with me that they will be looking for between three-quarters of a million and a million dollars from Broward County to sell this plan. That's a lot more than the \$200,000 that we paid for in the past, way too high a price. And those are some of my problems, and I've laid them out, I think, in a logical fashion.

(MAYOR GRABER RETURNED TO THE ROOM.)

COMMISSIONER JACOBS: Do you feel better now, you can sleep?

MAYOR GRABER: Thank you. No need to answer that question. Vice Mayor Eggelton is not here.

Commissioner Scott, do you want to be heard on this?

COMMISSIONER SCOTT: Maybe.

MAYOR GRABER: Maybe.

COMMISSIONER SCOTT: I'm listening.

MAYOR GRABER: Then I'm next. I'll speak until the Vice Mayor gets back. You know, we hear -- this debate is very interesting because we have the glass half empty versus the glass half full debate. I just came back from China, and China is a good example of what could happen. Here you have a place that's growing by leaps and bound. Affordable housing, they're building 400-square foot units for people to live in and they're building thousands of them. Their future is a 400-square foot unit. Why? Most of the people are single. It's affordable and it's easy to build a lot of them. But what are they focusing on more is mass transportation. They're building maglevs, these 150 mile per hour trains. They're building an Olympic city and they're building a special train to go 150 miles rather than build things around the Olympic city, they're building the train and they're focusing dramatically on it. We should take a lesson from that.

The future of Broward County is tied to transportation. If you love this to death by becoming the State of Florida and wanting to fund everything that the state is refusing to fund with this one-cent sales tax, you're not fooling anybody. You're loving this to death. That's a term we used in Tallahassee, that when you like something too much it goes away or you kill it adding things to it. So the more complicated you make it the less likely it will get on the ballot, less likely to pass.

I can't think of anybody who is going to want to vote half a cent for affordable housing or mammograms or health care. That's the job of the State. We're not taking over the job of the State. We have to look at what's good for Broward. People are spending thousands of dollars a year to drive their cars. The price of gas is \$3 and growing. Cars are expensive. People have two -- when I was in China, you had 15,000,000 people with 2,000,000 cars. Here we have 1.7 million people with 4,000,000 cars. You know, it's two-to-one cars here. And people can afford their cars. Yeah, 16-year-olds want their car, but they can afford it, and even if they can afford the car, they can't afford the gas.

So we have two choices. One, don't use Dade County as an example. They're a good example of how it shouldn't have been done, a half a cent tax. That's why they're having problems, and building their transportation system in the wrong place. That's why they're having problems. We should learn from that to do it the right way. I believe that if we do not build it, we're going to create more gridlock, more problems, inability to develop affordable housing and pretty much stagnate our entire economy, and then we're going to start losing business, we're going to start losing people and we're going to go backwards.

And the first thing you need to do if you're going to have a successful county is be able to move people around it easily, conveniently for two reasons. One, just to get there, get to their jobs, but, two, to spend money. There's no reason that someone in Coral Springs shouldn't be able to get to downtown Fort Lauderdale without a car so they can go shopping. Right now people shop in their own little community because they don't want to get in the car, no place to park. It's going to take two hours to get there. They're discouraged from doing so.

You go to any place in the country, Seattle, Denver, Phoenix, any progressive city, even Canada, if you look at their cities, the first thing they do is put in a good public transportation system, and that's the whole key to success. So it's a no-brainer as far as I'm concerned. To put a half a cent tax on, I mean does it take you feel better because you put a half a cent tax on? If you're going to do it, do it right. Half a cent doesn't get you anywhere. So I wouldn't even waste my time on a half a cent. Put the whole penny on.

I have confidence that the people of Broward County are intelligent enough to make their own choices. If we put on there, look, these are the rules, this is what it's for, this is your future, if you want to spend the penny, vote yes. If you don't you want to, vote no. It's that simple. But if we make the decision for them and we're accountable for it and they're going to come back to us and say: You did not allow us to make the choice we should have made five years ago and now look at what we got.

You know something, you think Commissioner Gunzburger couldn't sleep last night, in five years I certainly couldn't sleep with that. So I'm going to support it. We need to put it on the ballot. Some of those amendments are good, but let's not get too heavy on the amendments. You know, it's not love it to death. Just clean it up and let's move it forward and that's my position.

Now we're going to close the vote here. So we need to hear from the other Commissioners. So let's hear from Vice Mayor Eggelletion and then Commissioner Scott.

VICE MAYOR EGGELLETON: Thank you, Mayor. Members of the Board of County Commissioners, and, you know, first of all, let me just say, Mr. Cummings and Mr. Hart, I really respect the work and your leadership and the work that the Broward workshop has done to try to piece together what you believe is your plan, and let me just paraphrase, former commissioner John Hart, when he stood in front of us. He said: You need to put on the ballot your plan, meaning he was referring to us. The problem is, this is not our plan. You want me to put an item on the ballot that I had no input in. It doesn't work.

And let me point something else out to you. This -- you know, the group that did this, great group, but you know what, the stakeholders were not involved. The people who ride public transit was not involved. Community leaders that I look to had nothing to do with this plan, and that's important to me. And, you know, I look around in the audience and some of those folk are here, although they might be here on other items. There's a person here who I respect a great deal and who is well-respected in my district and in your commission district, Commissioner Rodstrom, and that's Reverend Glover. Reverend Glover, have you read this plan? I see he's sitting next to Ms. Jones. Ms. Jones, have you read this plan?

MS. JONES: No.

VICE MAYOR EGGELLETON: Okay. I see Mr. Brown out here talking on the phone. Have you read this plan?

MR. BROWN: Absolutely, but stick to the plan.

VICE MAYOR EGGELLETON: Okay. So the point that I'm trying to make to you is, most of the people who live in the community have not read this plan. They have not read it. They have no clue of what's in it, but they represent people, who ride public transit every day. They represent people who are going to have to dig in their pocket and pay one penny forever on a regressive tax.

Now, let's take a look at what this plan says. This plan -- and, Commissioner Lieberman, you're right, there are a lot of flaws in this plan, a lot of flaws. This plan says that it would cost the average taxpayer \$45. Okay. So now, you know what, that's \$4,500. You know, if you go to McDonald's, if you buy a refrigerator, if you buy shutters for your house, you're going to spend far more than \$45 in taxes, far more than that. So this plan is going to cost folk a lot of money, a great deal of money. Don't let anybody fool you. This is going to hit people who are least able to afford it in their pocket books very heavily over the life of this plan.

I heard people talk about -- Mr. Jolliff, I believe that's the way he pronounced his name. You talked about inclusion. So I don't believe this plan was inclusive when you put it together. There's no inclusion here. It was inclusive of the Broward Workshop. I doubt if people in my district, very many of them know who the Broward Workshop is. Mrs. Dickey talked about minority empowerment, Caribbean Chamber and

these various groups. I doubt very seriously if they read this plan. They may have had people come and talk to them about it, but I doubt very seriously if they read this plan and truly understood this plan.

And let me just tell you something, Mr. Cummings talked about an oversight committee, and he talked about the oversight committee in Dade County. Let me just point something out to you, the way the oversight committee in Dade County reviews it is far different than what is being proposed here. Not only that, Dade County has an express way authority, period, separate and aside from the County Commission that deal with a lot of the dollars involved in their plan. So it is totally different.

The plan as provided here, as I read it, as I read it, there are many things in this plan that I simply cannot support. The most important thing about a transit tax or about public transit is just that, it's public. And the people -- I know who ride public transit. They don't ride public transit because of a choice of getting out of their car and getting on public transit. They ride public transit because they don't have a choice, period. They're relegated to just riding public transit. So why would I support building a transit system that takes the most advanced form of public transit to an area where only one percent of the riders on public transit ride today and reside, down 595.

In fact, when I was talking to Mr. Hart and Mr. Cummings in my office, they indicated to me that: Well, DOT is going to build that anyway. Well, if DOT is going to build it, let DOT build it. I don't have to build it. We don't have to tax the taxpayer of Broward County to build it. Let DOT put their rail system down 595. Let them pay for that system, not Broward County taxpayers, because, Commissioner Graber, you're right when you said one of the things that you must do, and I quote and that is, we must learn from Dade. We must learn where not to put it. 595 is not where you place the most expensive form of public transit, and that is light rail and place it where you don't have transit riders.

In fact, the federal guidelines clearly state that transit, particularly light rail, must be where your transit riders reside. They don't reside on 595. They don't reside in those areas. So I believe you're right in that respect, Commissioner Graber. It ought to be there and we ought to learn from Dade, because that's why they call Metrorail not Metrorail but Metrofail, because it failed miserably because they ran it to the wealthiest areas in Dade County where nobody rides public transit and they still don't ride it today. And you just simply can't build a public transit system on the backs of the folk who ride the transit today who have to put their dollar in the fare box every day because they don't have a choice. You can't allow them to subsidize the system for everyone else. That is simply not fair. It's not right, and it's not what we ought to do.

So let me just say that I badly want to support public transit. I badly want to support a tax, but I cannot vote to put an item on the ballot based on this plan. Can't do it. Can't do it because this plan is so flawed, it has so many flaws in it, it's unreal. The plan says the average gallon of gasoline just to show you on the simple thing is, I think \$3.09. The average gallon of gasoline is \$2.73. So when you make those kind of statements and then you want to try to --

UNIDENTIFIED SPEAKER: (Inaudible).

VICE MAYOR EGGELLETION: Well, that's according to AAA. Now you dispute AAA statistics. So the point that I'm trying to make to you is simply this, and that is that I believe we ought to have a world-class transit system. I believe that that transit system ought to serve people who truly need public transit, and I believe that in order to do that, you have to build consensus around a community that want to support it. This plan must be far more inclusive of the people in this community. You must sit down with transit riders and get their input before you even put this on the ballot, and what you're trying to do is put it on the ballot you don't even have the input and say: This is great. This is good and this is what we're going to run with, and then you put this on the ballot.

The other thing that I can't really support about this plan, and this is the last thing that I want to say, and that is that I firmly believe if that I'm going to go on the hook for a penny and take the wrath of the

taxpayers on a tax issue that I want to make sure that it's something that I can support, because I can see it right now, you know, just as Arnold Schwarzenegger said it, you get up in the morning, it's a tax.

MAYOR GRABER: Say it like he said it.

VICE MAYOR EGGELLETON: You go to lunch, it's a tax. You come home at night, it's a tax, and I don't care what you call it and what it's for. A tax is a tax is a tax, and this is a very regressive tax, and do we need a full penny? Yes. Do we need a half penny, do we need something for affordable housing? Yes, we do, but I don't think that the voters in this county is going to pass that, and I don't want to stand in front of a tax, not now, not this year.

There's another opportunity for us to maybe take this plan, come back as a commission, to massage this plan, to have better input from our own staff, our own transit people into a plan and then you can go back to the voters with something specific, something concrete where everybody will know exactly what it is that they're getting. They'll know exactly where these routes are going to be. They will know exactly whether or not they're going to work.

To relegate people who ride the bus today to more buses make no sense and then to say, well, we're going to put an express bus in, where is it going to go? Express bus is not going to be any faster. It's not going to go anywhere because it's backed up in traffic. So your only way to relieve congestion is a rail system and if you're going to build a rail system, you need to build it where your transit riders are, so at least it comes halfway close to paying for itself. None of these things ever pay for themselves, but at least we come halfway close to paying for itself and we don't find ourselves in a situation as Dade County has and that is trying to support a rail system with their bus system and almost sink the entire transit system in Dade County as a result of that.

So I'm not going to support placing this on the ballot, because I believe the plan is flawed and when we can come up with a plan that I think is workable, then I think we're ready to go to the voters, but this plan is not ready to go to the voters. It's too controversial, and I can tell you that I don't think that this plan is going to pass at all.

MAYOR GRABER: Okay. No pressure, Commissioner Scott. It is up to you. Do you want to speak or do you want to vote? I'll recognize Commissioner Lieberman in a minute.

COMMISSIONER SCOTT: No, I'm going to say something.

MAYOR GRABER: Okay. Commissioner Scott.

COMMISSIONER SCOTT: First of all, you know, I've been around for quite a while and I know a lot about transportation, and it's become painfully obvious that in South Florida and especially Broward that we need mass transit. It's really the only solution. I go back to getting 595 started as a toll road, which we did and then it subsequently became -- and at the time that we did that, I mean in Tallahassee, it was like: Oh, God, a hundred million dollars a mile and so on and so forth, and you look at it now. So what I would say is this: This is -- to me, is about asking the voters.

As an elected official, my position has been: If I have to decide and I clearly know their wishes, even if I don't agree with them, I need to decide that way. And I think they would rely on us to look at a couple things have been said here. First of all, at the RTA meeting Friday, Bruno Bararri clearly said that one-half cent was not enough to solve this problem in Dade, and, look, I'm very into other needs, affordable housing, the homeless, we could get our budget out here and all the things that we all debate and that we all support, but the trouble is when you take like a shotgun approach, then everybody gets a little something to get them through this month or next month and you sort of limp along.

Now, I think it's time for us and it's time for me frankly, to ask the voters what they want. Do they -- you know, do they want us to seriously try to solve the transportation problems in their home and in their urban area or do they not, and what -- I don't know what they're going to decide, but I think it's time for us to hear from them, and let me just tell you something, if we -- In transportation, I know all of you know this, if we can't get a dedicated funding source, we can't do anything, and I'm sure, and probably knows a lot more about it than me, that Commissioner Eggleston may be right about parts of this and so on.

It reminds me like if you were going to go into a battle, you could have a big debate about whether we're going to attack on the right, whether we're going to put the tanks here, where we're going to put the guns, where the plane is going to be, but if you don't have the planes and you don't have the guns and you don't have any funding source, then you're just sort of like -- you know, you're still in theory. And if you wait until you get all of that set to go try to get the resources, to get the guns, you know, the battle is going to be over.

So I really feel it's time for us to ask how the voters feel, and that's the way I see this, and I don't see this as that we're imposing -- I'm not sure, you may be right, it may not pass, but let's at least give them something that if they go out there and if it's presented by all of these citizens that are willing to go present it, that it would do something, you know. And I don't think that the half-cent based on everything I've seen, is going to do enough other than just sort of, you know, to continue to limp along.

Unfortunately as I know the members, and I say unfortunately in this sense, that I was willing and had pushed to let the voters decide about a surcharge on rental cars and the Governor vetoed that today so the voters in the three counties won't get a chance to decide that. Let me see what else I wanted to say?

Progressive, you know, the most progressive tax is the income tax, but that's not allowed in Florida, and if -- this is what we have that would -- can make a difference, you know, that can make a difference for transportation. So, again, I want to make it clear that I'm going to vote to put this on the ballot with the idea that it's time for us to ask whether the people want to support something that will do a lot, and I know there's room for improvement. I wouldn't put too much limit on the reauthorization. Certainly, 30 years -- I'm not even sure of a number, but something like that, because, otherwise, you're effectively cramping the options that we have to really do something, such as the FEC railroad and passenger use of that, and I know it's true, there's problems everywhere.

There's going to be problems -- we've got problems on the CSX. We deal with it every time we meet on the RTA and everything from lawsuits and whatever and DOT tries to help about the use of that. So you're always -- now we've got the double tracking issue. But I really think -- in conclusion, I would just say that, let's let everybody go be heard on this if they really want something done. And even at that, it's going to be years.

One other thing I would tell you that I didn't get a chance that just came up, we had the Washington lobbyist representatives that do a lot of this, and I forget his name, but one of the things that came out at the meeting Friday was that while we can get a lot of help perhaps from the federal government, this is apparently going to be a shrinking thing, so we're going to be down to self-help here basically. That's what the -- the Lord helps those that help themselves, whatever. They're looking at private financing all over the country now for mass transit because the list is so long and whatever. I think that -- I think we ought to -- it's time to ask the voters what they want, and that's the way I see what we're doing today.

We're not imposing anything. We're just giving them the chance -- I want to know what they've got to say. I don't want to spend the rest of my life trying to do something about transportation if I don't have the ammunition to try to deal with it.

So I'm going to vote to put it on the ballot as it is. I don't know, the amendments didn't sound like they were too destructive or anything, so to give them a chance to vote on it. And I will be the first one to try to work out any details about what we do with it once -- if the voters say they want it. And I'm sure that's

going to be flexible because you're going to have a citizen board that's going to listen to important people and large segments that are the users.

MAYOR GRABER: Thank you. Okay.

We have a motion and --

COMMISSIONER RODSTROM: Can I make a substitute motion?

MAYOR GRABER: Wait a second. Motion and we have three amendments attached to that motion, and Commissioner Rodstrom has a substitute motion.

COMMISSIONER RODSTROM: My substitute motion would be that we put a half a cent tax on the ballot.

MAYOR GRABER: Is there a second to the substitute motion?

COMMISSIONER GUNZBURGER: Second.

MAYOR GRABER: Second by Commissioner Gunzburger. Discussion? Okay. Let's take a vote on it.

All in favor of the substitute motion say aye.

Opposed?

MS. BIEBER: Who voted no, please?

MAYOR GRABER: Who voted no? That's five no's. So it fails on a 5 to 4 vote.

VOTE FAILS 4 TO 5 WITH COMMISSIONERS LIEBERMAN, JACOBS, WASSERMAN-RUBIN, SCOTT AND MAYOR GRABER VOTING NO.

MAYOR GRABER: Now on the original motion as amended.

All in favor say aye.

Opposed?

Raise your hands on who voted no. Okay. It passes 5 to 4.

VOTE PASSES 5 TO 4 WITH COMMISSIONERS RODSTROM, GUNZBURGER, WEXLER AND VICE MAYOR EGGELLETON VOTING NO.

MAYOR GRABER: One cent is on the ballot on a 5 to 4 vote. Thank you.

(Applause.)

COMMISSIONER LIEBERMAN: Mayor, a point of information.

MAYOR GRABER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: In the discussion, Commissioner Eggleton, Vice Mayor Eggleton keeps mentioning this isn't our plan, on Page 29 of the community vision for mobility today, it identifies the plan came from three Broward County documents. So I would ask staff during the summer months -- excuse me, during the summer months, Ms. Henry, if you could have staff go through the elements of this plan and identify anything that isn't in one of those three documents, just have them do a separate list. I don't need to discuss it now.

COMMISSIONER JACOBS: And just something else, Mayor.

MAYOR GRABER: Commissioner Jacobs.

COMMISSIONER JACOBS: And that is an issue that, when Commissioner Eggleton was on the MPO, I mean, he's not singing a new tune, he's been saying this for as long as I can remember, and that is the 595 plan, which is at the very, very last of the initiatives for this work plan as it should be. I agree with him on that point.

And I would just want staff to confirm that the priority rail line I believe is 441, that that is where the greatest transit riders has been claimed in the county reside and are using. That is the heaviest traveled route and that that is any premier system that should be created is created for those who are the greatest number of riders in the county, that that information be confirmed. It's been said, but I'd like staff to come back and tell us for sure that it is, and also to make sure that the 595 is way, way, way at the end of list where I believe that it is, but to confirm that it is in the plan.

MAYOR GRABER: Mr. Cummings, do you want to be recognized?

MR. CUMMINGS: Yeah, I'd just like to say one thing. I know this thing has been very trying. It's been very controversial. I want to say that I think the majority of you did the right thing. The amendments we will certainly --

COMMISSIONER RODSTROM: That's insulting. I just think that's so insulting to even say I did the wrong thing. I just take offense to that, Mr. Cummings.

MR. CUMMINGS: Okay.

COMMISSIONER RODSTROM: I've known you a long time. I just have to tell you I take offense to that.

MR. CUMMINGS: Okay. The amendments we will have to evaluate. I think we can accommodate all the amendments certainly as far as the people, the selection process. Mr. O'Reilly from the DOT here, he would say he'd like to see two pennies on this thing, but obviously that wouldn't work. The duration -- the federal government doesn't recognize anything less than 20 years, and what you do, you actually -- if you'll notice our plan goes out 25 years. If you take one of the major projects and extend it out 25 years it has to be operational.

MAYOR GRABER: We're going to ask our staff to work on that over the next few weeks.

MR. CUMMINGS: We'll be more than happy to do that.

MAYOR GRABER: We're running a little late here but thank you very much and we'll see this again August 22nd in its final form. Thank you.

MR. BROWN: And I'd like to make something clear also. My name is Alan Brown, a resident of Lauderdale. If this tax when it's put on the ballot only going to support the rich, you all really need to think about it, and I'm pretty sure you're making a mistake on that if it's only going to support --

MAYOR GRABER: We're not open to any more discussion. We'd like to finish our work. Thank you, sir.

MR. BROWN: Well, you let him up here so I figured you can walk up here too.

MAYOR GRABER: Well, you did. Thank you. We appreciate it. Thank you. Please, you know, but now you have to stay until the end of meeting. You've got to stay until we finish. That's the rule. If you speak, you work. Okay.

Let's go on to -- you want to speak too?

MR. BROWN: Yeah, I'm speaking. That's wrong. You let them get away with it and then you challenge him. That's not right.

MAYOR GRABER: I'm going to have you removed from here in a minute.

MR. BROWN: Well, that's your choice.

MAYOR GRABER: Okay. I'd like to get security to remove this gentleman.

MR. BROWN: Let me tell you something else too, remove this --

MAYOR GRABER: The more you say, the more you're going to get removed.

MR. BROWN: That's okay. I'll walk out. But you sit here and let a white man get up here and talk and when a black man gets up and talk --

MAYOR GRABER: You're out of order, sir.

MR. BROWN: -- you're racist as far as I'm concerned.

MAYOR GRABER: You're out of order. You can leave right now.

MR. BROWN: He's a taxpayer just like everybody else.

MAYOR GRABER: You can leave right now. Please.

MR. BROWN: So can you.

MAYOR GRABER: Security. I want this man removed.

MR. BROWN: You don't tell me to leave, you ask me to leave. And I'm going to file a complaint against you. I will write the Governor.

MAYOR GRABER: I'm going to have you arrested.

MR. BROWN: You can't have me arrested for speaking out, because this is a forum. You let rich white people talk, but you don't let black people talk.

MAYOR GRABER: You are out of order, sir.

MR. BROWN: You are out of order and racist as far as I'm concerned.

MAYOR GRABER: Good bye, Sir.

MR. BROWN: You heard what I said. I don't have no more to say about it. You're trying to provoke me. What you need to do, that's what you all need to do, is start respecting all citizens.

MAYOR GRABER: I want this person removed by security.

MR. BROWN: And where is security?

COMMISSIONER JACOBS: I'm wondering the same thing.

MAYOR GRABER: Sit down, sit down and wait. We'll take care of you.

MR. BROWN: I'm not waiting. Just you're a racist, Graber.

MAYOR GRABER: Out of here, out the door, sir. Leave. Out the door.

MR. BROWN: Do you want to move me out the door?

MAYOR GRABER: Yes, sir.

MR. BROWN: You move me. Don't get security. You move me.

MAYOR GRABER: Come up here. Come up here.

COMMISSIONER GUNZBURGER: Oh, come on.

MR. BROWN: (Inaudible.)

MAYOR GRABER: Let it go. You want something else to say.

MR. BROWN: You need to listen to all citizens.

MAYOR GRABER: Sir, you've out of order. You're out of order too. You can sit and listen or you can leave. Okay. Next item.

COMMISSIONER JACOBS: Mayor.

MAYOR GRABER: Yes, ma'am.

COMMISSIONER JACOBS: I would ask Ms. Henry to identify who is security and can they be present in our room?

MS. HENRY: Yes, I do apologize. They're typically here. They're out there now. They're addressing it. I don't know why they were not here during --

COMMISSIONER JACOBS: Okay. I am assuming there is more than one security person present?

MS. HENRY: Yes, there's more than one security person in the building. I don't know who is out there --

COMMISSIONER JACOBS: Then I'll repeat my request.

MS. HENRY: Yes.

COMMISSIONER JACOBS: That there is security in the room, as in right now. Thank you.

MS. HENRY: Okay.

AGENDA ITEM 120

MAYOR GRABER: Okay. Let's move forward. We are now on Item 120.

Okay. Motion to accept Aviation Department staff's recommendation to issue two requests for letters of interest for news and gifts, general merchandise. I'll wait for our staff to come back.

Ms. Henry, on the issue. 120.

MS. HENRY: I'm sorry.

MAYOR GRABER: Staff recommendations, so Mr. Jargiello to be recognized?

MS. HENRY: Yes, Mr. Jargiello, please.

MAYOR GRABER: Mr. Jargiello, can you open up this meeting?

MR. JARGIELLO: Yes, Tom Jargiello, Director of Aviation. Based on the discussions which took place at the commission meeting in March, we went back and requested the services of Leigh Fisher & Associates utilizing primarily Brett McAllister from the Washington, D.C. office to give us support and also the commission had asked to bring forward also the specialty items at the same time. We originally brought just general merchandise, but now we bring back to you today a series of four of seven packages. Two of the packages are general merchandise without exclusivity. Three of the packages are specialty items, health and body works, electronic gadgetry, and bookstore. Two are specialty, which are really existing current programs that we have. One is a pilot program we're turning into a full concession program, and the other one is a business center, which is now expired and we're going out again for new.

Our proposal is to bring all of these to the year 2013, and the documents contained in each of the various RLI packages have the minimum guarantees, and the proposed capital investment in each of the programs. We ask -- we have Brett McAllister here from Leigh Fisher who is also here to support or to provide any additional information, questions the commission may have.

MAYOR GRABER: Okay.

Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Thank you. I happen to believe that it's going to be a very interesting process. I think having two providers, it isn't going to be competitive because our passengers, except those that may fly to different places, would see the difference in the providers. If sometimes you go out of Terminal 1 and another time you go out of Terminal 3, then you'll see what is the difference, not that you're ever going to have a choice because they're not going to be beside by side. But we'll see how they perform and they'll be given a long enough term to pay for build-out.

What concerned me when I read the RLI's -- or not the -- maybe it's only on Item 124, and tell me if I'm -- no, it's on 121, so I guess I'll hold that comment for 121. What, get it all --

COMMISSIONER WEXLER: (Inaudible).

COMMISSIONER GUNZBURGER: In 121, okay, if you all want to hear that one, there was a -- it was said that they want to get minority-owned firms for all of those smaller concessions that were listed, such as book stores, electronics -- I'm trying to find -- there's too many papers and it's too late. Book stores and the bath and beauty shops. And I asked Ms. Warren to provide me of a list -- and whoever it was, whichever minority-owned business it was had to have an off-airport site having that same firm, that same name, be it a Borders or a Barnes & Noble.

She gave me no examples of off-airport site specialty stores that were minority owned, 100 percent or 51 percent. And I wanted to know how she could say that there would be 38 percent -- I understood the 38 percent in the news and concession, but I sure don't get 100 percent in a Borders or a Barnes & Noble, for example, or a bath and beauty shop when the bath ware or -- those particular smaller ones. And I read what you gave me, and there weren't any that had the national names like you were talking about.

MS. WARREN: Yes, ma'am.

MS. HENRY: Ms. Warren, could you please respond to Commissioner Gunzburger, please.

MS. WARREN: Yes, Commissioners. Gwendolyn Warren, Director for Small Business. I'm wearing my small business hat today. The -- I'll try to make the answer as clear as possible. The Small Business Development Division is responsible for setting annual federal goals both at the airport and in mass transit because of our federal funds.

At the airport, we set two analyzed goals, one for concession activities and one for construction. The current level of participation at the airport for its concession activities is approximately 22 percent. Our federal goal that was set last year is for 25 percent.

In the information that I provided you is all of our concession contracts for last year that was provided to us by the aviation and what our participation rates are currently. We are now in the process of setting the goals for the new federal year that will start October 1. Those goals are based on federal formula, and we incorporate two pieces of material. We look at the economic census data that was made available to us at the end of May, as well as the county business patterns.

The federal regulation says that when you set goals on federal projects, you need to look at availability based on those two factors. Based on the new economic census data, women and minorities represent 38 percent of retail sales in the tri-county area, people in that business. So we're obligated to set the federal goal based on availability based on the census data.

This is -- the second piece of it is that we set the goal based on the total concession contracts available in Broward County. If you look at the handout that I just passed you, in our concession contracts, approximately 300,000,000 plus, we have in concession related businesses at the airport. \$71,000,000 of that is in the retail sales area and \$236,000,000 of that is in car rentals. If you'll -- so the total available for us to achieve the 38 percent is the \$307,000,000. If you look at the car rental businesses, those contracts continue to 2018. There is no ability for us to achieve next year's goals based on those contracts. If you look at the other contracts that are available for goal setting, which is on your first page, the 71,000,000, that's where we have to get the participation.

Again, we have one contract in our food concession, which runs through 2013 and the balance of the contracts, as you can see, is where we would get our participation. So the good thing about this is that

this is a goal. What we're required to do is set the goal based on the market availability and then require that everybody who bids does a good faith attempt in order to include those firms that may be available.

So in order for us to be in compliance, we need to set the goal based on current census data that says it's 38 percent and we need to then attempt to achieve that if we can, anybody who bids on the contracts need to provide a good-faith effort. So remember this is a goal. We need to make a good faith attempt to be inclusive and that's the standard.

COMMISSIONER GUNZBURGER: Ms. Warren, you did not hear me at all.

MS. WARREN: I'm sorry.

COMMISSIONER GUNZBURGER: I'm feeling really frustrated.

MS. WARREN: Okay.

COMMISSIONER GUNZBURGER: When this RLI was written, it said that those specialties, books, beauty shops had to be, A, 100 percent minority owned and they had to have an off-airport site.

MS. WARREN: What we did with the seven concessions there --

COMMISSIONER GUNZBURGER: And the fact that the car rentals were not done with 38 percent goal achieved and you have a food concession that isn't, you're putting it all on the back of this one little area, whereas I could understand it if you'd asked, for example, those packages for one and two, and three and four, to have at least a 38 percent minority participation. I didn't see that.

MS. WARREN: Okay. Just for a correction, what we did, we had seven concessions, two with the newspapers, and then the other ones were to the -- the other five specialties. The newspaper group, books, that group of contracts, the estimated revenue was about approximately 25,000,000. We set a 38 percent goal on that.

COMMISSIONER GUNZBURGER: That's fine. Again, for the other specialties, the five, which the totally was approximately \$7,000,000 in revenue. The goal that we set on that was that we would request that we have at least a 50 percent minority participation, not 100 percent, which means we're looking for people to joint venture with these folks, and so it would be 50 percent or higher. There was never -- and that's only on 7,000,000 out of 71.

So we're not requesting that they ever be a hundred percent. That's not a part of the process, and the other one is a 38 percent goal, because it's a higher dollar value. If we were to achieve that, what that means is that we would be at approximately 25 percent of the goal, which is still less than the 38 percent prescribed in the matter --

COMMISSIONER GUNZBURGER: Let me ask you one other question.

MS. WARREN: --but in the end we would have made a good faith attempt.

COMMISSIONER GUNZBURGER: If you exclude the businesses on those lines from Palm Beach County where we have no reciprocity, what would be the percentage of those small businesses in Dade and Broward?

MS. WARREN: I have the break-out in my office, but, again, I would like to make sure we understand, this is a federal project. We're not able to exclude them, and in setting the goals, we have to look at the

census data for the tri-county area and the availability of firms in this descriptive area. So we don't have the option of excluding Dade County or Palm Beach.

It is based on -- it has to be based on the latest census data which was available the end of March and that's 2000 data. So that information is still four years late, which means it's probably a lot higher, and given the fact that we're talking about a six-year contract and in some cases we have 12-year contracts, we're not going to be able to adjust as the population changes. So it's really important that we are true to the statistics, because our contracts are long-term and we can't adjust. So that is our rationale for why the --

COMMISSIONER GUNZBURGER: Are you still going to be looking for a national brand for those stores because the only --

MS. WARREN: Again, the branding -- the airport -- and I'm sure the other staff in the county have a different job than we do. Our job is really to look at the available firms in the market area and set a goal. The county is interested in brand names. I am sure that there are firms both locally and nationally that they can either do a franchise and/or they can partner with them, but in the tri-county area in the retail sales business, at least the latest census data of 2000 suggested that there were 8,600 firms available in the business.

Now whether there are seven or eight who would be appropriate to partner with some of the larger corporations, I suggest yes, but I don't know, but we at least need to attempt it. That's what the requirements are, is that we attempt it, we document the attempt and we do our best.

COMMISSIONER GUNZBURGER: I'm not opposed to it. I just felt it was unrealistic, and that's why I wanted to know how it could be achieved considering the fact -- I believe any Borders bookstore in any airport is -- and they're the only name brand bookstore you see in airports, seems to be from the company itself and not a franchise.

MS. WARREN: Again, every airport does it different, because it's based on their demographics, their population, and the size and the magnitude of their contracts. Our goal setting process is specific to Broward County, and the way we contract. And the fact that our opportunities to be inclusive rarely come up because of the length of the contracts. We're now in a position where we really have to make up for a series of years. And once that occurs, it will be another significant time period when we're ever going to get participation.

So as the population changes, we have limited opportunities, and we really need to attempt through a good-faith effort to try to achieve that objective.

COMMISSIONER GUNZBURGER: All right. I'm through. People want to get home. I just was trying to understand this.

MAYOR GRABER: That's okay.

Commissioner Lieberman, then Vice Mayor Eggelletion.

COMMISSIONER LIEBERMAN: I don't think that's what's in front of us is responsive to what the Board asked for. When we had this discussion, I made the motion and I had pulled the minutes and I have some other things to share with you, and what we said is that we wanted them to bring back a complete master plan package, single, package, not packages, a complete master plan package. So that we have not only 11 news shops, but the six specialty shops or less than six if they go -- and I'm reading right from the minutes, go right through the analysis if they find that six wasn't the accurate number, they can bring it back as one package, they can bring it back as two, but they need to be able to justify their recommendation and have adjustments accordingly for the minimal -- minimum annual guarantee for the

construction costs that they're asking the vendor to make for the host of other issues should they bring it back as other than one vendor. That was the motion that passed.

Later on in the meeting we asked Ms. Henry if she had enough direction from us to be able to know what to do, and she said: I don't believe the staff today can tell you what that's going to look like when you add the specialty to the mix and we'll do a thorough job of providing both those alternatives for the Board's review. You don't have both those alternatives in front of you today for the Board's review. You have a single alternative in front of you for the Board's review, that is four packages -- three packages, not one package as the Board requested.

What concerns me about that is when I went through and I read the documents, on the document from -- let's see, from Brett McAllister to Mr. Tom Jargiello on June 5th, 2006, on Page 6 of that, where he says: Findings: It is feasible to have several packages, and then he goes on to include. That isn't what we asked. We didn't ask him to do -- to see whether one was feasible or two was feasible. We asked them to do a cost evaluation and tell us which was the better way to proceed financially. Thanks, Evan.

In addition to that -- and I just want to find one other thing. Evan issued a memo, and we might want him to weigh in. If you look at -- there's two other things before we do that. On June 8th, by memo of Tom Jargiello to Bertha Henry, on Page 3, subsection 1, at the bottom --

COMMISSIONER GUNZBURGER: What page is it?

COMMISSIONER JACOBS: I love how you say that.

COMMISSIONER LIEBERMAN: I'm so sorry, Page 3, subsection 1, okay, it says: In assessing the policy recommendation for the general merchandise award in discussions with Leigh Fisher Associates, the following is presented, a single general merchandise vendor one award concept would have the benefit of lower operating overhead expense; managers, supervisors, and inventory purchases and thereby allow the perspective vendors to be in a position to offer the county a higher mag/percentage payment or both.

So clearly in this memo from Mr. Jargiello to Ms. Henry, he's saying it goes out as one package, with one vendor, we make more money. Finally I'm going to pass out something to all of you. Here, you get one. Mine has got highlighter on it, and I don't see what happened to it. But if somebody gets the one with the pink highlighter, it's mine.

VICE MAYOR EGGELLETON: (Inaudible).

COMMISSIONER LIEBERMAN: No, I have plenty of pink highlighter.

COMMISSIONER JACOBS: The one from Evan?

COMMISSIONER LIEBERMAN: No.

This is a copy of an e-mail, which is a public document from Brett McAllister to Tom Jargiello and others, Re: The news and gift concessions, and this is Brett: Please see attached -- thank you, Sharon, for my highlighted version. "Please see attached for various suggested edits. One good thing is that we will never know what the one vendor mag/percentage would have been since the BOCC asked for assessment of the multi-vendor approach. Therefore it's difficult to say whether this two vendor format will bring in more revenue than the single vendor."

I have the e-mail. It's coming round. You all can have a copy.

So the concern that I have, and I want to yield the floor to Mr. Lukic because even before I read his memo, I had used my pink highlighter in a number of places, is that what we asked for was a complete master plan package, single, not packages. We asked for an analysis over, which would be better financially going with one vendor or a series of vendors. There is nothing that shows that analysis was done.

And finally, to see this e-mail which is a public document which says Brett McAllister is saying to our staff: We'll never know which would have been better, because the Board didn't ask us for that when we did, tells me that what's in front of us is simply not responsive to the discussion that we had. And even in the items that we have in front of us, there is plenty of data in there that seems to say the approach that we're asking to bless today is not the one that makes the most money for Broward County. So I want to yield to Mr. Lukic because he has some additional comments to add.

MAYOR GRABER: Okay. Mr. Lukic, did you use your pink highlighter too?

MR. LUKIC: I don't have pink, but I'll get one in the future.

MAYOR GRABER: All right. Tell us what you found.

COMMISSIONER LIEBERMAN: I have all different colors for different reasons.

MAYOR GRABER: Tell us what you found.

MR. LUKIC: In reviewing the proposed RLI's, we were concerned that we were -- the RLI's -- we're looking at the packages already split up and we're presuming and making an assumption that that was the best opportunity for the county. We believe if you're going to do an RLI you should really ask for everyone that submits to tell them what all of it would be because it will come out -- there may be significant savings by having one vendor, one package.

We think that that is -- the second thing we noted about the RLI's and I did look through and saw the same findings in the report from Leigh Fisher, is that they had talked about the feasibility of doing this, not the preferability. And we were looking -- at least we would expect that we would be directed to do the preferable method, not necessarily the feasible one. So that's the reason why I wrote the memos regarding the bundling or unbundling of this RLI's.

The second memo I wrote on this issue really related to 121 was that we've also locked in the percentage. We fixed the percentage in one case at 15 percent, one case at 10 percent, and the other case at 10 percent. I was questioning why we would do so because if anything, I would have proposed that they be the floor and that proposers would be willing -- might be willing to bid that percentage up. So they were the comments that we had relative to these RLI's.

MAYOR GRABER: Okay.

Commissioner Lieberman, do you want to hear a response from Mr. Jargiello?

COMMISSIONER LIEBERMAN: Sure.

MAYOR GRABER: Mr. Jargiello, Ms. Henry.

MS. HENRY: Mr. Jargiello.

MR. JARGIELLO: In regards to the analysis that was done, Mr. McAllister from Leigh Fisher is here. He was the one that we had asked to perform this analysis and this study. The format that we brought it, we

thought was an analysis of what was available. We've addressed the issue of if we did lower this, if they were smaller packages, but there is also -- it's a built-in competitive process, and I think the commercial competitiveness is going to -- we feel very comfortable is going to produce some very substantial results.

And as far as the actual analysis itself, Mayor, if it's possible, I'd like to defer to Mr. McAllister to answer, because I think he was the one that actually performed a lot of work. He is the Leigh Fisher associate who, in fact, does this work for the company.

MAYOR GRABER: Certainly. Also Commissioner Lieberman made the comment about not being responsive to what we had requested. Could you respond to that?

MR. JARGIELLO: Commissioner, I think what we thought the commission was asking was that they bring this back to the Board in a format, and the discussions -- I understand the transcript, but the discussions was -- surrounded around how many packages, with one vendor, two vendors, that seemed to be the predominant discussion. And when we were doing the analysis, it was our understanding that they were looking for this to be brought back in a format. We had utilized the background materials of Leigh Fisher to recommend a format and that's pretty much what we did. We thought we were performing --

MAYOR GRABER: Do you want to hear from Mr. McAllister first?

COMMISSIONER LIEBERMAN: No.

MAYOR GRABER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: No, let me frame the question.

MAYOR GRABER: Okay.

COMMISSIONER LIEBERMAN: I don't think there's any question that Mr. McAllister issued a report. The issue is that what the Board asked for was for options showing which was better financially. Did Mr. McAllister -- and if he did perform such an analysis showing which was better financially, why don't we have it today?

MAYOR GRABER: Well, maybe he can respond to that now. Mr. McAllister, could you enlighten us?

MR. McALLISTER: Thank you, Mr. Mayor, Vice Mayor, Commissioners. You may have to refresh my memory since there's a lot of information that was shared just there, and, again, seeing documents in snippets doesn't help so I'm here to explain the process.

COMMISSIONER LIEBERMAN: You want me to give you a copy of your e-mail?

MR. McALLISTER: Yes, please.

COMMISSIONER LIEBERMAN: Can I get one that isn't highlighted?

MR. McALLISTER: I'll give it to you back.

COMMISSIONER LIEBERMAN: Okay, you'll give me mine back.

MR. McALLISTER: (Inaudible.)

COMMISSIONER LIEBERMAN: Okay. My only issue is when I go through the minutes and look at everything, what we specifically asked for was an analysis to say which was better financially for the county and that options came back to us that we could decide which was the better way to proceed. What came back to us in your memorandum, you say it's feasible to split this up, not preferable, but "feasible" was the word you used.

MR. McALLISTER: Yes.

COMMISSIONER LIEBERMAN: For me, I'm on the same book and page as the auditor, which is exactly what we asked for, which was -- which made the most money making it preferable to proceed in that manner. Did you perform a financial analysis over one vendor versus multi-vendors to determine which generated more money, and if you did, why don't I have it?

MR. McALLISTER: Yes, if I may answer that, I'll just discuss the process in which we went through, which was to look at, starting off with a single vendor to corroborate what was originally proposed and we did that. And perhaps it's helpful for you to understand some of the numbers behind this and some of the subtleties that are there. The big issue is that you have a concession program that's doing \$25,000,000 today. However, \$5,000,000 of that is in Concourse B which is not part of this package. So we're down to \$20,000,000. If you take 18 percent of \$20,000,000, you get to 3.6, and if you take 85 percent of that, which is an industry standard on setting a mag, that comes out to be \$3.02 million. So the 3.1 to the \$3.2 million minimum annual guarantee for a single vendor is, indeed, what you could probably expect from a single vendor going forward. We did that analysis to come with that baseline.

Then we looked at the feasibility of having multiple vendors, and, again, the issue with multiple vendors now is that you're breaking it into separate groups and so they're going to have more staffing issues, higher cost of goods sold because they don't get the benefit of all the volume of all the passengers. In addition, in the multiple package venue, you do have a certain element of competition, because in the specialty programs in Terminals 2 and Terminals 3, you would have, let's just assume that it was a two-package program, one got Terminals 1 and 2, one got Terminals 3 and 4. But in Terminals 2 and 3, you'd have -- in each of those terminals, you'd have three different operators from those. You'd have one in the health and beauty, one in the electronics and the bookstore.

So to a certain degree you would have competition within two of your four terminals because someone who -- let's for an example, a Brookstone went into a Brookstone bookstore then you wouldn't be going to the news gift operator to get something. You'd be buying from Brookstone, which would be a separate contract. So that would be slightly different. Under that element, that cuts into the sales obviously of that news gift vendor, so that's why we took that into consideration when setting the minimum annual guarantee and lowered that as well where we came up with roughly a combined minimum annual guarantee for two separate packages of around 2.75 million.

COMMISSIONER LIEBERMAN: Can I ask you to please respond to my question? Did you do a separate financial analysis to determine which is the better way for the county to proceed and can we get a copy of that data that shows you decided that it was better financially for us to have two vendors instead of one?

MR. McALLISTER: We did do a financial analysis that looked at both a single package and multiple packages, yes. We did not do a recommendation as to which package you should proceed with primarily because our role -- and this is a philosophy we look at, is to set rental rates that are achievable based on sales. The higher we have our sales volume, the better it is. Setting a high minimum annual guarantee could be detrimental in the long run. We saw it in the industry after 9-11 when the concessionaires came back and asked for relief.

The other big thing is when you do a bond feasibility, that minimum annual guarantee is listed in there as a source of revenue that goes forward. So as a previous financial consultant for the county I'd be remiss in not telling you, you know, that that type of document is in there.

COMMISSIONER LIEBERMAN: Where is the document that shows you did the financial analysis that says: This is what you get under a one-vendor scenario. This is what you get under a two-vendor scenario? Where is that document, because it's not in any of the backup.

MR. McALLISTER: Yes, we did do that analysis, and I have a copy of it here.

COMMISSIONER LIEBERMAN: Good, could I get it and I'll have my staff make copies?

MAYOR GRABER: Yes, could you share that with all of us? We understand you didn't give an opinion, but you do have the hard data to show us, right?

MR. McALLISTER: Yes, I do have a copy.

COMMISSIONER LIEBERMAN: And if I can ask one follow-up question and I'll ask staff to make copies of this so we can continue?

MR. McALLISTER: Commissioner, may I answer another part of your question before we move on, which is before I give you back the pink highlighted copy of the e-mail? Under this e-mail --

COMMISSIONER LIEBERMAN: I'm very possessive of the pink highlighter.

MR. McALLISTER: I know you are, and so I wanted to make sure I got it back into your hands. Under the scenario here, and, again, it's hard, you see things in snippets and again to put it into context here. That really looking at it if you have two vendors or one vendor, we're really looking at the sales and what your current operator has done is they have far exceeded their minimum annual guarantee which is excellent because it benefits everybody. It benefits the county, it benefits the operator, and, most importantly, it's benefiting the consumer. If sales are going up, you know people are buying it. You know they're getting the service or they're not shying away from a bad service, price. That's the best scenario to have.

Setting higher minimal annual guarantees without some prudent judgment in doing that can lead to cost cutting measures by operators, and this is more evident in the food and beverage industry which is a whole other issue, but we've seen it on that side in particular where they cut back service, cut back the cost of goods sold. You've seen extremely reduced menu -- I mean, you've all experienced -- we've all traveled around to airports in the industry. Reduced menu options, reduced staff and reduced operating hours. So sometimes companies, particularly in the food and beverage industry, but elsewhere aren't necessarily focused on maximizing sales as much as they're focused on controlling costs. And so I wouldn't be doing my job if I didn't forewarn you that necessarily getting a higher minimal annual guarantee may not be providing better service.

COMMISSIONER LIEBERMAN: Can I ask you to look at the pink -- my pink highlighted copy which came from you on Monday, June 5th, 2006, okay, and it comes out of the county records system. It is a public document. The second sentence in the first paragraph that you sent, that you wrote says: One good thing is we will never know what the one vendor mag or percentage would have been since the BOCC asked for an assessment of a multi-vendor approach.

MR. McALLISTER: Yes.

COMMISSIONER LIEBERMAN: You wrote that?

MR. McALLISTER: I did write that.

COMMISSIONER LIEBERMAN: Okay. So you just said to me that you did do that assessment and your e-mail says you didn't.

MR. McALLISTER: No, the – no, we didn't say that we did not do it. What we said is that by not going to market, we would not understand what we would get from a minimal annual guarantee. So if you went to market with one package or two packages --

COMMISSIONER LIEBERMAN: It's not what this e-mail says, with all due respect, Mr. McAllister. It's clear. It's unambiguous on its face. It says: One good thing is that we will never know what the one vendor mag or percentage would have been since the BOCC asked for an assessment of a multi-vendor.

MR. McALLISTER: Right, that was assuming that they would provide or bid a mag, not what we would do as an analysis of the minimum annual guarantee. What we would put as a minimum annual guarantee may indeed be lower than what may be bid to be a conservative estimate. I wouldn't be doing anyone a favor if I put in a minimum annual guarantee that's not achievable and you would not get any bid back.

COMMISSIONER LIEBERMAN: I don't want to belabor the point. If you'll give me a copy of the financial analysis you did, Mayor, with your permission, I'll bring it back, I'll ask staff to make a copy, and the point is, it's clear and obvious that on a one-vendor package, the county is the beneficiary financially. All of the documents you have in your backup show that there is less overhead, therefore, the mag is higher, the sales are better, and just to get an idea, I think this year the current vendor, the mag is either 4.2 or 4.3 million.

If you look at what staff is proposing to start next year off, the number that staff is coming up with for the mag is 3 -- hold on. I've got to find my other pink highlights. Is 3.2 or almost a million dollars less than we're already getting this year. So I mean that really causes me concern because getting a million dollars here, a million dollars there, pretty soon you're talking about real money and I have a hard time understanding why we'd want to go somewhere that would get us a million dollars less. And with respect to the competition among the terminals, I fly out of our airport a lot for business. I have never left the terminal that I am flying out of to go shopping in another terminal. I truthfully don't know anybody who does that.

MR. McALLISTER: No.

COMMISSIONER LIEBERMAN: Thank you.

MAYOR GRABER: If you can provide us with the hard material, then I'll go onto some other Commissioners.

COMMISSIONER LIEBERMAN: I'm going to go make copies.

MAYOR GRABER: Vice Mayor Eggelletion, then Commissioner Jacobs.

VICE MAYOR EGGELLETON: Let me just point something out, at least in my mind. My dad used to tell me every frog loves to praise his own pond, and everybody has their own opinion. See, I don't read this this way, and what the gentleman has indicated, and I don't know what he's going to give you to, Commissioner but --

COMMISSIONER LIEBERMAN: I'm going to make copies for everybody.

VICE MAYOR EGGELLETON: I understand, but what he's clearly indicated, see, I read this a little bit different. He indicated that: Look, I did two. The airport asked for one. That's the way I read this. The airport asked for two, and so I submitted two, and so that's why you're not going to see the one. But it's not clear to me that you get more money with one. From what I understand and from my conversation with Mr. Jargiello, the way the contract reads is that they have to meet their mag or a percentage of gross revenue; is that correct, Mr. Jargiello, whichever is greater, that's what we get back?

MR. JARGIELLO: That's correct, that we make one additional change, which is different from the current contracts, is we would have what we would call the 85 percent rule.

VICE MAYOR EGGELLETON: Right.

MR. JARGIELLO: And the current Parity's contract does not have that, and the current Parity's contract has a 2.9 minimum with 4.1 million in concession payments. In the new contract, the -- not only does the competition bid the minimum guarantees to start with, but every single year it's got the possibility of going up on a self-generating formula in the contract. So that's percentage payment.

VICE MAYOR EGGELLETON: Correct. So let me just say this, I don't care which way we go on this, whether we go with one, whether we go with two. That's not my concern. My concern is getting the facts correct, and, you know, that's -- I mean that is what I must base my decision off of, and that is correct facts. The fact is, is that what the airport I believe has set up is a possibility of a bidding war, okay, and what I said to Mr. Jargiello and whomever it is, and that is, I don't care if they get into a bidding war. That's between the vendors. Let them bid it up. The more they bid it up, the more money I make. I don't care.

Because once they get the mag up, here's my concern, is that the contract is written in such a way if they try to buy a contract by bidding it up, then they eat it. It needs to be written in a way that they can't get out of it. I don't need to see them coming back like was done some years ago here before I got here where they couldn't meet the mag. They tried to buy a contract and then they came back and wanted to renegotiate what the deal was, so, you know, that's where the rubber meets the road.

Here's the other issue, and I need to ask this because it's critical for me. I know we have representatives here, and if any of y'all just object, just say yes, okay, and if you don't, just keep silent. Does anybody here object to the 38 percent minority goal? Anybody object to that? So nobody objects to that. So we're okay with that minority goal.

And on the specialty shops, it clearly says 50 or 51 percent. I'm all about minority inclusion, and so I strongly support those recommendations on those specialty shops because there are a lot of folk out there who can partner and joint venture with major firms that can be a part of the economic process in this county, and none of the -- and let's face it, we only have two folk here that have been lobbying all of us for this business. Let's just let the laundry hang out here, and none of those folk are objecting to the percentages.

So, however way we come out on this other deal, whether it's two firms or one firm, the way I understood the conversation was that the airport staff was going to bring back to us some recommendations and let us make our mind up, and I think that's what he has done. He's -- I don't think he came back and said: This is it. This is the way you want to go. Maybe the airport staff may have done that, but I think the consultant says: Here's what the deal is, and y'all determine what you want to do.

Now, in my mind, I don't have to accept two firms. I could accept one. I don't have to go with two. I could go with one. That's a policy decision. That's what we're here for, to make policy, period. If I want to go with two, I can go with two.

I clearly remember the conversation. There was a whole lot of conversation around here about: Well, we ought to have two. I mean it was all over the place, two, two, two. You know. And so I can imagine that the staff probably assumed that that's what we wanted, because a lot of y'all were saying that: Oh, I want to have two, and then we said: Well, bring it back to us and let us make the policy decision. And I think that's what the airport staff is asking us to do, make a policy decision, so I don't want to duck out. I don't want to get into all this debate, but one of the things that frustrates me is that as a commission, we take far too long to make a policy decision.

You know, we want to flip it, turn it, twist it, any kind of way to try to meet the easy way out. There's no easy way to decision-making. You either make the decision or you don't, it's real simple. And so I'm ready to make a decision here, so I'm just ready to -- let's get it on and get it on over with. I'm sick of sending this thing back. These companies have been here for a long period of time. So let's make a decision and get it on over with.

MAYOR GRABER: Well, I'm glad. I'm glad you're ready, but everyone is not ready.

So let's go to Commissioner Jacobs.

COMMISSIONER JACOBS: I think we're all ready. We just need to talk about it first. I think clearly when I recollect the conversation, we were talking --

MAYOR GRABER: Your attention, please, attention to Commissioner Jacobs, please.

COMMISSIONER JACOBS: We were talking about two. Commissioner Eggeleton -- Vice Mayor Eggeleton, you're exactly right, that's what was going on around this dais, and if you read the auditor's e-mail, this is basically what he was suggesting as well, and I'm going to ask him to clarify some of his language in there when I'm concluded.

I think the issue raised about competition meaning -- or being interpreted that you leave one terminal and go into another is not what we thought about. What we thought about was what services and goods and methods of operation that are to be offering in one set of terminals would naturally create a competitive environment for another company in another set of terminals, not that you're going to leave one and go to another and create some sort of competition in that way.

The other thing that I think is really important for us to think about, and that is, we can get really hung up on which of these proposals brings back the most money to the county, and while that is a significant consideration, it is not -- and I don't think should be the sole or even at the very standing alone at the top. It should be amongst other considerations, and that is, how do our travelers feel when they come through our terminals? Do they have shops that are open when their flight is here? Do they have an excellent and varied and extensive selection of goods from which to choose? Are those goods priced well? Are they street priced so that they don't feel they're paying 20 bucks for a pack of gum. And the other thing is the service. What is the services like when they go into the different shops in our terminals? Those are really important considerations.

So when I get to the end of day and I look at all the mountains of stuff that's been provided to us and all of the lobbying that's gone on, there's been sure enough -- there's been no shortage of things to contemplate. And Commissioner Gunzburger, when you talk about things that pop in your brain awake at night to weigh, this was certainly one of them.

I think at the end of the day two firms are going to serve -- or two RLI's going out is going to be the best scenario for this county for service weighing against one another. Think of it this way as a trial run for 2013. That's what this is. What's going to happen in 2013 is the whole airport master plan and food concessions, everything is addressed in a new direction. So let's give it a trial. Let's give it a try to both, see which one it is. Maybe in 2013, you go back to one, but having said all that, Mr. Lukic, your memo

speaks to, at first blush, it looks as if you are, because you raise the issue of one concession award. I think what you meant is for one grouping, but I'm wondering if you could just clarify your memo.

MR. LUKIC: I think what we were trying to say is that the way the RLI's are written, it presumes that we've already decided to break them all up into these packages. We were saying we shouldn't go that route. We should go out and ask people to propose as if it were one, a whole package and also provide the other options that they might be willing to take and that way you can make an informed decision as to what is the best scenario for the county. We just thought it was exclusionary in that it left one of the options out or one or more of the options.

But I think it really is -- the market will tell us what they're willing to do and how it would work best and we should ask them since they're the experts in the field too what their proposals would be and not preclude them from submitting alternatives.

COMMISSIONER JACOBS: And when you say "alternatives" meaning that they could propose one or with all of the attendant services whether it was business, flowers, et cetera.

MR. LUKIC: That's correct.

COMMISSIONER JACOBS: Or whether it was one or two terminals -- I mean two terminals together.

MR. LUKIC: Exactly, whether they took all the business, whether they would do it individually, so that we could then look at the various options they provided to us and decide which was the best case. What we've done by virtue of doing it this way is we've already restricted the market in terms of how they're going to propose, and it may not be to our advantage, and it's certainly not to our advantage not to know what the options are, so you should at the at least ask what the option would be. That's all I was really trying to convey.

COMMISSIONER JACOBS: Okay. Commissioners, I think he makes such a sound and reasoned argument that to -- I personally think competition is good and I would be very interested in seeing how it's structured, but certainly the way that Item 120 is worded that there's two for news and gifts and there's one for business and one for flowers and three for specialty retail. To me I think that too severely restricts the configuration of what different folks might bring toward us. And I would ask that -- has anyone -- Mayor, has anyone moved any of these items yet?

COMMISSIONER LIEBERMAN: No.

MAYOR GRABER: No, there's no motion. Are you ready for a motion?

COMMISSIONER JACOBS: Then I would like -- I would like -- we can continue discussing. Motions don't stop the discussion. I would like to make a motion that we follow the recommendations of the Auditor.

COMMISSIONER LIEBERMAN: Second.

COMMISSIONER JACOBS: And put a RLI out on the street that allows the vendors to come forward with their proposal.

COMMISSIONER LIEBERMAN: Second.

COMMISSIONER JACOBS: If they come back and we don't like the way it's been put together, we haven't lost anything. We can still go back out and go into our --

COMMISSIONER LIEBERMAN: Right. Exactly.

COMMISSIONER JACOBS: And they may come back and have it divided up the way we want. Ultimately at the end of the day it will be up to each one of us to decide whether you like an offer that's one company or whether they've broken it up into multiples.

MAYOR GRABER: Okay. Let me just -- for the record, there's a motion on the table. It's been seconded. So let me just clarify it. The motion is to adopt the recommendation of Mr. Lukic.

Can you just state your recommendation, Mr. Lukic, for the record?

MR. LUKIC: In essence, my recommendation adds to -- it consolidates the RLI's, but adds to the concept of those RLI's. It says that we're asking the vendors to bid on one package, one piece of the work, or more pieces of the stores, or all of it, and telling us all three scenarios what they would be willing to offer.

COMMISSIONER LIEBERMAN: What they would do in each scenario.

MR. LUKIC: And then we would pick -- the Board would then pick and choose which is the best that they felt at the end of the day.

MAYOR GRABER: Okay. So that's the statement and that's been seconded by Commissioner Lieberman.

Now we'll continue discussion. Now we can discuss the motion or continue, whatever you wish.

COMMISSIONER SCOTT: Could we just clarify?

MAYOR GRABER: Is this on the motion?

VICE MAYOR EGGELLETON: I just have a point of clarification. I need the Auditor to clarify something for me.

MAYOR GRABER: Okay. Vice Mayor Eggelletion for a clarification.

VICE MAYOR EGGELLETON: Mr. Lukic, you know, when I look at what is -- when I look at what came in -- and here's what I'm understanding you to say, and you let me know if I'm misinterpreting what you're saying. The way I understand, you're saying: Well, right now you can say a company can come in and say: Okay. I'm going to bid on all four terminals, okay? Or a company can come in and say: I'll bid on Terminals 2 and 3, or 1 and 4, or vice versa, they could break it up that way. Now, that's the way I understand that.

Now, the other thing here is, and what -- and this is what I'm not clear about, is the five recommended specialty stores. Those specialty stores, the staff have said this is a great opportunity to be a joint venture for minorities, and are you saying that you want the major firms to have that too?

COMMISSIONER JACOBS: Yes.

VICE MAYOR EGGELLETON: That that should be in their bid too?

MR. LUKIC: I would suggest, based on the limited discussion I heard earlier that it may be easier to reach our goal of 38 percent if we do it that way. And so I would ask them to bid it that way but with the

recognition that there's a 38 percent goal because I think we may have difficulty just from what I've heard, we may have difficulty breaking it into pieces and coming back to 38 percent.

MAYOR GRABER: Now, let me clarify.

Commissioner Jacobs, is that what you wanted your motion to be?

COMMISSIONER JACOBS: Absolutely. My understanding is that we still may be able to pick up the specialty shops that are 100 minority or 50, whatever it is, but they're still going to hit their overall 38 percent.

MAYOR GRABER: So that's correct; you're okay with that?

COMMISSIONER LIEBERMAN: Yes.

COMMISSIONER JACOBS: Yes.

MAYOR GRABER: Just a little clarification. Okay.

COMMISSIONER JACOBS: It doesn't deviate anything any way from what we've set up. It does exactly that which we've been discussing.

MAYOR GRABER: Now on the queue I have next --

COMMISSIONER JACOBS: Nothing shorter than that would be acceptable.

MAYOR GRABER: That's on the table, we'll continue.

Commissioner Wexler, then Commissioner Rodstrom, and then I'll put Eggelletion on after our debate. Okay.

Commissioner Wexler.

COMMISSIONER WEXLER: Thank you.

COMMISSIONER GUNZBURGER: I'd like to be on the queue too.

COMMISSIONER WEXLER: Reading the minutes from last March is pretty enlightening as far as the direction of the motion, Commissioner Lieberman's motion that was given to staff. Commissioner Rodstrom attempted multiple times to get further direction from us, but at the end of the day, he wound up withdrawing his motion and we did not give specific direction. We asked for them to review, to study, to be able to justify a recommendation --

MAYOR GRABER: Commissioner Lieberman has to head west, but she'll be on the phone.

COMMISSIONER LIEBERMAN: I'll be on the phone.

(COMMISSIONER LIEBERMAN LEFT THE MEETING.)

VICE MAYOR EGGELLETON: So today when we see these items in front of us, and quite frankly, I was surprised to see so many items in front of us of how the liberty was really taken to break everything apart without having a detailed analysis abiding by the direction that I thought staff was clearly given. However,

I really believe this is savable, and it pretty much goes to the heart of what Mr. Lukic has indicated in his memo, but what I don't want to lose is I want to be able to put this out with options. At the end of the day, I don't want us to dramatically lose money, and I don't want to weigh that -- I want to weigh that as these responses come in.

So as -- right now, one vendor doesn't have opportunities to move on the whole package. That's not one of these Items 120 through 124 that's in front of us today. It's broken up.

So what I would like to know from staff is, in supporting the recommendation and the motion that you made, Commissioner, would a vendor pick and choose terminals, or would the package be, say, news and gifts would still be Terminal 1 and 2, and 3 and 4. They couldn't take Terminal 1 and Terminal 4. Okay. I want to make sure that -- they may want to bid on the whole thing, and I don't want to prohibit anyone from doing that, but I if they don't want to bid on the whole thing, that it's broken up as one package is Terminal 1 and 2, and a second package is 3 and 4, and I don't know if that is the spirit of your motion or the intent of your motion or what the auditor's letter to us provides.

MAYOR GRABER: So what you're saying is it's basically open and I'm sure they'll bid on what makes sense to them.

COMMISSIONER WEXLER: Within certain parameters, exactly. Exactly.

MAYOR GRABER: So you want parameters?

COMMISSIONER WEXLER: I want packages, but I don't want to limit their ability to respond to all packages.

MAYOR GRABER: Okay.

COMMISSIONER WEXLER: Is that --

COMMISSIONER WEXLER: And what I need clarification --

CONFERENCE OPERATOR: Ilene Lieberman is joining the meeting.

COMMISSIONER WEXLER: But I want to make sure that that was Mr. Lukic's intent.

MAYOR GRABER: Okay. Mr. Lukic, did you hear that? Mr. Lukic, she said that she wants choices but she also wants packages. Is that what you meant?

MR. LUKIC: I have no problem with the packages because if we leave it too far open, you may end up with a -- it will be impossible to build a matrix that would be able to summarize all the permutations and combinations. So I think the packages could be bid that way.

COMMISSIONER GUNZBURGER: Must be equal.

COMMISSIONER WEXLER: Absolutely. And I just wanted to make sure because I'm prepared to move on this today. That was the only piece that was missing for me was what you identified in your correspondence that if someone wants to come in and respond to all packages that are out there that they're not prohibited from doing that.

MAYOR GRABER: And who would provide those packages?

COMMISSIONER WEXLER: It's right here in Item Number 120.

MAYOR GRABER: The one that exists here now?

COMMISSIONER WEXLER: Yes, it's right here. Yes.

MAYOR GRABER: What exists here now?

COMMISSIONER WEXLER: Yes.

MAYOR GRABER: Okay. That's clear.

Next on the queue is Commissioner Rodstrom.

COMMISSIONER RODSTROM: You know, what you're saying, Evan, sounds like it might be right, but I don't know if it is, and let me tell you why. Let me tell you why, because right now you have one vendor, and you don't know with that one vendor whether you're maximizing your revenue because you have one vendor. You know what the numbers are. You know what they do every year, but you don't know if they're doing the very best for you. And so – and there's no way to compare, so to say: Well, if we have two vendors, we're going to make less money, you show me that data, because I don't believe you can.

I mean to me, it's an opinion you have and you might be able to ask an expert in the industry, but it's, for me, an opinion because you can't show me anything that is concrete that's going to suggest that by having two vendors you're going to produce less revenue for the airport. That's number two.

Number three is, in going through this exercise, the point I thought was to have two vendors to have competition, because we haven't had that in a while, and to see if there really is a difference between having one vendor and one property in another and airports do, and they do have competition. And I'm thinking that's a good thing. Now you put this out for five years or so, and then at that point you know who is doing better or what, and there's real competition there, and I think that competition is going to foster greater numbers. Now you say no. You say two vendors. You -- I mean I thought you suggested that having two vendors you're going to have less revenue.

MR. LUKIC: No, I didn't say that at all. In fact, I think Commissioner Lieberman was going down that road. All's I'm saying is, we don't know unless we ask the question to see one package.

COMMISSIONER RODSTROM: All right. But my point is, you know, it depends what your object here is. What are you trying to accomplish? Are you trying to accomplish having -- I mean because, yes, we can have one package and have one vendor, but we'll never know -- I know what you're saying, you're saying go out and do it both ways. Give them the complete option, but then the question is if you're going to go that route, then do you give them the ability to tell you what their maximum guarantee is going to be. Do you give them the ability to tell you how much a year that maximum annual guarantee is going to be for the five years every year, not 85 percent or is it going to be every year? Do you give them the ability to tell you what percent they're going to pay you of the gross revenues? I mean if the goal is to get the last buck you can get out of these vendors. Is that the goal? I mean? Well, you say no. What is the goal?

COMMISSIONER WEXLER: That is the goal.

COMMISSIONER RODSTROM: I mean, so –

MAYOR GRABER: It could be the goal.

COMMISSIONER RODSTROM: I guess, I'm trying to get the point. Now, you're shaking your head no. If it's trying to get the last buck out, then let's go for the gusto. Let's have one vendor. No, hear me out. Don't argue with me. Just let me finish what I'm saying. You know, go for the gusto, have one vendor, let them say what the maximum annual guarantee is, let them tell you what it's going to be for five years. Let them tell you what percent they are going to pay and all of that stuff, and let's get every nickel we can out of these people.

But the question is if you do that, is that going to generate the most business. Yes. You may get the most out of them, but is it going to get you the greatest gross revenues? See, to me, the object is to get the greatest gross revenues, to get the passengers to part with their money when they're in the airport, not to get the biggest buck out of the vendor when they're there. There's a difference. There's a big difference.

So to me, you have competition. One vendor is going to be really cognizant of how they place their items, what kind of items they sell, what the markup is going to be on those items and how they're going to shine, so the county is going to benefit at the in of the day. I mean that to me is what the competition is going to foster. But you're not going to have that with just one vendor. So, you know, you can ask them to bid it one way, but I would -- this Commissioner doesn't want to find themselves in a position where I'm left with one vendor because that question for me is never going to be answered. I'm never going to have the competition I want to have.

And the other question I have is that as we go with these retail shops, does that mean to suggest that up until now with our one vendor we've had these PGA stores. Is that space now going to be turned over to the specialty shops? Are we just saying that there is no other component of the news and gifts to this whole thing? I mean is that what we're saying?

MAYOR GRABER: Well, that's a good question.

Mr. Jargiello.

MR. JARGIELLO: There's a series of a total of five opportunities for specialty items. Each of the general merchandise carries one option.

COMMISSIONER RODSTROM: So would we be taking the away the PGA stores from the vendor now?

MR. JARGIELLO: No. No. If a vendor --

COMMISSIONER RODSTROM: Well, isn't a PGA a specialty shop?

MR. JARGIELLO: Well, the way we've defined in the in the language in the various RLI's. So if a parity --

COMMISSIONER RODSTROM: I didn't get your answer. It is, yes, a specialty shop?

MR. JARGIELLO: It is defined that that is an allowable activity. If Parity's would come in and Parity's would want to do a PGA shop, they could do that.

COMMISSIONER RODSTROM: How do you say that's any different than selling electronics?

MR. JARGIELLO: Because we defined it as such. We define what they can --

COMMISSIONER RODSTROM: So you're going to let them do a PGA shop. Are you going to let Hudson News do one?

MR. JARGIELLO: Absolutely. Absolutely.

COMMISSIONER RODSTROM: What if they don't want to do a PGA shop?

MR. JARGIELLO: No, no. The PGA shop, we allow them to do a specialty item. Let them come to us.

COMMISSIONER RODSTROM: So you devote a whole shop to it?

MR. JARGIELLO: Yes, actually we allow the vendor to come in and the general merchandise --

COMMISSIONER RODSTROM: So they can sell books?

MR. JARGIELLO: No.

COMMISSIONER RODSTROM: You've excluded books?

MR. JARGIELLO: Right. We've excluded books. Anything --

COMMISSIONER RODSTROM: Electronics?

MR. JARGIELLO: I'm sorry?

COMMISSIONER RODSTROM: Electronics?

MR. JARGIELLO: That's excluded because that's a specialty.

COMMISSIONER RODSTROM: You exclude electronics, and flowers we know are excluded.

MR. JARGIELLO: Exactly.

COMMISSIONER RODSTROM: So what are we going to do, sell alligator hides? I mean, what is your goal? What are you going to -- what is left? I mean you're going to sell little trinkets? What are you going to sell with this retail space now?

MR. JARGIELLO: What we try to accommodate is we try to accommodate the examples like the existing vendor opts to sell golf material. That's their choice. That's a specialty item, and they like that. We would let all the vendors come in and we would let them choose a specialty item, which is not being addressed by someone else, you know, in the terminals but it would allow them the opportunity to add another additional item. Parity's as we know history here, has done PGA shops, but the other ones would choose their specialty item other than --

COMMISSIONER RODSTROM: What if they haven't had one in the past, so now they're going to do sunglasses?

MR. JARGIELLO: Sunglasses would be perfectly fine. Sunglass Hut -- I think one of the vendors in fact, does that. But the idea is the competition, is they will bring in --

COMMISSIONER RODSTROM: So they can sell luggage or sunglasses or whatever their heart's content?

MR. JARGIELLO: Right.

COMMISSIONER RODSTROM: As long as they're not selling electronics or books --

MR. JARGIELLO: That's exactly the point -- is we let the competition bring us something over and above.

COMMISSIONER RODSTROM: They can't sell magazines because they're already going to be selling magazines. They're going to be selling magazines and books because that is their core business.

MR. JARGIELLO: I do think -- I think, Commissioner, you're exactly right. What allows them is to pick out their core specialty and bring it in. We're the eventual winners because we may see Sunglass Hut. We may see luggage. We may see, you know, any one of a number of items. That's the competition process, because they will allow -- I'm not precluding that Parity's has to bring in a PGA shop but in all likelihood, I'm guessing, that they will probably carry their own. It's been very successful. That's probably one example where we've seen that. The rest is all competition.

COMMISSIONER RODSTROM: So then it would seem to me, you know, if PGA shops have been the choice that was made, and we're going to find out real quick whether that was the right choice if you have another vendor trying something else across the street. I mean, you're going to get to the chase real fast, what merchandise is moving and what isn't, and I think if something is not moving they're going to change out that merchandise and try something else. So -- but as long as it's not a conflict with the minority merchandise that's going to be sold next door, I guess we don't have a problem.

MAYOR GRABER: So where are you going with that?

COMMISSIONER RODSTROM: Well, I'm just thinking -- I'm just trying to understand what's being proposed, because I didn't thoroughly understand the retail component of this until now, how that was going to integrate with the whole. I didn't understand that, and now I have a better feeling.

MAYOR GRABER: So you're okay with the amendment?

COMMISSIONER RODSTROM: I'm okay with that, but what I'm not okay with is that I still think if you're going to entertain one vendor, then you might as well, go for the gusto and squeeze out every penny you can out of that vendor and that could be the determining factor. If you're going to do two vendors, then I think you let them compete against one another and I think that that competition will foster your revenues, but one vendor in my mind won't do that because there's no one to compete with and they're going to, you know -- they've got the contract. That's it. You'll never know.

MAYOR GRABER: So I have a question about the mag. If you have the two vendors, how do you determine the mag? Do you let it flow or do you have to set it?

MR. JARGIELLO: On the general merchandise, the way the proposals are presented to you today, they're actually -- it's a bidding process, and you will see ideally a number of vendors bidding on package one. Every one of them will have an envelope that they'll submit to the committee and hopefully that bidding competition is going to produce that process. Package number two will have another set of competition. The people may be the same, there's no question about that.

MAYOR GRABER: So we don't set it. You let the competition set it-.

MR. JARGIELLO: What we do is we set the lowest amount. You are not allowed to participate unless you agree to our lowest amount, and that's the starting point. Everything else is the sealed envelope as we open it up and as we make the presentations.

MAYOR GRABER: And how do we determine the starting point, based on what it is today?

MR. JARGIELLO: Primarily, I think what we did was we took our existing vendor, we took a look at our existing minimum guarantee, and we went through that process, and we broke that process up into taking all of the -- the total sum of all the minimum guarantees compared to what we're doing now in retail. That was a process we went through.

MAYOR GRABER: Okay.

Next on the queue, Vice Mayor Eggelletion, then Commissioner Gunzburger.

VICE MAYOR EGGELETION: Okay. Thank you, Mayor. You know, Mrs. Henry, I understand why your staff gets so really confused. Now let me just tell you what we did, what we, the County Commission, did. I clearly remember some workshops we had with Mr. Jargiello, Mrs. Henry, the airport staff, and the airport staff said to us: You know what, we want to bring in more national brands. We want to look -- I mean, we all said that, you know, we were tired of certain things and we wanted to have some pizzazz in our airport. And guess what, they go out and they create an opportunity for you to have that. They say: We want to do some specialty stores. So they say book stores could be one. It could be Barnes & Noble's. It could be Borders, it could be Waldons, but that's pizzazz. We want to have maybe a Brookstone, some gadgets and what-not, and that's pizzazz. So, you know, my wife go to the airport and the first thing -- she go in certain airports, you go in that store they have all that lady bath stuff, she's all over that stuff. Okay? And I imagine most women are, because that's what they like.

COMMISSIONER JACOBS: Bath and Body Works.

VICE MAYOR EGGELETION: They want to be pampered and look good and smell good for the guys in their life, right?

UNIDENTIFIED SPEAKER: Don't go there.

VICE MAYOR EGGELETION: Well, understand where I'm going now, here's the deal.

COMMISSIONER GUNZBURGER: We heard where you went. We now know where you go.

VICE MAYOR EGGELETION: That's all right.

MAYOR GRABER: Let's not go there, please.

VICE MAYOR EGGELETION: I mean I like going home to my wife. She looks good. You know, so that's the bottom line. She's intelligent.

The point -- here's the point that I'm trying to make. We tell the airport staff to do that. Guess what, they do exactly what we tell them to do, and then you come back and you say: Oh, no, that's all wrong. We didn't mean that. We were just playing. So here's my concern where we are here today, I don't want to see these five specialty shops eliminated. You know why, because that gives me the pop, the pizzazz I think you need in this airport.

I don't know whether or not the two firms, and let's just call them out, Hudson and Parity's, that's who's been lobbying us, I don't know whether they have connections with Brookstone's. I don't know whether they have connections with Borders. One of them may have New York books. Another one may have another -- and that's not what we asked for. That's not what we asked the airport staff to do. And so I can't see how you can lump all those specialty things into two contracts and expect to get what you say you want, because it's just simply not going to happen, because they don't have those contractual relationships with what you're looking for in your airport. So the airport staff created a situation where you

can still have either one of the major companies or both of the major companies, but you can also have the pop, the pizzazz that you want, and that we said that we wanted because other major airports have it.

So I can't support -- if y'all want to vote on this, I know exactly where I'm going to on the RLI now, because that tells me. I want to see the five specialty shops still there because I want to see -- because those five specialty shops give us the look that we said that we wanted of other major airports around the country.

Now, you might bid the other two packages the way you want, but I don't want to see those five specialty shops lumped into this big package, because you're not going to be -- they don't have -- these companies simply don't have the contractual relationships with a Barnes & Noble's or a Borders. They don't have it, and that eliminates what we have asked for. Now, if y'all want to go back and tell your airport staff something different, then you need to do that, but they did exactly what we asked them to do and then we want to beat up on them in public and that's just not right.

MAYOR GRABER: In all fairness, Parity's is here, Hudson is here and Borders is here and they're going to be speaking -- Borders is here, and they'll be speaking a little later.

Now, the next one on the queue is Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Well, I will try to be brief. Commissioner Eggelletion, I want to thank you for making sense when I could not understand the minority goals.

MAYOR GRABER: I'm sorry, Ms. Henry, I do have you on right after Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I did not understand the way she had written it up and the way it was explained to me. You at least cleared that up.

I agree with what you're saying. I think we should have two packages for the news and concession stands and then we should let the specialties go out. If they choose to partner with either one of the two - - although I think there could be as many as four firms bidding on the news and concession part of this whole operation. So that both Hudson and Parity's may find some other people competing for that business as well.

It may really be very good not just for the airport, but for everyone that the pencils get sharpened and the numbers grow, and then let the specialty shops either choose to partner or not partner. There are some we know, like business services have always been a minority firm. We want to see those minorities stay out there, and I want to see that opportunity remain for them. So I'm going to agree with you.

MAYOR GRABER: Okay.

COMMISSIONER GUNZBURGER: See, that was short.

MAYOR GRABER: That was good. That was good.

Ms. Henry.

MS. HENRY: Mr. McAllister was attempting to explain -- I mean, we've had a lot of discussion today, and I want to make sure that we don't miss the -- I guess the most -- the salient point that he was attempting to communicate, but didn't have an opportunity to really get through.

The issue of having one vendor or two vendors, two vendors provide an opportunity to maximize income from your sales. As Commissioner Rodstrom started to point out, and, Mr. McAllister, I'd let you come to

the podium to make this argument if I don't get this quite right, but from our understanding of this issue, the minimum annual guarantee is really the floor. It sets a base. That's not something you want to hang your hat on. You don't want to tie yourself down to the minimum annual guarantee.

What you really want is for someone to really make money, because the more money they make, the more money you make. And so this issue of competition at least from the industry standpoint, it allows that healthy competition so that you, again, you are -- you're getting those sales. Now there is a risk, and you had a 9-11, and you may have other circumstances that might create some bump in the road when it comes to competition, but at the end of the day, at the end of the day when you get back in the groove and you're having competition, you're making your money based on sales. That minimum annual guarantee gets you in the door, but at the end of the day, you really want to have sales be the driving force in terms of how much money you make on these concessions.

MAYOR GRABER: I have three speakers. Maybe I could identify them before we continue. Darryl Benton from Hudson News, you're first on the queue. Would you like to speak?

MR. BENTON: Mr. Mayor and Vice Mayor and Commissioners and staff, again my name is Darryl Benton with Hudson Group. We have been tracking this RFP for -- the opportunity -- for the last couple of years. We compete all over the country, and we submit to you that two packages would increase the competition. We also submit to you that you can select one vendor for those two packages or you may select two vendors for those packages. There's been a lot of discussion regarding the mag, and I think your staff and the consultants have indicated that around the country when we bid, there is always a minimum annual guarantee, and today you can raise that minimum annual guarantee to whatever you deem appropriate.

The industry standard is that you would take your existing percentage sales, rent that your incumbent operators is paying you excluding Terminal B and establish that percentage rent and do an 85 percent calculation of that to establish the mag. We also would tell you -- we will emphatically tell you that in a competition, that I think someone has said, that it's just not Parity's and Hudson.

There are probably four or five of us around the country that would take an attractive look at a \$20,000,000 retail program, and sales are really driven in this industry by three or four items: Increased enplanements, which you're always on a constant increase in Fort Lauderdale. So we're going to get more enplaned passengers, and these people are going to spend more money.

Secondly, opening the stores when customers are in the terminal, the first customer in the terminal is a customer, so we want to open when that first flight is going out and we want to close when the last customer leaves. So that's an enplaned customer that we can sell product to.

The other thing that's going to increase sales will be the right product mix and quality product, and the last thing I would like to say in the mall environment, stores are spread all over the mall. Customers will go to where quality is even if they have to park differently to find that desired store and even in this terminal where there are unit terminals in the airport, customers don't always fly the same airline all the time. Therefore, we know that in a traveler's experience, even the business traveler, they're going to experience, Terminals 1, 2, 3, or 4, and they're going to be able to compare if there's competition. They will not get that opportunity if there is no competition.

The last thing I close with, Hudson Group as a company and our joint venture partner, Tyra Percy, we are very interested in this opportunity. We're interested if you're interested in the competition. We are ready today to bid and to propose, and we hope you will support putting this out to an RLI for two operators or if you decide that I can bid on both and if my economics are better that you will award it to me. Thank you, very much.

COMMISSIONER JACOBS: That's my motion.

MAYOR GRABER: Next I'd like to recognize George Platt.

MR. PLATT: Good evening. George Platt on behalf of Parity's. First I want to thank you all for your intrepid persistence here. I want to congratulate you on all the work that you've done on this. There is clearly a competitive process that has emerged. Parity's, just like Hudson, is used to competing across the country, and we are pleased to do that as you move forward.

On the motion that is, I guess, on the floor, which is the staff recommendation with a variation, we're fine with that.

I do want to mention a couple of things, and the gentleman from Hudson mentioned a couple of them already, but it's true, this is not a bidding war just on dollars. Dollars are really important to you. They're important to Parity's and I'm sure they're important to Hudson, because quite frankly, the way this works is that if we make more money, you make more money. We have always had an incentive to do that here. We started out in the first few years, didn't make a lot of money because of the fact that the projections that were given to us by the old BCAD were not very good. We know where it is today, and I think most of us here know where it's going. We're going to increase the number of passengers at this airport, particularly as you all take a multi-billion dollar improvement program.

So we are committed to continue to be your partner and to continue to make a lot of money for you, but I will say that there are -- there are aspects of this that are really important. Service is important. It's important for you, because when people are there providing good service, good coverage on the stores, service with a smile, employees that are happy and well paid with benefits, that's to everybody's benefit. And that does help sales. So this competition is going to be about a lot of things. Quality, I hope, is one of them. Track record in the community is another one. Obviously dollars is another one.

In terms of what we are concerned about, we believe that you know what the mag is and ought to be. We suggest that you fix the mag. I think that it's close to where it needs to be right now, because it does, as Mr. McAllister has pointed out, exclude Concourse B in Terminal 1. It is not to your advantage to have a bidding war, because if that happens, quite frankly, Mr. McAllister could be the first one to tell you I imagine because it's fairly well known in the industry, that in the last 20 years they have moved away from bidding wars. They have allowed the staff and your professionals to decide how much money it is you need to get by setting both your percentage rents and the minimum annual guarantees and then encouraging competition that promotes sales at the highest possible dollar volume.

We want to work with you. We will respond vigorously and enthusiastically to this competitive process and we thank you for the opportunity to compete to do more business at FLL. Thank you.

MAYOR GRABER: Thank you.

Mr. Tony Grant from Borders Group.

MR. GRANT: Good evening, Mr. Mayor, Vice Mayor, Commissioners, and staff, we appreciate the opportunity to be able to come down and speak to you. My name is Tony Grant. I am the head of the domestic airport operations for the airport book stores for Borders Group, and we're both excited and delighted to have the opportunity to bid on the bookstore concessions here in Fort Lauderdale.

The airport is -- business has been extremely successful for Borders. It's given us the ability to expand our relationship within the communities in which we are a part of currently, as well as expand the brand recognition to millions of travelers that pass through all of the airports around the nation each year.

It has also been a win for our airport landlords where we have seen no less than a 70 percent bump in sales from existing -- or existing operators. In fact, in Las Vegas, we were able to more than double the sales of the previous operator, and last year, take them to 125 percent.

I would also like to take this opportunity to let the board know that when the opportunity comes along to partner with the prime concessionaire, we are more than happy and delighted to do it. Most of our contracts are through subleases both with primes and also developers.

One last point I'd like to bring up is the DB participation requirements in this RFP. For Borders, we would not be able to participate in this bid with the DB requirements that have been set forth. We do not have a model in place currently to support a joint venture in our bookstore operations. Our operations of our book stores are core competency. As you know we take product directly from the publishers who get it from the creators, the artists, and the authors. We do however do a sublease, and we have had successes with café subleases in other airports across the country, and we've recently bid a sublease where there were multiple locations where the percentage did not keep us from being able to bid.

However, in a two-location bid for us to sublease one of the locations and try to guarantee that our sales would not outpace our sublease and keeping the 50 percent would be very difficult. So I would ask that the DB requirements for the specialty packages for the bookstore package specifically be re-looked at and renegotiated. Other than that, we are extremely excited about the opportunity and hope that we can work something out to be a part of your airport. Thank you.

MAYOR GRABER: Thank you. Well --

COMMISSIONER JACOBS: Can I ask him a question?

MAYOR GRABER: Can you come back for a moment, sir. We have some questions for you. Mr. Grant, Commissioner Jacobs has a question.

COMMISSIONER JACOBS: Hi, Mr. Grant. We were looking at our libraries, for example, at the opportunity for coffee and snacks and things, and one of the discussions that came up was: Well, how is Borders doing it for sale books; we're worrying about soiling the books, and someone said: Well the reason why, the way it works for Borders, that is Starbucks or whomever it is that inside the Borders has a guarantee that any books that are damaged as a result, that's a part of their concession agreement that they have to reimburse for any books. Is that true?

MR. GRANT: I do not have that information. I can get the answer for that from our café partners.

COMMISSIONER JACOBS: I guess what I would want to understand from your café partners is if you have a minority café partner in your agreements, how would that -- would that type of reimbursement for damaged books or anything that's soiled be part of their agreement and how would that affect the minority contractor?

MR. GRANT: In all of our locations our café partners are a sublease and they are a separate store. There's a pass through where customers are welcome to go purchase their coffee and come into the Borders store. We have no policies in place to take --

COMMISSIONER JACOBS: So your sublease is not actually physically located inside the store?

MR. GRANT: It is not inside of the four walls. There's a wall separating and sometimes it's a half wall, but it's separating the two establishments.

COMMISSIONER JACOBS: Okay.

MR. GRANT: So, for example, we have Seattle's Best, who is our Borders street brand café's where we used them previously before Starbucks had acquired them in the airports, and three of those locations are pass through's. You can go to Orlando, and the space is located just next to our space.

COMMISSIONER JACOBS: So are you describing then that they would actually get their cup of coffee, walk out into the main terminal area and around the wall and into your store or there's actually a connection from their store through your store without having to go into the main area.

MR. GRANT: Yes, there's a connection. They could also walk out and come in. There's storefronts for both stores. There's also a pass through.

COMMISSIONER JACOBS: Either way, they can still pass through internally.

MR. GRANT: Yes, ma'am.

COMMISSIONER JACOBS: Okay. Thank you.

COMMISSIONER GUNZBURGER: Because I know their stores you can easily (inaudible) serve the coffee and drink your coffee.

MR. GRANT: In our street based super stores the cafes are located within and they are a part of the bookstore itself. They are run by a partner, but I do not have the information on damage to books.

MAYOR GRABER: Commissioner Wasserman-Rubin.

COMMISSIONER WASSERMAN-RUBIN: I'm not sure this late time, did I hear you say that you would not be able to meet the minority requirements?

COMMISSIONER JACOBS: Yes, he did.

MR. GRANT: Yes, ma'am, that's correct.

COMMISSIONER WASSERMAN-RUBIN: I just wanted to make sure I heard that right.

MAYOR GRABER: Commissioner Wexler.

COMMISSIONER WEXLER: Yeah, I want to ask, in any of your engagements, and we have a list of three pages here, of Borders engagements in various airports across the country, and it specifically says: No DBE. So you don't even attempt to any percent of partnering or working with or -- with the DBE.

MR. GRANT: We do. We sublease. When there's a requirement for DB participation in Newark. We have two locations in Orlando. We have one in Houston.

COMMISSIONER WEXLER: Well, I have Orlando down here, and Orlando, it says: Borders, no DBE.

COMMISSIONER JACOBS: They sublease.

COMMISSIONER WEXLER: So who do you sublease to?

MR. GRANT: Seattle's Best. Waseem is the gentleman's name. He runs the Seattle's Best. That's --

COMMISSIONER WEXLER: Coffee.

MR. GRANT: Coffee, yes, ma'am.

COMMISSIONER WEXLER: But not books.

MR. GRANT: No, he's the café.

COMMISSIONER WEXLER: Okay. I guess what I'm -- now I'm going back to Commissioner Gunzburger's original question here.

COMMISSIONER GUNZBURGER: (Inaudible).

COMMISSIONER WEXLER: No, I get it. I get it, and I had my conversation with Ms. Warren. I'm done with you.

MR. GRANT: Okay. I'm sorry.

COMMISSIONER WEXLER: Thank you. I'm sorry.

MAYOR GRABER: You're finished.

COMMISSIONER WEXLER: I'm sorry.

COMMISSIONER GUNZBURGER: Now somebody finally gets me.

COMMISSIONER WEXLER: No, I got it. I got it. I just --

MAYOR GRABER: Before you get to Ms. Warren, let me just make a comment.

COMMISSIONER WEXLER: I don't think she's here anymore.

MAYOR GRABER: Ms. Henry, the DBE requirement for the general store seemed to be acceptable, but the specialty items might be problematic. I think we should have maybe a better review of that, because we don't want to put the DBE up so high that we start to exclude people for that reason alone. In other words, there's fairness and then there's exclusionary levels.

So I would ask Ms. Warren through you to perhaps take a second look at the specialty stores and see if what we're asking is appropriate.

Commissioner Wexler.

COMMISSIONER WEXLER: I'm going to ask that question a little differently though. I'd like for her to take another look at it, but I've asked her to take another look at it before today, and I want to make sure that I understand your answer to me and what you said to Commissioner Gunzburger properly.

MS. WARREN: Okay.

COMMISSIONER WEXLER: That the five DBE opportunities are 50 percent -- could be up to 50 percent joint venture?

MS. WARREN: The goal is that a good proposal would be one where there would be a partnership of a minimum of 50 percent or more, limited partnership, a joint venture, et cetera, on the specialty shops.

The reason we felt that was because of the nature of the business, the cash value, et cetera, for the newspaper book stores given it was larger, and the point in time we reviewed, we were looking at two, but the total dollar value was 25,000,000. We set a goal on that one of 38 percent. The 38 percent goal is based on the federal guidelines that if you have 38 percent, you do 38 percent.

COMMISSIONER WEXLER: I'm not on that question about the 38 percent. I'm on the DBE opportunity, and with the DBE opportunity only and particularly the question I asked you on the phone the other day was as it related to bookstore. And now we've just heard from the gentleman from Borders, and they don't do DBE opportunity, and I suspect Barnes & Noble doesn't do that either.

COMMISSIONER GUNZBURGER: (Inaudible).

COMMISSIONER WEXLER: They don't even do airports. Okay. But those are the two largest vendors that certainly come to mind. I don't want to cut our nose off to spite our faces here to set the standard. And I don't want to interpret something incorrectly. Ideally we would like to see a 50 percent or you would like to see a 50 percent goal.

MS. WARREN: That's our goal.

COMMISSIONER WEXLER: -- Joint venture, limited partnership, or some type of an opportunity.

MS. WARREN: Correct.

COMMISSIONER WEXLER: However, if folks were to respond to this and were unable to meet the 50 percent, what would and how would your office respond to that?

MS. WARREN: The law requires, and I'll give you -- I have to give it to you this way. The law requires that we set our goals based on availability, and we make a good faith attempt to meet them. That's it. If you do that and you fail, you're still in compliance. You have a concern if you do not set your goals based on the market and there's no good faith attempt to include it.

What does a good faith attempt mean? It means that, one, if people are available and interested, you need to encourage them and involve them. If you have a firm, for example, that may not be able to, by practice, do a partnership, but they were able to come up with another participatory agreement allowing a DBE firm to occupy space within the bookstore to sell coffee and you deemed that appropriate and they gave you participation, you could do that. But the real bottom line of it is, is that the goal is based on the market and the county is basically committed to making a good-faith effort to include minorities based on the goal.

COMMISSIONER WEXLER: Now, I want to ask you one more thing. One of the -- and I shared this with you this morning, the grid that has the various airports across the country, and the one that I'm looking at -- and I suspect we all have this thing -- Miami International, their DBE goal is 30 percent. Most current bid was in 2006. They're in the same region that we're in. How come our goal would be 20 points higher?

MS. WARREN: The reason I went through the process to explain to you that our goals are based on our total concessions available, we have to manage that. First, it's based on availability and it's based on uniquenesses to that airport. For example, when the grid I gave you of the 300-plus million dollars of concessions, \$200,000,000 of it was tied up in long-term contracts. You're not going to be able to get opportunities there. I have no idea of what it's like in Miami-Dade. Perhaps their's are smaller, but the one thing I can tell you that's unique about Miami-Dade is that the minorities are the majorities, so they probably have a higher level of participation in other areas.

If you look at your list of firms and your contracts, you have two areas out of all of your areas where you get minority participation. That's in food and your concession. If you take away the concessions, you have no participation, because in your rental cars you only have one percent out of some 300,000,000. I'm assuming that in Miami-Dade, that is not a problem or an issue. So for them to have a goal of 30 percent when the -- possibly the majority of their contracts may be with minority firms, they don't have a goal problem. We here in Broward, do.

We have a historical problem as documented through the disparity study. We have new data that says that our market consists of 38 percent minorities in this area, and it's new data, and when we look at our current performance, which is the chart I gave you, you're at 22 percent, and that excludes pretty much all of your concessions with car rentals; one percent. So you have a whole set of dynamics. So you can look at every airport, but every airport is different. All demographics are different, and their market is different, and they try to deal with their disparity issues differently.

Our uniqueness is we have long-term contracts that very rarely change, and when they do, we have major shifts in population that we have to catch up with. This is the first time in years that we've had an opportunity to include minorities in the contracts. So my job is to make sure we abide by the law, we make a good faith attempt, and that we understand that our market is unique to us. Miami is very different. It's close in proximity, but the population is different.

COMMISSIONER WEXLER: Okay. I mean, you have thoroughly answered this question.

MAYOR GRABER: And she is thorough.

COMMISSIONER WEXLER: She is thorough, I know that, but I really --

COMMISSIONER RODSTROM: I appreciate that. She knows her stuff.

COMMISSIONER WEXLER: She does, and I just thought it was really, really important that this 50 percent goal, not everyone may make it, but the good-faith effort has to be documented.

MS. WARREN: We receive Federal Aviation dollars. We must make a sincere attempt, a good faith attempt to be inclusive. We can't do anything but.

COMMISSIONER WEXLER: All right. Thank you.

MAYOR GRABER: Okay. Do you have anything else?

COMMISSIONER WEXLER: No, that was enough.

MAYOR GRABER: Vice Mayor Eggelletion, and then we'll vote.

VICE MAYOR EGGELLETON: The only thing I want to say is that Mrs. Warren is absolutely correct here. You're going to have a lot of companies competing for this business, and I would suspect if a company don't have a minority program, they ought not be here. It's real simple. I mean it's simple to me. I don't about to you, but I only want to deal with those companies that are committed to doing business with minorities. We have a study that she's pointed out that clearly documents we haven't done what we're supposed to do.

So I want to do it, and I want to stay with this goals program, because that's what got Dade County in troublesome years ago, they tried to do something different. And we have not gone down that route, and it has worked extremely well. Just about all the companies that do business with us step up to the plate and they make a good-faith effort to meet those particular goals.

And what she's talking about are opportunities where we can have joint venture true partnerships at the airport. Just like we did -- and it may not turn out that way, and I'll give you an excellent example. Remember the duty-free? The minority vendor came forward and they said: Look, I want to buy a portion of this business. They put their cash up, bought a portion of that business, and Mr. Jargiello will tell you that if you go to the airport any day, that minority vendor is out there working, doing their portion, and they work realistic. I mean they were offered a greater percentage. They said all I can afford is 30 percent of this business. That's what they bought.

And so a goal is just that. If we have a goal that says 50 percent and we don't have a vendor that can meet that goal but they say: Hey, I can buy 30 percent or 35 or 40 percent, this is what I'm going to buy with my cash money, guess what, that's what they have, but they have a company say that they don't have minority participation, period, is not where we want to go because there are a whole lot of fish out in the sea, and we have to have someone that comes in that can deal with what we want to deal with. And this is my last comment.

I'm still a little bit confused on how these packages are going to go down because if we're talking about a single package, that means one vendor comes in, Mayor, and bids on both packages in all the terminals, or they may want to break it up, but here's what I'm confused about. If I understand you correctly, Commissioner Jacobs, what you're suggesting is that these five specialty shops that the airport -- these opportunities that the airport has identified, are you suggesting that they be mixed in with whichever the large companies, or are you suggesting that they are separate from that, because what I want to see is that they're separate from that because it gives you an opportunity for the pop and pizzazz that we have to have, so I need to be clear about that before I vote, and that's all I'm saying. I'm a little confused about that.

MAYOR GRABER: Commissioner Jacobs.

COMMISSIONER JACOBS: Vice Mayor Eggelletion, I need to be clear about that too, because when we talked about specialty, it was my impression that what Mr. Lukic was suggesting was that they could be wrapped in. The idea was to try to get as creative a package, but we would define a package. The end of the day meaning that the packages, while distinct, would allow a vendor to propose on one or both of the packages but the packages themselves are put together. The only issue now hearing from Borders and as a specialty because, as I read the agenda item, it's pretty specific that these would be with set out separate from the news and gifts. That you would have three specialty, one fresh flower and one business technology center. So that's a total of five, but it's not five specialty. It's three specialty. So that's the way our staff set up this agenda item.

I think -- and, Mr. Lukic, correct me if I'm wrong -- what you were suggesting is that you could do exactly what Gwen just told us about and what Vice Mayor Eggelletion is saying, but it would be mixed up within one of the packages.

COMMISSIONER GUNZBURGER: No.

MAYOR GRABER: Mr. Jargiello seems to want to clarify something.

COMMISSIONER JACOBS: We would welcome some clarity at this time of night.

MR. JARGIELLO: May I make a suggestion from the discussions that have been going on?

COMMISSIONER JACOBS: Please.

MR. JARGIELLO: There seems to be somewhat of a consensus that the five opportunities are all DBE opportunities, three specialty and the flowers, that those remain in their present format.

COMMISSIONER JACOBS: Exactly.

MR. JARGIELLO: It's an opportunity. It's for DBE's, and they're specialty items, and it's an opportunity. As far as the two general merchandise, maybe what I hear the discussion potentially is right now the way it is, it's optional. You can bid on one or you can bid on two or you can bid on one and two, but they're separately reviewed. Maybe what the consensus seems is that we don't make it optional. We make it mandatory so that if Parity's wants to come in, Parity's can submit a proposal for one, submit a proposal for two, but we require them to submit a proposal for the total amount. But I think --

COMMISSIONER GUNZBURGER: Wait, no.

COMMISSIONER JACOBS: That just confused me all the more.

MR. JARGIELLO: It seems to me because the discussion was --

COMMISSIONER JACOBS: Try rephrasing that, Mr. Jargiello. I couldn't --

MAYOR GRABER: Could you be clearer about the mandatory portion?

OPERATOR: Your call will end in 10 minutes.

MR. JARGIELLO: The discussion seems that you're seeking a proposal, which really marries up --

COMMISSIONER LIEBERMAN: Mayor, Mayor.

MAYOR GRABER: Yes.

COMMISSIONER LIEBERMAN: I hate to interrupt but I just got a message on my end that says my conference call will end in ten minutes. I need to know that they're going to continue to allow me to be on the line.

COMMISSIONER JACOBS: This happened once before.

MAYOR GRABER: What did they say?

COMMISSIONER LIEBERMAN: I just got a voice message on the phone that said: Your conference call will end in ten minutes.

COMMISSIONER JACOBS: That's right. It's happened before.

MAYOR GRABER: Oh, okay.

COMMISSIONER RODSTROM: How far are you away?

COMMISSIONER JACOBS: Alligator Alley.

MAYOR GRABER: Well, we'll work on that.

COMMISSIONER LIEBERMAN: I'm an Alligator Alley. It's apparently a glitch in our program.

MAYOR GRABER: We'll have our technical people work on that.

Mr. Jargiello, please continue.

MR. JARGIELLO: Anyway, it seemed to be what Mr. Lukic was saying, I don't want to speak for him, but it seems that he wants presented in this competition the opportunity for a vendor to propose on a packaging of 1, 2, 3, and 4, which is really taking packages 1 and 2 and combining them into a single bid. So right now it's optional. You can bid on one you can bid on two and I would imagine that most of them will, but what we're saying is that the next step that it's missing is we require them to submit a combined bid, which is really for 1 and 2.

MR. LUKIC: No, I would provide the opportunity -- I'm suggesting we provide the opportunity. I wouldn't require anyone to bid on that.

COMMISSIONER JACOBS: No, no, I don't want that either. At the end of the day, I'd like to see two companies bidding --

COMMISSIONER GUNZBURGER: (Inaudible).

MAYOR GRABER: Okay. We won't do that. We'll stick to where we are.

COMMISSIONER JACOBS: Mayor, may I just clarify something with Mr. Lukic. In your memo, my impression was that you were, in addition to advocating that you could bid on one package or two together, in addition, were you still setting all of the specialty shops off to the side outside of that environment?

MR. LUKIC: Actually what I originally proposed was that they could bid on everything, including the specialties.

COMMISSIONER LIEBERMAN: Right.

MR. LUKIC: And it doesn't bind us to accept any of those. It's simply giving them an opportunity to say: This is what we would do if we had it all versus the rest and then the Board was be in a position to decide based on everything proposed what's the best position, what's the best deal for the county, considering DBE, considering the quality of the vendor, and considering the pricing.

COMMISSIONER JACOBS: Okay. So then colleagues, I have a question for you. What is different between the Borders proposal, which is it's still a large corporation that has the contract; they just sublease out part of it to a minority, or having another company do that by grouping them? What am I missing?

COMMISSIONER LIEBERMAN: Nothing. Could you put me on the queue, please.

COMMISSIONER JACOBS: If you were the large company -- let's say you take Terminals 1 and 2 and you have "X" number of specialty shops within that whole package and you have a percentage of minority that has to be in those specialty shops, still have to be minority, but they're tucked in. How is that different than if they're not?

MAYOR GRABER: Okay. Who wants to answer that question?

VICE MAYOR EGGELLETON: At least the way I see it --

COMMISSIONER JACOBS: Because I'm not really married to either way now.

COMMISSIONER SCOTT: Mr. Mayor.

MAYOR GRABER: Vice Mayor Eggelletion.

VICE MAYOR EGGELLETON: It may be that the two major firms may be better at answering that question, but let me just say this to you. It could be that they violate CA1 contract. CA1 contract might say you can't have anybody else serving food or beverage at the airport. And if so, that kicks out that minority vendor so he can't compete, and I'm quite sure that CA1 contract says that. Is that not correct, Mr. Jargiello?

MR. JARGIELLO: That specifically, we asked them if they would give up the food rights, and they respectfully request -- or denied doing that.

COMMISSIONER JACOBS: They said no.

MR. JARGIELLO: They said no.

MAYOR GRABER: That's stated nicely.

COMMISSIONER JACOBS: So in the Borders example, you couldn't have -- I mean what else would their minority partner be if not selling coffee?

VICE MAYOR EGGELLETON: But that's for Borders to determine and not us, but let me just say this, you can't expect these minority firms to compete with the big giants, and I would hate to put them in that position. They cannot complete with the big giants.

COMMISSIONER JACOBS: Right.

VICE MAYOR EGGELLETON: That's why the opportunity is for a joint venture partnership or a percentage of the business, and that's what the airport staff I think is suggesting to us.

MAYOR GRABER: Okay. I think the original language did that. So I don't think we should go -- thanks, Mr. Jargiello.

COMMISSIONER JACOBS: Right. I think --

MAYOR GRABER: No, I think we're good where we are. Now Commissioner Scott, then Lieberman.

Commissioner Scott.

COMMISSIONER SCOTT: When this came before the committee, it was never anticipated there would be any super grouping of specialties. The idea was there would be at that point either you would bid on 1, 2, 3, and 4 or there was discussion of bidding on 1 and 2 and 3 and 4. And then the specialties might or might not come along as approved by the Board. That was what was contemplated.

And now from what the Auditor is saying, in addition, what happened was -- which I've expressed to the airport director, they just went to 1 and 2 and 3 and 4 and left out the overall option that was discussed, and I heard Commissioner Lieberman earlier, so now the Auditor to me is saying 1 and 2, 3 and 4, or if you want, 1, 2, 3, and 4, that's what I understood, and then the specialty, I believe was always intended

except for whatever comment he made, to be separate, and then as far as the DBE, I'm not sure how that would work, but that would be included in the specialty because you may only do one or two or three specialties as they come along here this fall or whenever. So that's -- I mean if that's what we're voting on, the question is, do we include the overall or not, like the Auditor suggested.

MAYOR GRABER: Is that your intention, Commissioner Jacobs, to include 1, 2, or all of the above?

COMMISSIONER JACOBS: Honestly, it's late, and I'm ready to support the item as originally proposed. What my idea was -- here was my concern, that in the specialty that you -- that a minority company may have a big struggle in the larger companies for a specialty shop and that if they were to be partnered with or if the larger company partnered with them they would have a more advantageous situation by becoming part of this whole package. That's where I was going. But if at the end of the day, no matter which scenario, the five specialties were always going to be set off to the side, I guess that's where we go.

I just want to make sure, I think it was Commissioner Wexler that said that we want to make sure that we, in trying to get specialty and trying to accommodate minority that we don't lose all the -- what was that word you used, Vice Mayor Eggelletion, pop.

VICE MAYOR EGGELLETON: Pizzazz.

COMMISSIONER JACOBS: That we don't use all the pop and pizzazz because we're going to small companies. And if you all think we can get this accomplished in the item as present, then let's just do it.

MAYOR GRABER: Okay. Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah. Hello?

MAYOR GRABER: It's not 9:00 yet. You can speak.

COMMISSIONER LIEBERMAN: Okay. But I'm getting these messages on my end of the phone that I'm going to be disconnected in six minutes.

MAYOR GRABER: Okay. You've got six minutes. Do you need more than that?

COMMISSIONER LIEBERMAN: Yeah, because there are other items on the agenda after this one.

MAYOR GRABER: Okay. Go ahead.

COMMISSIONER LIEBERMAN: My understanding is we're missing one option. The option is you can bid 1, 2, you can bid 3, 4, you can bid 1 through 4. We need to have that, and I need to tell you that the reason I seconded Commissioner Jacobs's motion is because there may be some of these specialties that can't go it alone, but through a joint venture with one of these proposers would be able to have one of these specialties operate. What we're doing is we're precluding that opportunity. What are you going to do if there's a specialty that no DBE comes back and bids on.

COMMISSIONER JACOBS: Right, that's my concern.

MAYOR GRABER: You're right.

COMMISSIONER JACOBS: That's my -- and that's why I wanted to lump them altogether in one package.

COMMISSIONER LIEBERMAN: That's exactly why I seconded your motion, but, Mayor, I beg you to have staff make sure that in five minutes I'm not disconnected.

MAYOR GRABER: They're working on it as we speak diligently. Don't worry, we won't lose you. Okay. Now let me ask a question, Ms. Henry, we have all of -- we have three or four more items related to this. Do we have to vote on each one of those individually, 21, 22, 23, 24, that has all these waivers?

MS. HENRY: I'm not sure that I understand your question. The debate that we're having right now is whether or not to lump them together or treat them separately, right?

MAYOR GRABER: Right.

MS. HENRY: So if you make a decision to lump them together, we really only have to debate it -- one item.

MAYOR GRABER: Do we need all the other issues then? Do we have to vote on these other items that follow?

MS. HENRY: No, because you would have lumped them altogether if that's the decision you make.

MAYOR GRABER: If we complete this one item, we've covered the next five, right?

MS. HENRY: Depending on how you treat that one item.

MAYOR GRABER: So what I'm asking you is if you look at -- I'm jumping ahead a little bit, motion to waive, Chapter 26, do we have to take up these items to waive rules, in other words, once we get through this item?

MS. HENRY: Well, one of the things that you're waiving is that in the code, in the past, we have treated this as an RFP.

CONFERENCE OPERATOR: Your conference call has ended. Thank you.

MAYOR GRABER: I guess I was wrong. Don't worry. She'll be back. She'll be back.

MS. HENRY: We're either going to waive it once or we're going to waive it several times depending upon how you vote on this, but we're going from an RFP to an RLI. So if you're grouping them together, then we only do it once. If you're going to separate the specialties from the main, then we'll have to deal with them --

MAYOR GRABER: Okay. So --

COMMISSIONER SCOTT: Mr. Mayor.

MAYOR GRABER: Commissioner Scott.

MS. HENRY: So we need the bigger decision made first.

MAYOR GRABER: We're going to vote in a second. I just want to make sure --

COMMISSIONER SCOTT: This grouping is a 9:00 at night complication here to me. What about, you don't want to force some of your operators that might qualify on their own to be part of some group. I mean I guess I'm thinking the business center -- you see what I mean? Is it going to be -- is it still separate, like you're not -- like you've got to be in a group to bid?

COMMISSIONER JACOBS: No. It's exactly what's on your agenda.

COMMISSIONER SCOTT: So then it won't be grouped. All right. Okay.

MAYOR GRABER: Are you clear on that, Commissioner Scott?

COMMISSIONER SCOTT: Yes.

MAYOR GRABER: All right. Let me ask Mr. Newton a question. From a legal point of view, the motion for 120 that we're going to vote on, will that negate 21 through 24 or do we have to go through these next item to waive rules, et cetera?

MR. NEWTON: What you can do is do a blanket waiver of the airport concession policy which will cover all of the individual sections of, I believe it's part 26, Chapter 26.

MAYOR GRABER: Okay. So let's incorporate that into your amendment then; is that okay, Commissioner Jacobs? We'll do a blanket waiver as part of that amendment.

COMMISSIONER JACOBS: Well, Mayor, maybe I haven't stated this as clearly as I could, but I'm supporting the item as staff presented it. And so I withdraw -- and in doing so, I would drop my motion. My motion was originally to support the recommendations of the Auditor, but what I'm hearing is that we -- and the reason why I proposed it that way is for the very reason that both I and Commissioner Lieberman stated is we are concerned that under the minority specialty shops set aside outside the packages, they may not be able to participate and we may be limiting it, but in the interest of just moving ahead, I'm dropping my motion and supporting the agenda item as written.

MAYOR GRABER: So you are dropping --

MAYOR GRABER: (Inaudible).

COMMISSIONER JACOBS: Absolutely.

COMMISSIONER WEXLER: But I want to make that motion.

COMMISSIONER LIEBERMAN: Hello.

MAYOR GRABER: So you want to make it?

COMMISSIONER WEXLER: I want to make it.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yes, I'm here.

COMMISSIONER WEXLER: Commissioner Jacobs is withdrawing her motion. I am making that same motion, and are you going to second it?

COMMISSIONER LIEBERMAN: Yes.

COMMISSIONER WEXLER: Okay.

MAYOR GRABER: All right. So now Commissioner Wexler has the motion. Now the question I have for you --

VICE MAYOR EGGELLETON: Can you state your motion?

MAYOR GRABER: You have your motion. Mr. Newton said that we have to add the waiver. Would you add that to your waiver?

COMMISSIONER WEXLER: You bet.

MAYOR GRABER: So the language that Mr. Newton mentioned will be attached to your motion.

COMMISSIONER WEXLER: Yes, a blanket waiving of Chapter 26.

MAYOR GRABER: That's been -- it's your motion and it's been seconded. Now --

UNIDENTIFIED SPEAKER: Wait, wait, wait, wait.

COMMISSIONER WEXLER: Could you please recognize me?

MAYOR GRABER: Sure, Commissioner Wexler.

COMMISSIONER WEXLER: Thank you. Really it was for clarification of your original motion, Commissioner Jacobs, that I wanted to make sure because the intent and we heard the gentleman from Hudson say that he could live with, we heard, I thought, Mr. Platt indicate living with these opportunities. And the key word here is "opportunities", which is the terminology used in Mr. Lukic's transmittal to us. To have either multiple or single vendors that would propose on these packages --

COMMISSIONER JACOBS: Including specialties.

COMMISSIONER WEXLER: Including specialties.

COMMISSIONER JACOBS: And flowers and business.

COMMISSIONER WEXLER: Correct. That was the intent, I thought of your motion, and that's why when you withdrew it, I wanted to stick it back out there because that's the route that I'd like to be able to go down, and the motivation for me, the motivation for me is particularly the significant decrease without giving that opportunity to the gross sales. Currently at 18.5 percent, dropping to 16 or 15? Which one, 16?

UNIDENTIFIED SPEAKER: Fifteen.

COMMISSIONER WEXLER: 15, 15, three percent by not allowing one vendor to come in and propose.

MAYOR GRABER: Now we have a substitute motion by Vice Mayor Eggelleton. What's your substitute to the motion?

VICE MAYOR EGGELLETON: I have a substitute motion, and I want to read it into the record. The substitute motion is to waive Chapter 26 of the operational policy, aviation of Broward County Administrative Code, section 26.14 A, B, C, and D, and F and to provide for to provide for a revision of the general description to allow the Selection/Negotiation Committee to shortlist qualified firms to allow the (Inaudible) concessions through a request for letters of interest and to extend those concessions to the terms in section 264 D to provide for -- no, I'm going to change it, to provide for -- to provide for package B and C separately and package B and C -- I mean Item B and C on Item 121 separately and Item B and C combined, and the last part of the motion is to allow for the specialty shops to be separated from that package. Now, let me sort of clarify what I did.

COMMISSIONER JACOBS: Okay. Thank you.

VICE MAYOR EGGELLETON: What I did was ask for a waiver of the policy, as Mr. Newton has asked, and to allow the firms to bid on Terminals 1 and 2 or 3 and 4 separately or to combine them together --

COMMISSIONER JACOBS: With flowers and business.

VICE MAYOR EGGELLETON: Or to -- or to -- and to separate out the specialty shops. That's my motion.

MAYOR GRABER: Okay. Is there a second to that motion?

COMMISSIONER JACOBS: Point of clarification.

MAYOR GRABER: Question on the motion, Commissioner Jacobs.

COMMISSIONER JACOBS: Vice Mayor, are you saying group -- for example, you have the groupings of Terminals 1 and 2, 3 and 4, and they could bid on 1 and 2 and include flowers and the business center and that first grouping of terminals. Is that what you're suggesting?

VICE MAYOR EGGELLETON: No, I'm suggesting that any firm can come in and bid on 1 and 2 or 3 and 4, meaning a bifurcated package.

COMMISSIONER JACOBS: Right.

VICE MAYOR EGGELLETON: Or they can come in and bid on all four Terminals.

COMMISSIONER JACOBS: Or.

VICE MAYOR EGGELLETON: Or -- and that the specialty that the airport has suggested is carved out of that and that is a separate package.

COMMISSIONER JACOBS: Correct. Okay. But where is business and flowers, because that's not specialty.

VICE MAYOR EGGELLETON: Well, business -- business and flowers is a specialty, as I understand it.

COMMISSIONER JACOBS: Well, the staff defines specialty.

VICE MAYOR EGGELLETON: Is that correct? Mr. Jargiello, isn't today a business separate from Parity's contract?

MR. JARGIELLO: Yeah, the way we propose it is the three, bath and beauty, electronics, books, flowers, and business center would be five separate concessions.

COMMISSIONER JACOBS: If you look at the way staff put this agenda item -- it's says -- they say three specialty, one flower and one business. They never said five. They're calling three of them specialty and the rest specifically. So when we say specialty, we mean all five?

MR. JARGIELLO: Correct.

COMMISSIONER JACOBS: Okay.

VICE MAYOR EGGELLETION: Yes, that's what we're talking about.

COMMISSIONER JACOBS: Okay.

MAYOR GRABER: So that's been seconded by Commissioner Scott.

Now, Commissioner Rodstrom, you have a motion?

COMMISSIONER RODSTROM: I want to make a motion that we -- because, Commissioner Jacobs, I don't think -- did you make a motion that we approve 121 as it's stated?

COMMISSIONER JACOBS: No, not actually yet.

COMMISSIONER RODSTROM: Do you want to make that motion?

COMMISSIONER JACOBS: Go ahead.

COMMISSIONER RODSTROM: That's the motion I want.

COMMISSIONER JACOBS: That's what I said I was going to support, is the way it was structured like that.

COMMISSIONER RODSTROM: Go ahead, you make the motion. I'll second it.

COMMISSIONER JACOBS: Then I would move the item as presented with the --

COMMISSIONER RODSTROM: 121.

MAYOR GRABER: 120 or 121?

COMMISSIONER JACOBS: 120.

MAYOR GRABER: 120 she's talking about.

CHAIR GUNZBURGER: 121.

COMMISSIONER RODSTROM: 121.

COMMISSIONER JACOBS: I'm sorry, 121 --

COMMISSIONER RODSTROM: Your issue is 122, but we're talking about 121.

COMMISSIONER JACOBS: 121 with the verbiage that was promulgated earlier by the County Attorney.

COMMISSIONER RODSTROM: Second.

MAYOR GRABER: So now there's a second motion to accept 121 as is, with the language that Mr. Newton included. That's been seconded. Okay. Any other motions? Okay. Let's vote on some motions.

COMMISSIONER WEXLER: Point of information.

COMMISSIONER WEXLER: Commissioner Wexler.

COMMISSIONER WEXLER: And the last motion is the one we're going to vote on first. That then separates that --

COMMISSIONER GUNZBURGER: Well, the specialties are --

COMMISSIONER WEXLER: No, no, that package 1 and 2 is one package and 3 and 4 is another package and they can't vote -- vote --

COMMISSIONER RODSTROM: The committee can make that decision.

COMMISSIONER WEXLER: That option isn't in here to do that.

COMMISSIONER RODSTROM: It says -- look at what D says: To recommend the most qualified news or gift services for Terminal 1 and 2 and 3 and 4. That seems to me you can combine them if you so choose. Mr. Newton, is there anything to stop the committee from making that recommendation from the motion that's been presented here on Item Number 121? Is there anything to stop the combination of 1 and 2 and 2 and 4?

MR. NEWTON: I don't believe so.

COMMISSIONER RODSTROM: No. So it's not mandated, but it's a -- but the committee has the ability to make that recommendation.

COMMISSIONER WEXLER: Then that in essence is Commissioner Eggelletion's motion.

COMMISSIONER RODSTROM: What I'm saying is it's 1 and 2 and 3 and 4.

COMMISSIONER WEXLER: Well, that's what Commissioner Eggelletion's motion is then, that we have choices.

MAYOR GRABER: Wait a minute. Because your motion -- when we vote it will negate Vice Mayor Eggelletion's, I want to give him the opportunity to -- I know, it's almost the same thing. Explain the difference between your two motions.

Vice Mayor Eggelletion.

VICE MAYOR EGGELLETON: Okay. If I understand Commissioner Rodstrom's desire in Item 121, what he's saying is that when the RLI is written, it will go out, a separate package for 1 and 2, a separate package for 3 and 4.

COMMISSIONER RODSTROM: Right.

VICE MAYOR EGGELLETON: And the second part of the RLI will say that you can bid on either -- you can bid on all of them, 1, 2, 3, and 4; is that correct?

COMMISSIONER RODSTROM: No.

VICE MAYOR EGGELLETON: Is that what you're saying?

COMMISSIONER RODSTROM: No, what I'm saying is that the committee has the ability to combine the vendors. If they go through their own oral presentations and they find that there's only one vendor who rises above because here's what's going to happen, Parity's is going to bid or my guess is if these vendors are going to bid on multiple packages. All right. Because if I were a vendor, I'm going to bid on A and I'm going to bid on B, and, you know, I'm going to compete for both and I may only get one. I may get both, but practically speaking I'm not going to go in and bid A and not bid B. So I mean think about that. So you have the -- the committee has the ability --

COMMISSIONER LIEBERMAN: No, you don't. Can I please be put on the queue?

MAYOR GRABER: You're on the queue. Welcome back.

COMMISSIONER RODSTROM: They have the ability to do whatever they want based on what's presented to them. All I'm saying is it's not mandated and the committee gets to pick and choose with how they want to proceed.

MAYOR GRABER: So you basically allow the S/NC to make a determination?

COMMISSIONER RODSTROM: Let the S/NC make the determination and bring it to the commission.

MAYOR GRABER: Whereas Vice Mayor Eggelletion's --

COMMISSIONER RODSTROM: He's mandating --

MAYOR GRABER: -- mandates it.

COMMISSIONER RODSTROM: Right, and this doesn't mandate it.

MAYOR GRABER: Okay. So Vice Mayor Eggelletion, do you still want your motion or can you accept Commissioner Rodstrom's motion?

VICE MAYOR EGGELLETON: Well, if I understand what Commissioner Rodstrom -- and I just want to make sure that I clearly understand, and, Mr. Newton, correct me if I'm wrong, I think what Commissioner Rodstrom is saying is that either these firms can bid on a single package for 1 and 2 or a single package for 3 and 4 or they can bid on --

COMMISSIONER RODSTROM: No.

VICE MAYOR EGGELLETON: Let me just finish now. Or they can bid on both of those packages and we will determine whether or not to select them now. If that's the case --

MR. NEWTON: There was nothing in your motion that precluded that selection committee from making that decision.

VICE MAYOR EGGELETON: But if that's the case, I don't know how they're going to write the RLI.

COMMISSIONER JACOBS: That's right.

VICE MAYOR EGGELETON: And that's my concern, and do y'all have a problem -- I just need to know before I --

COMMISSIONER RODSTROM: This is his motion. This is staff's recommendation.

VICE MAYOR EGGELETON: I understand, but if I decide to withdraw my motion, I just want to know, will they have difficulties in writing the RLI that way? That's all I need to know.

MAYOR GRABER: Mr. Jargiello, would you have any difficulty in the RLI with what you just heard?

MR. JARGIELLO: If you're accepting the motion the way we've written it, that's what I heard Commissioner Rodstrom saying and Mr. Newton seems to be saying that there's no prohibition, it's one SC over a jurisdiction over all the packages, well, actually all six of them but definitely both packages. It's one SC, so that committee will have jurisdiction over A and will have jurisdiction over the package too. What I'm hearing is that that committee, you're saying would have the opportunity. I mean that would be more of a legal question to Mr. Newton, but right now that's the form of the motion.

MAYOR GRABER: Okay. So they're comfortable with that so do you still want to keep your motion?

Commissioner Scott.

COMMISSIONER SCOTT: Well, look, the point of the Auditor is and the point, I think -- Commissioner Lieberman, she's going to correct me if I'm wrong, in addition to bidding on half of it here because maybe that's 2,000,000 you bid and you bid 2,000,000 on the other two terminals, but then you have a combined bid and the combined bid might be 3 and a half million total. I mean that's the whole point of trying to, you know, have all three options. That's what I understood. So now --

MAYOR GRABER: So are you okay with it?

COMMISSIONER SCOTT: Commissioner Rodstrom would only have two options. You bid on one or you bid on two. Maybe you get both, maybe you don't.

MAYOR GRABER: But the committee could do the third option.

COMMISSIONER SCOTT: Well, the committee can't -- if the RLI -- if they didn't bid going in on all four at a certain price, then there wouldn't be the option of the economy of scale. It would be the worst, in a sense, because they would have to bid one with the overhead on that one and two with the overhead on that one, so that's the issue.

MAYOR GRABER: So you want to keep your motion then.

VICE MAYOR EGGELETON: I want to keep my motion.

MAYOR GRABER: So does everyone understand the motion?

COMMISSIONER JACOBS: Can he restate his motion?

MAYOR GRABER: You still have your motion as well.

COMMISSIONER WEXLER: Are you talking to me?

MAYOR GRABER: Yeah, Commissioner Wexler. There are two motions, before we vote, you know if either one of those wins, your's loses, so I'm giving you an opportunity to respond now.

COMMISSIONER JACOBS: You need to clarify the motions.

MAYOR GRABER: Okay. You want to do that first or do you want to respond?

COMMISSIONER WASSERMAN-RUBIN: Can't we play together well?

MAYOR GRABER: We are. We are.

COMMISSIONER JACOBS: We are.

MAYOR GRABER: Before we clarify the motions one more time --

COMMISSIONER WEXLER: For me, Commissioner Eggelletion's motion gets me where I need to be.

MAYOR GRABER: So with you withdraw your motion and support Commissioner Eggelletion's?

COMMISSIONER WEXLER: I will withdraw my motion and support Commissioner Eggelletion's motion.

MAYOR GRABER: Now we're down to two motions.

COMMISSIONER GUNZBURGER: What's the difference?

MAYOR GRABER: The difference between your two motions is that Commissioner Eggelletion's gives more opportunity than your's. Are you uncomfortable --

COMMISSIONER RODSTROM: I don't think that characterization is appropriate.

MAYOR GRABER: Go ahead and rephrase the difference, just rephrase the difference.

COMMISSIONER RODSTROM: What my motion does is it allows you to bid on Terminal 1 and 2.

COMMISSIONER JACOBS: As a package.

COMMISSIONER RODSTROM: As a package and Terminal 3 and 4.

COMMISSIONER JACOBS: As a package.

COMMISSIONER RODSTROM: And my thought is that these vendors are going to bid on 1 and 2 and 3 and 4. They're going to bid on both. They're not going to bid just one. Why would they? Why would anybody? So you're going to have double bids and then the committee has the ability to put those bids based on the presentations they can give one vendor both A and B. They have the ability. The committee has that ability. The difference is, the difference is, it's not coming in as one package,

because, again, what I said earlier, if it's going to come in as one package, you're not going to get the competition, in my opinion. You're going to be driven towards the low bid, because that's all you have to compare it with, whereas you have the competition even if you decide that you're going to put them together. The specialty is a separate item, that's 122. I'm just dealing with 121. That's all I'm dealing with here.

MAYOR GRABER: So you want to deal with them separately?

COMMISSIONER RODSTROM: I'm just dealing with 121 as it's written here and moving it.

MAYOR GRABER: Okay. Now, Vice Mayor Eggelletion, your motion combines a couple of them.

VICE MAYOR EGGELLETON: Yeah. My motion --

MAYOR GRABER: You may get to the same place.

VICE MAYOR EGGELLETON: And we may get to the same place, but I need to ask the Auditor a question based on --

MAYOR GRABER: Mr. Lukic, a question.

VICE MAYOR EGGELLETON: Here's my question, Mr. Lukic, and that is, Commissioner Rodstrom is proposing -- well, you heard his proposal. You know, my concern is this, that if we approve Commissioner Rodstrom's motion, would that create a scenario that Commissioner Scott has talked about, and that is that you may have -- because they're going to propose a mag for Terminal 1 and 2, and then the same firm will then bid on Terminal 3 and 4 and they will propose another mag. Will that then create a scenario where there's a fatal flaw where they have actually bid it to the point where they can't meet that minimum annual guarantee in each terminal?

MAYOR GRABER: Mr. Lukic.

MR. LUKIC: I don't think that's the danger. I think the danger or what may happen is you'll have two firms bid on each package. You'll decide that one firm was better in both cases and you'll simply mathematically add those two bids together. That would not necessarily come out the same as if you add them to bid on the entire package.

COMMISSIONER RODSTROM: You don't have to do that. The committee has the power to do what it wants. I mean I've sat on these committees before. They're not bound by that kind of --

MR. LUKIC: Okay. What the Commissioner is suggesting --

COMMISSIONER RODSTROM: But that's not happening practically what happens on these committee.

MAYOR GRABER: Right, but let him express his opinion, and then Mr. Newton has an opinion.

Mr. Lukic.

MR. LUKIC: The Commissioner is suggesting, now I believe I understand Commissioner Rodstrom's suggestion is that the committee could then after it selected the best vendor say: Now give me your best offer for the entire package.

COMMISSIONER RODSTROM: Do whatever it wants.

MAYOR GRABER: That could happen. Mr. Newton, can you tell us how we can arrive there without two motions? Mr. Newton is going to tell us how to do this.

MR. NEWTON: I think what Commissioner Rodstrom was indicating that the vendors could bid on 1 and 2, the vendors could bid on 3 and 4, but the vendors would not be bidding on 1, 2, 3, and 4. That's the distinction between Commissioner Rodstrom's motion and Commissioner Eggelleton's motion.

COMMISSIONER RODSTROM: But the committee has the ability to do whatever it wants once it gets the bid.

MR. NEWTON: And that the RLI should not preclude the committee from doing what it needs to do.

MAYOR GRABER: Okay. Now, Vice Mayor Eggelleton's motion does what?

MR. NEWTON: Vice Mayor Eggelleton's motion allows there to be a bid on 1 and 2, 3 and 4, or 1, 2, 3, and 4 as a single.

MAYOR GRABER: So it does provide more options. All right. Now we understand –

COMMISSIONER GUNZBURGER: Wait a minute.

MAYOR GRABER: Now we can vote.

COMMISSIONER RODSTROM: It doesn't provide you more options.

MAYOR GRABER: All right. I won't use that term.

COMMISSIONER RODSTROM: It's a different –

MAYOR GRABER: It's how you interpret it.

COMMISSIONER RODSTROM: It's just a different goal.

MAYOR GRABER: A different goal.

COMMISSIONER RODSTROM: That's right, a different goal.

MAYOR GRABER: Okay. Is everyone clear on the two motions?

COMMISSIONER GUNZBURGER: I have a question.

MAYOR GRABER: Everyone's clear?

Question, Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I am not clear.

MAYOR GRABER: You're not clear, okay.

COMMISSIONER GUNZBURGER: On Commissioner Eggelletion's, if you bid on 1 and 2, does that preclude you from bidding on 3 and 4 as well?

COMMISSIONER RODSTROM: No, I don't think so.

VICE MAYOR EGGELLETON: No, they can still do that.

COMMISSIONER GUNZBURGER: So you can bid on each package?

VICE MAYOR EGGELLETON: Correct.

COMMISSIONER GUNZBURGER: Plus the whole ball of wax?

VICE MAYOR EGGELLETON: Correct, correct.

COMMISSIONER GUNZBURGER: Okay. Now, I understand.

MAYOR GRABER: Okay. Commissioner Lieberman, are you there?

COMMISSIONER GUNZBURGER: I wanted to know.

MAYOR GRABER: No?

We're trying to get her back.

MAYOR GRABER: Trying to get her back, okay.

VICE MAYOR EGGELLETON: It gives you three options. I think it essentially gives you three options.

MAYOR GRABER: Okay.

VICE MAYOR EGGELLETON: They can still do exactly what Commissioner Rodstrom is saying, but at the same time they can bid on all four.

MAYOR GRABER: Right, you can bid on the whole thing.

COMMISSIONER RODSTROM: The problem is when you do that you don't have the competition. That's the point I'm trying to make. Do you understand that?

COMMISSIONER LIEBERMAN: Hello.

MAYOR GRABER: Commissioner Lieberman?

COMMISSIONER RODSTROM: That's the point I'm trying to make. You understand that. Okay.

MAYOR GRABER: Commissioner Lieberman?

COMMISSIONER LIEBERMAN: Yes.

MAYOR GRABER: Okay. Let me tell you where we are. All right.

COMMISSIONER RODSTROM: See, the -- please.

MAYOR GRABER: Please. Commissioner Lieberman, we have two motions on the floor.

COMMISSIONER GUNZBURGER: Bernie thinks he's in Hollywood.

MAYOR GRABER: One allows the ability -- Vice Mayor Eggelletion's allows you to bid on option 1 and 2, 2 and 4, or 1, 2, 3, and 4.

Commissioner Rodstrom's allows you to bid on the record 1 and 2, 2 and 4, and allows the S/NC --

COMMISSIONER GUNZBURGER: No.

COMMISSIONER JACOBS: No. 3 and 4.

MAYOR GRABER: Oh, 3 and 4. I'm sorry, 1 and 2, 3 and 4, and allows the S/NC to combine them if they wish.

COMMISSIONER LIEBERMAN: What?

MAYOR GRABER: Yes, that's the two motions. Do you have any questions?

COMMISSIONER LIEBERMAN: Can you please repeat Commissioner Rodstrom's motion?

MAYOR GRABER: Commissioner Rodstrom, repeat your motion.

COMMISSIONER RODSTROM: What it does, Commissioner Lieberman, is you can -- you have separate bids for Terminals 1 and 2, and then a bid for 3 and 4. And so my thinking is that the vendors will bid on both and then the committee has the ability to combine the bids if they so choose.

COMMISSIONER LIEBERMAN: Okay. Mayor, if I can be recognized to speak on the motion, I'd appreciate it.

MAYOR GRABER: You're recognized.

COMMISSIONER LIEBERMAN: The only two motions are Commissioner Eggelletion's -- Vice Mayor Eggelletion's and Commissioner Rodstrom's?

Commissioner Wexler withdrew her motion.

COMMISSIONER WEXLER: I did.

MAYOR GRABER: She did, yes.

COMMISSIONER LIEBERMAN: I cannot support Commissioner Rodstrom's motion, and the reason I can't is because it doesn't give you the ability to combine, because you will get a different number if somebody is bidding 1 through 4, because of a common use scale than when you're getting two separate bids on 1 and 2 and 3 and 4. The only way to be able to get the information on what it would be like if you had the full package is Vice Mayor Eggelletion's motion.

MAYOR GRABER: Okay. So you support Vice Mayor Eggelletion's motion?

COMMISSIONER LIEBERMAN: Yes.

MAYOR GRABER: Okay. Any further discussion before we vote? Okay. First we're going to vote on Commissioner Rodstrom's motion.

All in favor say aye.

Opposed?

It fails.

COMMISSIONER RODSTROM: What's the vote.

MAYOR GRABER: Okay. Who voted no, raise your hand.

COMMISSIONER LIEBERMAN: I voted no. I can't raise my hand.

MAYOR GRABER: Okay. We have one, two, three, four, five, six. There are six no's.

VOTE FAILS 3 TO 6 WITH MAYOR GRABER, VICE MAYOR EGGELLETON, COMMISSIONERS LIEBERMAN, WASSERMAN-RUBIN, WEXLER AND SCOTT VOTING NO.

MAYOR GRABER: Now on Vice Mayor Eggelleton's motion.

All in favor say aye.

Opposed?

MAYOR GRABER: It passes unanimously. Thank you.

COMMISSIONER RODSTROM: Unanimously?

COMMISSIONER JACOBS: You and I didn't say no.

COMMISSIONER RODSTROM: Okay. Well, no.

MAYOR GRABER: You have to say no. All right. 7 to 2.

MAYOR GRABER: You have to say something.

COMMISSIONER GUNZBURGER: Now I want to --

MAYOR GRABER: It passes 7 to 2.

VOTE PASSES 7 TO 2 WITH COMMISSIONERS RODSTROM AND JACOBS VOTING NO.

COMMISSIONER GUNZBURGER: But there's a part G. I'd like to go on that SC.

MAYOR GRABER: Now wait a second.

COMMISSIONER JACOBS: Wait. We need to move the next item.

MAYOR GRABER: Mr. Newton, do we have to move any of these other items?

COMMISSIONER JACOBS: Yes, we have to move 123 and 124.

COMMISSIONER GUNZBURGER: Wait. We left out part G, which is those of us who want to serve on the S/NC.

COMMISSIONER RODSTROM: No, you can't now.

MAYOR GRABER: You can no longer serve.

(Laughter.)

COMMISSIONER JACOBS: The question is who doesn't want to serve would probably be easier.

MAYOR GRABER: Right. Who wants to serve on the S/NC?

COMMISSIONER LIEBERMAN: I do.

COMMISSIONER GUNZBURGER: I do.

MAYOR GRABER: Okay. Everyone wants to serve. All right. It's unanimous, we're all going to serve, because none of us understand this.

Okay. Mr. Newton, which of these do we have to take up now?

COMMISSIONER RODSTROM: Mayor.

MR. NEWTON: If I'm correct, I think you still have left --

COMMISSIONER JACOBS: 123 and 124.

MAYOR GRABER: 123 and 124. Okay. Item 12 3, motion to waive Chapter 26--

MR. NEWTON: No, 122 --

COMMISSIONER JACOBS: 122, 23, and 24.

MAYOR GRABER: 122, 23, and 24?

COMMISSIONER JACOBS: Yes. Can we move them all together?

COMMISSIONER GUNZBURGER: Yes.

MAYOR GRABER: We can. Items 122, 123, and 124.

AGENDA ITEMS 122, 123, 124

COMMISSIONER GUNZBURGER: I'd like to move them with all of us on them.

MAYOR GRABER: They've been moved with the entire board participating by Commissioner Gunzburger; seconded by Commissioner Wexler.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER JACOBS: Mayor, a procedural question.

MAYOR GRABER: Commissioner Jacobs.

COMMISSIONER JACOBS: A procedural question, and, I guess, Ms. Henry, this might be for Mr. Jargiello, and that is in setting up these S/NC's, can we put all of these together, or are we going to be going -- are we going to handle 122, 123, and 124 as one or do we now have four individual S/NC's?

MS. HENRY: Mr. Jargiello.

MR. JARGIELLO: The committee is going to be the same for all of them, the staff and the Commissioners. Commissioner, to be honest with you we need to work out the logistics and we'll confirm that with you.

COMMISSIONER JACOBS: My request would be in working out with the logistics is to take this one issue and divide it amongst four meetings, and nine county commissioners schedule, we will never get this through. So to ask you whatever we set up we're dealing with, all four at the same time.

COMMISSIONER SCOTT: But they're separate items. They're going to be -- for example, 124 is separate.

COMMISSIONER JACOBS: But still on the same day. I mean, you could break --

COMMISSIONER SCOTT: The day is one thing.

MAYOR GRABER: Let's allow Mr. Jargiello to work out the details.

COMMISSIONER GUNZBURGER: We don't want to do it now.

MAYOR GRABER: No, we don't want to do that now. He'll come back to us.

COMMISSIONER JACOBS: Just some guiding principles.

MAYOR GRABER: Okay. Item Number 127 --

AGENDA ITEM 125

COMMISSIONER GUNZBURGER: What happened to 125?

MAYOR GRABER: What's 125?

COMMISSIONER JACOBS: Due diligence.

MAYOR GRABER: Oh, yeah, 125.

COMMISSIONER JACOBS: Riverland Road.

MAYOR GRABER: I'm sorry, Item 125, motion to direct staff to continue to do due diligence initiating negotiations of a purchase.

COMMISSIONER JACOBS: So moved.

COMMISSIONER GUNZBURGER: Second.

MAYOR GRABER: Moved by Commissioner Jacobs; seconded by Commissioner Gunzburger.

COMMISSIONER LIEBERMAN: Is this the item on the Supervisor of Elections?

MAYOR GRABER: It is.

COMMISSIONER LIEBERMAN: I have a question.

MAYOR GRABER: Commissioner Rodstrom. This is my district and I cannot support this piece of property, and I'll tell you why --

COMMISSIONER GUNZBURGER: Wait. Can we clear the room quietly. We have about another hour's worth of work.

Oh, Jo needs a break.

MAYOR GRABER: You need a break?

MS. BIEBER: Yeah.

MAYOR GRABER: All right. We're in recess for five minutes.

(THE MEETING RECESSED AT 9:27 P.M. AND RECONVENED AT 9:37 P.M.)

AGENDA ITEM 125

MAYOR GRABER: Okay. Let's get started. If you could all take your seats, please. Okay. We're on Item Number 125, and which is a motion to direct staff to continue due diligence and initiate negotiations of a Purchase and Sale Agreement for acquisition by the County of 5.54 acres, a parcel of vacant land located east side of State Road 7, north of 595 at Riverland Road in Fort Lauderdale. It's a site for construction of an office warehouse facility for occupancy and use by the Supervisor of Elections.

COMMISSIONER LIEBERMAN: I'd like to speak on this issue.

COMMISSIONER RODSTROM: So do I. It's my district.

MAYOR GRABER: Okay. Now Mary Cooney is here representing Dr. Snipes. Did you want to address the group or you're just here for responding, Mary?

Ms. Cooney.

MS. COONEY: Responding.

MAYOR GRABER: Okay. Let's start with Commissioner Rodstrom since it's his district.
Commissioner Rodstrom.

COMMISSIONER RODSTROM: The problem that I have with this site, and my memory is a little faulty but we tried, the county tried to buy this property as part of our open space and bond issue and we were somewhere in the \$2,000,000 range and the guy wanted 3 million and change and here we are now you know paying \$32 a square foot or something when the other property was sold for like \$23 a square foot. And we're bidding against ourselves on this property. And so first of all I'd have a lot of angry constituents because they wanted it for green space and open space. The problem with this property is it doesn't have access on 441. The access is on the side road in the neighborhood.

And just philosophically, the only reason the property keeps going up is we keep dangling it out there that government wants it, the guy keeps jacking the price up. And we need to walk away from this piece of property once and for all and be done with it. So any other property you want, that's fine, but I'm going to have a hard time supporting it, because of our inability to buy it for green space and open space and now competing against ourselves and the third issue is having to access it from the neighborhood.

MAYOR GRABER: Okay.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah, my concern with this issue on the Supervisor's warehouse is when you look at the backup, apparently at one point there were five sites. Now we're down to one site, and that one site was purchased less than a month ago. The current seller wants more than a hundred percent profit on what they paid for it. You know, I have a concern that what's happening is as we're going through this process, we're driving up the market value for the land. And maybe it was a mistake to narrow where we were looking within the county to just this quadrant because I don't see how I can ever vote unless we're going to do eminent domain to acquire this property to give someone a hundred percent profit for 30 days of ownership.

Now, I don't know if it was a fair market sale. I don't know what was involved in the transfer. We don't have enough backup, but it seems that we're limiting ourselves way too much in this issue and the end result is we're looking at a very expensive purchase again.

MAYOR GRABER: Okay. Vice Mayor Eggelletion.

VICE MAYOR EGGELLETON: I guess, here is my concern, and I don't know, Mr. Brossard, maybe you may know this, but from what I understand, this is the same person when we were trying -- at the regional park when we looked at the storage facility, this person went in and we were going to buy it and one guy didn't want to sell it. The same person went in and bought the storage facility at the regional park, and this is the same owner who now goes and buys this and then dangles it back in front of the county.

So it looks like this person is just taking advantage of the government's willingness to purchase property. Now, I don't know who knows this, but is this the same person? I don't know whether you or Mr. Corwin would know the answer to this. Is this the same guy that owned the storage warehouse facility right adjacent to the regional park? I believe it is.

MS. HENRY: Mr. Brossard.

MR. BROSSARD: Dick Brossard, Public Works and Transportation. I don't -- I can't answer that question, because I just don't know, but this site was identified last -- I'm going to say last November, and it's been on a list of sites that we put together, and we, at one point, had as many as 12 sites. And then over time, sites were whittled off of that list, in some cases because cities basically were not willing to work with the county in terms of rezoning and the site plan approvals that were going to be necessary to use some of the sites that were on that list. And then in the meantime other sites have sold. So this is kind of the last site remaining.

And, yes, and in early May, it's a partnership, as I understand it. The owner of the site when we initially identified it, has since sold it, and there are new owners as of the early part of May, and we're in the process of obtaining appraisals and certainly would not intend to offer the asking price. Whatever the terms of the deal would be based on the fee appraisal that we are obtaining at this point.

VICE MAYOR EGGELLETON: Mayor.

MAYOR GRABER: Vice Mayor.

VICE MAYOR EGGELLETON: As a follow-up, I have a hard time believing that this is the last site remaining. It may be the last site that someone is willing to just negotiate or it may be the last site that we don't want to get into what the newspaper may quote as some favoritism and what-not, but the bottom line is you've got to buy property somewhere, okay. And whether we take it by using eminent domain or whatever, but we need to get a site and, you know, this is just -- this price is not, I think what we want to do.

As bad as I want to see the Supervisor get a place, and I think the Supervisor is probably settling on something because she wants to go ahead and get a building built, and I can understand that. However, I don't know what happened to all those sites y'all identified. Y'all just eliminated all those sites? I mean, I still have -- I should have brought the paper out here, but y'all just eliminated all those sites? They're all sold? I mean what's the story?

MAYOR GRABER: Mr. Brossard.

MR. BROSSARD: We were following the process, including presenting the information to the downtown campus select committee. And in the course of the process, some of the sites have sold.

VICE MAYOR EGGELLETON: (Inaudible) by the way.

MR. BROSSARD: Yes, but the other sites that have sold or now under private development. And then some of the sites, one of the questions that was raised and we would always anticipate at this moment in front of Board is if they're in a city, what's the deal with the city, and so we sent letters to the various cities, and I don't remember the specifics now, but at one of the select committees we reported three or four of the -- at one point as many as 12, the cities basically said no to.

So the list just kind of dwindled down to, at one point, I guess, in early May, it was about three, and it's since now dropped to this one. If we're going to reject this and go forward, I think what needs to be done at this point based on the efforts to date would be to redefine the criteria for the site in terms of its proximity to the central part of the county, the nature of the, you know, roadway that it's going to be on. As far as sites centrally located and on major thoroughfares with public transit immediately available, I think we're at a point that there just isn't anything or certainly nothing that we're aware of that's available.

VICE MAYOR EGGELLETON: Just one follow-up.

MAYOR GRABER: Vice Mayor, go ahead.

VICE MAYOR EGGELLETON: Mr. Brossard, did the -- what happened to all the warehouses on 27th Avenue?

MR. BROSSARD: That's going to require eminent domain.

COMMISSIONER RODSTROM: Let's do it.

VICE MAYOR EGGELLETON: I mean, we use eminent -- this is clearly for a public purpose, and it's cheaper. It's cheaper than what this will be.

MR. BROSSARD: Well, our estimate to assemble a site that would be north of the existing public safety building site is -- that would be big enough for the facility for the Supervisor of Elections and this goes back about three months in time, was in the range of \$11,000,000 plus.

VICE MAYOR EGGELLETON: I find that hard to believe in an eminent domain case. That's hard to believe.

COMMISSIONER RODSTROM: Actually what did we pay for that one property next to the -- we paid 1.2 million for that property.

VICE MAYOR EGGELLETON: 1.2 million for that property, and that's what about two acres, three acres?

COMMISSIONER RODSTROM: Right.

COMMISSIONER EGGELLETON: So what size site do you need?

MR. BROSSARD: We need altogether nearly six acres.

VICE MAYOR EGGELLETON: Six acres. It's hard for me to believe that it's \$11,000,000.

MR. BROSSARD: That's information that was presented to the select committee March, April time frame.

VICE MAYOR EGGELLETON: Is that based on a willing selling number or is that based on what you believe we would have to go through if we were to do a take the property? Let me just remind you, remember when we tried to buy the property next to the -- the library, the gentleman didn't want to sell. I mean, he gave us a high price.

COMMISSIONER RODSTROM: 2.4 million.

VICE MAYOR EGGELLETON: Right, and we bought it for 1.4 under eminent domain. So it's just hard for me to believe those numbers are --

COMMISSIONER RODSTROM: That's why we used eminent domain, because it was so far out there, and we're doing urban renewal if we stay on that 27th Avenue corridor, which is consistent with what we want to do in that neighborhood.

VICE MAYOR EGGELLETON: Correct.

COMMISSIONER RODSTROM: Whereas the other neighborhood you're going to go in and get everybody mad at you because that's the only way you can access the building.

MAYOR GRABER: Mr. Brossard, what's the cost of this land?

MR. BROSSARD: At this point we don't have that information. The appraisals are due in by the end of this week.

COMMISSIONER RODSTROM: He's asking 6,000,000 or something.

MR. BROSSARD: Actually more than that, but I think it was at the meeting two weeks ago the Board directed that rather than continue to pursue this through the select committee it would come directly to the board. And with the break coming up we wanted to get some more clear direction on how to proceed.

MAYOR GRABER: Well, we could have bought a lot of land for less.

COMMISSIONER RODSTROM: (Inaudible). He thought it was too high to get the appraisals to come in, and so we didn't buy it.

MAYOR GRABER: I know. That's an issue.

COMMISSIONER RODSTROM: Now, it's eight and a half.

MAYOR GRABER: Well, everything got expensive. My fear is that if we lose this one, we're going to have nowhere to go.

So I think -- let me hear from Commissioner Wexler. Commissioner Wexler, you're recognized.

COMMISSIONER WEXLER: Thank you. Okay. Thank you. The answer -- I asked all those questions actually and got answers in e-mail yesterday, as did I think Commissioner Lieberman asked it as well, but the question really is regarding the number one location, which was on 27th Avenue that we really did like very much, but it was ten separate parcels, Mr. Brossard.

MR. BROSSARD: Yes.

COMMISSIONER WEXLER: And it required assemblage.

MR. BROSSARD: Yes.

COMMISSIONER WEXLER: And not just the time, but the -- of course, the eminent domain -- condemnation. Please, I can't even think at this point in time.

MR. BROSSARD: Yes.

COMMISSIONER WEXLER: And that was -- that was a factor that was weighing very, very heavy on the committee. Commissioner Rodstrom chairs that committee. I don't know if you still want this to go back to the committee. We looked at 12 different sites, and staff gave us reasons why 90 percent of them wouldn't work.

COMMISSIONER RODSTROM: Commissioner Eggelletion and I are talking about something different, and we're not talking about the ten sites, which was for a much bigger project. What we're talking about

is north of the there where you have those warehouses across the street from the Tator Town. And our emphasis has to be to do that urban renewal so of we get rid of that warehouse district that's a good thing in addition to finding a site for the Supervisor of Elections so we accomplish two things at once.

COMMISSIONER WEXLER: How about --

COMMISSIONER RODSTROM: And we approve that 27th Avenue corridor.

COMMISSIONER WEXLER: How about if staff takes a look at that and brings that information back to the committee maybe during the break?

COMMISSIONER RODSTROM: Sure.

COMMISSIONER WEXLER: I'm not going away. I'll be around.

MAYOR GRABER: Let me ask -- if I may, let me recognize Ms. Cooney for a minute just for a question. I know Dr. Snipes is not here. Does she have an opinion on this property?

MS. COONEY: Before she left, she asked me to share with the commission that her first choice would still be the property on 27th Avenue. I don't know if that's the same spot that you're --

COMMISSIONER RODSTROM: Just a little bit north of there.

MS. COONEY: The same street anyway, but only if it could be expedited. She really didn't say anything negative or positive about the other property. I mean, to me, but she did --

MAYOR GRABER: She wants it to be expedited. She doesn't care about the location.

MS. COONEY: But it was still her favorite preference to be on 27th Avenue.

MAYOR GRABER: Twenty-seventh is her preference?

MS. COONEY: Yes, sir.

MAYOR GRABER: And that's the area you're talking about?

COMMISSIONER RODSTROM: Yes.

MAYOR GRABER: Okay. All right. Thank you.

MS. COONEY: Uh-huh.

MAYOR GRABER: So while it's late, let's have a motion. You want to bring this back to the committee and do more research on it? Commissioner Rodstrom, it's your committee.

COMMISSIONER RODSTROM: Can we instruct staff to go and look at those warehouses on 27th Avenue and do your due diligence and find out -- you know, get a quick, dirty of what they're worth. Talk to the owners of the property. I don't know how many there are, but there are not ten where I'm talking about and then bring back for recommendation whether we should do a quick take or whether we can purchase the property.

MAYOR GRABER: Okay. That's a motion. Do I hear a second?

COMMISSIONER WEXLER: Second.

MAYOR GRABER: Discussion? Commissioner Jacobs.

COMMISSIONER JACOBS: Only that this is an issue of urgency for the Supervisor, and that in bringing this item to us today, I was hoping for resolution on her behalf, and that we have six weeks that staff gets through this due diligence period and it the first item back on our agenda when we come back, that whether they finish their due diligence or not that we have an ability to weigh in. And I would hope that they can within six weeks because we really can't keep putting our foot out into this process and coming up with new ideas. We just need to choose a site and if there's one more to explore, let's just do it and then after that, let's just make a choice.

MAYOR GRABER: Okay. So, with that.

All in favor of the motion say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

MAYOR GRABER: So you have your direction. Thank you. Substitute motion. Okay.

AGENDA ITEM 127

MAYOR GRABER: Next item we have is Number 127, motion to discuss the current status of Central Broward Regional Park Project.

Ms. Henry.

MS. HENRY: Yes, Commissioners, we wanted to bring this issue to the Board for further discussion. Hopefully, you have been briefed by staff, but the essence of the dilemma that we have right now is that the project -- we are unable to complete the project within the budget that we have. We have had discussions with the general contractor -- I mean, the contractor that's on the job who has indicated that somewhere between, in earlier discussions around 15,000,000, but I think we're somewhere in the 11,000,000 range or thereabouts now. They feel that in order to complete the plans as they have been laid out that they would need an order to do this work.

We do not have 11,000,000. We do not have 15,000,000 in this project. What we're faced with at some point is to sit down and negotiate both with the City of Lauderhill as well as the contractor to try to get this budget back into something that we can then come back and recommend to you in order to complete the project.

Another dilemma that we have is that there is work -- work has been started on the project. There -- from the staff's perspective, to get the infrastructure in place to finish the earthwork because we have -- we have a subcontractor and a contractor out there mobilized with the work to de-mobilize while we debate this issue is only going to exacerbate the problem that we have.

So literally what we need from you today is to, number one, let you know that we are having this problem. Number two, that we will need to sit down with both the contractor and the City of Lauderhill to try and negotiate reductions in this overall program to get this project back on budget, and number three, to give

staff some authority to interchange change orders specifically to complete the earthwork that has been initiated, and that includes the major utilities so that at least if we have to cover, we can spread the dirt and get back to a point where we can negotiate without creating more harm to the project. So with that, I'll answer any questions.

MAYOR GRABER: Commissioner Jacobs.

COMMISSIONER JACOBS: I'm going to ask you all to read the very first sentence of this item. It says: Motion to discuss the current status of the Central Broward Regional Park project. Regional should be in bold capital letters. And what really frustrates me about this project is it has not been treated as a regional park. For some reason, we are treating it as Lauderhill's park. This is not Lauderhill's park. I object to negotiating with that city.

If Lauderhill is going to weigh in on that degree about all the elements of this park, then let's invite in the other 30 because this is a regional park. Now to the degree that they have rules and they have site codes or site plans and they have a theme that they want for their city and to whatever degree we can accommodate that in our original budget, but there are changes to the design of this project that go far beyond what this board ever set forward.

Ms. Henry said that she was unable -- that we are unable to complete this project within the budget we have. Whose project is it? We had a project with a certain scope. All of a sudden we have towers. We have -- we have pieces in this project that we never had money for, that we never anticipated. It's never come before this Board for a redirect, for increasing the budget for these items. It's just been sitting out there stewing and getting more and more out of control. And I'm sorry to be so blunt, it's late on a Tuesday night, but the truth is this has gotten far, far afield of what the original intentions were for this park when we purchased it and I think we need to pull back and redirect. And the very first thing we need to do is, as a Board, we need to have a common vision for what we expect of this park.

Only then in my opinion should we go forth and have a conversation within the city because right now, it seems that the city has been kind of running the show. There have been a lot of changes to this plan. I have never been asked whether I approve the changes in scope to this park. I have never been asked if I want to increase the budget. I have never been asked if I had other things that I might want to do throughout the rest of the park system. It has never come to this Board for approval or discussion or even a conversation about remedies. It seems that we have staff-to-staff conversations that have been taking place and every now and then a little rumor would float our way, but I can't support going out and negotiating with Lauderhill.

Now, having said all that, we have some other issues. We have a vendor out there, a subcontractor that, by no one's fault, certainly not their own, they are in dire straits and could go into bankruptcy, and that's completely unacceptable. And to whatever degree, Ms. Henry, we're able to find a solution for funds so that they can go forward. I agree that we need to continue doing the earthwork and moving forward with those projects that are out there. We don't want to come to a complete standstill, but I would really like to understand, and this item still doesn't get me there, what are all the items that were over on the budget. What are all these towers and all these things that have been created and the redirection of roads and buildings. I mean it's really, really gone far. Not fences, lighting that's three times more expensive and better quality than any other county regional park. Who decided this stuff? How did we get to this point?

COMMISSIONER LIEBERMAN: Can I be put on the queue, please?

MAYOR GRABER: I have you on the queue.

COMMISSIONER JACOBS: I have real concerns about this, and what I want to see when we come back from break is I want to see our original budget, and I want to see that highlighted where the budget is now, and I want to see who changed it, who is recommending these changes.

Now, if the city has certain design criteria or themes, we want to be somewhat sensitive to that. We don't want to go build a western theme park for example, and a Caribbean themed city, but we do have to draw the line in how much of their theme we adopt in a regional park, because this is a park for all the residents of Broward County, not just those in Lauderhill.

MAYOR GRABER: Okay. Ms. Henry, can I ask you before I recognize Vice Mayor Eggleton, how much have we spent on this park thus far?

MS. HENRY: I will have Mr. Harbin come to the podium to respond to direct questions as to how we got to where we are.

Mr. Harbin.

MAYOR GRABER: Mr. Harbin, I just want to set the stage before we go a little further. How much money has been spent so far and what exactly has been developed so far at this park?

MR. HARBIN: Okay. The total project was \$35,500,000.

COMMISSIONER GUNZBURGER: Wait. I can't hear you.

MR. HARBIN: We have spent 7,000,000 at this point. We have a balance of 28.5.

MAYOR GRABER: And what exactly has been built so far?

MR. HARBIN: It's pretty much we have excavated the lake that was on the master plan and then spread some of the actual fill to the sites where they're needed on the park itself.

MAYOR GRABER: Now, are there still plans to put a stadium there?

MR. HARBIN: Yes, sir, we're referring to it though as a multipurpose facility, because stadium sort of gives the connotation of only one kind of facility.

MAYOR GRABER: And what's the cost of that multipurpose facility?

MR. HARBIN: Just that component alone?

MAYOR GRABER: Yes.

UNIDENTIFIED SPEAKER: It's about 6,000,000.

MR. HARBIN: About 6,000,000.

MAYOR GRABER: And the \$11,000,000 over, I believe, how do you explain that?

MR. HARBIN: A good portion of it was due to the increase in construction costs over the last 12 months which we've anticipated to be around 20 percent of the total budgeted project. The other components are from mandates that we got from the City of Lauderhill to meet certain code requirements in order to get a site plan approval.

MAYOR GRABER: Okay.

Let me recognize Vice Mayor Eggelletion.

Thank you, sir.

COMMISSIONER GUNZBURGER: He neglected to say one thing.

MAYOR GRABER: What was that?

COMMISSIONER GUNZBURGER: He forgot to talk about the fact that when we started the land to the north was industrial and then they changed it after we were building a park to residential and demanded a whole change to the plan of the park.

MAYOR GRABER: Okay. We'll get into that.

COMMISSIONER GUNZBURGER: That's another significant factor.

MAYOR GRABER: Vice Mayor Eggelletion.

VICE MAYOR EGGELLETON: Okay. First of all, let me just say, from day one, myself and all the residents in this community and in this area have been very strong proponents of this regional park. The citizens rallied above the city's original objection, and the city changed its mind and agreed to move ahead with the rezoning of this property so that there could be a regional park. Now when we went out to bids and we got a firm to do this park.

Now Mr. Harbin has indicated, there are two really -- or three really big factors here that I think is driving this cost. The third one I can't figure out, and it might -- we may have to wind up in litigation in order to resolve this issue, and that's what I'm trying to head off, but if we have to do that, so be it. And let me just tell you where I am with it. All of us recognize that Hurricane Wilma caused a spike in construction costs. We all recognize that, and so this park has certainly been hit by that.

The second issue is, there were some items involving a few things in which the city required, such as underground piping, force mains, lift stations that was never originally a part of this park. So those things, along with some other requirements drove up the cost of this park to the tune of about 15,000,000. Now the staff have been negotiating with the contractor and has reduced that cost down.

There are certain things that I think that we must do in order to keep this project on track. One, I think you must continue with the underground work that we have to do anyway, you know, in order to keep this going. You've got to continue with that.

Secondly, you cannot allow a small subcontractor go out of business and demobilize after they -- after you gave them the notice to proceed and they go and lease all this equipment and get it on-site and they hire people to work for them, and then all of a sudden, you say: Well, you've got to wait. They have bills they have to pay, and they're not deep pocketed like the general contractors are here. So we have to --

And the third thing, we have to continue to negotiate with the city on some of these design changes to bring those within reason.

Now I think that we can get there, but we have to keep -- we have to maintain the leverage on all parties to get to that point. If we don't get there, then, you know, I'm prepared to say: Let's litigate. Now, I just want some things out on the table.

Mr. Newton, was this not a design/build project as you understand it?

MR. NEWTON: As I understand it, yes.

VICE MAYOR EGGELLETON: It's a design/build. Now all of you know under a design/build we're the owner and the person we contract with must build it to our specifications; is that correct, Mr. Newton?

MR. NEWTON: That's correct.

VICE MAYOR EGGELLETON: Okay.

Now, based on that, under the criteria of the contract and based on what you have seen here, what do you think we're on the hook for in terms of changes?

MR. NEWTON: With respect to the last -- I believe the change order was in the neighborhood of about \$15,000,000. From our interpretation of the contract language, we're on the hook for about \$239,000.

VICE MAYOR EGGELLETON: Okay. That's a far cry from \$15,000,000. So the point that I'm trying to make here is we have to use every bit of leverage we have to make sure that this park comes in at a reasonable amount and we have to make sure that we're fair. And I think the operative word is "fair" to all parties given the increase in construction costs and whatever it is that we have to do.

And so I would strongly suggest that whatever leverage we have in the county to get the firm of Russell Seawood Builders to the table to make them negotiate a fair price, we need to use that. Whatever leverage we have to get to the city to let them be reasonable in some of their changes, we need to utilize that. And we need to have the staff to do it, but we need to set a deadline to bring these negotiations in for some conclusion or we just simply go to court and let the judge decide, and that's sort of where I am.

And I think if we do that, Mrs. Henry, or Mr. Newton, what would be the procedure, would we then go after the bond of the firm and then bring somebody else on site? How would -- how would we do that if we wind up in a legal situation here?

MR. NEWTON: Let me call upon Mike Kerr, who is our chief litigation counsel. I don't want to go into necessarily what the strategy would be but he can go into what the process would be --

VICE MAYOR EGGELLETON: Okay. Just a process.

MR. NEWTON: -- if we had to call upon the bond as a part of this contract.

MAYOR GRABER: Could I interrupt for a minute. Before we get into any detail on legal action, I think we're way ahead of ourselves here.

Let me -- Ms. Henry, you know, when we started -- when we started this project with the park, we had a budget, and they've gone considerably over budget, no-fault of the county. What options do we have in terms of making them stick to the original budget? Can we withdraw certain items of construction such as the -- that complex center?

I'm prepared to limit development to our original budget and let them live within their means, because I don't believe we can afford what's going on here, and the handwriting on this is very clear on the wall that this is a project that's going to turn into a boondoggle very quickly. I'm prepared to limit the budget to where it exists today, and to start to eliminate projects to bring them back into budget. What options do we have for that?

MS. HENRY: Well, that's what I'd like for this Board to authorize staff to do. We certainly believe that there can be some modifications to the plans and the project as it currently exists so that we can reduce -

- we can make reductions, but I'm not prepared at the moment to tell you ultimately what that means. Our goal would be to initiate those negotiations and negotiate those changes to get the park at least to the -- at least to the standards that we initially contemplated. Given the escalation in cost associated with just the general market in construction, getting it back to the original budget given the delays, yeah, some of the delays were related to some issues we had with the city, but some of the delays were also with respect to some design issues with the contractor.

So, you know, I don't want to say that the fault is in any one entity's lap completely, and we -- and in fairness to both parties that we certainly want to look at all of that in terms of where we get this budget so we can bring you back something that is reasonable.

MAYOR GRABER: Let me recommend, it's 10:00 o'clock at night, and I'm not prepared to move anything forward here. I would recommend we direct staff to go back and find a way to reduce the project at this park to bring them back into budget and let them negotiate a deal and bring it back to us, but I think at this point I don't want to discuss the litigation. I don't want to get into strategy, and I certainly don't want to get to vote for any budget increases, and at this hour, I think we need more opportunity for the staff to give us options.

Ms. Henry.

MS. HENRY: And that would be our intent to perform those negotiations over the break, but we do need authorization from this Board to at least continue with the utility installation is, because what we can tell you is if they demobilize all of that heavy equipment for six or seven weeks, you know, it's going to be -- it will put us further and further behind.

MAYOR GRABER: Let me hear a motion for the Vice Mayor.

COMMISSIONER LIEBERMAN: Can I please be on the queue?

MAYOR GRABER: Yes. Let me get a motion first from the Vice Mayor and then we'll discuss the motion.

COMMISSIONER LIEBERMAN: Okay.

MAYOR GRABER: Can I have a motion, Vice Mayor, to keep within budget and direct staff how to continue the process but yet to give them a chance to negotiate this?

VICE MAYOR EGGELLETON: Well, here's what my motion would be. My motion would be to direct staff to continue negotiation with H.J. Russell Seawood, the City of Lauderhill, to find an admirable solution to the cost overruns at the regional park. And let's not start making any changes, but continue with the negotiation and to not demobilize the site and to make sure that the company that's on the site today can continue to work and get paid. And I think that's the problem, is that there's no more money coming forward to pay that particular firm.

MAYOR GRABER: Is there a second to the motion?

COMMISSIONER JACOBS: I'll second with a clarification.

MAYOR GRABER: Okay. Second by Commissioner Jacobs.

Commissioner Lieberman, you're on the queue.

COMMISSIONER LIEBERMAN: Yeah, first of all, I agree with the Vice Mayor that we do not want to stop the project, because you'll just have more delay damages. You don't want to do that. There's three kind

of damages that are -- three kind of issues going forward. One is the fact that during the time this park was under construction, we had a hurricane. There was a delay due to getting some approvals, and the cost of materials has increased. It's no different than any other contractor claim we've dealt with.

The issue with respect to the lights, which I heard Commissioner Jacobs raise, the problem was that the light plan that the county submitted was in violation of the city's lighting ordinance. The city has a lighting ordinance. We didn't meet their requirements. We're no different than any other applicant, whether we're building a park or any other facility, you've got to meet the code. And we didn't meet the code.

The issue on the underground and the water pressure, I hate to say: I told you so, but when we were first looking to buy this property, I said to all of you: There's water pressure problems here which are going to make it difficult to develop the park. And guess what? There are water pressures here. So, you know, if the motion allows the park to go forward while Ms. Henry tries to come up with some solution that may change some design to reduce cost, I'm okay. But I have to tell you, it's not fair to beat up the contractor, it's not fair to beat up the city. There is plenty of issues to be resolved, but part of it is the way we proceeded without checking out circumstances.

MAYOR GRABER: Well, I believe that's what Commissioner Eggelletion's motion will do. What I would say to Ms. Henry and her staff is that, at least from my point of view, I'm prepared to freeze the budget to where it is, and you can work around that. I'm not speaking for the whole board, just from my point of view.

COMMISSIONER GUNZBURGER: Can I say something?

MAYOR GRABER: And I'd be prepared to do that as part of the negotiation process.

On the queue, Commissioner Jacobs is next.

COMMISSIONER JACOBS: With the motion that was made by Vice Mayor Eggelletion, my concern is the same that I raised earlier, and that was, what exactly are we negotiating with the city for? If the city had code issues that required us to change our lighting, it didn't mean we had to upgrade them or upgrade fencing or build a clock tower or all of these other issues that have become a part of the park.

So when we look at the budget of this park, you know, to what degree are we negotiating upgrades to this park to accommodate the City of Lauderhill? I guess, Vice Mayor, what I'd want to understand in your motion is, what exactly are you suggesting is negotiable with the City of Lauderhill in and which things are not.

VICE MAYOR EGGELLETON: Mayor.

MAYOR GRABER: Vice Mayor.

VICE MAYOR EGGELLETON: I would suggest that everything is negotiable. You don't want to pull anything off the table, and I'm answering her question, and let me remind you that the clock tower was a part of the original design.

COMMISSIONER JACOBS: No, it was not.

VICE MAYOR EGGELLETON: Well, it's configured differently today. It's been resigned.

COMMISSIONER JACOBS: Right.

VICE MAYOR EGGELLETON: But it was always intended to have the clock tower there. But these are the kinds of things you've got to go in and negotiate with the city.

MAYOR GRABER: So everything is negotiable?

VICE MAYOR EGGELLETON: Everything is negotiable.

COMMISSIONER JACOBS: Okay. Then I'm sorry, Vice Mayor, I'm going to have to remove my second. I know you have plenty of them out there. But, to me, the City of Lauderhill should not be calling the shots on the amenities of this park. We have a budget. We need to strive to stay within it. To whatever degree we have to step outside those bounds of that budget that is a discussion for this board to identify first before it is negotiated with the city.

MAYOR GRABER: Commissioner Gunzburger, then Commissioner Wexler.

COMMISSIONER GUNZBURGER: I have to agree completely with Commissioner Jacobs on this issue. I really feel that this was taken away from both the contractor and the county. It was hijacked by the City of Lauderhill, because they never wanted the park in the first place. That's why they made conditions that made us have to redesign the park, and I assume that when it's design/build, it's -- I really even have problems within the statement you made, Mr. Newton. When it's design/build, it's based on our specs that we write. And if we change it or we are -- or the builder is forced to change it because circumstances change, I think that's very different from the fact that all of a sudden they can't meet it, because those are change orders that are not coming from the builder. They're not coming from us. They're coming from without. And they are unforeseen conditions. That's where I disagree.

Let me also say that there are things that we had thought about because we thought that it -- that cricket was coming. Cricket isn't coming. That can come out of this park completely. We don't need a cricket stadium.

VICE MAYOR EGGELLETON: It's not a cricket stadium.

COMMISSIONER JACOBS: It's a multipurpose stadium.

COMMISSIONER RODSTROM: It's not a cricket stadium.

VICE MAYOR EGGELLETON: It's not a cricket stadium, Commissioner.

COMMISSIONER GUNZBURGER: Oh, okay.

COMMISSIONER RODSTROM: It's not even a stadium.

VICE MAYOR EGGELLETON: I never said this was a cricket stadium. It's a multipurpose facility where many things can occur there.

COMMISSIONER GUNZBURGER: Okay. But we have got to do whatever -- I agree with Commissioner Jacobs, take it down to the original purchase price that we were going to do and phase it in, and if there's more money that becomes available or there's a benefactor, if Warren Buffet wants to give us some money --

MAYOR GRABER: Turn it back into a park.

Commissioner Wexler, then Ms. Henry.

COMMISSIONER WEXLER: You know, the -- all well and good, everything that everyone says and staff met with, I'm sure all of us, and brought especially me up to speed since this was selected and awarded before I came here, and I needed the gaps filled in. But I will tell you, what I understand the urgency is, is the summer, and during this time period that there needs to be some authorization of dollars in order to have that land work occur. And if I understand this correctly, those dollars are not there, and, Vice Mayor, wasn't that part of -- forgive me. It's late. I'm really, really tired. Wasn't that part of your motion?

MAYOR GRABER: Vice Mayor.

COMMISSIONER WEXLER: Vice Mayor, as far as --

VICE MAYOR EGGELLETON: Could you repeat the question, I'm sorry?

COMMISSIONER WEXLER: That the dollars be allocated for the land work --

VICE MAYOR EGGELLETON: Right.

COMMISSIONER WEXLER: For at least this period, this summer, so that that can continue and be finished?

VICE MAYOR EGGELLETON: Right, that we authorize the continuing -- the continuation particularly of the underground utilities and the subcontractor that's on-site today to continue with the site work. And all they're doing is getting the site work prepared. There's no vertical construction.

COMMISSIONER WEXLER: Right.

VICE MAYOR EGGELLETON: It's just all site work.

COMMISSIONER WEXLER: Now you had a second from Commissioner Jacobs, but you removed it.

COMMISSIONER JACOBS: No, all of that is very important to me. Everything that the Vice Mayor just said. The issue -- the problem I have is with the issue of negotiating with the City of Lauderdale and Vice Mayor said that all things are on the table, all things can be negotiated. So at the end, I'd ask to bifurcate the motion so I can support the majority of it, but not this open, let's let this city call the shots.

MAYOR GRABER: Right now we have a motion with no second. Right now I haven't heard a second.

Ms. Henry.

MS. HENRY: I want to clarify two things. There is 35,000,000 budgeted for the project. The project is broken up into various components. There's earthwork and various aspects of the vertical construction. So while there is funding in the project itself, there is insufficient funding for this particular component. So if you were to authorize us to move forward with the remaining utilities and earthwork, the contractor says 3.2 million, and staff wanted a little cushion come where in the 3.5 range, but assume it's 3.2 or whatever the number is, that would come from other components of the project until such time as these issues have been worked out and sorted out.

MAYOR GRABER: Right, you would work within your budget, existing budget. Okay. Any further discussion?

COMMISSIONER WEXLER: Could that be a separate motion, what Ms. Henry just said?

MAYOR GRABER: Vice Mayor.

VICE MAYOR EGGELLETON: Well, I mean that's exactly what I said, that it continue -- you will continue with the earthwork and the underground utility work but no vertical construction, you know, until we can, you know, get some of these other things negotiated out.

COMMISSIONER WEXLER: Does he have a second?

MAYOR GRABER: Would you like to second it?

COMMISSIONER WEXLER: I would. I would. I have no problem with the seconding.

MAYOR GRABER: So we have a motion and it's seconded by Commissioner Wexler. And any discussion on the motion?

Commissioner Jacobs.

COMMISSIONER JACOBS: My request to bifurcate the motion so that I can vote on the majority of it but not the final about negotiating all open --

MAYOR GRABER: Vice Mayor.

VICE MAYOR EGGELLETON: What is it that you want to take out of the motion?

COMMISSIONER JACOBS: The only thing I wanted to set aside was the issue that staff would be directed to negotiate with the City of Lauderhill on all points.

VICE MAYOR EGGELLETON: Mr. Mayor.

MAYOR GRABER: Vice Mayor.

VICE MAYOR EGGELLETON: I think at some point we have to recognize one thing, okay --

COMMISSIONER LIEBERMAN: Can I be on the queue?

VICE MAYOR EGGELLETON: If you sit here and say that you're not going to talk to the city, I think that's not --

COMMISSIONER JACOBS: That's not what I'm saying.

VICE MAYOR EGGELLETON: Let me just finish. Let me just finish. Negotiate or whatever you want to call it, but the bottom line is you've still got to get your permits from the city.

COMMISSIONER JACOBS: But, Mayor, I'm sorry, that's not my issue. I asked you what issues might be on or off the table. You said everything is on the table, which means continuing to discuss other amenities in the park.

VICE MAYOR EGGELLETON: No.

COMMISSIONER JACOBS: My issue -- those normal things that you would need from the city. That's not my issue. My issue is to continue to allow the City of Lauderhill to affect the budget or the outcome of

design of the park until such time as this Board has had a chance to decide ourselves what it's going to look like. That's all I'm asking is just to set that aside so I could support the majority of it.

MAYOR GRABER: Do you accept his amendment or --

VICE MAYOR EGGELLETON: I guess what I'm saying is the Board has already decided on its site plan. You voted on the site plan. We've already decided on the site plan. There have been things that --

COMMISSIONER JACOBS: It doesn't exist anymore.

VICE MAYOR EGGELLETON: Yes, it is, Commissioner. We voted on the site plan some time ago. We submitted that site plan to the city for approval. Okay. The city made changes to the site plan. That's where you are.

And so what I'm saying is, you have to -- you've got to talk to the city about saying -- you've got to say to the city: Well, city, we don't accept this change or: We accept this change, which will drive the cost down. And so what I'm saying, if you say, well, you don't want to talk to the city about these changes, then there's nothing else to discuss. I mean that's just the bottom line. It really isn't.

So I hear what you're saying, and the only thing that I'm saying, what we need to do today is to allow the contractor, as Mrs. Henry has suggested, to continue with the earthwork to allow the subcontractor that's on-site to continue to do the preparation of the park, moving dirt around, whatever it is they have to do at this point in an amount not to exceed \$3.5 million, and then allow Mrs. Henry and her staff to sit -- if you want me to say this -- with the contractor to negotiate with the contractor what changes or what designs we will or will not accept in a design/build park. Is that better?

COMMISSIONER JACOBS: Thank you. Vice Mayor, that is my -- my concern was not that we can't have conversations with the city but that the design has changed from its original and we, as a board, haven't looked at that. So for us to go have those further conversations without the rest of the board weighing in that was my concern. What you have just now stated addresses my issue and narrows the field of discussion for the city and I'm comfortable with that and I thank you for making that.

MAYOR GRABER: Okay. Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah, we're not bifurcating this motion, right?

MAYOR GRABER: No.

COMMISSIONER JACOBS: No.

MAYOR GRABER: We're okay on that.

COMMISSIONER JACOBS: That it was just massaged.

COMMISSIONER LIEBERMAN: We need to have conversations with the city. We cannot take an attitude that we're not going to talk to the city. You know, where is this whole thing about parks is supposed to be good neighbors? We're the developer. The city has to be part of the discussions. If we bifurcate this, it is the wrong way to go.

MAYOR GRABER: Okay. Now we're on the motion.

COMMISSIONER JACOBS: Mayor.

MAYOR GRABER: Any further discussion on the motion?

COMMISSIONER JACOBS: That was a mischaracterization of my concerns, by the way.

MAYOR GRABER: All right. We're on the motion. Any more discussion? Okay. Let's vote on it.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

MAYOR GRABER: Ms. Henry, you have your information.

AGENDA ITEM 137

MAYOR GRABER: The next item is.

COMMISSIONER GUNZBURGER: 137, TY Park.

MAYOR GRABER: Supplemental. It's Item Number 137, motion to award a fixed agreement to the highest rated firm, Catalfumo Construction doing business as Seawood Builders, at TY Park, Commission District 6.

Commissioner Gunzburger, you're recognized.

MS. HENRY: Mayor.

MAYOR GRABER: Ms. Henry.

MS. HENRY: There was a citizen who said he wanted --

MAYOR GRABER: Oh, which item was that, the last item? Yes, he was nice enough to wait. We'll recognize you, sir. Just for the record, state your name.

MR. BROWN: Good evening, Alan Brown with Lauderhill. First, I want to go on record by saying I support what Kristin Jacobs and Commissioner Sue Gunzburger stated earlier. This is a county park. This is outright a county park. And let me remind you, in the beginning, it's sad to say that our City of Lauderhill voted against this park, and I can say that Commissioner Eggelletion was correct when he said that organizations in the community, residents in the community rallied and changed the city mind.

Many of the residents definitely participated in the participatory process to change the city mind. They came in and they rallied and they supported the county for a regional park, and like Ms. -- Commissioner Gunzburger stated earlier that the changes that's happening now is not coming from the county and it's not coming from the residents. Those organizations who supported the county in the beginning is coming from Lauderhill. And many are saying that also special interests.

Now we're asking the city, the residents of Lauderhill and of those organizations, I just want to name two other organizations who supported us, West Kenlark organization who falls under Mr. Bradley and St.

George organization. At the time it was under Mr. Clarence Wright. And, again, the changes that's happening now, we voted for a regional park. That was our desire, a regional park, not with the Caribbean theme, not with the cricket theme. It was a park for everyone, a regional park, and on many occasions we sat down with Commissioner Eggelletion and he stood to his word. He made sure he put in there that it was a multipurpose park, real clear.

So we're saying don't acquiesce. Hold your ground, and, again, make sure it remains an inclusive park for the residents, for the taxpayers, the homeowners of those areas, West Kenlark, St. George who we just annexed into Lauderhill, the members of Lauderhill, the taxpayers, homeowners. Make sure you keep it a regional park. I don't know where these themes are coming from. Who voted on a theme? Who voted on a Caribbean theme? Our community is one people. We don't want to be manipulated. You don't have a group here and a group there and a group there. We are one community, diverse, but one community.

It's a regional park. That's what it is. No one group monopolize the stadium. No one group monopolize the park. Our tax dollars, homeowners, voters, citizens, we voted for that park. Okay. So let's keep it a regional park for everyone, and that's our wish that to keep it a regional park. Thank you, very much.

MAYOR GRABER: Okay. That's our intention and our staff is going to work on it. Thank you. Thank you for waiting so long. Okay.

Item 137, Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: This is the park improvement that was supposed to come to TY Park. We started and shortlisted in April of 2004. It is over two years later. Costs are escalating. The negotiations were finished several months ago and it just didn't make it to the agenda. I wanted it on the agenda, because it was supposed to be ready for this summer. It was a new swimming pool for the water area. It was better camping ground facilities for the campground area. I sure hope we don't have to use it again for trailers from FEMA as we have in the past, but all this was held up. I would like to move it expeditiously before the price of copper and everything else goes up even more so.

And I move that it be passed tonight.

COMMISSIONER WASSERMAN-RUBIN: Second.

MAYOR GRABER: Okay. It's been moved by Commissioner Gunzburger; seconded by Commissioner Wasserman-Rubin.

Vice Mayor Eggelletion.

VICE MAYOR EGGELLETON: You know, you all can choose to vote on this however way you want. Here's the problem that I have. We're facing a \$15,000,000 change order with the same developer on Lauderhill park -- or on -- let me change that, on the county's regional park.

COMMISSIONER GUNZBURGER: That's the problem.

VICE MAYOR EGGELLETON: On the county's regional park, located in the City of Lauderhill. So, you know, your thing now is to say: Okay. We've got a \$15,000,000 change order with the same developer, and you're going to turnaround and give the same developer a \$10,000,000 park on the other side. So -- but at the same time while you negotiate with the same developer. Now, to me, that's illogical. It is absolutely illogical.

And I would strongly suggest that if you're going to have any leverage at all with the developer, you must hold their feet to the fire. You don't hold folk's feet to the fire by giving them more money for costing you more money. What you do is you -- you know, I would suggest that all of this come back to the commission on our first meeting. I don't think this is going to cause the prices to go up on this particular park, and if it is, then maybe we need to look at redoing this too. But the bottom line is, if this is the way you reward folk for a \$15,000,000 change order, if this is the way you negotiate, I can tell you, you're not going to get very far with your negotiations, because you have just removed all the leverage you have from the very same developer.

So now y'all decide, but my vote on this would be to defer it at least until the 15th of August when we get back. And that would be my vote on this whole issue, but y'all can do whatever you want to do, but I just don't think that this is smart to do this because you lose all your leverage on your negotiation.

MAYOR GRABER: Okay. On the queue is Commissioner Jacobs, Rodstrom, and Wexler.

COMMISSIONER GUNZBURGER: And I'd like to close.

COMMISSIONER JACOBS: Well, I'm confused, Vice Mayor Eggelletion, because your point resonates and is taken very well, if in fact, the change orders and the problems associated with the central county park are the result or the fault of this developer. I thought we just had a conversation where this developer was not at fault, but that construction delays, hurricane, construction costs, all of that had gone up and that we were not faulting the developer with this 15 -- so I guess what I -- I mean I know 20 percent of the costs were associated with rising cost of materials and hurricane delays. What other percentage of issues, I guess can staff answer, related to the other park are related specifically to the problems associated with this contractor?

MS. HENRY: Mr. Harbin.

MR. HARBIN: I'm sorry, I wasn't listening close enough.

COMMISSIONER JACOBS: If we're going to -- giving this contract to the same company -- is it Seawood, Seawood Builders who is also in charge of central county park, I understand 20 percent of the cost escalations in central park were due to unforeseen circumstances such as rising construction costs and affects of delays from Hurricane Wilma. It is being asserted that there may be even additional issues ascribed to the cost, increased cost of that park that were directly the fault of Seawood Builders. And that if we have any hope of trying to work our way through them, the leverage that you would need, as Vice Mayor said, you wouldn't want to offer this contract to them at this time. So my question is: To what degree is Seawood Builders have estimated to be a part of escalation of cost to the Central Broward project?

MR. HARBIN: I would say a very small amount.

COMMISSIONER JACOBS: Okay. If 20 percent is unforeseen hurricane and rising construction cost, what percentage, ballpark, or central park, as it were, is ascribed to Seawood?

MR. HARBIN: The others, Commissioner Jacobs, were due to mandates that we had from the city --

COMMISSIONER JACOBS: I know, I'm trying to get to the point of Seawood's. What is it? Would you say 10 percent, 20 percent? Three to five?

MR. HARBIN: Three percent, five percent, no more than that.

COMMISSIONER JACOBS: Three to five?

MR. HARBIN: Yes.

COMMISSIONER JACOBS: Okay. So, Vice Mayor, Vice Mayor, the Director of Parks is saying that Seawood Builders' role in the escalation of cost in the central park project amounts to three to five percent of the overall escalation of cost. So I'm not too sure what leverage or what relevance that small role in the overall -- when you consider a hundred percent of the problems that are happening out there, why -- what is the relevancy of that three to five percent on this park project?

VICE MAYOR EGGELLETON: Well, Mayor.

MAYOR GRABER: Yes, Vice Mayor.

VICE MAYOR EGGELLETON: Let me answer it this way, I don't know if that has been determined yet, and until it is determined, you know, and if Mr. Harbin says that Seawood is -- I mean, if he is standing here definitively saying that he believe that the fault here is only about three percent or five percent, then I would say that there has to be something wrong with our cost estimation to begin with. And let me just remind you, if that's the case, then we're at fault, and let me just remind you, I sat on this S/NC, and there were two other bidders. One was Cummings. The other was Bergeron. One bid was, I believe, 40,000,000, and the other was 50,000,000 or 55,000,000.

So if that be the case, then we must have grossly underestimated the cost of the park to begin with, and if that be the case, we need to go ahead and give them the \$15,000,000 and let's go on with it. So what I'm trying to say is, I don't know who is at fault, and until our staff, our legal staff, and the administrative staff, can sort of get to the bottom of that, you ought not be continually giving more money to a firm, otherwise you lose your leverage. And that's the only thing that I'm saying. And if Mr. Harbin is correct about that, then I would say we need to go ahead and give the \$15,000,000 to Seawood Builders and move on because then we're out of this.

The bottom line, because if they're not at fault, then who is at fault? I don't know whether the city is at fault, and I don't know want to sit here today and start pointing fingers, Commissioners, because I don't know that until our staff can have a better look at this whole thing, and that's all I'm saying. Give the staff that you pay good money to the attorney, the administrator, the park division, the opportunity to find out what is what, and hold everything until you can determine that, and that's all I'm saying.

MAYOR GRABER: I just have one question. Vice Mayor Eggelletion doesn't want to point blame. Now the original \$35,000,000 deal for the central park, is this developer willing to do what they said they would do for that amount of money, or did they come for a change order to do the same work?

May I ask Mr. Harbin, Ms. Henry?

MS. HENRY: Bob, Mr. Harbin.

MAYOR GRABER: In other words, if they came and said: We want more money for the same work, then what Vice Mayor Eggelletion is saying makes sense unless there's some good legitimate reasons for asking for that extra money. Can you explain that? Because what he's saying is that he believes the fault lies with the developer, and if that's the case, we wouldn't be awarding them another contract. However, if that's not the case, then the two contracts should not have anything to do with each other, in my opinion. So can you tell us a little bit about what happened with that 35,000,000 and why suddenly there's another 15,000,000 thrown on top?

MR. HARBIN: Okay. The 15,000,000 that they're asking for is primarily three different reasons. Number one, as we discussed earlier, the cost of construction increased in the last 12 months. Secondly, our

mandates that were not in our original scope of service were mandated by the City of Lauderhill in order to get a site plan increased the cost of the project itself.

MAYOR GRABER: So the only -- the delay in time was a certain percentage and then the demand or changes by the cities is more. Is there another reason?

MR. HARBIN: The third reason was, if you'll recall, they put in a residential area to the north of us, so we had to change some components within the site plan itself. For an example, putting in a berm that was not in the original description of the project itself, moving a road down to the south, moving a maintenance compound, moving additional athletic fields and picnic shelters further south in the park, which created additional cost in redesigning the park.

MAYOR GRABER: But that was the fault of the city.

MR. HARBIN: That's correct.

MAYOR GRABER: The developer had nothing to do with that.

MR. HARBIN: Well, it was because of the residential area, we were trying to be good neighbors by coming up with a buffer to give them a little relief being so close to the regional park.

MAYOR GRABER: Okay. So if you go back to the original statement that if we said to them: Just do what we asked you to do and forget about all this extra, other than the delay and the increase in cost due to delays, it would be the same amount plus whatever the delay would come to. How much would that delay come to approximately?

MR. HARBIN: The delay -- I'm saying probably around 20 percent.

UNIDENTIFIED SPEAKER: Yes, 17 percent (inaudible).

MR. HARBIN: About 17 percent, I believe, in delays.

MAYOR GRABER: And that delay was the fault of the hurricane?

MR. HARBIN: Partly, yes, sir, and the other part was sitting down and trying to negotiate something with the city in order to get our site plan approved.

MAYOR GRABER: So what that tells me about of 15,000,000, maybe about 3,000,000 is at issue here.

MR. HARBIN: Closer to about 7.

MAYOR GRABER: So I don't see the nexus of the two issues. I just don't see it, Vice Mayor. Okay.

On the queue, we have -- Commissioner Rodstrom is next.

COMMISSIONER RODSTROM: Well, let me just try this. Vice Mayor, I hear what you're saying. It's your district.

COMMISSIONER GUNZBURGER: It's my district.

COMMISSIONER JACOBS: No, it's Sue's district.

COMMISSIONER RODSTROM: Well, it's Sue's district on TY Park, but it's his district on the park in Lauderhill, and we also heard Bertha Henry say that we don't want to -- we need to put in the infrastructure, the lines because we've got the earth moving equipment out there. We need to do that, and that's about \$3,000,000 or thereabouts or something. Okay. Do you have any objection to us moving the earth equipment and going forward with that until we --

MAYOR GRABER: We agreed to that already.

COMMISSIONER RODSTROM: So if we're going to keep that moving, then is there any problem with bringing this back after the break after they had a chance to negotiate this a little bit more? Would that make you happy?

COMMISSIONER JACOBS: That's what he asked.

VICE MAYOR EGGELLETON: That's exactly what I asked for.

MAYOR GRABER: It would make him happy, but it wouldn't make Commissioner Gunzburger happy.

COMMISSIONER GUNZBURGER: You're talking about the TY Park delaying?

COMMISSIONER JACOBS: Yeah, delaying TY.

MAYOR GRABER: He's talking about delaying TY. Commissioner Gunzburger doesn't want to delay it. She put this item on.

COMMISSIONER GUNZBURGER: It's been going on for two years.

VICE MAYOR EGGELLETON: Well, this has been going on for two years.

COMMISSIONER RODSTROM: So you wait for 30 days.

COMMISSIONER GUNZBURGER: Six weeks.

COMMISSIONER RODSTROM: Well, 35 days.

MAYOR GRABER: The question is, is there a nexus between --

COMMISSIONER RODSTROM: What you have to understand -- I guess the question is this -- do you believe that by not working on that project for the next 35 days that will bring a better settlement or better resolution of all that? That's really the question you have to ask yourself. It's yes or no. If you don't believe it's going to have any bearing then you just go ahead and award TY Park.

COMMISSIONER GUNZBURGER: If I did, I would not have brought this up. I don't think it has any bearing on what is going on in the -- whatever regional park you want to call it, the central regional park.

COMMISSIONER RODSTROM: So, Mr. Harbin, do you think it has any -- does it have any bearing on your ability to negotiate this global settlement?

MR. HARBIN: Let me sort of answer it this way. Please remember, Central Broward Regional Park is a partnership between Seawood and H.J. Russell. TY Park is just Seawood Construction as a subsidiary of Catalfumo. I just wanted you to know that.

COMMISSIONER RODSTROM: What's your answer? I'm asking you, I mean, look. It's his logic. Does he have good logic? Is it going to help you to negotiate this contract knowing that the TY Park is still hanging out there? It's either a yes or no. If it's a no, then we move on.

COMMISSIONER GUNZBURGER: Or will it raise costs at TY Park?

COMMISSIONER RODSTROM: Is it going to help you negotiate?

MR. HARBIN: I don't think so, and I think the biggest concern I have, as Commissioner Gunzburger rightfully has, is the continued increase in construction that nobody can predict right now.

VICE MAYOR EGGELLETON: Mayor.

MAYOR GRABER: Vice Mayor Eggelletion.

VICE MAYOR EGGELLETON: Look, if the staff is saying that it's not going to hurt them, you know what, here's what I want all y'all to do when this comes back because it's coming back, and it's coming back on the 15th, be ready to pony up the \$15,000,000, because if you think this commissioner is going to sit here and see his district get shortchanged, you got another thought coming. We had five, five visioning sessions with people in this community, more than any other park, five. The community designed this park. Y'all signed off on it, and you voted for the site plan.

So now when this comes back and you can't reduce that cost, just vote for my change order and let's move on, and that's what I'm saying to you right now because I don't think you're going to get to where you're going to get, and I'm going to sit right here and say: I told you so, but I want my \$15,000,000. I want the park in central regional Broward.

I will not accept anything less. And if you think you're going to start ripping things out, we're not ripping one thing out of TY Park, I told Commissioner Gunzburger, I do not want to stop the construction at TY Park. And, by the way, this started in 2004, by the way, on Central Broward Regional Park as well, so we're both in the same boat. So the point that I'm trying to make to you is, I don't care one way or the other. The only thing I'm trying to do is to save the taxpayers of Broward County money.

COMMISSIONER RODSTROM: Joe, so if you're going to hold -- my point is if you're going to hold their feet to the fire, are you willing then to go through a negotiated process, are you willing to stay within the confines of the budget that was previously agreed.

COMMISSIONER JACOBS: Yes, on the plan that we all agreed to, the site plan.

COMMISSIONER RODSTROM: Are you willing to do that?

VICE MAYOR EGGELLETON: I'm willing to do it barring -- wait a minute.

COMMISSIONER RODSTROM: Tell me your conditions.

VICE MAYOR EGGELLETON: The conditions are you've got to take under consideration increased cost in materials.

COMMISSIONER RODSTROM: Right, and we think that's fair.

COMMISSIONER JACOBS: And unforeseen circumstances and things like that.

VICE MAYOR EGGELLETON: Right. You've got to take under consideration some of the regulatory things that occurred here that caused this cost to go up. You've got to do that. And the third thing is --

COMMISSIONER RODSTROM: Those are unforeseen circumstances.

VICE MAYOR EGGELLETON: Unforeseen circumstances, things that was put in there.

COMMISSIONER JACOBS: Well, not if they're caused by the city.

VICE MAYOR EGGELLETON: Well, Commissioner, let me give you an example. Our very own -- I've seen our very own staff make developers, for instance, put in lines that are not necessary for the developer, but because it's appropriate to do it because, otherwise, you would be passing it on to the very next person. I've seen that, and I can bring you clear things where it's done. So for the city to come in and say: We want you to put a lift station in here, we've required other developers to do the exact same thing. It had nothing to do with their project.

COMMISSIONER JACOBS: That's different.

VICE MAYOR EGGELLETON: That's my point that I'm trying to make to you, those regulatory changes.

COMMISSIONER RODSTROM: Regulatory issues.

VICE MAYOR EGGELLETON: Regulatory issues that have pumped this price up.

COMMISSIONER RODSTROM: And the hurricane issues.

VICE MAYOR EGGELLETON: And the hurricane issues.

COMMISSIONER GUNZBURGER: What about changing the land use? What about the fact when they changed the land use and had to change the whole layout?

VICE MAYOR EGGELLETON: Listen.

COMMISSIONER JACOBS: I know. We started with a clock tower and now we have a three-story piece of public art.

VICE MAYOR EGGELLETON: Well, let me tell you something, you know, however way y'all want to do that, that's fine, but I want to see you get a permit from the City of Lauderhill without making those changes. You're not going to get it and you're going to be sitting here talking and the people of Central Broward County will have nothing. The only thing I'm saying to you, Commissioner, I'll vote to support what you want, the \$9,000,000. The only thing I'm telling you is, when this comes back on the 15th, give me whatever the developer is telling you that he wants or they want in order to continue the park. Just give it to me and let's move on.

MAYOR GRABER: Okay. We're not making any deals tonight.

COMMISSIONER RODSTROM: Well, I want to know where this is headed.

VICE MAYOR EGGELLETON: That's where it's headed.

COMMISSIONER JACOBS: Well, you know what? The ironic thing is, we're on Item 137 on TY Park and somehow it's been locked into and kidnapped by what's going on in -- Lauderhill has long tentacles. They've reached out of their city and they're now controlling a park in the rest of the county.

VICE MAYOR EGGELLETON: I'm going to live to say: I told you so.

COMMISSIONER JACOBS: And the person, the group that has got the leverage and that we should have been working with is Lauderhill, not Seawood Builders.

MAYOR GRABER: Let me just say this, the item is not Lauderhill. The item is TY Park. My opinion, there's no nexus here.

Ms. Henry, would you like to add to this conversation.

MS. HENRY: I'm sorry, Commissioner.

MAYOR GRABER: Oh, I'm sorry.

Commissioner Wexler.

MS. HENRY: I want to be on the queue.

COMMISSIONER WEXLER: I --

MAYOR GRABER: Commissioner Wexler.

I put Ms. Henry on the queue.

Commissioner Wexler, Gunzburger, Jacobs, and Henry.

COMMISSIONER GUNZBURGER: I can be quiet if you all are going to vote for it.

MAYOR GRABER: Commissioner Wexler.

I just want to let you know that it's 10 to 11:00 o'clock.

COMMISSIONER WEXLER: Would you stop them.

MAYOR GRABER: Okay. It's going to be tomorrow soon, so let's try to end this thing.

COMMISSIONER WEXLER: Okay.

COMMISSIONER RODSTROM: What time do the lights go off?

COMMISSIONER WEXLER: The air is off.

MAYOR GRABER: Commissioner Lieberman got cut off. She's not here anymore.

COMMISSIONER JACOBS: She did?

MAYOR GRABER: Commissioner Lieberman? They cut her off.

COMMISSIONER JACOBS: She's probably there already.

MAYOR GRABER: She's in the middle of the Everglades.

COMMISSIONER LIEBERMAN: Yes.

MAYOR GRABER: She's here.

UNIDENTIFIED SPEAKER: Did you pull over?

COMMISSIONER LIEBERMAN: I'm still here, but I have to tell you you're all talking at the same time and you can't hear what's going on at my end.

MAYOR GRABER: Okay. We'll try to speak slowly.

Commissioner Wexler.

COMMISSIONER WEXLER: Okay. I would like to recognize that there is a nexus and I'm stretching and I understand the utilization of leverage, but in this instance, I think that staff is extremely clear and has done their due diligence regarding what would be considered reasonable, fair changes to this project. It may not have been what you all agreed to as far as the original site plan, but the City of Lauderdale holds the rules. They hold the permitting rules. That's a sad situation to be in, but it's a true situation, and guess what, folks? We held the rules about five hours ago with the TOC for the City of Lauderdale. That's real leverage. We don't have that anymore. I am supporting Item 137, Commissioner Gunzburger, because it's the right thing to do.

MAYOR GRABER: Okay. A decision. Good.

Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: No. All I want to do is say thank you when the vote is over.

MAYOR GRABER: Okay.

Commissioner Jacobs.

COMMISSIONER JACOBS: No, just that I think -- just to divert back to the other item, and that is, briefly, and that is just to say in Vice Mayor Eggelton's defense, there are legitimate reasons, and I agree with what Commissioner Wexler just said as well, why that park has gone over budget. There are a lot of other ones that are not legitimate, and those I'm not -- I don't want to have Item 137 thrown back at us because --

COMMISSIONER LIEBERMAN: Mayor, can I be placed on the queue.

COMMISSIONER JACOBS: Seawood Builders has done nothing to cause this project not go to them and I support 137 as presented.

MAYOR GRABER: Ms. Henry. Then Commissioner Lieberman.

Ms. Henry.

MS. HENRY: Yes, I think part of the confusion here, and, staff, you can correct me at any time, when we started out this discussion, staff had indicated, and this was part of their briefings, that the initial request from Seawood for these overages were in the neighborhood of \$15,000,000 and that they were not prepared to negotiate until -- if staff didn't start the negotiations at 15,000,000.

Since that time, Seawood has made indications that that number could come down, because at that time staff had indicated that they can find the number that they can -- looking at the information that they received from Seawood, that they thought that that number should have been somewhere in the \$11,000,000 range. So we had a \$4,000,000 gap there.

Since that time, and I had a preliminary discussion with representatives from Seawood, and they indicated that they could move that number somewhere to around 12 if we could move up, and at that point I said: Time out, because I didn't have \$11,000,000, so I certainly didn't have 12. And so we -- everybody agreed that we needed to get together and try to come up with modifications to deal with how to get this budget in place. So one of the reasons that Commissioner Gunzburger had to put this item on the agenda as supplemental was when the item came to me initially, I didn't put it on, because at that time we were \$4,000,000 apart.

COMMISSIONER JACOBS: On 137?

MS. HENRY: On --

COMMISSIONER JACOBS: On the Central, right. Okay.

MS. HENRY: On the Central Regional Park, we were somewhere in the neighborhood of \$4,000,000 apart, and I didn't want to have us sitting here today at that point in time that we were \$4,000,000 apart, but yet we were going to -- we were getting ready to award a contract. So we find ourselves -- a lot has happened since that point in time, and we really -- we started out with every indication of doing the right thing here. We did not want to put the Board in the position of awarding a contract when we knew we had a \$4,000,000 gap. Since that time they have narrowed that gap to something that at least staff said they're coming into the ballpark of what they can justify as legitimate cost overages based on the three components we're talking about.

COMMISSIONER RODSTROM: Seventeen percent, right, is that the number; 17 or 19 percent for storm?

COMMISSIONER JACOBS: Utilities.

MS. HENRY: If that's the percentage.

COMMISSIONER RODSTROM: But that's what you're saying, 17 or 19 percent?

MAYOR GRABER: All right. Commissioner Lieberman.

COMMISSIONER LIEBERMAN: I think Ms. Henry made my point.

MAYOR GRABER: Okay.

COMMISSIONER LIEBERMAN: But with all due respect, the hour is very late. These are issues -- and that's something that needs to be resolved over our summer recess. I would want Ms. Henry to be able to go out and to negotiate them.

MAYOR GRABER: We wholeheartedly agree. Okay. Are we ready to vote?

COMMISSIONER GUNZBURGER: Yes.

MAYOR GRABER: On Item Number --

COMMISSIONER GUNZBURGER: 137

MAYOR GRABER: -- 137, it's moved by Commissioner Gunzburger; seconded by --

COMMISSIONER JACOBS: I'll second.

MAYOR GRABER: -- Commissioner Jacobs.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

(Applause.)

AGENDA ITEM 138

MAYOR GRABER: Item 138, Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah, all I'm asking is between now and when we come back for our meeting staff needs to quantify for us the impact of this proposed constitutional amendment on Broward County so that when we come back we can have a discussion of what kind of educational campaign we need to make before the voters have this issue on their agenda, because it's approved to go on the ballot.

MAYOR GRABER: Okay. Without objection, we'll direct staff to analyze this issue and bring it back at our next meeting.

COMMISSIONER JACOBS: Mayor.

MAYOR GRABER: Commissioner Scott.

COMMISSIONER SCOTT: I don't think it's going to be in November. I don't think --

COMMISSIONER LIEBERMAN: Mayor.

MAYOR GRABER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah, I'm going to have to sign off, and I hope you explain the only reason I'm not in the meeting is that I'm receiving an award tomorrow and I had to get over to the west side -- the west coast tonight for a meeting early tomorrow morning.

MAYOR GRABER: We all understand. Congratulations. Good luck.

COMMISSIONER LIEBERMAN: Everybody have a great summer.

COMMISSIONER JACOBS: You too, Ilene.

COMMISSIONER LIEBERMAN: Take care. Bye-bye.

MAYOR GRABER: Drive carefully.

COMMISSIONER JACOBS: Mayor, on the hometown.

MAYOR GRABER: Commissioner Jacobs.

COMMISSIONER JACOBS: One of the things I don't think that the makers of this initiative thought through is the cost of putting an election in Broward County is about half a million dollars. We update our wetlands map, that's a change to the Broward County Land Use Plan. Half a million dollars, please. Everything that was on our agenda today that's on every week, these issues that come up would now have to be either, in order for us not to foot the bill, have to be joining an election in process so that it would be valuable.

Otherwise, we would be footing the bill. We'd be paying for the city elections because if we put it on in March when there's voters coming out to the polls, we're paying for the city's elections. The cost to the county I think are going to be huge.

So in doing the due diligence requested by Commissioner Lieberman, Ms. Henry, I would want to see just give us a two-month synopsis of the land use issues that have come through, how many there are, and what space they would take up on the ballot, what that would do to the Supervisor of Elections and what the cost of those elections would be and how far apart those elections would need to be in order for us to offset the cost any way that we could.

MAYOR GRABER: Okay. Ms. Henry, you're clear?

COMMISSIONER JACOBS: Did you understand the last part of that?

MS. HENRY: Yes.

COMMISSIONER JACOBS: Okay. You were frowning. So I wasn't sure.

MAYOR GRABER: Thank you. Without objection, that's understood.

AGENDA ITEM 139

MAYOR GRABER: Item 139, motion to approve issuance for dental insurance.

Ms. Henry.

COMMISSIONER GUNZBURGER: I can say we found every one of the providers in noncompliance, not all in the same way, and so we have to re-issue it and we'd like it done while we go on vacation so that when we come back we have a meeting scheduled. We'll shortlist and give it out.

MAYOR GRABER: Okay. Ms. Henry.

MS. HENRY: Yes, I understand what the desires of the committee is at this point. Staff also indicates that there was still some confusion about responsiveness versus responsibility particularly with respect to

litigation and with the size of some of these companies, and it may be de facto that they walk away from the solicitation, because they may think what we're asking for is unreasonable. So if -- I could have staff come to the podium to further explain, but those of you that were on the committee probably have a better idea of the issue than I have at this point in time.

VICE MAYOR EGGELLETON: Well, Mayor.

MAYOR GRABER: Yes.

VICE MAYOR EGGELLETON: I differ with Commissioner Gunzburger. We discussed the noncompliance issue, but what we decided to do rather than get into that legal quagmire, we just decided to exercise our right as a commission not to accept any of the proposals and ask that our staff go back out to readvertise the solicitation, and that's what we did, and we have the right to do that as a commission, and so I thought that's what we did. Maybe I'm wrong. But --

MS. HENRY: No, I don't disagree --

COMMISSIONER GUNZBURGER: We don't want to say that, Joe.

MS. HENRY: That's not the issue.

COMMISSIONER GUNZBURGER: The issue is they don't know which was nonresponsive and which was --

MS. HENRY: That there were some concerns that right now, legal -- that whole legal section is a matter of responsiveness and that there were several major companies that indicated to the committee that it's virtually impossible for us to comply with that provision if you make it a matter of responsiveness, and if you do, you could, in effect, throw out the majority, if not all of the potential bidders for the service, and wanted to put that on the record.

MAYOR GRABER: Okay. So on this item, do I hear a motion?

Commissioner Wexler.

COMMISSIONER WEXLER: Yeah, you know what, I think that's all well and good, but that takes us back to where we were a couple of months ago where the resistance for providing the information that was requested as part of a fatal flaw, i.e., litigation and financial, and I understand litigation might be an issue with some of the larger --

COMMISSIONER GUNZBURGER: And DBE.

COMMISSIONER WEXLER: Yeah, that's not what Ms. Henry is talking about. She's talking about the litigation piece, correct?

MS. HENRY: The issue was raised with DBE -- I think the issue of DBE is less of a concern than the issue of litigation, because in some of these companies, they have many lines of business. They get -- they could be sued by thousands of people, and --

COMMISSIONER WEXLER: All right. Folks, could I ask that -- we deal with large companies, and we're hearing this particularly in the industry of the engineering, architect, large contractors. When they reveal to us our -- the litigation, it's for the Florida office. It's for -- not the international cases or the national cases. Was that always our intent?

MR. NEWTON: I don't know how the specific terminology was used in this particular RLI, but I think it's related to all litigation, that the firm had in certain categories.

COMMISSIONER WEXLER: Well, then when some of these companies come and respond to us, we better make sure that we're consistent in what we're getting from them. If it's all for national companies, then it needs to be all, not just Florida reveals, and so I think that the mid-ground might be just within the State of Florida. That's a possibility because they could have a book worth of submittals, some of these companies.

MAYOR GRABER: Vice Mayor Eggelletion.

VICE MAYOR EGGELLETON: I would strongly suggest that we allow the county attorney to come up with what he believes is reasonable, and let me tell you why. These are insurance companies, and insurance companies have a ton of litigation claims. A person -- I mean there's no way in the world -- I mean if you're asking for that, you're going to have telephone books thick with -- and I think you've got to give the County Attorney the discretion to determine what is reasonable in this case and then convey that to the respondent so that they will be able to sift through some of it. The person didn't like the fact that they couldn't get an appointment on time so they decide to file a complaint or sue. I mean, these are the kind of things that insurance companies run into all the time.

COMMISSIONER WEXLER: Vice Mayor, I'm going to make a motion, as we're whispering to each other to limit the request for their litigation history to the State of Florida.

MAYOR GRABER: Okay. That's a motion.

COMMISSIONER GUNZBURGER: Second.

MAYOR GRABER: Okay.

So all in favor say aye.

Opposed?

Okay. It passes.

VOTE PASSES UNANIMOUSLY.

MAYOR GRABER: On Item 139 with the amendment, a motion to approve.

COMMISSIONER GUNZBURGER: We just voted.

MAYOR GRABER: We didn't vote on 139. That was the amendment. 139 as amended.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

MAYOR GRABER: Okay. We finished our agenda. We have one more item before we break up.

COMMISSIONER GUNZBURGER: I have one too.

AGENDA ITEM 135

MAYOR GRABER: Okay. First, let me do on the Mayor's behalf.

COMMISSIONER GUNZBURGER: Well, I have a non-agenda item that I don't want staff to leave before I bring it up.

MAYOR GRABER: Nobody leave yet. Everybody stay. Let me just do this first and then we'll go to non-agenda, the Mayor's report. We're still here. We're still public. On behalf of the commission, I would like to recognize and thank Bertha Henry for her months as the interim administrator. For Bertha, I have a letter for you --

COMMISSIONER JACOBS: What a way to thank you.

MAYOR GRABER: We wanted this to be memorable. We're going to have a plaque for you.

COMMISSIONER GUNZBURGER: We wanted you to be thankful for it being over.

MAYOR GRABER: We have ordered a very nice plaque, but in the meantime I have this letter and I wanted to read it to you. It's signed by the entire County Commission. I'll give it to you, just some personal comments.

"Dear Ms. Henry, the Broward County Commission would like to express its deepest appreciation for your service as Interim County Administrator for the past several months. The leadership qualities you exhibited as Deputy County Administrator carried forward seamlessly into the Interim County Administrator role. You were strong, steadfast during these challenging times and we trust you will continue to be in this transition period ahead. Thank you once again for being everything we thought you would be as our Interim County Administrator."

Signed by all of us, and Vice Mayor Eggelletion has a motion.

Vice Mayor.

VICE MAYOR EGGELLETON: Yes, Mayor, members, first of all, let me just thank Mrs. Henry for her service. I think she's done a fantastic job as an Interim County Administrator.

COMMISSIONER GUNZBURGER: She has. She really has. She weathered the storms.

VICE MAYOR EGGELLETON: With that, I would move that we award Mrs. Henry a bonus of \$5,000.

COMMISSIONER JACOBS: Second.

VICE MAYOR EGGELLETON: For her services.

COMMISSIONER RODSTROM: It should not count against anything else that she may have gotten. This is separate and apart.

VICE MAYOR EGGELLETON: This is separate and apart.

MAYOR GRABER: Separate and apart.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

MAYOR GRABER: Vice Mayor.

VICE MAYOR EGGELLETON: I also happen to know that, you know, during this time period, that Mrs. Henry was serving, I was honored in Dade County, and actually here, but an event was held in my honor in Dade County, and a part of that event was someone who Mrs. Henry really enjoyed very much, and that is Jerry Butler. And Mrs. Henry wanted a picture of Jerry Butler. So, Mrs. Henry, I have for you a picture of the Ice Man.

COMMISSIONER RODSTROM: Who is the Ice Man?

VICE MAYOR EGGELLETON: Jerry Butler.

COMMISSIONER GUNZBURGER: Is he a singer?

VICE MAYOR EGGELLETON: A singer, yes. A very good singer. He's had -- I don't know how many number-one hits. "Moon River." However, Mrs. Henry, if you bring this picture in, we're sending this up to Mr. -- Mr. Butler is out of town and could not sign it, but his publist sent us the picture and said if we send it back to him he will autograph it for you -- so Jerry Butler.

MAYOR GRABER: And he has to sing her a song too.

VICE MAYOR EGGELLETON: There it is.

MAYOR GRABER: Let me just say personally, Bertha, when I became Mayor, you know, we had lost our administrator, it was after Wilma, and, you know, you just made it easy for me. So I want to thank you for everything you did.

COMMISSIONER GUNZBURGER: No, our administrator blew away before Wilma.

MAYOR GRABER: Yeah, he blew away. Wilma blew away. We had a lot of air, but, anyway, I want to personally thank you. It's been a pleasure having you as the Administrator, and you've done remarkable things. I said it before, I'll say it again, well beyond the call of duty in a very difficult times, and you'd be qualified to run any city or county anywhere in the country, as far as I'm concerned, but I thank you very much personally. Anyone wish to speak?

Commissioner Jacobs.

COMMISSIONER JACOBS: Yeah, I did go through the hurricane with Ms. Henry, and it was a very trying time in this county. We'd never faced anything like that. A 98 percent power failure takes away many of the options you think up front that you've got. And you were amazing through that event and then those days that followed, mobilizing staff and finding creative solutions around federal and state agencies, who

just couldn't seem to get creative. And you're really to be credited for keeping this ship afloat during that time and following all of that with so many transitions that we have been facing.

I just think you're wonderful, and I hope that there is not a chance that anybody lures you away, and that they don't really hear what we're saying today because they might actually send a headhunter your way. So I'm hoping you say put here in Broward County and really looking forward to a new partnership and hopefully you'll get some rest this summer and come back to us.

MAYOR GRABER: Commissioner Wasserman-Rubin.

COMMISSIONER WASSERMAN-RUBIN: Phenomenal woman, that's all I have to say.

MAYOR GRABER: Thank you. I have one more item, and then I'll do non-agenda. Commissioner Scott has been elected as Chair of the South Florida Regional Transportation Authority. Congratulations, Commissioner Scott.

COMMISSIONER GUNZBURGER: Yea.

(Applause.)

NON-AGENDA

MAYOR GRABER: Non-agenda, Commissioner Wexler?

COMMISSIONER WEXLER: No.

MAYOR GRABER: Commissioner Wasserman-Rubin?

COMMISSIONER WEXLER: Have a wonderful summer.

AGENDA ITEM 140

COMMISSIONER WASSERMAN-RUBIN: Thank you. I actually have two requests for money.

MAYOR GRABER: For money? Okay.

COMMISSIONER WASSERMAN-RUBIN: What do you want me to do with them?

MAYOR GRABER: Give it to us in writing.

COMMISSIONER WASSERMAN-RUBIN: One of them is from the Broward County Professional Firefighters and Paramedics, in particular the unit that takes care of the Alligator Alley, and they're looking for --

MAYOR GRABER: Oh, for a budget item? Just give that to Ms. Henry.

COMMISSIONER WASSERMAN-RUBIN: And the other one is --

COMMISSIONER WEXLER: Give that to the trees.

COMMISSIONER WASSERMAN-RUBIN: Excuse me, Sister Cities International, okay, so --

COMMISSIONER JACOBS: No way.

COMMISSIONER WASSERMAN-RUBIN: No way what?

COMMISSIONER JACOBS: She said take the money from the trees.

COMMISSIONER WEXLER: I said take the 6,000,000 from the trees.

COMMISSIONER WASSERMAN-RUBIN: No, I'm not taking the money from anywhere. I'm just telling you that these people want money, and before I go on break --

MAYOR GRABER: We still have a wish list, so just add them to the wish list.

COMMISSIONER WASSERMAN-RUBIN: So I want to add it, just those two.

MAYOR GRABER: Yeah, just add it to the wish list.

COMMISSIONER WASSERMAN-RUBIN: I think it's a few million that no one will be --

MAYOR GRABER: No one will miss it.

AGENDA ITEM 141

MAYOR GRABER: Commissioner Jacobs? We'll get to you.

Commissioner Jacobs.

COMMISSIONER WASSERMAN-RUBIN: I actually have requests.

COMMISSIONER JACOBS: You all will recall several months ago an item that I placed on the agenda regarding the Turnpike Authority's widening project and the fact that they had left out the center section of Wynmore, the only residential area not to have a wall north of Atlantic, as a part of Phase III of their widening project. We have gone back and forth, back and forth. I've had the Turnpike Authority. I've had the FDOT District 4 secretary in my car as we drove around and I pointed out all the examples and reasons why they needed -- they actually sat in the car for three and a half hours as we tooled around.

They went above and beyond, and while we didn't get everything that we wanted, in fact, short of that, we did manage to move them significantly along towards closing the gap. I wish I could sit here and tell you today that we closed that gap completely. I think the district has been under tremendous pressure by seven other districts that are looking down their -- over their shoulders for any hint of an exception made to the Wynmore community and that worked against us to completely close the gap.

So at the end of the day what we were able to do was to extend the southerly end of north wall by another 700 feet as they went and redid some of the, in a peer-reviewed, sound modeling, they redid it and found that there was warranted another 700 feet. They did agree to put a -- I'm forgetting the lingo, a -- barrier.

MAYOR GRABER: A berm?

COMMISSIONER JACOBS: -- A glare screen, that's what they all call it, a glare screen on the exit ramp, which was just over a little over a hundred feet of the way from the balcony of the homes that were getting no protection from this widening project. It's really quite amazing that that's all we were able to get. In

addition to landscaping which as everyone knows that's gone through Hurricane Wilma or has gone off the southbound exit at the Turnpike on Coconut Creek Parkway, Martin Luther King, you will know that there is no tree cover there any more, because the hurricane took it out.

So the solution to the impacts of the Turnpike being landscaping really fall short of protecting our citizens in addition to the fact that that landscaping is the very, very last thing that goes into the project rather than if you'll see south on the Turnpike, you'll see the sound barriers are going up now. They're generally the first thing they put up to protect residents from the construction. So our long sojourn is over. That's about as far as I feel I'm able to push them. I can't seem to move anyone else.

And just wanted to also off of thanks to Congressman Wexler who got involved, the secretary of transportation who was very gracious but also unable to move the districts any closer to closing that gap, and Representative Ron Greenstein and Mayor Jim --

UNIDENTIFIED SPEAKER: Waldman.

COMMISSIONER JACOBS: Waldman, thank you, all worked together with me in trying to resolve this issue, but ultimately that's as far as we got. I know there are many other issues that are kind of going to face this board, and I would ask that we really hold the Turnpike Authority -- because remember the Turnpike is doing the Sawgrass Expressway, and they are required to go through a community initiation action phase where they come and visit with the community and they talk to you about what they're doing. They didn't do that in this phase. They held one meeting in which questions were not allowed to be asked. They only took comments, and it's been a very frustrating experience, I think.

I've learned a lot through it all, and most importantly, I've learned that they are trying to do as much as they can, but they have very limited field range of motion as it were to move their engineering specs. So we've gotten pretty far and I'm happier now. I don't think we can close the whole wall up, but I just wanted to let you know that the initial item that was raised which was to withdraw support from the Turnpike widening, which was supported by this board and all the other two phases of the Turnpike as well as the Sawgrass Expressway doesn't look like it's going to be necessary now.

MAYOR GRABER: Thank you.

VICE MAYOR EGGELLETON: Can I say something?

MAYOR GRABER: On that item, yes, Commissioner Rodstrom, then Vice Mayor Eggelleton.

COMMISSIONER RODSTROM: The problem is, is that my district gets nothing, and you know that's not acceptable to me, and it doesn't sound like you got everything you want.

COMMISSIONER JACOBS: No, I didn't.

COMMISSIONER RODSTROM: As a matter of fact, you're kind of, you know, not cheering if I can read between the lines. You're sort of eating what you get, but that's about it. Mr. Newton, if we were to litigate, how long can we hold this project up?

MR. NEWTON: It's kind of hard to say.

COMMISSIONER RODSTROM: Can we hold it up?

MR. NEWTON: Might be able to hold it up for a significant period of time.

COMMISSIONER RODSTROM: And, you know, we're talking about somewhere in the neighborhood of \$2,000,000.

COMMISSIONER JACOBS: The cost of this construction are the low that was budgeted. So in the Wynmore example, it's about a third of the budget that was set. So the money was not an issue. Their issue continued to be that it did not meet their decibel noise criteria.

COMMISSIONER RODSTROM: But you know what, it might meet that level if we take a harder position, because you know what, I'm not getting anything, and they're just blowing our residents off totally, and that's not just acceptable to me and they're not negotiating. You know, maybe you had some conversation with them. They're not even negotiating with us. So I don't know any other alternative.

COMMISSIONER JACOBS: Have you met with them, John?

COMMISSIONER RODSTROM: Yeah. I don't know any other alternative, but to play hardball with them, and they do have money. They've got lots of money. They're flush with money.

COMMISSIONER JACOBS: And, again, not only are they flush -- I would -- I think it's important to understand a couple of things. First of all, our projects, our entire projects come in under their budget. So they have the funds available for these projects. Their only stumbling block is it doesn't meet their criteria.

COMMISSIONER RODSTROM: Maybe it would if we made it tougher.

MAYOR GRABER: Vice Mayor Eggelletion.

VICE MAYOR EGGELLETON: Let me just say this, I think one of the reasons why they're not negotiating, maybe Commissioner Scott may know this, I don't think that State law prohibit us to stop the Turnpike Authority from doing what they want to do, and I think that's part of the problem, but -- and I may be wrong on that, and if I am wrong --

COMMISSIONER JACOBS: The MPO has to do it.

VICE MAYOR EGGELLETON: Yeah, and see that's why when I was on the MPO I voted no and when the MPO acquiesced after I was off, they voted ahead to go with this, but I voted no and let me tell you why I voted no. You talk about the Sawgrass, and, Commissioner Graber, I'm not picking on your district because they're already doing this in your district, they are putting the walls up.

COMMISSIONER JACOBS: But not everywhere.

VICE MAYOR EGGELLETON: Listen, I would challenge anybody to get in your car, okay, because I go out there and I play golf out there a lot at the Parkland Country Club, but get in your car, drive along the Sawgrass and when you get near the overpass at University Drive and you go past it, they're putting up a wall, not a playground.

COMMISSIONER JACOBS: A park.

VICE MAYOR EGGELLETON: A park, but they told us they don't put walls up along parks.

COMMISSIONER JACOBS: They don't. That wall is to protect a house on the other side of the road that's so far away it couldn't possibly protect it.

VICE MAYOR EGGELLETON: I got out of my car literally and looked. There's no house there. It is a park.

COMMISSIONER JACOBS: I know the spot.

VICE MAYOR EGGELLETON: Literally, it is a park. But not only that, they said they don't put up walls as the overpass go up because it doesn't make sense. They have them all along there. And I'm telling you, I've seen it with my eyes and I've seen it all along.

COMMISSIONER RODSTROM: They make up the rules.

VICE MAYOR EGGELLETON: So the way I would view the Turnpike Authority is being very selective in what it wants to do, and it depends on where you live. And the bottom line is, you know, that type of action is clearly not representative of what I would expect the Florida Turnpike to be, but I would challenge all of you, get in your car, drive that section of the Sawgrass from the Turnpike west to Coral Ridge Drive and you'll see exactly what I'm talking about. And so they do what they want to do and they don't care.

I mean here it is, I tried to get as wall up for residents in Lauderhill, and these residents are in the same location as they are all along the Turnpike. Not only that, but for a hospital, we have a hospital where sick people are and they said: We don't put walls up next to hospitals so the sick people can hear all the noise but kids in a park don't have to hear the noise.

COMMISSIONER RODSTROM: Can I ask this Board's indulgence that they would permit Mr. Newton to write a letter to them saying that it's the intent of the County Commission to possibly pursue litigation and that they're going to take this up at their next meeting when they reconvene and we're back after our break, but in the meantime he can put them on notice that we're considering litigation because of their arbitrary and capricious standards regarding where they're going to put up the walls and where they're not and how our particular district is being totally left out and your district is being left out where you are. We've got to turn this up a notch if we're going to -- because asking nicely isn't working.

COMMISSIONER JACOBS: Commissioners, trust me, I wasn't asking nicely.

COMMISSIONER RODSTROM: Okay.

COMMISSIONER JACOBS: In order to -- in order to --

COMMISSIONER RODSTROM: Yeah, but you're a nice person. It's hard to be too mean.

COMMISSIONER JACOBS: Well, you're not going to get what you want by being very mean either, but the issue that Vice Mayor raised --

COMMISSIONER RODSTROM: Are you okay with doing a letter?

COMMISSIONER JACOBS: When it doesn't mean decibel level, they jumped -- has anybody on the exit ramp at Oakland Park Boulevard, and that big wall that they built? There was no decibel levels used to build that wall, you know why, because that wall is a privacy wall. No-no where in their manual will you find privacy walls, but I'm telling you in three hours in the road together with both the district --

COMMISSIONER RODSTROM: Do you have enough stuff, Mr. Newton?

MR. NEWTON: (Inaudible.)

COMMISSIONER JACOBS: Well, what I wanted to --

COMMISSIONER RODSTROM: Do you have enough stuff?

COMMISSIONER JACOBS: Just the point -- the point I'm trying to make here is that, from a stance -- from an engineering standpoint they have an answer for everything, including the park, which you have -- I had both the District 4 secretary from FDOT as well as Jim Mele the head of the Turnpike Authority and their engineer who they defer to with great -- with more respect than I think should be given, but, at any rate, at any rate, that wall at the park was justified in all of the way that their engineering feats go. And so I don't -- we can pursue that -- we can threaten them. I don't really know.

The only thing that I know to hold up -- to get what we want at all, would be to hold up the entire project, and ultimately the reason why I think that we're headed down a tough road there is because of all the other districts statewide along the Turnpike, mainline Turnpike, that are trying to do the same thing.

And just one last thing that if you are writing a letter would be helpful I think to add in for those others that are reading it and that is that did you know that close to 25 percent of the mainline Turnpike's revenue comes from one county, Broward. That's an amazing amount of money for us not to be having our neighborhoods protected.

MAYOR GRABER: Could I ask your indulgence, is it okay with you if I set up a meeting as the Mayor before we send them the letter to let them know how we feel?

COMMISSIONER RODSTROM: Sure.

MAYOR GRABER: So if that's okay, Mr. Newton, maybe you and I can meet with them and then we'll see what we have to do.

COMMISSIONER RODSTROM: That's a good idea.

COMMISSIONER JACOBS: And, Mayor, what I would ask is that I have participated in those meetings, and we have reached in essence as far as we could go a resolution. Now if there are other areas in other districts that --

COMMISSIONER RODSTROM: We have no resolutions.

COMMISSIONER JACOBS: You all have no resolutions, so I would ask that when you go forward and have your meeting that you leave out this area for right now, because I don't want any of the efforts that I was able to achieve taken away.

MAYOR GRABER: Let's try it. Those walls you see along the Sawgrass in my district came after I had a meeting with him a couple of years ago.

COMMISSIONER JACOBS: Yeah, your meeting a couple of years ago was when Rick Chesser was head of District 4.

MAYOR GRABER: Right.

COMMISSIONER JACOBS: That's not the case anymore.

MAYOR GRABER: When Rick was there. Right, there's new people.

COMMISSIONER JACOBS: Creativity and urban solutions.

MAYOR GRABER: And Rick was here today for a while.

COMMISSIONER JACOBS: Yes, he was. Unfortunately he's not there anymore.

MAYOR GRABER: Mayor, you've got this well in hand. I can tell by the look on your face.

MAYOR GRABER: Let me take a shot at it.

Commissioner Scott.

COMMISSIONER GUNZBURGER: No, how about me?

MAYOR GRABER: Well, you're next. Commissioner Scott. We haven't heard – Commissioner Scott hasn't set a word all night.

Commissioner Scott.

COMMISSIONER SCOTT: I'm agreeing with what you're saying now because I think to say we're going to hold up a road project, it's just -- it's -- I'd rather try the -- being honey rather than vinegar right off here.

MAYOR GRABER: Okay. We'll try the carrot and I'll bring the stick along. Okay.

AGENDA ITEM 142

MAYOR GRABER: Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I have a quick non-agenda item, that's why I wanted Jim to stay. I'd like to direct staff to improve the health insurance rates that we negotiated at our final meeting. I think there's more money on the table and before you bring back at our next meeting, I'd like you to see if you can get both of the companies to come down some more.

MS. HENRY: Mr. Acton.

MR. ACTON: I believe that's possible as well. I suppose if the Board was to direct to correspondence to both carriers --

COMMISSIONER GUNZBURGER: Yes.

MR. ACTON: -- we would have them submit their best and final rates in a sealed envelope to be opened by the Purchasing Director.

MAYOR GRABER: Without objection?

UNIDENTIFIED SPEAKER: Wait.

VICE MAYOR EGGELLETON: No, no.

COMMISSIONER WEXLER: Do you want to be here until tomorrow?

MAYOR GRABER: It sounds like it.

MR. ACTON: Or another option at your direction.

COMMISSIONER GUNZBURGER: I'm real serious.

MAYOR GRABER: Commissioner Gunzburger, what's your pleasure?

COMMISSIONER WEXLER: Bring it back at the next meeting, for discussion, but you don't do this at 11:30.

COMMISSIONER GUNZBURGER: I didn't expect it to take this long. I really know that I have been told that there is a heck of a lot of money we left on the table and the only people --

COMMISSIONER RODSTROM: By both vendors?

COMMISSIONER GUNZBURGER: Yes.

COMMISSIONER RODSTROM: I don't believe that. You're being sucker-punched because they gave the best and final, and we accepted it and then they said they had more to give us, which was B.S., and they don't stop.

COMMISSIONER GUNZBURGER: But the people that are getting hurt are our employees.

COMMISSIONER RODSTROM: That's not true, because you don't know what they'd offer. They're just afraid to lose market share.

VICE MAYOR EGGELLETON: Correct.

COMMISSIONER RODSTROM: That's all it's about.

VICE MAYOR EGGELLETON: Correct. Because they were asked to do it and they didn't do it and then they want to come back after the fact and do it. So that's not right.

COMMISSIONER RODSTROM: It's not right. It violates our process. Let's just throw out the bids and start all over again then. You know, it just violates our process.

MAYOR GRABER: The last year when we did it, they came back a couple of times to get down. So they anticipate that. So they didn't give us everything.

COMMISSIONER RODSTROM: This time we said: We want you to give us your best and final. We want it in writing. This is it, no more. That's it. And we don't want it verbally. We want it in writing. That's what we said to them. No bait and switch. That's it. And then we got it and we opened it up and they went: Oh, we can do better.

VICE MAYOR EGGELLETON: After they saw what the other company's bid was: Oh, we can do better.

COMMISSIONER RODSTROM: Right.

MAYOR GRABER: You know why, because last year when we opened up bids we gave them another opportunity.

VICE MAYOR EGGELLETON: Yeah, but this year, Mayor –

MAYOR GRABER: We did that last year.

VICE MAYOR EGGELLETON: I agree. I agree, but, Mayor, we started each session by telling them we were not going to play that game and that they needed to come in with their best and final offer.

COMMISSIONER RODSTROM: So we're always going to give this one firm an advantage because we're always going to let them get the last -- match whatever the firm did, just better.

COMMISSIONER JACOBS: It's kind of like the draft invoice thing.

COMMISSIONER RODSTROM: Which is not fair to the other firm. It's blatantly unfair.

MAYOR GRABER: So what do you want to do, Commissioner Gunzburger?

COMMISSIONER GUNZBURGER: I wanted to see if I could save everyone more money, but obviously no one else wants to go this road.

MAYOR GRABER: So we'll hold off on that then until after we get back.

COMMISSIONER GUNZBURGER: Unless you want to bring it back for discussion at our first meeting in August.

MAYOR GRABER: We can do that.

COMMISSIONER WASSERMAN-RUBIN: Can I ask a question?

MAYOR GRABER: Yes. Commissioner Wasserman-Rubin.

COMMISSIONER WASSERMAN-RUBIN: Did you discuss at all trying to expand the network, Physicians' Network, because I can't find -- I don't have anybody in the network.

MAYOR GRABER: Expand it beyond where it is now?

COMMISSIONER WASSERMAN-RUBIN: I just wanted to know (inaudible).

COMMISSIONER GUNZBURGER: We really did not.

MAYOR GRABER: Mr. Acton, was there any discussion about expanding the network?

MR. ACTON: We discussed how the network has expanded from last year. We have received input from employees in terms of physicians who were not on the networks and we asked them to -- and they have responded and a significant number of those physicians have been added.

COMMISSIONER RODSTROM: Why don't you let Mr. Acton know who your physician is that you're going to or you want to go to so we can get them on the network.

MAYOR GRABER: There's a lot of network availability as well.

MR. ACTON: One of the new CVH plans will have (inaudible).

MAYOR GRABER: Okay. Commissioner Wexler.

COMMISSIONER WEXLER: Mayor, very briefly, we had this discussion, although when a contract comes forward and at some point Mr. Acton will be bringing something forward, this commission is going to have this discussion again. And if it's not going to be for August 16th and I don't know what your schedule is, I think that an item needs to come forward for discussion, but you need to capture what actually occurred in the way of best and final and pretty much the minutes of what occurred so that the members that weren't at the committee meeting know what happened.

COMMISSIONER RODSTROM: But what you'd be doing is for the second year in a row you'd be giving a firm the one-up to be able to outbid the firm that bid properly both times --

COMMISSIONER WEXLER: Correct, correct.

COMMISSIONER RODSTROM: -- in order to gain market share and then you allowed them to be undercut both times and that's the thing that I find really unfair.

COMMISSIONER WEXLER: I agreed with you at the meeting.

COMMISSIONER JACOBS: That's what Bill Clinton used to --

COMMISSIONER RODSTROM: I'm sorry. I don't mean to be using my hands.

COMMISSIONER WEXLER: But it's really -- either we're going to discuss it tonight and dispose of it or we're going to discuss it on the 16th.

COMMISSIONER GUNZBURGER: It's too late. I just thought that I'd try one more time to see.

COMMISSIONER WEXLER: Okay. Then you don't want to bring it back on the 16th?

MAYOR GRABER: Mr. Acton, what are our options on this?

MR. ACTON: Well, our intent and our work plan over the summer break was to bring back to the Board after the break, once we knew what the rates were, what the employer's contribution would be to those rates so we'd know what the impact on the employees would be, so we would have liked to have some certainty in terms of what the rates were going to be so we could do that. However, if that's not final until after the break, then we'll have to do those calculations once we know what the rates are. That would just delay us a little bit in preparing for open enrollment.

MAYOR GRABER: As soon as possible after the break, let's bring it back.

MR. ACTON: Bring back this issue for discussion about whether or not to request --

MAYOR GRABER: Well, maybe by committee, a committee meeting.

COMMISSIONER JACOBS: Does that affect open enrollment?

MAYOR GRABER: To have the committee meet.

MR. ACTON: I'm sorry?

MAYOR GRABER: To have the committee meet.

MR. ACTON: There will be meetings. They're already scheduled for a few of the other --

MAYOR GRABER: So we can still meet at committee and discuss this and still have time.

COMMISSIONER RODSTROM: See, I would be in favor of if you're going to lower rates that if you're going to let AvMed lower their rate, that the other firm be allowed to lower the same amount so they still have the market share issue, because that's what this is really about. This is about having market share, and so what you're doing is you're allowing a firm to undercut another so they can gain a greater market share or keep their market share, but this firm this year was the best bid and AvMed wasn't. Well, then they should benefit and get the market share because of it. But if you allow both of them to lower their bids the same amount, I don't have a problem with that. It's a market share issue with me because one firm played by the rules, another did not and this would be the second year in a row.

MAYOR GRABER: So do you want to offer the other firm to lower its rates?

COMMISSIONER RODSTROM: Yeah, the other one can match or lower. Find out AvMed's bid first -- find out what AvMed is going to lower it to and let the other firm match or lower it.

MAYOR GRABER: I think we did that last year. Didn't AvMed lower it down too?

COMMISSIONER JACOBS: Yeah.

COMMISSIONER RODSTROM: But AvMed got the benefit from it, because you allowed them to lower it so they got the market share. Now you are going to allow them to do it again.

COMMISSIONER GUNZBURGER: Let AvMed bid first.

COMMISSIONER RODSTROM: First, right.

COMMISSIONER GUNZBURGER: And then let Vista.

COMMISSIONER RODSTROM: And let Vista have the last look. That's fair.

MAYOR GRABER: Vice Mayor.

VICE MAYOR EGGELLETION: See, I don't agree with that because every firm, all of them have a point of diminishing return where you bid so low your firm starts to lose money. And let me tell you something, this process was fair. It was deliberate, and they were told every single time at the beginning, because I know I said it: Don't come back and play games. Bring us your best and final offer, and so now you're going to say because a company wanted to play this game, same game they played last year, they want to come back and play this game and say: Oh, after they see what the other firm has bid and say: Oh, you know what, we didn't realize that. We thought you were going to let us come back and bid again. And that's not fair.

It is just grossly unfair, and I will tell you if I'm the other firm, I'd file a protest in a heartbeat, because this is wrong. This is about market share, as Commissioner Rodstrom has correctly put it, and you ought not open this back up. The only thing I want to see is the contracts. And when it comes back again next year, AvMed can get back in the game, but to keep playing this game and saying: Oh, I'm going to save your employees more money, guess what, this game never stops. And it's not -- it's not fair. It's just wrong, and there's no other way to put it. This is wrong. That's it. This is just flat-out wrong because

they were told every single time, every time: Don't come in here and try to give us your best -- put it in writing. And notice, they didn't say it until the other side had revealed what their price was.

COMMISSIONER RODSTROM: That's correct.

MAYOR GRABER: But can I point out something. Our goal is to allow them to have market share or to have competition, but also our goal is to have the best price for our employees. So if we can get them both to go down to the lowest price, why should we care what market share is. That's their issue, not ours.

COMMISSIONER RODSTROM: We will just have them have the last look. I mean, if you are going to do it that way.

MAYOR GRABER: That's what we did last time. They both came down to the same price. They split market share and then the our employees have a choice, so I think --

COMMISSIONER RODSTROM: Next year AvMed can make up for it.

VICE MAYOR EGGELLETON: But you know what, Commissioner, here's where the harm in that is, suppose one company is so much larger than the other that they can afford to lose money and the other company can't, you put them at a competitive disadvantage. This is just really not fair. It really isn't. And I'm telling you, the only way to keep this process fair and have the integrity that we need as a Board of County Commissioners so that firms know that when you say something, you mean it and they play by the rules is to not do what y'all are suggesting that you do. You don't need to do this. Let AvMed suffer and then, you know, and then they'll come back next year, and I guarantee you they'll come in with a very, very good bid respecting the process. You know, the way they did it, it was just so obvious. It was so obvious the game that they played the way they did it.

MAYOR GRABER: Can I recommend that we allow staff to spend the summer, see what kind of options are available, and we'll meet again in August about this. If they come in with some new options for you, we'll entertain them in August. Okay. We'll give them the opportunity. I still believe the best thing for us -

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COMMISSIONER RODSTROM: I don't agree with that.

VICE MAYOR EGGELLETON: I don't agree with that, Mayor. Let's take a motion.

COMMISSIONER RODSTROM: Let's take a vote, because I'm not going to bastardize the process.

VICE MAYOR EGGELLETON: Correct. This is not right.

MAYOR GRABER: I still believe that the best thing is to get the best price.

COMMISSIONER RODSTROM: We just said not to follow that this year. We decided to have a best and final --

MAYOR GRABER: You vote me down but I'm going to say what I'm going to say.

COMMISSIONER JACOBS: Can I say something?

MAYOR GRABER: Yeah, I'll give you an opportunity in a second. Let me finish. The most important thing when it comes to health care, I'm talking like a doctor now is to give our employees the best options

at the lowest cost and that's more important to me than being fair to the two businesses. We need to be fair to our employees. Now having said that, let's have a discussion.

Commissioner Jacobs.

COMMISSIONER JACOBS: Just I'm not on the committee and I have not been involved in the issue and wanting to get a better feel for the savings going out the second time versus this year going out a second time in the employees' pockets, what difference financially are we talking?

MAYOR GRABER: It's shifting between plans is the problem. If the Vista comes up with a cheaper plan, employees in AvMed have to shift over to Vista.

COMMISSIONER JACOBS: Sure, what I'm trying to get a feel for is how much cheaper is cheaper?

COMMISSIONER RODSTROM: They'll do it willingly if they want to save money.

COMMISSIONER JACOBS: When you say not much, is it \$100, \$50, \$10?

MAYOR GRABER: Mr. Acton, do you know the difference in the cost?

COMMISSIONER JACOBS: What are we ballparking it? I mean what were we looking at last year?

MR. ACTON: I don't really think I can put a number on it. But the main shift --

COMMISSIONER JACOBS: I mean, last year.

MR. ACTON: Last year at the end of game, what happened was one of the carriers lowered their single rate and not the rest of the tiers and matched the rest of the tiers and lowered their single rate. So they were trying to create some shift in the single. Most of -- the majority of our employees who are enrolled are enrolled in the single. That's the largest group.

COMMISSIONER RODSTROM: They were trying to get the shift.

MR. ACTON: Yes.

COMMISSIONER RODSTROM: They were trying to get the shift of the single employees.

COMMISSIONER JACOBS: Sure. So what did our employees on average save by doing it the second time?

MR. ACTON: It wasn't really a second time. It was during the negotiation that was going back and forth.

COMMISSIONER JACOBS: What was the difference when we continued to roll back and ask them? I'm trying to get a feel for the significance of the change to the employees.

MR. ACTON: I apologize for that. I'd have to go back and get the two different rates and calculate the difference from what the original bid was to what they lowered it at the end and then what the enrollment was at the single level.

COMMISSIONER JACOBS: Okay. Nobody here can ballpark for me what the savings were last time?

MR. ACTON: No, ma'am. I'm sorry.

MAYOR GRABER: It was not that much. It was like 4 or \$5.

COMMISSIONER JACOBS: That's what I'm trying to understand.

MAYOR GRABER: To employees, 4 or \$5 a month might make a difference.

COMMISSIONER JACOBS: That's what I was seeking, thank you.

MR. ACTON: The monthly premium only?

COMMISSIONER JACOBS: Yeah. What was the difference?

MR. ACTON: It was less than \$10.

COMMISSIONER JACOBS: Less, okay. Thank you.

MR. ACTON: Thank you.

MAYOR GRABER: Okay. Commissioner Wexler, then Commissioner Eggelletion.

COMMISSIONER WEXLER: Again, if you want actual action today, Mayor, I really suggest that we have an item at our first meeting on the agenda in August to discuss this and make motions from that.

MAYOR GRABER: I'm good with that.

COMMISSIONER WEXLER: But at this point, to do this at 20 minutes to 12:00, it is just -- I mean I was there. It was not --

MAYOR GRABER: That's why I said bring it back in August.

COMMISSIONER RODSTROM: And I'd remind the vendors there's a gag rule in place. I do not want to be lobbied.

COMMISSIONER WEXLER: Well, you know what, there's correspondence though. Okay.

COMMISSIONER RODSTROM: I know. They're breaking the gag rule. They're violating the gag rule.

COMMISSIONER WEXLER: I think they are in violation of the cone of silence.

COMMISSIONER RODSTROM: AvMed has just violated the gag rule.

COMMISSIONER WEXLER: That's right.

MAYOR GRABER: Turn them into Mr. Newton.

COMMISSIONER WEXLER: Okay.

MAYOR GRABER: All right. So we're in agreement that bring back an item in August. We'll have a discussion at that time, not tonight.

Okay. Very good.

AGENDA ITEM 143

MAYOR GRABER: Anything else on non-agenda? Commissioner Rodstrom, Vice Mayor Eggelleton.

COMMISSIONER RODSTROM: Yes, I just have a request for \$50,000. Last year --

MAYOR GRABER: A wish list request.

COMMISSIONER RODSTROM: -- Rebuild America, we gave 25,000 out of contingency. It would make more sense coming from a budgetary perspective if we put it in our budget so we're not taking out of commission contingency. That's the one-day Rebuild where they worked -- they had the 400 volunteers to work on the houses, and the request would be for \$50,000. Last year you gave 25.

MAYOR GRABER: Ms. Henry, if you could add that to the wish list?

AGENDA ITEM 144

COMMISSIONER GUNZBURGER: And I had a request from Broward Beautiful that they have been frozen at \$200,000 for the last ten years and they would like to go up to \$600,000.

MAYOR GRABER: That's a request, from 200 to 600.

COMMISSIONER GUNZBURGER: Yes, because they've had that many --

MAYOR GRABER: So you want a \$400,000 request for Broward Beautiful.

Ms. Henry, Vice Mayor, going, going, gone.

COMMISSIONER WEXLER: I have a request that the elder community of Broward County needs about \$5,000,000 more.

MAYOR GRABER: Put it on the list, 5,000,000 for elderly community.

MAYOR GRABER: Anything else?

VICE MAYOR EGGELLETON: The only thing --

MAYOR GRABER: Vice Mayor Eggelleton. It doesn't mean you're going to get it, but it's on the list.

VICE MAYOR EGGELLETON: I'll deal with Mrs. Henry on this privately. I think the best way to deal with this. It's late.

MAYOR GRABER: All right. Mr. Newton, do you have anything?

MR. NEWTON: No.

MAYOR GRABER: Mr. Lukic?

MR. LUKIC: Just to say goodnight and have a good break.

MAYOR GRABER: Everyone have a great holiday. See you in six weeks. Have fun, whatever you're doing.

COMMISSIONER JACOBS: And thank you to Jo. It's been a long meeting today.

AGENDA ITEM 24

For Research purposes, supplemental papers from previous meetings as approved in **Item 24** are listed below:

1. 01/07/92 94 Certification of Consistency with the Consolidated Plan from Housing Opportunities Project for Excellence, Inc. for Fair Housing Enforcement Initiative; Certification of Consistency with the Consolidated Plan from Broward County Substance Abuse & Health Care Services Division for HART House;
2. 06/15/93 46 Termination of Traffic Signalization Agreement Whereas, D & I Joint Venture, entered into that certain Traffic Signalization Agreement dated December 20, 1994, and recorded at Official Records Book 22956, Page 0713, relating to the Sawgrass Village Plat.
3. 08/24/93 50 Termination of Road Improvement Agreement Whereas, VST/VMIF Oakridge Partnership, entered into that certain Road Improvement Agreement dated February 24, 1995, and recorded at Official Records Book 23176, Page 0914, relating to the Banyan Oakridge Plat.
4. 10/05/93 06 Termination of Traffic Signalization Agreement Whereas, Silver Lakes Partnership, entered into that certain Traffic Signalization Agreement dated October 30, 1992, and recorded at Official Records Book 20025, Page 0405, and entered into that certain Amendment dated October 5, 1993, and recorded at Official Records Book 21244, Page 0894, relating to the Silver Lakes at Pembroke Pines Phase II Plat.
5. 05/17/94 52 Termination of Traffic Signalization Agreement Whereas, 70, Inc. entered into that certain Traffic Signalization Agreement dated February 22, 1995, and recorded at Official Records Book 23173, Page 0583, relating to the 70, Inc. – Parcel C II Plat.
6. 06/27/95 78 Agreement between Broward County and McMonte, Inc. for Artistic Services of Ed McGowin and Claudia Demonte.
7. 07/11/95 119 Termination of Traffic Signalization Agreement Whereas, Arvida/JMB Partners, entered into that certain Traffic Signalization Agreement dated May 21, 1996, and recorded at Official Records Book 24907, Page 0404, relating to the Sectors 8, 9 & 10 Plat.
8. 07/09/96 109 Termination of Traffic Signalization Agreement Whereas, Silver Lakes Partnership, entered into that certain Traffic Signalization Agreement dated October 9, 1996, and recorded at Official Records Book 25505, Page 0181, relating to the Silver Lakes Phase III Replat Parcels BB, EE and CG Plat.

9. 04/01/97 32 Termination of Road Improvement Agreement Whereas, D.C. Casey Company and Keith & Ballbe Investments, Inc., entered into that certain Road Improvement Agreement dated September 3, 1998, and recorded at Official Records Book 28819, Page 1414, assigned to Dynamics Silverado, recorded at Official Records Book 30575, Page 0160, relating to the Stirling Meadows Plat.
10. 06/17/97 64 Agreement between Broward County and Shelton Performance Cars dba Landrover, Ft. Lauderdale for Express and Limited Branch Office; Agreement between Broward County and Sheltee Inc. dba Shelton Sportscars for Express and Limited Branch Office.
11. 01/20/98 35 Termination of Road Improvement Agreement Whereas, Maurice Castellano, entered into that certain Road Improvement Agreement dated July 23, 1999, and recorded at Official Records Book 29689, Page 0778, relating to the Aztec Plat.
12. 05/19/98 56 Termination of Traffic Signalization Agreement Whereas, L.W. Rozzo, Inc. entered into that certain Traffic Signalization Agreement dated November 18, 1999, and recorded at Official Records Book 30036, Page 0477, and entered into that certain Assignment and Assumption Agreement dated April 16, 2002, and recorded at Official Records Book 33028, Page 0337, relating to the Sessa Eight Plat.
13. 09/21/99 46 Termination of Road Improvement Agreement Whereas, Lennar Homes, Inc. entered into that certain Road Improvement Agreement dated February 22, 2000, and recorded at Official Records Book 30280, Page 1151, relating to the Walnut Creek Replat.
14. 11/16/99 50 Release of Notice of Lien for Required Offsite Improvements Whereas, Value Dining of Pembroke Pines, Inc. entered into that certain Agreement for Installation of Required Improvements dated May 28, 2003, and recorded in Official Records Book 35293, Page 1180, relating to the Value Dining Plat.
15. 01/04/00 89 Termination of Road Improvement Agreement Whereas, City of Pembroke Pines, entered into that certain Road Improvement Agreement dated April 3, 2001, and recorded at Official Records Book 31455, Page 1073, relating to the Pembroke Springs Plat.
16. 04/18/00 48 Termination of Road Improvement Agreement Whereas, St. Philip Orthodox Church of Broward County, entered into that certain Road Improvement Agreement dated September 29, 2000, and recorded at Official Records Book 35315, Page 1313, relating to the Ken Plaza II Plat.
17. 05/02/00 42 Termination of Road Improvement Agreement Whereas, Lennar Homes, Inc. entered into that certain Road Improvement Agreement dated April 10, 2001, and recorded at Official Records Book 31469, Page 0173, relating to the Walnut Creek Townhomes Plat.
18. 05/16/00 29 Certificate of Compliance and Release executed by Arnetta Davis, bearing the date of the 2nd day of October 1998, recorded in Official Records Book 28894, Page 0001, securing that certain note in the principal sum of \$5,960.00; Certificate of Compliance and Release executed by Edward and Pamela Fobbs, bearing the date of the 28th day of December 1999, recorded in Official Records Book

30198, Page 1796, securing that certain note in the principal sum of \$10,000.00; Certificate of Compliance and Release executed by Brian and Pauline Gibson, bearing the date of the 12th day of September 197, recorded in Official Records Book 27019, Page 0825, securing that certain note in the principal sum of \$5,000.00; Certificate of Compliance and Release executed by Mark Gillingham and Susan Sonne, bearing the date of the 3rd day of March 2001, recorded in Official Records Book 31380, Page 0521, securing that certain note in the principal sum of \$15,000.00; Certificate of Compliance and Release executed by James and Rebecca Joyce, bearing the date of the 18th day of December 2000, recorded in Official Records Book 31121, Page 0524, securing that certain note in the principal sum of \$10,000.00; Certificate of Compliance and Release executed by Martine Pierre, bearing the date of the 18th day of December 2000, recorded in Official Records Book 31184, Page 0236, securing that certain note in the principal sum of \$5,000.00; Certificate of Compliance and Release executed by Arthur L. Suite, bearing the date of the 29th day of December 2000, recorded in Official Records Book 31163, Page 1131, securing that certain note in the principal sum of \$10,000.00; Certificate of Compliance and Release executed by Charles and Paula Walker, bearing the date of the 9th day of November 2000, recorded in Official Records Book 31116, Page 0410, securing that certain note in the principal sum of \$16,000.00; Satisfaction of Mortgage executed by Carlo Caroli, a single woman, bearing the date of the 28th day of February 2003, recorded in Official Records Book 34723, Pages 658 through and including 665, securing that certain note in the principal sum of \$5,000.00; Satisfaction of Mortgage executed by Valerie Miller, bearing the date of the 21st day of December 2001, recorded in Official Records Book 32567, Pages 0248 through and including 0256, securing that certain note in the principal sum of \$10,000.00; Satisfaction of Mortgage executed by Mary Pinder, bearing the date of the 17th day of November 2005, recorded in Official Records Book 41295, pages 0239 through and including 0253, securing that certain note in the principal sum of \$14,625.20; Satisfaction of Mortgage executed by Karen Coussey, bearing date the 31st day of October 2000, recorded in Official Records Book 31056, Page 0190, securing that certain note in the principal sum of \$44,500.00; Subordination Agreement to a first mortgage to be executed by Leroy Cummings & Sandra Cummings to Encore Credit Corp., in the principal amount not to exceed \$144,000.

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| 19. | 04/17/01 | 26 | Agreement between Broward County and Pompano Beach Power Squadron for Implementation of Projects Pursuant to the Enhanced Marine Law Enforcement Grant – Non-Profit Organization FY 2005/2006. |
| 20. | 08/14/01 | 74 | Release of Lien in Agreement for Installation of Required Improvements Whereas, Intertwo, Inc. entered into that certain Agreement for Installation of Required Improvements dated February 13, 2003, and recorded in Official Records Book 34578, Page 1382, relating to the Westland Plat. |
| 21. | 09/04/01 | 13 | Termination of Road Improvement Agreement Whereas, Mr. Dennis Alderman and Grace Baptist Church of Broward County, Florida, Inc. entered into that certain Road Improvement Agreement dated October 15, 2001, and recorded at Official Records Book 33958, Page 1469, relating to the Alderman Parcels Plat. |
| 22. | 02/05/02 | 62 | Termination of Road Improvement Agreement Whereas, Lowe's Home Centers, Inc. entered into that certain Road Improvement Agreement dated April 28, 2003, and recorded at Official Records Book 35043, Page 1594, relating to the Lowe's Homes Center, Inc. Plat. |

23. 02/19/02 40 Termination of Road Improvement Agreement Whereas, Aleksander Zwolinski, Danuta Zwolinski, Henry Raducha, Christine Raducha, entered into that certain Road Improvement Agreement dated July 9, 2002, and recorded at Official Records Book 33443, Page 1419, relating to the UMT Parcel Plat.
24. 05/14/02 4A Sixth Amendment to Interlocal Agreement between Broward County and City of Wilton Manors for Administration of Community Development Block Grant Project for 28th Year Housing Rehabilitation Program.
2:00 p.m.
25. 08/13/02 70 Termination of Road Improvement Agreement Whereas, 1440 N. Powerline, Inc./Hammondville Enterprises, Inc. entered into that certain Road Improvement Agreement dated June 3, 2003, and recorded at Official Records Book 35315, Page 1313, relating to the Hammondville Station Plat.
26. 04/29/03 04 Satisfaction of Broward County Creditor's Claim of Lien against the property of Timothy Wade dated 17th day of November 2004, recorded in Official Records Book 38546, Page 1183, in consideration of \$670.00, acknowledge full satisfaction and cancellation of said Claim of Lien.
27. 05/25/04 03 First Amendment to Memorandum of Understanding between Broward County and City of Plantation for Administration of Home Funding Program for Fiscal Year 2003/2004; Third Amendment to Home Funding Agreement between Broward County and Broward Community Development Corporation, Inc. d/b/a Broward Housing Solutions providing for Cluster 9 – Rental Rehabilitation; Second Amendment to Agreement between Broward County and City of North Lauderdale for Homeownership Opportunities Program in the amount of \$267,334.
2:00 p.m.
28. 11/09/04 53 Chiesa Estates Plat (071-MP-03).
29. 11/09/04 60 Hasey Center Plat (125-MP-86).
30. 11/16/04 53 Coral Springs School Plat (09-MP-01).
31. 04/12/05 99 Dania Place Plat (038-MP-04).
32. 04/26/05 34 Note Amendment, Agent of Record Form, NVAL Agreement and Restrictive Covenant – Meeks Farms Plat (047-MP-93).
33. 05/25/05 03 First Amendment to Interlocal Agreement between Broward County and City of Wilton Manors for Administration of Community Development Block Grant Project for 28th Year Single Family Housing Rehabilitation Program.
2:00 p.m.
34. 06/14/05 08 Agreement between Broward County and Stonewall Library & Archives, Inc. for Broward Cultural Council Cultural Grant Program in the amount of \$2,000.00; Agreement between Broward County and Greater Hollywood Philharmonic Orchestra, Inc. for Broward Cultural Council Cultural Grant Program in the amount of \$2,000.00; Agreement between Broward County and South Florida Musical Guild, Inc. for Broward Cultural Council Cultural Grant Program in the amount of \$2,000.00; Agreement between Broward County and Stonewall Library & Archives, Inc. for Broward Cultural Council Cultural Grant Program in the amount of \$2,000.00; Agreement between Broward County and Greater Hollywood Philharmonic Orchestra, Inc. for Broward Cultural Council Cultural Grant Program in the amount of \$1,000.00; Agreement between Broward County and Greater Hollywood Philharmonic Orchestra, Inc. for

Broward Cultural Council Cultural Grant Program in the amount of \$2,000.00; Agreement between Broward County and The Women's Theatre Project, Inc. for Broward Cultural Council Cultural Grant Program in the amount of \$2,000.00; Agreement between Broward County and Ft. Lauderdale, Florida Chapter of SPEBSQA, Inc. for Broward Cultural Council Cultural Grant Program in the amount of \$2,000.00; Agreement between Broward County and Polynesian Culture Association, Inc. for Broward Cultural Council Cultural Grant Program in the amount of \$2,000.00; Agreement between Broward County and Victoria Park Civic Association, Inc. for Broward Cultural Council Cultural Grant Program in the amount of \$15,000.00; Second Amendment to Agreement between Broward County and Fort Lauderdale Historical Society, Inc. for Broward Cultural Council Cultural Grant Program in the amount of \$25,000.00; Agreement between Broward County and Old Dillard Foundation, Inc. for Broward Cultural Council Cultural Grant Program in the amount of \$20,000.00; Agreement between Broward County and Opera Guild, Inc. of Fort Lauderdale for Broward Cultural Council Cultural Grant Program in the amount of \$10,000.00; Agreement between Broward County and Young at Art of Broward, Inc. for Broward Cultural Council Cultural Grant Program in the amount of \$10,800.00; Agreement between Broward County and Broward Trust for Historic Preservation, Inc. for Broward Cultural Council Cultural Grant Program in the amount of \$2,000.00; Agreement between Broward County and Tranzendance Dance Productions, Inc. for Broward Cultural Council Cultural Grant Program in the amount of \$1,000.

35. 06/14/05 10
2:00 p.m.

Agreement between Broward County and City of Lighthouse Point for Dixon AHL Hall – Senior Center Renovation Project in the amount of \$84,830.00; Home Funding Agreement between Broward County and Mount Olive Development Corporation Providing for Apartments at Sistrunk Mixed-Use Facility.

36. 06/21/05 32

Second Amendment to Agreement between Broward County and Legal Aid Service of Broward County, Inc. for Legal Assistance (Contract No. 03-FSAD-8309-1); Amendment No. 1 to Agreement No. 06-CSAD-8133-01 between Broward County and Best Buddies International, Inc. for Special Health Care Needs; Amendment No. 1 to Agreement No. 06-CSAD-8263-01 between Broward County and Henderson Mental Health Center, Inc. for Behavioral Health Services; Third Amendment to Agreement between Broward County and Young Men's Christian Association of Broward County, Inc. with Contract No. 03-CSAD-8269-01; Second Amendment to Agreement between Broward County and Women in Distress of Broward County, Inc. for Emergency Shelter with Contract No. 03-HIP-8219-10; Amendment No. 1 to Agreement No. 04-CSAD-8217-01 between Broward County and Ann Storck Center, Inc. for Special Health Care Needs: Respite Care.

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| 37. | 06/21/05 | 92 | Declaration of Restrictive Covenants made by the Town of Davie as Property Owner acquired in whole or in part through Broward County's Safe Parks and Land Preservation Bond Program. |
| 38. | 06/28/05
2:00 p.m. | 17 | Voluntary Regional Transportation Network Agreement between Broward County and Wal-Mart Stores East, LP, for Road Improvements recorded in Official Records Book 41984, Pages 1411 – 1416. |
| 39. | 08/16/05 | 75 | Cooper Office Centre Plat (070-MP-04). |
| 40. | 09/20/05 | 53 | Resolution 2005-940 in the amount of \$38,950. |
| 41. | 09/27/05 | 24 | Agreement between Broward County and Spectrum Program, Inc. for Participation in Broward Information Network (BIN); Agreement between Broward County and Children's Home Society of Florida, Inc. for Participation in Broward Information Network (BIN). |
| 42. | 09/27/05 | 73A | Deed of Conservation Easement by City of Miramar to Broward County. |
| 43. | 10/11/05 | 43 | Toledo Isles Plat (036-MP-04). |
| 44. | 10/11/05 | 44 | Note Amendment, Transit Impact Fee Release and Agent of Record Form – Hastings Trust Plat (046-MP-96). |
| 45. | 10/18/05 | 27 | Agreement between Broward County and Castle Gardens Executive Council, Inc. for Broward Beautiful Community Grant No. 05_11 in the amount of \$2,806.00 Providing for Funding and Administration of Broward Beautiful Program; Agreement between Broward County and The Memorial Foundation, Inc. for Broward Beautiful Community Grant No. 05_44 in the amount of \$10,000.00 Providing for Funding and Administration of Broward Beautiful Program; Agreement between Broward County and Castle #14 Condominium, Inc. for Broward Beautiful Community Grant No. 05_28 in the amount of \$827.50 Providing for Funding and Administration of Broward Beautiful Program. |
| 46. | 10/25/05 | 39 | Recordation of Note Amendment Agreement and Agent of Record Form for the Hale Plat (043-MP-84). |
| 47. | 10/25/05 | 41 | Recordation of Note Amendment Agreement, Agent of Record Form "Release of Road Impact Fee Agreement and Statement of Acknowledgement" and "Release of Educational Impact Fee Agreement and Statement of Acknowledgement" for the Miramar Town Center Plat (042-MP-00). |
| 48. | 10/25/05 | 44 | Note Amendment and Agent of Record Form – Countyline Corporate Center Plat (058-MP-97). |
| 49. | 10/25/05 | 45 | Note Amendment, Agent of Record Form and Road Improvement Agreement – Miramar Commons Plat (006-MP-97). |
| 50. | 12/06/05 | 62 | Note Amendment Agreement and Agent of Record Form – Westwood Plaza Plat (104-MP-88). |
| 51. | 12/13/05 | 58 | Georgian Oaks Plat (028-MP-05). |
| 52. | 02/07/06 | 33 | Forest View Estates Plat (005-MP-05). |
| 53. | 02/21/06 | 32 | Croation American Social Club (078-MP-05). |
| 54. | 02/21/06 | 37 | Note Amendment Agreement and Agent of Record Form for the Administrative Facilities Plat (78-MP-87). |

(THE MEETING ADJOURNED AT 11:42 P.M.)

(THIS IS NOT A VERBATIM TRANSCRIPTION OF THE MINUTES.)

(CD-06-77)

Public Hearing 2:00 p.m.

PUBLIC HEARING MINUTES

PUBLIC HEARING OF JUNE 27, 2006

(The meeting convened at 2:00 p.m. and adjourned at 5:02 p.m.)

PLEDGE OF ALLEGIANCE was led by Milor Dagobert, Junior NBA/Junior WNBA Miami Heat Coach of the Year.

CALL TO ORDER

1. MOTION TO CONSIDER approval of the renewal of Nonemergency Medical Transportation Service (NEMTS) licenses to Gent-Trans, Inc., Handi-Van, Inc., and M & T Transportation, Inc.

ACTION: (T-3:09 PM) Approved.

2. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 31½, ARTICLE II, SUBSECTION 31½-16(10) AND SUBSECTION 31½-16(15) OF THE BROWARD COUNTY CODE OF ORDINANCES TO PROVIDE CONSISTENCY WITH SECTION 212.11, FLORIDA STATUTES, TO ALLOW MONTHLY, QUARTERLY, SEMIANNUAL, AND ANNUAL TAX RETURNS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:12 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

3. MOTION TO ADOPT Resolution 2006-486 of the Board of County Commissioners of Broward County, Florida, amending Chapter 22 of the Broward County Administrative Code adopting a policy for reimbursing deployed employees during extreme weather conditions for damage incurred to their personal vehicle while serving in this capacity; finding a public purpose; providing for inclusion in the administrative code; providing for severability; and providing for an effective date.

ACTION: (T-3:12 PM) Approved.

4. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

"AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 27 OF THE BROWARD COUNTY CODE OF ORDINANCES, ARTICLE IV, AIR QUALITY; AMENDING SECTION 27-171 TO CLARIFY THE INTENT OF ARTICLE IV; AMENDING SECTION 27-172 TO CLARIFY OPEN BURNING APPLICABILITY AND THE INAPPLICABILITY OF ARTICLE IV TO PETROLEUM PRODUCT STAGE I OR STAGE II VAPOR RECOVERY EQUIPMENT AT STORAGE TANK FACILITIES; AMENDING SECTION 27-173 BY UPDATING THE REFERENCE TO STATE OPEN BURNING REGULATIONS, ADDING A REFERENCE TO THE STATE ASBESTOS PROGRAM REGULATIONS, AND PROVIDING FOR APPLICATION OF THE MORE STRINGENT REGULATIONS; AMENDING SECTION 27-174 TO MODIFY THE DEFINITION OF AMBIENT AIR QUALITY STANDARD AND PARKING FACILITY, AND REPEALING DEFINED TERMS NO LONGER APPLICABLE TO ARTICLE IV; AMENDING SUBSECTION 27-175(h) TO DELETE REFERENCES TO OPACITY OR PROCESS WEIGHT TABLES; AMENDING SUBSECTION 27-175(j) TO CLARIFY RESTRICTIONS ON VISIBLE SMOKE FROM MOTOR VEHICLES; AMENDING SECTION 27-176 TO DELETE THE REQUIREMENT FOR AIR MODELING AND MINIMUM GROUND CONCENTRATION ISOPLETH FOR COUNTY LICENSED VACUUM EXTRACTION SYSTEMS AND AIR STRIPPERS; AMENDING SECTION 27-177 RELATING TO FUGITIVE PARTICULATE MATTER EMISSIONS BY DELETING THE USE OF OIL AND CHEMICAL AS A DUST SUPPRESSANT AND ADDING THE USE OF POLLUTION CONTROL DEVICES OR OPERATIONAL METHODS CONSISTENT WITH INDUSTRY STANDARDS AND LIMITING THE HEIGHT OF OPEN STORAGE PILES; REPEALING SECTION 27-179, HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS, HUMAN CREMATORIES AND ANIMAL CREMATORIES AND REPLACING IT WITH SECTION 27-179, HUMAN AND ANIMAL CREMATORY EMISSIONS; ADDING SECTION 27-180 BY ESTABLISHING ADDITIONAL ASBESTOS REMOVAL COMPLIANCE REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:12 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

5. MOTION TO ENACT an Ordinance, to adopt a proposed amendment to the Capital Improvements Element, the title of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE FIRST ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN BY AMENDING THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:12 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Urban Planning and Redevelopment Department (UPRD) Local Planning Agency (LPA) and Planning Services Division staff recommendations.

6. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 06-4, located in the city of Coral Springs, as a part of the first annual proposed 2006 amendments to the Broward County Comprehensive Plan (**Commission District 3**), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE FIRST ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN;

AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP LOCATED IN THE CITY OF CORAL SPRINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:13 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Planning Council's recommendation.

7. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 06-5, located in the city of Miramar, as a part of the first annual proposed 2006 amendments to the Broward County Comprehensive Plan (**Commission District 8**), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE FIRST ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP LOCATED IN THE CITY OF MIRAMAR; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:15 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Planning Council's recommendation. (Refer to minutes for full discussion.)

8. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 06-6, located in the city of Sunrise, as a part of the first annual proposed 2006 amendments to the Broward County Comprehensive Plan (**Commission District 3**), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE FIRST ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP LOCATED IN THE CITY OF SUNRISE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:16 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Planning Council's recommendation. (Refer to minutes for full discussion.)

9. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 06-7, located throughout Broward County, as a part of the first annual proposed 2006 amendments to the Broward County Comprehensive Plan (**Commission Districts 1, 2 and 7**), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE FIRST ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP THROUGHOUT BROWARD COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:32 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Planning Council's recommendation.

10. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 06-8, located throughout Broward County, as a part of the first annual proposed 2006 amendments to the Broward County Comprehensive Plan (**Commission Districts 1, 2, 3, 4, 5, 6, 7, 8 and 9**), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE FIRST ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN;

AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP THROUGHOUT BROWARD COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:32 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Planning Council's recommendation.

11. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan text amendment, PCT 06-1, amending the permitted uses of the "Local Activity Center" located in the city of Pembroke Pines, as a part of the first annual proposed 2006 amendments to the Broward County Comprehensive Plan (**Commission District 6**), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE FIRST ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN TEXT TO ADDRESS THE PEMBROKE PINES "LOCAL ACTIVITY CENTER"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:09/3:11 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Planning Council's recommendation. (Refer to minutes for full discussion.)

12. A. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan text amendment, PCT 06-4, establishing a "Transit Oriented Corridor" in the city of Lauderhill, as a part of the first annual proposed 2006 amendments to the Broward County Comprehensive Plan (**Commission District 9**), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE FIRST ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN TEXT TO ADDRESS THE LAUDERHILL "TRANSIT ORIENTED CORRIDOR"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:33 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Planning Council's recommendation. (Refer to minutes for full discussion.)

B. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 06-3, designating a "Transit Oriented Corridor" in the city of Lauderhill, as a part of the first annual proposed 2006 amendments to the Broward County Comprehensive Plan (**Commission District 9**), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE FIRST ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP LOCATED IN THE CITY OF LAUDERHILL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:33 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Planning Council's recommendation. (Refer to minutes for full discussion.)

13. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan text amendment, PCT 06-5, to address affordable housing, as a part of the first annual proposed 2006 amendments to the Broward County Comprehensive Plan, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE FIRST ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN TEXT TO ADDRESS AFFORDABLE HOUSING; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-4:17 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Planning Council's recommendation.

14. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt "Small Scale" land use plan amendment, PC 06-14, in the city of Oakland Park (**Commission District 9**) the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF OAKLAND PARK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-4:18 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Planning Council's recommendation.

15. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt "Small Scale" land use plan amendment, PC 06-15, in the city of Pembroke Pines (**Commission District 8**) the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF PEMBROKE PINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-4:15 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Planning Council's recommendation. (Refer to minutes for full discussion.)

16. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt "Small Scale" land use plan amendment, PC 06-16, in the city of Pembroke Pines (**Commission District 6**) the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY

LAND USE PLAN MAP IN THE CITY OF PEMBROKE PINES; PROVIDING FOR SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE

(Sponsored by the Board of County Commissioners)

ACTION: (T-4:40 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Planning Council's recommendation.

17. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt "Small Scale" land use plan amendment, PC 06-18, in the city of Plantation (**Commission District 5**) the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF PLANTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-4:47 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Planning Council's recommendation.

18. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt "Small Scale" land use plan amendment, PC 06-31, in the city of Pembroke Pines (**Commission District 8**) the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF PEMBROKE PINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-4:48 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Planning Council's recommendation.

19. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt "Small Scale" land use plan amendment, PC 06-32, in the city of Plantation (**Commission District 7**) the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF PLANTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-4:49 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Planning Council's recommendation.

20.
MOTION TO ADOPT Resolution 2006-487 amending the Administrative Code, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING THE BROWARD COUNTY ADMINISTRATIVE CODE, CHAPTER 19, PART IV, TO CREATE A NEW PROGRAM ENTITLED "AFFORDABLE HOUSING PROGRAM"; CREATING SECTION 19-30 ENTITLED "ESTABLISHMENT," PROVIDING FOR THE CREATION OF AN AFFORDABLE HOUSING PROGRAM; CREATING SECTION 19.31 ENTITLED "ANNUAL FUNDING APPROPRIATION," PROVIDING FOR FUNDING OF THE PROGRAM; CREATING SECTION 19.32 ENTITLED "ELIGIBLE PROJECTS," PROVIDING ELIGIBILITY FOR FUNDING; CREATING SECTION 19.33 ENTITLED "CRITERIA FOR INVESTMENT," PROVIDING CRITERIA FOR INVESTMENT IN AFFORDABLE HOUSING PROJECTS; CREATING SECTION 19.34 ENTITLED "PROJECT APPLICATION AND SELECTION PROCESS; INVESTMENT AMOUNT," ESTABLISHING CRITERIA FOR RECEIPT OF COUNTY FUNDING AND AMOUNT OF FUNDING FOR PROJECTS UNDER THE PROGRAM; CREATING SECTION 19.35 ENTITLED "COUNTY INVESTMENT; METHOD OF INVESTMENT," PROVIDING TIMING FOR ISSUANCE OF COUNTY FUNDING AND MEANS OF FUNDING; CREATING SECTION 19.36 ENTITLED "PROGRESS REPORTS," PROVIDING FOR ANNUAL PROGRESS REPORTS ON PROJECTS FUNDED UNDER THE PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Commissioner Jacobs, Commissioner Gunzburger, and Commissioner Wexler)

ACTION: (T-4:49 PM) Approved, as amended, with the deletion of a sentence in Section 19.35 County Investment; Method of Investment. Delete: "If the project falls within a community redevelopment area created pursuant to Chapter 163, Part III, Florida Statutes and funded through tax increment financing, investment may be predicated on successful renegotiation of the amount of the County's tax increment contribution." (Refer to minutes for full discussion.)

THE BROWARD COUNTY

BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING OF
JUNE 27, 2006
2:00 P.M.

A public hearing of the Broward County Commissioners of Broward County, Florida was held in Room 422 of the Government Center, Ft. Lauderdale, Florida, at 2:00 p.m., Tuesday, June 27, 2006.

The following members were present: Mayor Ben Graber, Vice-Mayor Josephus Eggleton, Jr., Commissioners Diana Wasserman-Rubin, Ilene Lieberman, Suzanne N. Gunzburger, Kristin D. Jacobs, John E. Rodstrom, James E. Scott Jr., Lois Wexler.

CALL TO ORDER

MAYOR GRABER: I would like to start the meeting. Can I have your attention? Can I have your attention, please? Have your attention. Please, everyone. I'd like to get started. We have a full afternoon.

I'm going to be taking some issues out of order. I know a lot of people are here waiting for some items. So don't worry about the numerical thing. We'll pull them out of order, but first we're going to have Good and Welfare and we're going to have our public hearing and then get into the rest of the agenda.

So if you could all please rise for our Pledge of Allegiance, and this is the public hearing of June 27th, 2006, and the Pledge of Allegiance today, the Pledge will be led by a young man who volunteers his time and energy to teaching Broward County youth the importance of teamwork and good sportsmanship as well as the fundamentals of basketball, Will Milor Dagobert, please come forward.

Will.

Hi, Will. I'm just going to read a little bit about you. It's fitting that we have scheduled Milor to be here this week so soon after the Miami Heat won the NBA championship. That is because Milor was recently selected as the Junior, NBA Junior WNBA Junior Miami Heat Coach of the Year, beating out many other coaches from the 21 leagues in South Florida who participate in the program.

The Junior NBA, Junior WNBA Coach of the Year program coaches are nominated by league directors around the country. And Milor definitely stands out as coach at the Lauderhill Lauderdale Lakes YMCA program. He's paid out of his own pocket for his players' names to be put on their jerseys. His dedication is apparent. The one-on-one instruction he gives his players. Mr. Dagobert is a graduate of Boyd Anderson High School and is currently taking classes at Broward County Community College where he plans to major in education.

Congratulations, Milor, on being selected as Junior NBA Junior WNBA Coach of the Year, and could you please lead us in the Pledge of Allegiance? I'm going to have something for you.

(Applause.)

MR. DAGOBERT: All right.

THE PLEDGE OF ALLEGIANCE WAS LED BY WILL MILOR DAGOBERT.

MAYOR GRABER: If you'd all please be seated. For your dedication to the youth of Broward County and your positive attitude and respect, the Broward County Board of County Commissioners would like to honor you today and we have a gift for you. Would you like to -- it's from your district.

I'm going to send Vice-Mayor Eggelletion up to say a few words and to greet you, and then I'll give you a chance to say a few words as well.

MR. DAGOBERT: All right.

VICE-MAYOR EGGELLETON: Mr. Milor, on behalf of the Mayor and the Board of County Commissioners, it gives me a great deal of pleasure to present this to you as a token of our appreciation for all the good work you do for young people in Broward County. And Milor is pretty young himself. I found out he's 20 years old, but I think he exemplifies what young people are all about and that is we have a group of young people in Broward County now that are starting to give a lot back to their community and show kids a different way of life.

And I'd like to personally thank you for your dedication to our young people in Broward County and all that you do, and Commissioner Lieberman and I share Lauderhill, and I know that she shares those sentiments. She was Mayor when a lot of those programs that you're working with was created in Lauderhill and I was on the city commission in Lauderdale Lakes when some of those things was going on. So we appreciate all that you do for us.

Thank you, so very much.

MR. DAGOBERT: All right. Thank you.

(Applause.)

MR. DAGOBERT: Thank you for the honor. I'd like to thank my boss, Mr. Sam Monroe. He's sitting over there, and I'd like to thank my other sport director, Ms. Dana Alexander, and that's it.

MAYOR GRABER: Thank you.

(Applause.)

MAYOR GRABER: Please come up here.

COMMISSIONER WASSERMAN-RUBIN: Mayor, are we doing anything for the Heat?

MAYOR GRABER: Speaking of the Heat, yes, let me announce that we did get a call from the Heat and we will schedule them for an event when we come back in August. They would like very much to come up here, and we're going to work on that over the summer.

COMMISSIONER WASSERMAN-RUBIN: Yes, I heard that we represent 20 percent of the season ticket holders here in Broward County.

MAYOR GRABER: They're all very tired now but they're interested in coming and we'll have something in August. They're having a good time. Okay.

GOOD AND WELFARE

MAYOR GRABER: Next our Good and Welfare. First let me recognize Commissioner Jacobs who will present a proclamation.

Commissioner Jacobs.

COMMISSIONER JACOBS: Thank you, Mayor. Commissioners, you may recall that we launched an initiative as part of Broward's NatureScape Program to find the house that was the most water-sucking pesticide loving house with lazy kids that wouldn't pull a weed and turn it into a NatureScape house, a house that used water appropriately, was landscaped in the right things, and also did not have lazy kids, but actually a wonderful family was chosen. And what you see is you're going to see a couple of pictures that are coming up, a slide show of our project and nothing associated with this project would have come true if it weren't for the very companies who gave and donated so many items and so much of their time and expertise in order to make this project a reality, and I should say their money as well, because their sponsorships were absolutely key.

And I'd like to invite some of those folks up here right now, which is first, Selma Kay who is here for Alan Kay. Selma. Bob Orlando who is with Earth Tech Drilling. We actually put a new well at this site. Come on up. Don't be shy. Matt Shepherd who is Just Perfect Landscaping, Cliff Quinn who is with Rainbird, Maddy Graph who is with Jeff Sprinklers, and Jamie Hays with Runway Growers. These are the fine companies that helped make this project go from concept to reality in a house that is demonstrating the very essence of how we can conserve Broward's resources, not just for those of us that live here now, but for those that are soon to come and it's my pleasure today to read this proclamation to each of you.

WHEREAS, the NatureScape Broward Program encourages the implementation of environmentally sound landscape practices as a means of protecting water quality and quantity providing native habitat for wildlife; and

WHEREAS, Broward County promotes properties managed in accordance with the NatureScape principles through certification of these landscapes as NatureScapes; and

WHEREAS, over 1,200 properties in Broward County have already been certified as NatureScapes, an accomplishment that led Broward County to become the first county in the nation to be recognized by the National Wildlife Federation as a community wildlife habitat; and

WHEREAS, Broward County held a contest to further promote the NatureScape Broward Program and encourage rehabilitation of landscapes to reflect NatureScape principles; and

WHEREAS, over 550 Broward County residents submitted drawings, photos, videos, and even original poetry to show why their yard needed a NatureScape makeover; and

WHEREAS, the goods and services awarded to the winner of the NatureScape makeover were significant and entirely provided by volunteers including Landscape Architectural Services, Jef Sprinkler, Just Perfect Landscaping, Brown's Design Landscaping, Rainbird, Earth Advisors, Runway Growers, Alexander Landscaping, Advanced Electrical Solutions, Parrish Growers, Outdoor Gardens, and Earth Tech Drilling; and

WHEREAS, these partners volunteered their time, materials, and services to help one lucky Broward County family transform their property into a model NatureScape; and

WHEREAS, the Broward County Board of County Commissioners supports and encourages the mission and goals of the NatureScape Broward Program and praises these community partners for their environmental stewardship and volunteerism, NOW, THEREFORE,

BE IT PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY,
FLORIDA,

That the Board hereby designates Tuesday, June 27th, 2006, as "NATURESCAPE MAKEOVER DAY," and congratulates the many partners who contributed to the NatureScape makeover and encourages all Broward County residents, businesses, and municipalities to adopt NatureScape principles to support the protection of Broward County's water resources. And it's signed by our Mayor, Ben Graber and it's my pleasure to be able to present these to you today.

UNIDENTIFIED SPEAKER: Thank you.

COMMISSIONER JACOBS: I have one for each of you.

MAYOR GRABER: Gentlemen, if you'd all surround Commissioner Jacobs, we'd get a nice picture if you don't mind.

COMMISSIONER JACOBS: You're all so welcome. Now, if you'll all come around, I'm going to pass these out and then we're going to take a picture and then whether you're shy or not, I'd like you to take the microphone for a moment and say anything you might want to, and then following that, if you can just come around and be congratulated by the Board.

UNIDENTIFIED SPEAKER: Thank you.

COMMISSIONER JACOBS: You are so welcome. Thank you. Okay. Let's come over here and get a picture so we don't have the podium in the way.

THE PHOTOGRAPHER: Okay. Ready, set, one, two, three. One, two, and three.

COMMISSIONER JACOBS: Okay.

MS. KAY: I'm here on behalf of my son, Alan Kay whom I'm very proud of, and I thank you for this for him.

(Applause.)

MR. ORLANDO: On behalf of Earth Tech Drilling, it was our pleasure to be part of this project and it was a very good experience for us in many ways. Thank you.

(Applause.)

MR. QUINN: On behalf of Rainbird Corporation, we're very proud to be part of this NatureScape project. Thank you.

(Applause.)

MR. HAYS: I live here in Broward. I love it, and on behalf of Runway Growers, I appreciate everything, and I appreciate all the work we do for the cities and to the county. Thank you.

(Applause.)

MR. SHEPARD: Good afternoon. My name is Matt Shepherd. I'm with Just Perfect Landscaping, Incorporated.

I've lived in Broward County pretty much by whole life like Jamie, and for quite some time now, my company has actually been trying to get people to use more native materials and stuff like that because it's accustomed to our environment and it's good to see that now we have our entire community as a whole working together to get these other problem trees out and other ones that are more suitable for our environment here.

And I'm glad that we were able to help out. Congratulations to the Burdean family. If you guys ever get a chance to see it they're out in West Broward in Sunrise. It's a phenomenal work. Everybody did a good job. I'm glad to have worked and met these people. And thank you guys for the proclamation.

MAYOR GRABER: Thank you.

(Applause.)

MR. GRAPH: My name is Matthew Graph with Jeff Sprinkler, and I've been also in Broward County for most of my life, and I really got a lot out of this NatureScape Program. As far as being, you know, an irrigation installer, we really don't get the opportunity to install these types of systems, whereas this system was a hundred percent water use effective with -- I mean where every drop of water counts.

And, you know, a lot of systems we come across, because there's so many irrigation systems in Broward County, it's just -- there is so much poor use of water, and for us to do this, you know, opportunity to really show people that, hey, there is a way to save water, save money, and save time, and I enjoyed the opportunity, and thank you, very much.

(Applause.)

MAYOR GRABER: Thank you. Congratulations, and you made Commissioner Jacobs proud, I'll tell you that.

MR. GRAPH: Thank you, everybody.

MAYOR GRABER: Next, I'd like to recognize Commissioner Wasserman-Rubin for a presentation.

COMMISSIONER WASSERMAN-RUBIN: Good afternoon.

UNIDENTIFIED SPEAKER: Good afternoon.

MAYOR GRABER: This is an interactive presentation.

COMMISSIONER WASSERMAN-RUBIN: It gives me great pleasure for more reasons than you know to be able to present a few very special people with proclamations today, and this is designating today as the day of HHOPE day, and if I call the recipients, if you could come forward, please, I'd appreciate it.

Dr. Steve Ronik, Executive Director of Henderson Mental Health Center; Ms. Debbie Perry, Branch Administrator of Henderson Mental Health, Robert Higdon, Director of Grants and Contract Management, Broward Partnership for the Homeless, Curt Robbins, Team Leader, HHOPE Act Team, Paul Jaquith, Director of Substance Abuse and Healthcare Services Division, Camille Franzoni, HHOPE Project Director of Homeless Initiative Partnership Administration, Judy Scheidt, and Jane Keyes, HHOPE Act Team, David Freedman, Homeless Assistance Center, and a person who had something to do with saving my daughter's life, Shavala Williams, Supervisor Elderly and Veteran Services Division. Where is she?

(Applause.)

COMMISSIONER WASSERMAN-RUBIN: And the proclamation reads:

WHEREAS, HHOPE, which stands for Housing and Health Options Provide Empowerment, is an innovative multi-agency collaborative funded by a federal grant received by the Broward County Homeless Initiative Partnership in the fall of 2003; and

WHEREAS, the grant provides funding for a 13-member multi-disciplinary, multi-agency assertive community treatment team to serve up to 51 of our most vulnerable neighbors, the chronically homeless; and

WHEREAS, the HHOPE Act Team is comprised of staff from Broward Partnership and all the others that I read before.

The HHOPE Act Team is providing a comprehensive range of services for 24 hours a day, 365 days a year, where clients live; and

WHEREAS, over 85 percent of the chronically homeless clients admitted in 2004 have been living in permanent housing for over one year; and

WHEREAS, three-quarters of the formerly homeless clients are currently self-supporting; and

WHEREAS, participation in HHOPE has eliminated 222 cumulative years of homelessness; and

WHEREAS, decreased inpatient hospital days and numbers of days in jail and in shelter beds by the clients has resulted in a significant cost avoidance to our community; and

WHEREAS, the work of the HOPE Act team has received national recognition, including the United States Interagency Council on Homelessness as being a successful and replicable model. NOW, THEREFORE,

BE IT PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA,

That the Board hereby declares Tuesday, June 27th, 2006, as a day of HHOPE in Broward County, Florida, in recognition of the remarkable work of the HHOPE Act Team, signed by our Mayor, Ben Graber on our behalf, and I have a proclamation for each of you. Thank you, so very, very much for all you do for everybody in this town. Thank you, so much.

(Applause.)

MR. RONIK: Hi. I'm Steve Ronik from Henderson Mental Health Center and really just on behalf of the team here, I just want to say thank you. This team was really a great example I think of the synergy that can come from collaboration. It's a very complex team. It's based on an assertive community treatment team model, which I don't want to bore you with technicalities, but that's the gold standard in treating people who are seriously mentally ill and homeless, and we ran the team with representation from many different organizations, which is not the easiest thing to do and manage, but after people took the time to work it through, it turned out to actually be an outstanding model, and the outcomes speak for itself.

And I just want to thank the Broward County Board of County Commissioners for supporting this. The project obviously saved a lot of money, but more important than that, the project was the right thing to do, and we really appreciate your support and for setting an example of leadership relative to being a

champion for people who are disadvantaged and disenfranchised, and we appreciate that. Thanks very much.

(Applause.)

UNIDENTIFIED SPEAKER: I just want to take this opportunity to thank you for your continued support for not only this program, but also for all the programs that we provide in our community for the homeless and for the underprivileged, the mentally ill and the substance abusers. We see thousands and thousands of people with problems that aren't as well off as ourselves, and we thank you for your continued support.

(Applause.)

MR. ROBBINS: I am the team leader for the team, and every day I work with the participants. The direct recipients of this program, and I want to convey to you their deep gratitude and warm thanks for supporting this program, and, hopefully, the replication of this will continue with the good work. Thank you.

(Applause.)

MAYOR GRABER: Okay. Just to let you know, we're very proud of what you do in Broward County, and you set a model for the rest of the country for us. Thank you for all your good work.

UNIDENTIFIED SPEAKER: How you doing?

MAYOR GRABER: Next, I'd like to recognize Commissioner Lieberman who has winners of the hurricane poster contest.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: I was looking for School Board member Marty Rubinstein. I'm going to ask that he join me at the podium.

Some of you may remember that a month ago our county had a hurricane preparedness event at our emergency operations center to make sure that we were getting our community Ready, Set, Safe for hurricane season. And the purpose of this event was to give residents an opportunity to get information from a variety of sources of the things they needed to do to be hurricane ready this year.

We had a number of different groups participate with us to help prepare our community for this year's hurricane season, including Captain Safe Way and Commander Ready. In conjunction within the School Board of Broward County, we thought one of the best ways to get the message home to residents of our community about the importance of being Ready, Set, Safe, was a poster contest and to get the students of our community involved, and this is where School Board member Marty Rubinstein who was the sponsor at the School Board of our poster contest was so helpful.

Today, we're here to recognize those winners. They were asked to illustrate the importance of being ready, set, safe, for the hurricane season, and I think you'll agree with me the posters are to my right, and they are just fabulous. We are really proud of the six winners, but we're really proud of everybody who participated because it helped bring the message home about being ready, set, safe.

Many entries were received, but unfortunately we were only able to award six prizes. Each of these six children have received a cash prize, and their posters are going to be permanently on display at the Emergency Operations Center.

We want to call each of them up, and I'm going to identify the District Commissioners. So if the District Commissioner could come down when we call the student up, we'd like you to be part of this as well. Our third place winners, we have Adriana Sanchez, who is in third grade, at Florinada Elementary. Commissioner Scott, if you will come join us, and Adriana's poster said: Have peace of mind and be prepared. Adriana come, come. Let's take your poster, woops, and we'll put you in the middle. Here we go with your poster.

COMMISSIONER LIEBERMAN: And here is our certificate to you which is signed by our Mayor which we're produced to give you that shows that you were the third place winner in our contest. So we're going to ask if you can stand over by Mr. Medvin, and then my colleagues will have an opportunity.

The other third place winner was Bruna Concolvez, and she's unable to be here today, but we wanted to share the poster with you. She's a fifth grader in Forest Hills Elementary School and it says: Hurricane preparing needs, and it's a list of everything that you have to do to get ready for hurricane season.

(Applause.)

COMMISSIONER LIEBERMAN: Okay. In second place, we have Jennifer Ruiz, who is in fourth grade at Sunset Lake Elementary, Commissioner Diana Wasserman-Rubin's district. Jennifer. Is Diana here?

(Applause.)

COMMISSIONER LIEBERMAN: And Jennifer's says: Don't be scared, be prepared. And we have a certificate signed by our Mayor that shows you're our second place winner, and, hopefully, Commissioner Wasserman-Rubin will be here in a minute, and we'll take another picture. Our other second place winner, Laura Merchan is in fifth grade at Forest Hills Elementary, Mayor Graber's district, and she was unable to join us today.

However, her poster, what you need when the hurricane hits, again, this is a graphic display of items that you should have on hand to prepare for the hurricane season, and I'd like -- it says. Get calm. Listen to news, radio. We didn't have the contract with WIOD at that point or we'd probably have had it added in the poster.

And our first place winners, each first place winner will receive a \$250 savings bond and our first-place winner, Lashod Cary is in fifth grade in Mary Jabison Elementary in Commissioner Suzanne Gunzburger's district. She was unable to join us today, but we have the poster which says: Hurricane season is the reason to, and, again, don't delay, prepare today, and a whole list of things that you should do to prepare for the hurricane season.

And our first-place winner, Janin Mohammed, fifth grade, at Sunshine Elementary, Commissioner Wasserman-Rubin, if you'll come join us, Janin is here. I'm looking. I know. I don't see either. Okay. This is hurricane preparedness is essential to get our message across about Ready, Set, Safe, and then in the cabinet it shows all the things you should have on hand for the hurricane season. Where is Commissioner -- we missed you before. And we'll get Jennifer's poster. So let's do that. Here we go. Don't be scared. Be prepared.

THE PHOTOGRAPHER: One, two, three. One more. One, two, three. Got it.

COMMISSIONER LIEBERMAN: I think you'll agree with me we have some very talented young artists in our community, and each of them gave us a way to get the message across through their posters. It will be wonderful to see them hanging, the works of the children of our community. You may have noticed that today we had two photographers taking pictures and that's because we have a special photographer.

We have Amanda Rubinstein is here today. You might notice the connection, and she's here helping her dad and making sure that we get pictures of the winners as well. So we're glad to have her here.

I'm going to ask that my colleagues come down so we do a group photo with the two winners who are here and with their posters. It's really important that we get our Ready, Set, Safe message out and we congratulate you for winning our poster contest. We think you did a great job. Congratulations.

(Applause.)

COMMISSIONER LIEBERMAN: They'll be hanging in the EOC. We're keeping them framed and they're going in the EOC.

MAYOR GRABER: We have such talented students, it's a pleasure to see it. Commissioner Rodstrom will present the next two proclamations.

Commissioner Rodstrom.

COMMISSIONER RODSTROM: Earlier this morning, we passed a resolution asking the County Attorney to draft a handover agreement to the City of Fort Lauderdale regarding Sistrunk, and there was much to do about the time and effort that went into the planning of Sistrunk Boulevard over the years.

And it would be -- I think it would be a nice gesture on behalf of the County Commission to present to some of the folks at the last minute who tirelessly came up with a solution that could embellish the county's feelings regarding Sistrunk as well as the city's. The Broward Workshop was that entity who put in countless hours in the design in going back and forth in trying to come up with a compromise. So they're here this afternoon. Doug Coleman is going to receive a proclamation on behalf of the workshop. Doug, do you want to come on up? If you would, please.

WHEREAS, the Broward Workshop is a forum of business leaders and professionals committed to facilitate solutions to Broward County's most critical issues; and

WHEREAS, it began in 1980 when 18 concerned business leaders sought to address the challenges facing Broward County and held a retreat where business, government, labor, and civic representations met and shared ideas; and

WHEREAS, the main purpose of Broward Workshop is to identify, prioritize, communicate and act on the most important business related issues facing Broward County by networking, creating alliances and committing resources to achieve meaningful results; and

WHEREAS, the Workshop serves to assist public agencies and community groups and fosters cooperation between the public and the private sectors of the community; and

WHEREAS, the members of the Broward Workshop are selected business leaders and professionals who share the group's purpose and are willing to invest their time and resources. All members of the Broward Workshop are active members and are involved in decisions which have community wide impact; and

WHEREAS, Doug Coleman, Alan Levy and Cyril Sid Spiro and co-chairs of the Urban Core Committee drafted a compromise plan that allows for the revitalization of the Sistrunk Boulevard while meeting the goals of Broward County and the City of Fort Lauderdale. NOW, THEREFORE,

BE IT PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA,

That the Board hereby designates Tuesday, June 27, a day to honor the Broward Workshop in Broward County.

Doug, thanks so much for your help.

(Applause.)

COMMISSIONER RODSTROM: And I have proclamations for Sid and I believe I've got a bunch here, so I didn't even take the paper off. Is Alan Levy here as well?

UNIDENTIFIED SPEAKER: He was here this morning.

COMMISSIONER RODSTROM: Will you take that to him? I'll just leave the paper on them. I think these are yeah, these are -- here's yours.

UNIDENTIFIED SPEAKER: Thank you.

COMMISSIONER RODSTROM: And here. (Hands out document.)

UNIDENTIFIED SPEAKER: Thank you, very much.

COMMISSIONER RODSTROM: Thank you. Appreciate it very much. Yeah, we didn't think we'd be standing here, did we?

And I did see Commissioner Moore. Does he want to -- where did Carlton go? I thought we'd grab another picture. Again, if you'd like to say something to the Commissioners, please.

MR. COLEMAN: I'd just like to say on behalf of the Broward workshop, first of all, I'd like to thank the city CRA who has worked diligently on this solution and the County's Engineering Department that came up with some great compromise solutions, and particularly Commissioner Moore and Commissioner Rodstrom for making this possible because the real winners are the residents of this community and particularly the northwest, and thank you, very much.

(Applause.)

COMMISSIONER RODSTROM: Thank you. And will you take those with you and if you'd say hello to my colleagues?

Carlton, do you want to have a picture taken?

COMMISSIONER MOORE: Absolutely.

THE PHOTOGRAPHER: Ready, one, two, three. One more. One, two, and three.

COMMISSIONER RODSTROM: Thank you. Jessie May Young, is she here? Okay. I was wondering. Jessie May Young Adderley. I know her as Ms. Adderley. Anyway, just by way of introduction, Jessie Adderley became so involved in Sistrunk in her community and she went door to door, letting the neighbors know exactly the various plans that went forward and kept them apprised of the developments and really motivated people and got them involved and woke up her neighborhood. And, you know, we don't often see people who take such a heartfelt effort with nothing, you know, to gain but just to do a good thing and you did that and I wanted to recognize you for that, and, you know, again, thank you and congratulations for all your hard work; and

WHEREAS, Jessie May Young was born on October 7th, 1948 in Millen, Georgia and her family moved to Fort Lauderdale when her family was six months old. She attended Walker and Lincoln Elementary School, Wingate Middle School, and graduated from Dillard High School; and

WHEREAS, Jessie's first job was at Sun Beam Electronics; and

WHEREAS, Jessie married Charles B. Adderly in 1970. Charles was an employee of Broward County Parks and Recreation Division for 35 years. Jessie and Charles had two daughters; and

WHEREAS, in 1974 Jessie went to work at McGuiness School in Fort Lauderdale. She stayed there until 2004 when the school closed. Jessie now works at St. Marks Episcopal School -- my kids went there. And Jessie is a member of the New Mt. Olive Church and an active member of the Dillard Alumni Association; and

WHEREAS, Jessie has always volunteered her time to less fortunate and homeless and stays informed of issues that affect her community; and

WHEREAS, Jessie was instrumental in organizing a community civic group to inform citizens of future projects in her neighborhood, including the revitalization of Sistrunk Boulevard. NOW THEREFORE,

BE IT PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA,

That the Board hereby designates Tuesday, June 27, 2006, as "JESSIE ADDERLEY APPRECIATION DAY" in Broward County. Congratulations.

(Applause.)

COMMISSIONER RODSTROM: Would you care to say a word?

MS. ADDERLY: I just want to say thank you, very much. And that I started this for my neighbors and for the community, and I accept this for the community.

(Applause.)

VICE-MAYOR EGGELLETON: I just want to say that Jessie and I graduated in the same class at Dillard High School. So I've known her for a lot of years, and she's always been involved.

COMMISSIONER LIEBERMAN: She's a lot younger looking.

VICE-MAYOR EGGELLETON: I repeated a couple of grades.

(Laughter and Applause.)

MAYOR GRABER: Okay. Next, I'd like to ask Vice-Mayor Eggelletion and Commissioner Scott to join me at the podium to present a woman, Nikki Grossman, the Greater Fort Lauderdale Convention and Visitors Bureau Proclamations and Awards of Appreciation for the Second Quarter of 2006.

MAYOR GRABER: Okay. Let me read, first the honoree is Carol Lee Ortman, if she can come forward.

(Applause.)

MAYOR GRABER: I'd like to read the proclamation for you, and then we'll take a picture.

WHEREAS, Carol Lee Ortman has been instrumental and has gone above and beyond to promote and bring the 21st annual National Association for Court Management Conference to our sun-kissed destination, July 9th through 13th, 2006; and

WHEREAS, this conference will bring more than 700 court management colleagues and will represent approximately 4,000 room nights booked in Broward County; and

WHEREAS, the National Association for Court Management Conference will have an estimated impact of over \$1,000,000 on our local economy; and

WHEREAS, with the help of Carol Lee Ortman, this prestigious group of court managers from around the globe will experience Greater Fort Lauderdale Sun-Sational service, NOW, THEREFORE,

BE IT PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA,

That the Board designates that Carol Lee Ortman receive the Greater Fort Lauderdale Convention and Visitors Bureau Award for Appreciation for the Second Quarter of 2006. Congratulations. Very nice.

(Applause.)

THE PHOTOGRAPHER: One, two, three. One, two, three. One, two, three.

MS. GROSSMAN: Excellent. And before Carol takes the mike, I want to tell you that not only has she been able to bring us this terrific piece of July business but for the first time in 18 years, the Florida Conference of Circuit Judges is coming to Broward County in 2007 or 8, we're not sure, but whenever they get here we'll be delighted to have them here and we appreciate her assistance in that as well.
Carol.

MS. ORTMAN: Thank you, Commissioners. Thank you, Nikki. I just want you to know that I've been a resident of Broward County for 25 years, and on the board of directors of NACM, which is 3,000 strong and is court managers as well as judges throughout -- well, our 50 states and we have also eight countries. I've been all over the country with these conventions or conferences that they have and we've been determined to get them to come here because I'm so proud to live here I want to share it with them and that kind of I'd identification for Fort Lauderdale. So we're really looking forward to it, we're excited, take lots of pills, anyway, it will be fun.

(Applause.)

VICE-MAYOR EGGELLETON: Congratulations, Carol. Hopefully, we'll have you a new courthouse soon, right?

I have the distinct pleasure of presenting an award on behalf of the Greater Fort Lauderdale Convention and Visitors Bureau to Mr. Willie Mitcham.

Mr. Mitcham, the proclamation reads:

WHEREAS, Willie Mitcham, proprietor of Striker's Family Sports Center located in Sunrise, Florida, has gone above and beyond to promote our sun-kissed destination by bidding on and hosting numerous

bowling events in Broward County -- my sister is a bowler and my brother-in-law. They don't spend any money except on bowling, by the way.

WHEREAS, Willie Mitcham has shown outstanding hospitality and leadership and is a true partner in our effort to promote group sales for Broward County tourism; and

WHEREAS, tournaments such as the Florida State Women's Championships, the Florida Sunshine State Games, Young American Bowling, Alliance Junior Championships, and the Pepsi Junior Gold Championship, have created over 12,000 visitors and over \$4,000,000 in economic impact to Broward County; and

WHEREAS, Willie Mitcham has always shown support for the critical importance of Broward County's tourism industry, NOW, THEREFORE,

BE IT PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA,

That the Board designates that Willie Mitcham receives the Greater Fort Lauderdale Convention and Visitors Bureau Award for Appreciation for the Second Quarter of 2006.

MR. MITCHAM: Thank you, very much.

(Applause.)

THE PHOTOGRAPHER: Okay. One, two, three. One more. One, two, and three.

MR. MITCHAM: Thank you, very much.

MS. GROSSMAN: Before you take the microphone, I want to reiterate. I know that you know because we send you this information all the time, but this past year, our sports department under the leadership of John Web with the tremendous assistance of Carol Hudson and Soski A. Fischer sold over 660 room nights and as you heard 12,000 of them were just bowlers brought us to by Striker's. So you did a really, really good thing.

MR. MITCHAM: Thank you, very much.

MS. GROSSMAN: Okay.

MR. MITCHAM: It is certainly an honor to receive such a prestigious award. I would like to thank John and Carol, because they're the ones that made this happen. They recognize it. Thank you very much. Bowling is my business, but today we have seen many people that have volunteered their time and for me, I would like to thank those guys that are making the community, volunteering their time a better place. Thank you very much.

(Applause.)

MAYOR GRABER: Commissioner Scott.

COMMISSIONER SCOTT: Okay. It's my honor to ask Lisa Agate to come up. So let me read the proclamation.

WHEREAS, Lisa Agate and the Broward County Host Committee have been instrumental and gone above and beyond to promote and bring the 2006 United States Conference on AIDS to our sun-kissed destination September 21st through the 25th this year.

WHEREAS, this conference will bring more than 4,000 workers from all fronts of the HIV/AIDS epidemic, case managers, physicians, public health workers and advocates and will represent approximately 5,500 room nights booked in Broward; and

WHEREAS, the United States Conference on AIDS will have an estimated impact of over \$4,000,000 on our economy; and

WHEREAS, with the help of Lisa Agate and the Broward County Host Committee, this group of dedicated people will experience Greater Fort Lauderdale Sun-Sational service. NOW, THEREFORE,

BE IT PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA,

That the Board here by designates that Lisa Agate and the Broward County Host Committee receive the Greater Fort Lauderdale Convention and Visitors Bureau Award of Appreciation for the Second Quarter of 2006.

COMMISSIONER SCOTT: And in addition to everything else, I think we all are aware of the great significance of the efforts to fight this dreaded disease. So congratulations.

MS. AGATE: Thank you.

(Applause.)

THE PHOTOGRAPHER: Okay. Ready, set? One, two, three. One more. One, two, three. Okay.

MS. GROSSMAN: Thank you. And to the Board of County Commissioners, this piece of business was very hard fought. A lot of communities now in terms of sharing not only the goal of filling hotel rooms but the goal of educating their communities and population about AIDS, Lisa has worked very, very hard to persuade this organization to choose and select Broward County for this very important piece of business, but she promises me as hard as they have to work, they're also really good shoppers, so we're counting on that from you to deliver that so if you'd like to say a few words.

MS. AGATE: And definitely from me, the world's best shopper. Actually I wanted to give you just a piece of history in that the conference was supposed to be here in 2001, September the 13th. We all know what happened September the 11th and the conference actually turned into more of a gathering and mourning and it was in Miami at the Fountain Bleu. They actually scheduled it to take place again, Miami Beach again 2006, but the Fountain Bleu was sold by the Turnberry Group, renovated, and I got a call from the National Minority AIDS Council, Washington, D.C., and they said: Lisa, can you tell me a little bit about Broward? Is it big enough to host 3,000 people? And I said: We have 1.7 million residents, over 31 municipalities, and thousands of restaurants, but I'll help you find something bigger if you need it.

So they were stunned. They flew down here. They signed the contract and the rest is history. I'm working with an amazing group of people and actually Nikki Grossman actually paved the way the first meeting, because there was a lot of rough edges to getting started here. We were late in the game, and Nikki and Debbie Torreson who has been my sidekick for the last eight months have been amazing and it's been really wonderful planning this here in Broward County in this wonderful large county.

So I'm thrilled on behalf of the Host Committee. We accept this and we thank you for all of your support, and Mayor Ben Graber will be starting the conference off with a Mayor's reception for us, so we're thrilled. Thank you, so much.

MAYOR GRABER: Thank you.

(Applause.)

MAYOR GRABER: You see, we're still the world's best kept secret.

And our final Goodwill presentation will be by Commissioner Jacobs who will introduce Jennifer Horotto.

Commissioner Jacobs.

COMMISSIONER JACOBS: No, actually Mayor, Jennifer Horotto is going to do the presentation.

MAYOR GRABER: Oh, she is, I'm sorry. Let me recognize Jennifer Horotto to do the presentation. Jennifer, please.

MS. HOROTTO: Thank you. I'm supposed to have a PowerPoint. I'd like to make sure that it gets up before I get started.

MAYOR GRABER: This is a summary of the Broward County Water Conservation Projects, for your information.

MS. HOROTTO: Thank you. Again, I am Jennifer Horotto. I'm the Water Resources Manager with the Environmental Protection Department in the Water Resources Division and I thank you for providing me with a couple of moments today to talk about another demonstration project in addition to the NatureScape makeover which was also administered by staff in our group.

About two years ago we began a recruitment process whereby we solicited the participation of municipalities, commercial properties, and retailers to participate in water conservation demonstration projects that would serve to highlight water savings so we could achieve indoors and outdoors and water quality improvements through improved landscape practices, and we had about a dozen participants who agreed to come through or participate in a first evaluation. We sent our technical staff out, provided some recommendations, and ended up getting six commitments to follow through with water conservation projects during the next year, so what I'll provide here is just a brief highlight of the projects that were undertaken.

Probably the most significant, in fact, the most significant in terms of the overall water savings achieved was through the Becker & Poliakoff Law Firm at the Emerald Lake Corporate Park. Here our staff found there were some minor improvements that could be made by fixing a leaky fountain and some sprinkler heads and pipes, but most of all we found that this tremendous property, they were providing irrigation seven days a week for 45 minutes a zone, and our staff, after conducting a thorough assessment found that we could pull back that irrigation to just three days a week, cut the cycle times by one-half, and based just on those improvements alone, we were able to save 5.2 million gallons at this one single property in one single year.

Another partner was Flamingo Park in Pembroke Pines. Pembroke Pines has been a great participant in the water conservation demonstration project. Some of the very significant things they undertook at this site was replacing all of the urinals in the restrooms at this particular park with waterless urinals. This park is visited by thousands of children every weekend. They host all of the Pembroke Pines Optimist

games at this site and with all of the families that come out to the site you can imagine the water savings that will be achieved indoors.

In the meantime we've been able to document 400,000 gallons in water savings through landscape improvements. They've implemented a program to pull out exotic invasive plants and replace them with natives and they're providing educational signage to the residents so they can appreciate the significance of the improvements that are being undertaken, and we've certified this site by the NatureScape.

Plantation Community Center, we provided a NatureScape irrigation system evaluation at this site. We were able to determine that there was some inefficiencies at -- being achieved through broken pipes, mismatched sprinkler heads. We provided some basic recommendations. Those were implemented and, as a result, we're saving 144,000 gallons of water per year at this site.

Coconut Creek, they're already a model of water savings and environmentally friendly landscape practices. They're certified as a NatureScape. But even here we were able to identify opportunities for improvements. We found very significant water breaks in their irrigation system near the parking lot, and we found some invasive trees that they agreed to replace with gumbo limbos. Water savings at this site were 770,000 gallons per year based on some very minor improvements.

Holiday Park in Fort Lauderdale, this is a 90-acre site, quite tremendous with some pretty large ball fields. We evaluated the irrigation system, found that it was operated in a very efficient fashion. We did find though that they had some very invasive trees, Australian pines and Melaleucas, and they agreed to pull out and they have been removed. They're working on replacing their native tree canopy and have plans for installation of a butterfly garden.

And the final site was the Hilton Garden Inn in Pembroke Pines. This was another site where just upon approach you could tell they were already doing things quite right. They had an onsite water retention pond that serves as source water for their irrigation, which is also hooked up to a rain shut-off device, but we did have an opportunity to increase natives in their landscaping, so we provided some recommendations. Hurricanes came through. They suffered severe damage. Came back, installed, hundreds of native trees, buttonwood, sable palms, firebush, they now have over a 50 percent native tree canopy. They've installed a very visible butterfly garden next to the pool and since their improvement, they've also been certified as a NatureScape and really made a tremendous monetary investment in their landscape. It's a great model of how attractive NatureScapes are and are meant to be.

So in summary we're pleased to announce that in just one year and with the enthusiasm of six committed partners, we saved 6,000,000 gallon of water. We certified two sites as NatureScapes. We know we've just touched on the surface. We'll be implementing similar demonstration projects with the schools in the coming year or two and we look forward to sharing those results with you as well. Thank you.

(Applause.)

COMMISSIONER JACOBS: And, Mayor, I just wanted to point out that how lovely all of those landscaping projects are that are using minimal water. The idea that you need a ton of water to have a green lawn, it's just not so, demonstrated by Becker and Poliakoff. I think I saw one of their -- there he is, Mr. Friedman could attest to how green the lawn still is even though they're only watering three days a week. So good job.

MAYOR GRABER: I always thought it rained there a lot because it was so soggy. Now I know why. Anyway, so that's the end of our Good and Welfare.

PUBLIC HEARING

MAYOR GRABER: So we'll go to our public hearing, and our public hearing is now open. Those of you who wish to speak, please fill out a form with our secretary, and the public hearing consists of Items 1 through 20. I'm going to be a little off of the program, because we have some people who need to leave early.

AGENDA ITEM 11

MAYOR GRABER: So we're going to start with Item Number 11, and Item Number 11, this is a public hearing, it's a motion to enact an ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use. This is Commission District 6. Do I hear a motion?

COMMISSIONER GUNZBURGER: So moved.

MAYOR GRABER: Okay. Moved by Commissioner Wasserman-Rubin; seconded by Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: It's my district.

MAYOR GRABER: Oh, it's your district. Commissioner Gunzburger moves it; seconded by Commissioner Wasserman-Rubin.

Anyone from the public wish to be heard on Item 11?

COMMISSIONER WASSERMAN-RUBIN: Mayor.

MAYOR GRABER: Yes, Commissioner Wasserman-Rubin.

COMMISSIONER WASSERMAN-RUBIN: (Inaudible).

MAYOR GRABER: Put on your microphone, please.

COMMISSIONER WASSERMAN-RUBIN: That would be nice. I was requested by the Mayor of Pembroke Pines if this could be taken out of order, but I want everybody to know that we share Pembroke Pines, Commissioner Wexler, Commissioner Gunzburger, and I, all three of us collectively represent Pembroke Pines.

COMMISSIONER WEXLER: That's why I was so financially generous to them today.

COMMISSIONER WASSERMAN-RUBIN: Yes, and I plan on thanking you when the time comes but thank you for the courtesy. I appreciate that.

MAYOR GRABER: You're very welcome. Any further discussion from the commission? Seeing none, it's been moved and seconded.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 1

MAYOR GRABER: Now we go to Item Number 1.

COMMISSIONER LIEBERMAN: Move Item Number 1.

MAYOR GRABER: Item Number 1 has been moved by Commissioner Lieberman; seconded by Commissioner Wexler.

Anyone from the public wish to be heard?

COMMISSIONER GUNZBURGER: I just wanted to comment.

MAYOR GRABER: Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: On the past one, I wanted to -- if Charlie hasn't left, out of 675 --

MAYOR GRABER: Are you speaking on 11 still?

COMMISSIONER GUNZBURGER: Yeah, it's real brief.

MAYOR GRABER: Eleven, okay.

COMMISSIONER GUNZBURGER: It's to thank them. Out of 1,000 units, they are also putting up 250 affordable housing units on that site, and that was a voluntary agreement from the City of Pembroke Pines, and we are very grateful to you.

MAYOR GRABER: Okay. Thank you. That was on Item 11. Thank you. You can go now. Thank you. Okay.

We're back to Item Number 1.

Anyone from the public wish to be heard on Item Number 1?

Seeing none, any commissioner wish to discuss Item 1? Seeing none, it's been moved and seconded.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 2

COMMISSIONER LIEBERMAN: Move Item Number 2.

MAYOR GRABER: Item Number 2 has been moved by Commissioner Lieberman; seconded by Commissioner Wasserman-Rubin.

Anyone from the public wish to be heard on Item Number 2? Seeing none, any Commissioners wish to be heard? Seeing none.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 3

COMMISSIONER LIEBERMAN: Move Item Number 3.

MAYOR GRABER: Item Number 3 has been moved by Commissioner Lieberman; seconded by Commissioner Jacobs.

Anyone from the public wish to be heard on Item Number 3?

Seeing none, any of the Commissioners wish to be heard?

Seeing none, all in favor of Item Number 3 say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 4

COMMISSIONER LIEBERMAN: Move Item Number 4.

MAYOR GRABER: Item Number 4 has been moved by Commissioner Lieberman; seconded by Vice-Mayor Eggelletion.

Anyone from the public wish to be heard? Seeing none, any Commissioners wish to be heard? Seeing none.

All in favor of 4 say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 5

COMMISSIONER LIEBERMAN: Move Item Number 5.

MAYOR GRABER: Item Number 5 has been moved by Commissioner Lieberman; seconded by Commissioner Rodstrom.

Anyone from the public wish to be heard? Seeing none, any of the Commissioners wish to be heard? Seeing none.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 6

COMMISSIONER LIEBERMAN: Move Item Number 6 on behalf of the Mayor.

MAYOR GRABER: Item Number 6 has been moved on my behalf, thank you,

Commissioner Lieberman; seconded by Commissioner Wasserman-Rubin. Anyone from the public wish to be heard?

Commissioner Gunzburger?

Yes. Anyone from the public wish to be heard?

Seeing none, Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I'd like to know if they are going to put in, since this is a large scale amendment, 15 percent affordable housing. It would be all of 38 units.

COMMISSIONER LIEBERMAN: They're doing a fee.

MAYOR GRABER: Someone from the City of Coral Springs who wishes to respond? Just please identify yourself and fill out a form for us before you leave. Thank you.

MS. BRAMLEY: Good afternoon, Jennifer Bramley, Chief Planning with the City of Coral Springs. The city commission will hear on first reading July 11th the Affordable Housing program.

COMMISSIONER LIEBERMAN: Right.

For this particular amendment, the petitioner has agreed to a one percent impact fee regardless of the city's program. The city at first reading will be presented with -- the city will be presented with a subordinate second mortgage program as well as if the developer should so choose, inclusionary zoning with a density zoning provision as well.

COMMISSIONER GUNZBURGER: That 1 percent fee, how many affordable housing units will it help build or support people getting into their homes?

MS. BRAMLEY: Well, the second mortgage program itself is intended to fill the gap.

COMMISSIONER GUNZBURGER: I just asked you, what will this achieve? Is it going to get four people into a house? Is it going to get anywhere near 15 percent of the number of units that they're doing?

MAYOR GRABER: Do you know the total cost of the project?

MS. BRAMLEY: It's going to be roughly the equivalent of 12 percent.

COMMISSIONER GUNZBURGER: Twelve percent?

MS. BRAMLEY: Yes, ma'am.

MAYOR GRABER: Okay. Thank you very much.

MS. BRAMLEY: You're welcome.

MAYOR GRABER: Any other questions? Any further discussion? Seeing none.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 7

MAYOR GRABER: Item Number 7, District 8.

COMMISSIONER WASSERMAN-RUBIN: Move it.

MAYOR GRABER: Moved by Commissioner Wasserman-Rubin; seconded by Commissioner Jacobs.

Anyone from the public wish to be heard on Item 8?

COMMISSIONER LIEBERMAN: Aren't we on 7?

MAYOR GRABER: We do have two speakers available for questions, that's Jim Kane and Susan Motley. Do you wish to be heard or just for questions?

MR. KANE: Questions.

MAYOR GRABER: Okay. Just for questions.

Any further discussion from the public?

Seeing none, any discussion by the Commissioners?

Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I'd like to ask how many affordable units there will be in this particular project.

MAYOR GRABER: Okay. If someone wishes to come forward to respond, please identify yourself and fill out a form after you've spoken.

MS. MOTLEY: Mayor, members of the commission, Susan Motley on behalf of the applicant. This is actually a 9.9 acre piece. We're going to wind up with about 100 to 110 units. We're working with the City of Sunrise to deal with the affordable housing issue. We have to get rezoned and that will be part of the process with them.

COMMISSIONER LIEBERMAN: Miramar. Miramar.

MS. MOTLEY: We're on the Miramar one.

COMMISSIONER LIEBERMAN: We're on 7.

MAYOR GRABER: We're on 7, thank you.

MS. MOTLEY: Thank you. My partner had a great explanation.

MAYOR GRABER: It's my fault, because I picked up the number 8 slip. So my fault. I'm sorry, go ahead.

MS. MOTLEY: Mr. Mayor --

COMMISSIONER GUNZBURGER: I'll be back to you on that in a minute.

MAYOR GRABER: You might as well answer it now.

COMMISSIONER GUNZBURGER: No.

MAYOR GRABER: Go ahead.

MS. MOTLEY: Mr. Mayor if I may respond for the Miramar item, we will be setting aside 15 percent of the units that are reduced price for the affordable housing.

COMMISSIONER GUNZBURGER: Thank you. I knew that. I wanted to show people that it is possible and there are responsible builders doing it.

MAYOR GRABER: Okay. Please fill out a form for us. Okay. You've already spoke. Okay. Any further questions on Item 7? Okay. Seeing none and no more -- the public, no one wishes to be heard.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 8

COMMISSIONER LIEBERMAN: Move Item Number 8 on behalf of the Mayor.

MAYOR GRABER: Number 8 has been moved on my behalf, thank you; seconded by Vice-Mayor Eggelletion.

Anyone from the public wish to be heard on Item Number 8?

From the commission, Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Now I'd like to talk to you, Ms. Motley, please.

MAYOR GRABER: Ms. Motley.

MS. MOTLEY: Yes.

COMMISSIONER GUNZBURGER: This is a project for over 55?

MS. MOTLEY: That is correct.

COMMISSIONER GUNZBURGER: What is the price range? Is it affordable or is it luxury? I went through this and I couldn't figure it out.

MS. MOTLEY: Actually at this point the price range has not been established. That's one of the reasons as I mentioned previously that we are working with the City of Sunrise. We have not come up with the actual site plan for the project. Right now we're estimating that we're going to get about 100 to 110 units. So we're working within the city to address that issue, but we don't have a definitive number at this point.

COMMISSIONER GUNZBURGER: You mean 100 to 110 of the 158 units?

MS. MOTLEY: The 158 units is the maximum that could be put on that property, but based on the requirements of the City of Sunrise in terms of open space and access and all those other issues and the size of the units and whatever, we anticipate that we will only have about 110 units. So that then affects how many should be affordable and we're working with the city to work that out.

COMMISSIONER GUNZBURGER: Are you considering a 15 percent affordable?

MS. MOTLEY: We are considering it but we have not come up because it is such a --

COMMISSIONER GUNZBURGER: But you are not committing to it?

MS. MOTLEY: We are not committing to it at this point, but we are open to doing so and again we're working within the city.

COMMISSIONER GUNZBURGER: Is this a final reading?

MS. MOTLEY: This is adoption, yes, it is.

MAYOR GRABER: Motion to enact.

COMMISSIONER GUNZBURGER: Well, I'm going to regret that I cannot vote for this, because there is no real commitment to affordable housing. And I'm just not supporting affordable housing -- any development over 100 units that doesn't have an affordable housing element.

MAYOR GRABER: Commissioner Wexler.

COMMISSIONER WEXLER: I'm going to need some clarification. When the Planning Council and the commission adopted the menu, if you remember, that menu gave the cities the opportunity to choose, as you heard Coral Springs choose a different type of solution than the 15 percent.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER WEXLER: What is Sunrise's solution to anything over 100 units, which is what this is?

MS. MOTLEY: Right. I think that's one of the issues that Sunrise is addressing because we're not even sure that we're going to be over 100 units at this point based upon the design of the project. The City of Sunrise was most interested that this be age-restricted housing. They felt that was the appropriate use of the property based upon the surrounding area and the things that the city wanted for that location. That was done -- obviously when we came in, we did not intend to do age-restricted housing, but because the city wanted it, we agreed to process it that way. The actual number --

COMMISSIONER WEXLER: But I don't believe we exempted in that --

COMMISSIONER GUNZBURGER: Because that's one of the biggest needs is affordable age-restricted housing, elderly housing.

COMMISSIONER WEXLER: Right.

MS. MOTLEY: And, to be honest with you, in terms of we have discussed this with the city, and the city is still fine-tuning what its program will be. No one else had raised the issue with coming up with an absolutely specific number. You know, I can certainly commit to you that we are working with the city. The city just hasn't figured out exactly what it wants to do yet.

MAYOR GRABER: Could you explain what this project is exactly?

MS. MOTLEY: In terms of its age-restricted --

MAYOR GRABER: Yeah, what is it. Is it an assisted living facility?

MS. MOTLEY: No, it is not, Mayor. It is not an assisted living facility. It is an age-restricted housing area that will have individual units. They will be attached obviously. There will be buildings of probably three to four units. It's intended to be 55 and over. No school children project on this.

COMMISSIONER LIEBERMAN: Right.

MS. MOTLEY: It's less than ten acres.

MAYOR GRABER: Okay. We have a few questions. So Vice-Mayor Eggelletion and then Commissioner Lieberman.

VICE-MAYOR EGGELLETON: Let me ask you a question. This might help resolve the issue. What's the selling price of these units that you anticipate? What's the selling price?

MS. MOTLEY: They have not been established yet.

VICE-MAYOR EGGELLETON: They have not been priced.

MS. MOTLEY: But Jim Kane may be able to answer that.

MR. KANE: Yeah, this is what I would refer to as attainable. It's going to be under the median –

COMMISSIONER LIEBERMAN: Absolutely.

MR KANE: -- value property.

VICE-MAYOR EGGELLETON: That's what I'm asking you.

MR. KANE: The problem with affordable with a small parcel of land like this which is great to sit here and talk about in theory is that you're going to make the other people end up paying more money than median values, because every developer is going to add that cost to the other units.

COMMISSIONER LIEBERMAN: Right.

MR. KANE: They don't go into this and do it for free, and what we're trying to do is put -- we're trying to put --

VICE-MAYOR EGGELLETON: Would you say the average cost is less than 230,000 or about 230?

MR. KANE: About 250.

MS. MOTLEY: And there will be a range, Vice-Mayor.

COMMISSIONER JACOBS: Quarter a million dollars.

COMMISSIONER GUNZBURGER: What did you say?

COMMISSIONER JACOBS: I just was -- I'm sorry, it was a comment from the peanut gallery, a quarter of million dollars, that's affordable? To who? I'm sorry, to who is a quarter million dollars affordable?

COMMISSIONER GUNZBURGER: To elderly living on fixed incomes.

MAYOR GRABER: The average home in Broward is about 380 now so 250 is significantly lower.

MS MOTLEY: And there may be units that are low as 200. I mean there will be a range but it just hasn't been specifically designated yet.

MAYOR GRABER: Vice-Mayor Eggelleton has the floor.

VICE-MAYOR EGGELLETON: I mean, my point here is nearly because a developer sometimes does not designate a project as affordable, if the price point is affordable, it's the same thing. And some developers may not choose to use that label, attainable, affordable, whatever it may be, but, you know, the bottom line is, what do you get for what you call it. And so if it's 230, I think we have designated, Mrs. Henry, correct me if I'm wrong, we have designated our affordability range at, what, 239, 229, somewhere in that neighborhood?

MS. HENRY: 239.

VICE-MAYOR EGGELLETON: So this is right within that range that high think that I consider affordable. So I don't know what y'all think about it, but I think the price point is right on the money.

MS. MOTLEY: And they're certainly not intended to be high-end luxury units by any means.

MAYOR GRABER: And 55 and over, people still work.

MS. MOTLEY: Yes.

MR. KANE: Including me.

MAYOR GRABER: I think they have to work now.

MS. MOTLEY: And me.

MAYOR GRABER: Okay. Commissioner Wexler.

COMMISSIONER LIEBERMAN: No, I was next.

MAYOR GRABER: I'm sorry, Commissioner Lieberman.

COMMISSIONER LIEBERMAN: I just want to urge all of you, you need to know this area. It's absolutely going to be attainable housing at market rate. It's the northwest corner of Pine Island Road -- it's south of Sunrise Lakes facing -- what is it, 38th, 40th Street?

MR. KANE: I think it's 38th.

COMMISSIONER LIEBERMAN: Thirty-eighth, okay. It's got an assisted living facility close by. It's got a rental-housing complex close by.

MS. MOTLEY: To the north.

COMMISSIONER LIEBERMAN: I'm just trying to go through memory what's surrounding this particular site. So while I appreciate everybody weighing in on this issue, in some cases, the market rate for some development is going to be within what's considered affordable ranges because of what the market rate will be in that area. So I don't have any problem supporting this item, because I believe that when this comes in, the prices will make it within the range of attainable housing.

MAYOR GRABER: May I suggest to you though, that the City of Sunrise should come up with some formula in the future.

COMMISSIONER LIEBERMAN: Yes, they should.

MAYOR GRABER: So we don't run into this issue each time, but this is my district. I do support the item. I think it's -- these homes will be bought very quickly. It's needed, and we need to move it forward.

Commissioner Jacobs.

COMMISSIONER JACOBS: Just to comment that it's unclear at this point whether there's going to be 100 units or less. If it's 100 units or more, then they do have to under the new guidelines, they have to identify --

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER JACOBS: -- an affordable housing strategy. So one way or the other, they're going to have to address it.

COMMISSIONER LIEBERMAN: Exactly.

MAYOR GRABER: Commissioner Gunzburger, anything further?

COMMISSIONER LIEBERMAN: And it may be identified through their market rate, that area, I can tell you --

COMMISSIONER JACOBS: (Inaudible).

COMMISSIONER LIEBERMAN: But even if it's not designated, that market rate for that area is going to make this project within those guidelines.

COMMISSIONER GUNZBURGER: And they can go up to 158 units, and if they do, I mean they're way over our minimum for having affordable housing.

MR. KANE: You can't put 158 on that site.

COMMISSIONER LIEBERMAN: On that site.

MR. KANE: 110 is about the max. It's somewhere between 80 and 110.

MAYOR GRABER: The item has been moved and seconded.

Any further discussion?

Commissioner Wexler.

COMMISSIONER WEXLER: Yeah, that is the whole point. I mean I know the area. It is not Bay Colony, you're correct, Mr. Kane. However, the bottom line is, is that cities have been asked to -- the Planning Council supported this. You supported this as a member, and we all supported it here. Now if things are going to come dribbling into us and the cities don't have a program in place, then what does that do to -- what does that do to us? I mean I'm going to hear folks that -- and you're just an example because it might very well be under a hundred units, that come forward and have well over a hundred, but the city doesn't have something in place. And they're not going to comply with the commissioner's request for 15 percent, which in that case then they have to do something else like Coral Springs is doing with a fund.

But I don't know of many other cities that have gone and actually identified a program that's appropriate for their city, and Sunrise is a perfect example of they need to do that as we move these programs forward, as we move these land use changes forward, this is going to happen again and again. So, please, I mean bring the -- I'm not shooting the messenger.

MR. KANE: I will definitely --

COMMISSIONER WEXLER: I do know the community. I suspect you might build less than a hundred, and Mayor Farin is on the Planning Council.

MS. MOTLEY: That is correct.

COMMISSIONER WEXLER: So I know he knows the need for having a policy for the city in place.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER WEXLER: Thank you.

(VICE-MAYOR EGGELLETON LEFT THE ROOM.)

MAYOR GRABER: I think it's a unique situation because this cost of home is unique in the county right now. If you look at Coral Springs, you look at Coconut Creek, you look at other places, there's nowhere near this cost, so that's the reason it went through the Planning Council this way, because this is pretty close to affordable housing. So we viewed it that way. But also this is transitional because we're still in the process of allowing the municipalities to come up with these formulas before we take action. We have not, as a Board, taken action yet. We're waiting voluntarily, and this is part of what's going on. So that's the message. Okay. On the item, any further discussion?

Commissioner Jacobs.

COMMISSIONER JACOBS: I'm sorry, just one other comment, and that is, at, I'm sorry, it was around 250, the units, at 250, this is over the top end of moderate. And if we look at our studies, we know that the greatest need especially for seniors is very low and low. So this project as it stands now would not qualify as affordable, because it's over the designated amount at the top end of moderate. So at this point you're almost knocking on the door at market rate. You're not quite there, but you're still, you know - it's not going to fit the definition of affordable. So when it comes back to us --

COMMISSIONER GUNZBURGER: It's not coming back.

COMMISSIONER LIEBERMAN: This is adoption.

COMMISSIONER JACOBS: This is adoption.

COMMISSIONER GUNZBURGER: Yes.

MS. MOTLEY: And this is the first time this issue has come up. We've processed everything. It's always been restricted in terms of age, and the city has always said they were in the middle of doing their own studies to determine whether, in fact, there was even a need in the City of Sunrise for affordable housing. So we've been kind of caught in the middle too. We are willing to work with the city on their program, but they don't have a program yet.

COMMISSIONER JACOBS: And, you know, to my colleagues, I think this is the nature of the problem is that we're still in the midst with 31 cities, everyone trying to identify whether or not they have a need, you have a developer caught in the middle, that would follow the plan as long as somebody could articulate it to you, so the fact that it hasn't -- that hasn't been ironed out in the City of Sunrise.

I think for this Board though, and I thank Commissioner Gunzburger for continuing to raise the question, each time we do, those developers are going to know that eventually they're going to hit this dais and when they do they need to have an answer and it will have a trickle-down affect. Setting the standard here is really important.

MAYOR GRABER: Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I'd like to point out that neither the City of Hallandale Beach where – when I opposed the development, Mayor, you voted for it, nor the City of Pembroke Pines has an affordable housing component, but because we requested it, the developers were willing to give us affordable housing, and, in fact, at Gulfstream they are giving us 225 units even if they're only 1,000 units.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER GUNZBURGER: So they're going up to 22 and a half percent. So just because the city doesn't have it doesn't mean a developer can't do it.

MAYOR GRABER: That's true.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: But understand the dynamics of what's happening in this scenario. Sunrise Lakes Phases 1 through 4 are in close proximity to the site. I know this area very well. With all due respect to the developer who thinks the units are going to sell at \$250,000, it's highly unlikely given the other close in proximity developments and what their market prices are today. I understand we'd like - - and I suspect that part of what -- the discussion that's happening in Sunrise is -- has to do with some of the existing housing stock, which has become affordable by our definition, and they do have a large percentage of affordable. I can tell you that because a lot of it is in my district.

MAYOR GRABER: Okay. Any further discussion? Okay.

So the message is clear that the commission is split on this and you're probably not going to get a unanimous vote. So we're urging others who are watching to do their due diligence and the City of Sunrise needs to move forward.

On the issue, all in favor say aye.

Opposed?

COMMISSIONER GUNZBURGER: No.

MAYOR GRABER: It passes -- one vote, one no. Okay. It passes 7 to 1.

VOTE PASSES 7 TO 1 WITH COMMISSIONER GUNZBURGER VOTING NO.

AGENDA ITEM 9

(VICE-MAYOR EGGELLETION RETURNED TO THE ROOM.)

COMMISSIONER LIEBERMAN: Move Item Number 9.

MS. MOTLEY: Thank you.

MAYOR GRABER: Congratulations.

Item Number 9, a motion to enact an ordinance enacting the Broward County Comprehensive Plan. This is Districts 1, 2, and 7. It has been moved by Commissioner Lieberman.

COMMISSIONER GUNZBURGER: Second.

MAYOR GRABER: Seconded by Commissioner Jacobs. Anyone from the public wishing to be heard? Seeing none, any Commissioners wishing to be heard?

COMMISSIONER GUNZBURGER: Yes.

MAYOR GRABER: Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: This is a great plan. I'm very happy with it.

MAYOR GRABER: You like this one?

COMMISSIONER GUNZBURGER: Yes.

MAYOR GRABER: Okay. All right. Any further comments? All right.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 10

COMMISSIONER LIEBERMAN: Move Item Number 10.

MAYOR GRABER: Item Number 10, motion to enact an ordinance. This has all districts in it. Anyone from the public wish to be heard on this item?

It's been moved by Commissioner Lieberman; seconded by Commissioner Rodstrom.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 12

MAYOR GRABER: Item Number 12, Commission District 9, do I hear a motion? It's been moved by Vice-Mayor Eggelton.

COMMISSIONER LIEBERMAN: Second.

MAYOR GRABER: Seconded by Commissioner Lieberman. Anyone from the public wish to be heard?

Seeing none, any -- I'm sorry, you wish to be heard? Okay. Please come forward. This is the School Board, Mr. Akagbosu. You're recognized, sir.

MR. AKAGBOSU: Broward County Commission members, I had signed up to speak for the item. I wasn't sure if you got my --

MAYOR GRABER: I have it.

MR. AKAGBOSU: Okay.

MAYOR GRABER: I have it. I'm sorry, go ahead.

MR. AKAGBOSU: That's okay. Thank you for giving me the opportunity to speak on this item. I suppose you have the letter. It was sent regarding this item. As you know, this is a TOC, traffic-oriented corridor, opposed by the City of Lauderdale. The School District basically had requested that -- or basically, as you know, based on the revised number of units, which is 4,711 units as been proposed is going to generate a total of 1,278 students. Of this number, 639 is elementary school students. We have a critically overcrowded elementary school, which this project is going to impact.

Also, all the developments have been approved which are affecting the same schools this project has impacted. Definitely some of the other elementary schools, the middle school and the high school, they're under-enrolled, but when you take into account some of the other schools that are within this corridor or basically serving this area, other developments, which have been approved which are -- some of them are land use plan -- I mean local land use activities centers which are landscape developments, then some plats have also been approved are going to affect those same schools.

So because of that, the State Road 7 corridor as you know proposes over 54,000 units. Other cities are going to be coming behind this city to propose large-scale development, and we have, over time, requested, you know, to basically have dialogues with the cities, you know, basically the cities who propose this large-scale development to plan ahead and be able to provide the facility and/or capacity to basically serve those students.

Our policy essentially gives the cities the opportunities to propose mitigation. We've had several meetings, you know, with the cities, with this particular city for a while, but we came to no conclusion in terms of a conclusion in terms of the appropriate mitigation, but over time, we have told them that we think the most appropriate mitigation is the donation of an elementary school site and then to make sure that that mitigation is not above school impact fees that's due based on what policy says.

The Broward County Land Development Code has a provision saying when a development generates enough students to warrant a new school, then that development being it private or public, has to, if the School Board thinks that's necessary, provide the school site. And so we are very consistent with what our policy requests and also what your Broward County Land Development Code says.

The major concern here is the school -- the School District is not opposed to redevelopment, but we believe if you do good planning up front and have a dialogue with all the parties involved, that enables good planning to be done, you know, to be able to at least have the public facilities to serve such developments. We don't think that's been done here. And I think what's going to happen if this goes forward because the excuse is the local government, they cannot provide us with land. If this goes forward, you have other LSC's, TOC's and RFC's coming forward which are large scale, and the district doesn't have the ability to be able to have the capacity to serve those students.

As you know, school concurrency is going to become effective February 1, 2008. The next capital plan that has to be sent to Tallahassee has to be financially feasible. It has to grandfather in all these projects. So the district is still basically saying we need to be -- you know, do this in coordination, and we think the most appropriate mitigation for this project is the land. I'm going to be available to answer any questions you may have.

MAYOR GRABER: Okay. Before we recognize you, let me just give you the Planning Council situation when we heard this. The issue is that here you have a city that wants to redesignate land prior to having any development on it.

COMMISSIONER LIEBERMAN: Exactly.

MAYOR GRABER: And the School Board wishes to designate 12 acres somewhere in there for a school before you have anyone who could designate it. So the question comes to, at which point should the School Board be involved? And I mentioned before that we're reaching a point where the School Board has veto power over any changes if we continue to agree to this kind of strict criteria.

The Planning Council rejected that and said that we have to allow the cities to go forward to at least entice development, especially in the 441 corridor or CRA districts, and so that debate is here now again and I still feel the same way about it. I think the School Board is premature here. They're coming in too early, and this is a way of basically vetoing any land changes.

So now let me recognize Commissioner Lieberman, Wexler, and Eggelletion.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Mayor, I agree with you. Here is the issue.

COMMISSIONER JACOBS: (Inaudible).

COMMISSIONER LIEBERMAN: No, he and I agree on this issue. We told the cities we would have certain new land use categories to allow them to attract additional redevelopment to help with developing transit-oriented corridors, to have livable, walkable communities. There's no actual development on the table. They have no one -- these units may never be built or some number of units may be built. It may not even be this number. If you notice -- I think it's premature what the School Board is doing is to hold these cities to extract land from them to designate a site before the actual development is occurring.

It's not the way they've done it anywhere else, and if you look at Page 3 of the letter from the School Board, it says in the second paragraph: 1,538 additional residential units were proposed by the City of Plantation. They didn't ask Plantation to reserve a school site. 2,754 additional units were designated by the City of Lauderdale Lakes. They didn't ask Lauderdale Lakes to designate a school site. So let's pick on Lauderhill.

You know, the time to do these designations -- they need to be working better with the cities. I think it's a lesson we've all learned when we were making changes without working through these issues with the cities. They need to maybe be a little bit more aggressive in going out to the cities and working through these planning issues, but to have Lauderhill have to do the mitigation for a proposed land use amendment that we told the cities we'd create these new land use categories to have the ability to drive transit-oriented concurrency is premature and is not something that I'm going to support.

I wholeheartedly seconded the Vice-Mayor's motion to approve this and move this pardon forward. And I will urge the School Board to go speak with the city and work out what needs to be worked out when

development happens but not to be holding the cities hostage so that the tools we gave them that they bargained over become real and meaningful and not a sham.

MAYOR GRABER: Commissioner Wexler.

COMMISSIONER WEXLER: You know, every point that you made, Commissioner Lieberman, is the argument for there to be the opportunity for a site. And I'm going to take them point by point, because I truly respect your ability to process the information, and you do such an outstanding job. The City of Plantation and the City of Lauderdale Lakes, which is cited in Mr. Akagbosu's correspondence to the Commissioners, 1,538 units for Plantation and 2,700 units for Lauderdale Lakes, 4,600 -- excuse me, this is -- 4,600 units.

COMMISSIONER LIEBERMAN: Maybe.

COMMISSIONER WEXLER: -- Maybe for Lauderhill, yeah, 4,600. The point is that at some point in time, the School District has to say no mas at some point in time. Is it before this project? Is it after this project? It should have been --

COMMISSIONER LIEBERMAN: (Inaudible).

COMMISSIONER WEXLER: Well, it's a land use change. It's a land use change that will generate a very large number of students.

(COMMISSIONER WASSERMAN-RUBIN LEFT THE ROOM.)

COMMISSIONER WEXLER: The problem here really is, is that there is no land. Nobody wants to give up property, not the city, not potential developers. The School Board can't find the sites, but one of the things that we're losing sight of with the approval of these previous programs in Plantation and in Lauderdale Lakes is that they've generated the children for the schools that we thought were going to be under-enrolled. And at this snapshot in time, those schools are under-enrolled, and Mr. Akagbosu goes on to identify Lockdale and Lauderdale Paul Turner and MLK and Ashe, and on and on and on, and there's about seven of those schools, but with those new designations, what it does is continue to add students to those areas.

I'm going to tell you, the issue really happens to be for me that the TOC, the transit-oriented corridor, and I'm going back to the real big picture of -- as a School Board member previously, I don't remember being in on the dialogue over here or even ever having it brought to the School Board level that this was going to happen, and so, Mayor, you represent us on the Planning Council. That's really where the rubber has to meet the road with the members of the School Board. You have a representative there. I really believe that the members of the School Board are not recognizing the critical issue that is being created for them by these land use changes, by these designations, and because they don't know it, I will tell you I'm not going to sit here and continue to exacerbate a terrible situation, and it is just that.

As they look at each other two years from now and wonder where are they going to put the children because the schools are overcrowded and the parents are going to say and the community and the cities are going to say: What School District? It's your responsibility to find a place for them, I hope that we remember that this transit-oriented corridor, which is a great thing, it's a great thing. I support it. I don't believe though that the provision was there that the consideration was there in that designation for the number of students because of the density, the number of students that will be created.

I want to ask a couple of questions, if I may, but I had to address your points because I saw the glass half empty. You saw the glass half full. Same points.

In Mr. Akagbosu's letter, there was reference to Senate Bill 1906 and Senate Bill 360 and Commissioner Rodstrom this morning said something about a requirement for concurrency, and I believe this is what he's making reference to. On February 1st of '08, there's going to be a requirement that Broward County meet public school concurrency. And as a component of that meeting of the concurrency, every local government, including Lauderhill, must have financially feasible, a plan that can accommodate the anticipated students. And, I guess, I feel like I'm caught in the middle here because sitting on the facilities oversight committee, we are addressing this now. We meet next month. It's something we are talking about, but do not have closure brought to it. May I ask the attorney directly?

MAYOR GRABER: Sure.

COMMISSIONER WEXLER: Do you have and have you had an opportunity to review any of the requirements of the Senate bill?

MS. AZSCOTIA: Yes, I have.

COMMISSIONER WEXLER: Do you have any knowledge regarding the requirement for the financially feasible plan and meeting that high water mark, so to speak?

MS. AZSCOTIA: It has to be a five-year financially-feasible plan. As to the actual specifics, the planners may be able to give you more specifics.

COMMISSIONER WEXLER: Okay. May I ask Mr. Akagbosu to come back to the microphone then?

MAYOR GRABER: Mr. Akagbosu, please.

COMMISSIONER WEXLER: Mr. Akagbosu, I'm concerned about the city's meeting the requirement and the -- the requirement of the law of meeting this financially feasible plan as it deals with concurrency. Am I -- I don't know if I'm -- maybe I'm overreacting. Maybe there really is no issue here.

MR. AKAGBOSU: Well, what's going to happen is the cities are required to have a capital improvements plan or program to basically -- every city is supposed to adopt a level of service. It's supposed to be a countywide level of service and the School Board right now is working in coordination with the cities to come up with an LOS that's countywide and hopefully every city shall adopt the same LOS. But the School Board has the constitutional responsibility to provide school capacity. So part of Community Affairs has said that the cities will adopt the School Board's five-year plan by reference as their capital improvements plan.

Well, if that's the case, that means our plan has to be financially feasible to basically show that it's going to accommodate, has capacity to accommodate all the students. So for our plan to be financially feasible, we need to have the funds to show that this is the capacity or level of service we're adopting, this is the money, and the money matches the capacity, and that's the problem.

COMMISSIONER WEXLER: So as long as the money is there -- let me try it a different way. Right now what they're mitigating is by way of impact fees?

MR. AKAGBOSU: Well --

COMMISSIONER WEXLER: Or is it a student station cost, which one?

MR. AKAGBOSU: Student station cost.

COMMISSIONER WEXLER: Student station cost.

MR. AKAGBOSU: Yes.

COMMISSIONER WEXLER: Is there any gap based on your estimates, because it looks like there's a \$1.5 million gap.

MR. AKAGBOSU: Correct. This was just proposed the day before, we found out about this the day before the Planning Council meeting that they are proposing cost per student stations so we did the calculations, found out -- because this is just strictly for elementary schools. It's 1.5 --

COMMISSIONER WEXLER: But prior to that, they were mitigating it through impact fees.

MR. AKAGBOSU: Prior to that they hadn't committed to specific mitigation. They talked about cost per student station, but the math did not work out in that it would have been lower than the impact fees.

We kept saying that we thought the most appropriate mitigation was land, because again the code, the Broward County Land Development Code is very consistent. And that's how we got a lot of land in Broward County to put a lot of schools, meaning when a development -- it says development generates enough to warrant a school site, then we can request for a school. It doesn't distinguish what are your private developer or it's just a development, and basically we just felt that, you know, a school is needed.

COMMISSIONER WEXLER: I think that one of things that's very unique about this application is that it is coming through the city. It's not actually coming through a developer.

MR. AKAGBOSU: Correct.

COMMISSIONER WEXLER: But it also then -- the cities participate in the oversight. The cities sign off on the interlocal agreement. The cities sign off on the level of service. So it really -- it certainly in my opinion wouldn't exempt them from having some type of an obligation, and what you're making reference to is something that Mr. Sniezek provided me with yesterday, which was one of the objectives of the Broward County Land Use Plan, which was to ensure through the future land use planning process that public elementary and secondary facilities will be available to meet the current and future needs of Broward school's population. And that I suspect that that was the reason that staff recommended to the Planning Council denial, because that was staff's recommendation because it was not an adequate provision of public school facilities. Adequate would have been land.

I just feel that this is the first one to come forward. We're going to have a raft of others, at least three others that we set for public hearing that will be coming forward in August. Unless there are -- unless everyone sits at the table and really begins to identify real solutions, because money is not -- money is not the solution here. It's a part of the solution, but if you don't have the land on the current school facilities to build the additions that are necessary, then all the money in the world that you throw at it will do no good. So I really feel that not having that consideration at this point in time really, not just ties one hand behind the school board member's back, but both hands behind their back as they're moving into this.

And I'm not even sure -- I took Mr. Rubinstein aside while he was here and he didn't know anything about this at all. I've spoken to Robin Bartleman who is up in the north end of the county within a meeting this afternoon that she chairs and couldn't get out of it. And absolutely she doesn't know a whole lot about it, but she's begun to get involved. Ms. Carter who is the School Board's Representative on the Planning Council of course did not vote for this as did one other person on the Planning Council, but it passed, and so now we are dealing with this. This is not perfect, folks, just not perfect. Thank you.

MAYOR GRABER: Okay. On the queue, we have Vice-Mayor Eggelletion, then Commissioner Jacobs, then Lieberman.

VICE-MAYOR EGGELETION: Mr. Akagbosu, don't go anywhere just yet. You know, here's my concern. When I first saw this, I, too, was, you know, somewhat alarmed, but then as I read it more, Commissioner Wexler, I really understood what the real deal was here. Okay. Now there's more -- we've heard the expression, there's more than one way to skin a cat, right?

COMMISSIONER LIEBERMAN: I take offense to that on behalf of my cats.

VICE-MAYOR EGGELETION: Well, I understand, but it's an expression. The point that I'm trying to make here is there's more than one cure for what Mr. Akagbosu is talking about. Another cure could be cash, and I believe the city has said that it is willing to extract those fees from the various developers. Now, I don't want you to go anywhere. I notice that the city attorney from the City of Lauderhill is here, Mr. Hall. Mayor, if you don't mind.

MAYOR GRABER: Sure, Mr. Hall, can you come forward, and if you'd be so kind as to fill out a form before you leave, sir.

MR. HALL: I will, sir. Thank you.

VICE-MAYOR EGGELETION: Mr. Hall, in reading these documents, did Lauderhill say that it's willing to charge whatever developer the appropriate fees to mitigate these student stations?

MR. HALL: Absolutely, Commissioner, we have.

VICE-MAYOR EGGELETION: So -- thank you, very much. Now I've asked the staff to put up a map, an aerial on this, and I don't know -- if they could do it now, I could appreciate it. Okay. You see the map on the screen. Now, Mr. Akagbosu, can you tell me where is the 12 acres that the School Board would like? Identify it for me.

COMMISSIONER LIEBERMAN: Right.

VICE-MAYOR EGGELETION: Identify the 12 acres.

MR. AKAGBOSU: Basically we did not propose this land use. The plan you typically follow is you have dialogue with the city who is proposing the redevelopment, and, hopefully, that city will put public school facility as part of that component and sitting together would decide what is the most appropriate site.

COMMISSIONER LIEBERMAN: Where?

VICE-MAYOR EGGELETION: Mr. Akagbosu, can you identify --

COMMISSIONER LIEBERMAN: Where?

VICE-MAYOR EGGELETION: This is the remedy that the School Board desires despite the fact that there are other ways to cure this problem.

COMMISSIONER LIEBERMAN: And that the city owns none of this land.

MAYOR GRABER: The Vice-Mayor has the floor.

VICE-MAYOR EGELLETON: I want you to identify for me where are the 12 acres that the School Board desires that the City of Lauderhill give to it for its school? Can you tell me? Can you identify on this map?

MR. AKAGBOSU: Unfortunately, I cannot specifically say: Here is the site. That process takes place because of redevelopment and redevelopment involves assemblage, demolition, which is going to provide the need for the other facilities that are going to be there through dialogue.

VICE-MAYOR EGELLETON: Let me ask you another way, Mr. Akagbosu. Would the School Board like to use its power -- because you also have the power of eminent domain. Would you like to use your power to go in and to condemn some of these buildings and pay the owner for that -- those 12 acres? Would you like to assemble that and say: Here are the 12 acres we'd like and go in and y'all use your power of eminent domain and go in and start condemning these properties for schools? Would you like to do that?

MR. AKAGBOSU: Well, Commissioner, I think the key thing is having the dialogue in the beginning and having good, sound planning identifying the possible site and then work towards that process. The School Board is not just going to go out there and do that.

VICE-MAYOR EGELLETON: Good. I think the operative word there is "beginning." I don't -- is there any developer coming forward saying: I'm building? Can you identify me the developer that says that: I'm building? There's no developer, and so the point that I'm trying to make here is, I concur with you. I concur with you, Commissioner Wexler, we need the schools, period, despite the fact that all the schools in this area are under-enrolled, okay, and, therefore, can absorb extra student stations.

However, the reality of the situation is, there's no land, period, zero, none, except for one. Let me identify you -- and if you really -- if the School Board really wants to get into a war, I can identify a piece of land for you. Where you see the sign up there, and I don't know if you can read it. It's hard to read here but let me point it out to you on the big map. Here (indicating). You know what site that is? That's the Wingate landfill. That's 12 acres. Would you like to put a school there? You really want to see the public come out of the woodwork, that's the only space available.

And the point that I'm trying to make to you is, there's simply no site available. So the only alternative that our policy and the Planning Council policy makes available to the board is cash. The city attorney has stood here and said: We're willing to make sure that if at some point in the future a developer comes forward and wants to develop within this area, we will extract the necessary cash to build that school, and so -- and it will be appropriately apportioned.

So I guess I'm sort of dumfounded, and I want to support the School Board. I'm a strong supporter of education. My wife is a school principal. I've been a public schoolteacher. I've fought to keep schools public, but for the love of me, it's just a matter of understanding and having common sense.

It's kind of like the book that I gave my colleagues to read, *The Death of Common Sense*. And in this particular case, if that's the School Board's position, it has just simply died over there because the fact is there is no land. The only cure is what the city is offering, and the most important thing here is, there is no developer, period. So -- and no development.

So, I guess, I would urge my colleagues -- and I was, you know, really getting ready to go gung-ho down Commissioner Wexler's trail until I really started to read all this information, and I said: Wait a minute. This is the wrong way to go.

And, Commissioner Graber, you're right, the School Board is sort of preempting the process and God bless them, you know, they should have been doing this a long time ago and we wouldn't be in this mess, but it hasn't happened, and so here we are, and so I would urge my colleagues after having listened to all

the comments here today, let's go ahead and prove this, but to put this in your tickler file and understand that when it comes back, when a developer comes forward, we need to say to the city: City, where is the money? Where is the money, where is the cash for the schools that you're going to have to build, because you're going to have to add onto Lauderhill Paul Turner. You're going to have to add onto Lockdale Elementary. You're going to have to add onto all the schools around there to accommodate this because of the class size amendment. I know where you're coming from, but that's where we are.

MAYOR GRABER: Commissioner Jacobs.

COMMISSIONER JACOBS: You know, it's interesting to listen to all the different points of view, because they're almost all emanating from the same point. In the global view of what land use is supposed to do is to take a look at the whole community at the way it's going to grow. We know almost a million more people in the next two decades. We know schools can only accommodate a certain number of students before they become unwieldy, and as an elementary student in 1,000 student school, you tend to get lost and you don't receive the kind of attention that you need, so schools want to be smaller.

Do we need 12 acres for an elementary school? I take great issue with that. We should be going vertical. We don't need that kind of acreage. The issue for the city though is, they are -- they have -- here's, I think the crux of the problem, the city has not had enough conversations within the School Board to iron out. The School Board only found out or had discussions if you go through the letter -- I'm not sure, towards the end it talks about how much notice they had, one or two days. I believe that if the city and the School Board sat down, they would continue to work through the issues that the School Board would like to see them develop as a global view for this land.

I don't know, I don't recall exactly how many acres this land use encompasses, but to the degree that you're going to have 1,500 students, you need to take a global view and plan for the future. You can only account the under-enrolled schools so far as other projects are going to take those student stations away. At the end of the day this city is going to be facing the very same problems every other city does in recruiting businesses and building the quality development and that is who is moving into the area, the first question out of their mouth is where are the schools? How are the schools? Before I move into this area and spend so much money, how are the schools? If the answer is: There is no school, but there's money in a pot someday to build a school if somebody finds the land, that's not a really good solution.

Nor is it to take, and looking at this map and say that you're going to identify exactly where the acreage is because I can tell you too by looking at the map that there isn't, the way it's configured, there isn't even a good configuration to go plunk out, maybe it's four or five, six acres that you could pluck out for a school, but you're still not going to find that number of the land in the configuration it's in. Which brings you back truly the only solution is you need enough cash to really build a school, and here's the crux of the problem.

If you read on Page 5 -- it looked like a 3 until I put my glasses on, if you look at the top of Page 5 under Item 2, it says: "The cost per student station, which is the only thing that the city has agreed to ask of its developers to contribute towards the 1,500 students that will be generated. The cost per student station includes contract costs, legal and administrative costs, fees of architects and engineers, furniture and equipment and site improvement. It does not include the cost of purchasing or leasing the site for construction or the cost of related off-site improvements."

What they really need is one and a half million dollars to go build a school. And that's what I think would get the -- I think that's what the School Board is asking is to get a little closer in this discussion to attaining the amount of money --

COMMISSIONER GUNZBURGER: (Inaudible) one and half million more.

COMMISSIONER JACOBS: One and a half million more. Okay. I misspoke. They need a million and a half more than what the cost per student station would generate. To me, the simple answer is for the city to step up and say: We will work with the developers in this project because, A, there are no developers, B, it's a global view at a land use change. There is no particular use that we're approving today.

This is kind of doing it backwards from the way we normally do it, but honestly isn't this the way we should be doing it? Shouldn't we be looking at the larger view of how you could redo a community, if you could start from scratch, wipe out land use and do it over, what might you include?

At the end of the day, it isn't just School Boards that are going to be driving some of our policy decisions on growth, it's going to be water. The Water Management District is going to say you can't build, because you don't have water. School Boards are going to say you can't build because you don't have schools, and at the end, beyond all that the hometown democracy proposal is going to really have us all, because they're going to say you can't do anything unless you spend half a million dollars to put it on a ballot and ask the voters what they think about it.

So the way you get around some of this, in my opinion, is you start planning more. I would love to see that the School Board -- that we put this item off and send it, just as we transmitted the City of Pompano Beach through multiple hoops back and forth back and forth, to go back and get it right, to go have a better conversation with the School Board, to go find some better answers to it and then bring it back.

At this point you're at adoption. You can either choose to adopt it. You can choose not to adopt it, or you can choose to send it back and have a better answer come back from the School Board. And I don't think that you have enough here in order to do that.

I do think it's unrealistic to expect that in a project this size they're going to come up with the acreage for a school, certainly 12 acres. I disagree with that. I don't have all the answers and it's certainly not my district and I know that Commissioner Lieberman and Vice-Mayor Eggelation know this area like the back of their hand. But from a broad planning view, I agree that the school considerations must be there to have a quality project at the end of the day. You're not going to have one if you don't have the adequate school stations for students.

MAYOR GRABER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah, let me try and put this in focus, because it's not that I disagree with your broad policy statements, Commissioner Jacobs and Commissioner Wexler, you're afield from what the item is that's in front of you. This item is not about what you're talking about. Should the School Board have discussions with the cities on where to site schools, yeah. Should the School Board have taken a leadership role in identifying sites long ago? Absolutely. That's not what's going on here.

Let me read to you what's going on here. "This correspondence is in response to your letter dated June 19, regarding the City of Lauderhill's position on the School Board's requested donation of at least one elementary school site." Can I ask Mr. Hall to come forward. He's the city attorney, yes.

MR. HALL: Yes, I am, Commissioner.

COMMISSIONER LIEBERMAN: Does the City of Lauderhill own any 12-acre site in this concurrency area?

MR. HALL: Absolutely not. We own no land.

COMMISSIONER LIEBERMAN: Can you say that louder?

MR. HALL: Absolutely not.

COMMISSIONER LIEBERMAN: Is there any city-owned land for 12 acres?

MR. HALL: No, commissioner. We own no land on the corridor.

COMMISSIONER LIEBERMAN: So what the School Board is asking the city to do is to go out and buy land for it to donate to the School Board.

MR. HALL: That would be correct.

COMMISSIONER LIEBERMAN: Okay. That's what's wrong with what's in front of you. See, that's why the Vice-Mayor and I agree on this issue, and we made the motion and seconded it.

Second issue is the School Board is the one who needs to go out and identify land, and if it means they have to pay money for a site, if they have to use eminent domain, if they have to demolish a building to do it, that's their responsibility. Mr. Akagbosu even said: We're constitutionally charged with that responsibility. So what they want to do is they want to make the city go out and do for them what they're required to do that the city should spend its own funds when there's no development proposal in front of them. It's simply a land use change.

What makes it worse, if you go to Page -- I guess it's Page 3, okay, there are several other proposed land use plan amendments which will create a local activities centers or transit-oriented concurrency centers. The mechanism for those entities are they're paying a per student cost. So just because the Lauderhill proposal is generating 11.55 million in these student station fees and they're short 1.5 million. They're going -- the School Board is going to be generating fees times the 1. -- 1,538 residential units proposed by Plantation and fees from the 2,754 units proposed in Lauderdale Lakes. In neither case did they tell them they had to go out and buy a school site for them.

So the money is there with all due respect, Commissioner Jacobs. It's from the other two properties that are south and north of this particular site, but for the School Board to say to a city: You need to buy us a site as a condition of getting a land use change when we as a county commission have said: We want to be able to have transit-oriented concurrency and we're going to give you transit-oriented corridors and nodes and districts to develop these livable, walkable communities, before there's a development proposal, I don't want to hold the cities hostage in that manner.

The appropriate mechanism, and the Vice-Mayor is right, the appropriate mechanism is cash. The city is contributing \$11.5 million cash to solve this from its developers. Plantation will be contributing cash from its developers, and Lauderdale Lakes will be contributing cash to its developers. And I would sincerely hope that one of the first things the School Board does is that it takes a look overall at where these transportation areas are likely to be because it doesn't take rocket science, they're going to be on our major arterials like State Road 7, like University Drive. And they start identifying sites and maybe they want to use their eminent domain authority to go in and pledge against it these future fees they're getting the per student fees for each of their districts. But to ask any of the cities as a condition of moving to this land use to buy them a school site I think is way premature and inappropriate for the School Board.

(COMMISSIONER WASSERMAN-RUBIN RETURNED TO THE ROOM.)

MAYOR GRABER: Okay. We're going to go around again, but it's a quarter after 4:00. At this rate, we'll be here until about 10:00 o'clock.

So let me go ahead, on the queue is Commissioner Wexler, then Jacobs.

COMMISSIONER WEXLER: My comments this time are going to be quite short, Mayor. I think -- and I hear what you've all said. I think that it really goes to the plan, and it's about walkable, sustainable quality communities, which is what we want. And the concept of a transit-oriented corridor is an excellent concept. However, the whole lifestyle, it's not about dedicating a site, not for me --

COMMISSIONER LIEBERMAN: No, you don't need to donate it.

COMMISSIONER WEXLER: It's not about donating a site. It's planning for. It's planning for. And that somewhere, somehow, at the table, the conversation has to occur that when the development occurs that there will be those adequate facilities, and that's the problem for me is that it doesn't seem to be part of the conversation now other than: You'll pay a fee. And that's the problem for the School District is the site, and they may have to use eminent domain and they may have to think about banking all of those dollars from those surrounding communities, which is a way they have not been thinking over the years, and do it that way. But I -- I mean I really, really hope that the School Board members workshop this, understand this, and embrace what a TOC, what an LAC, what an RAC really means as far as the impact on public schools, and particularly the TOC with the density piece, which we embrace is something that does generate more people, which usually means more kids, and I can see the handwriting on the wall for the future.

So this is the example, because it's the first one to come forward. It is critically important that that conversation, that that planning occur. I want to put this off. I cannot support this today, but, you know, that's me. I really believe that we need to make sure that the planning occurs so that in that TOC is identified that there will be a school for an elementary.

MAYOR GRABER: Commissioner Jacobs.

COMMISSIONER WEXLER: Thank you.

MAYOR GRABER: Then we'll vote.

Commissioner Jacobs.

COMMISSIONER JACOBS: Thank you. I think the issue -- the issue that caused me the concern is that as long as you're asking the -- the city is asking developers to pony up "X" amount of money, whatever it is, whether they follow the formula or they increase it, one and a half million dollars is not that far off. And in the global view, I would feel much more comfortable if we had some sort of direction that compelled the city or encouraged the city or asked the city to pursue closing that gap as they look forward to developing it. That this become something that they really -- that they really work out.

Now there are lots of ways when you are developing a project that developers contribute all kind of things to a community that ordinarily the codes say they don't have to. In order for them to get their projects built, they need grace, you need grace, and things are given extra that you normally wouldn't have gotten. Affordable housing would be a good example. So asking for something doesn't mean you're always going to get it.

The issue for me is, are they going to ask? Couldn't we put them in a position to ask, to try to find that way to fill it even though it's not in the code, there is no requirement right now if you're under 100 units to put anything for affordable housing. There's no requirement for the -- one of the projects we passed earlier today for some of the landscaping codes and so forth in the City of Coconut Creek that they put into their project for a Wal-Mart. There are things that you can ask of developers to do as part of a quality project that have nothing to do with the letter of the code.

So in moving forward, this conversation between the School Board and the city needs to continue to deepen. It needs to become a part of their consciousness that however much they're going to ask for in

the student station fees doesn't cover the whole nut necessary for the students generated by this project, 1,500 students, which, as Mr. Akagbosu said, the reason why the School Board is taking a different tact on this project is because it's generating enough students to fill an entire school. The other projects for the other cities that were cited did not generate that many students that would have warranted the construction of a new school.

You can get there, I believe, by the city having a better conversation with the School Board and above all, the city committing that when these developers come through the door to help the city build its vision, that they ask for and they receive the extra somehow spread out between all of the different projects, all the portions of this redevelopment, they pick up the one and a half million dollars additional monies that they need so that the School Board can actually have enough money to really build a school and really do something to offset the number of students that are surely going to be generated.

MAYOR GRABER: Okay. Thank you. I think we had enough debate. So the issue has been moved and seconded.

All in favor say aye.

Opposed? Okay. That's two nays.

So it passes 7 to 2.

VOTE PASSES 7 TO 2 WITH COMMISSIONER WEXLER AND JACOBS VOTING NO.

AGENDA ITEM 13

MAYOR GRABER: Okay. Let's go on to Item Number 13. Item Number 13, motion to enact an ordinance amending the Broward County Comprehensive Plan. It's nobody's district in particular. Can I hear a motion on 13?

COMMISSIONER LIEBERMAN: So moved.

MAYOR GRABER: Moved by Commissioner Lieberman; seconded by Commissioner Rodstrom.

Anyone from the public wish to be heard on the item?

Seeing none, any commissioners wish to debate? Seeing none.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

PUBLIC HEARING

AGENDA ITEM 14

MAYOR GRABER: Item Number 14.

VICE-MAYOR EGGELLETON: Move Item 14.

MAYOR GRABER: Moved by Vice-Mayor Eggelletion; seconded by Commissioner Scott.

(COMMISSIONER LIEBERMAN LEFT THE ROOM.)

MAYOR GRABER: Any discussion from the audience?

Any discussion from the commission?

Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I'd like someone to tell me how many affordable housing units are in this project.

MAYOR GRABER: Is there anyone here who can speak on that from Oakland Park?

COMMISSIONER GUNZBURGER: That should not come as a surprise.

MAYOR GRABER: Make sure you fill out a form, but state your name and who you represent and go ahead and answer please.

MR. KAYDEMS: Good afternoon, Jeff Kaydems here from Michelle Nogums & Associates, on behalf – as the applicant, and with me here is the property owner.

MR. NORFLEET: I'm Lloyd Norfleet. I did fill out one of your forms.

MAYOR GRABER: Okay. On your way out -- you did fill one out?

MR. NORFLEET: Yes.

MAYOR GRABER: Can you answer that question, sir?

MR. NORFLEET: We are working within the City in Oakland Park. They are in the same situation as one of the other cities I heard mentioned. They don't know what their affordable housing program is going to be. They have told me that it may be 15 percent, but they don't know how it's going to be enforced. They don't know the size of the units. They don't know -- you know, those kind of things, and just to come and say 15 percent is easy if I can make the units small enough for people to afford them. If I have to build the same thing for everybody and be 15 percent less, that means 85 percent of the people have to subsidize that, and those 85 percent may not qualify.

Now it's not just a question of money. It's a question of qualifying on loans. If you increase the price by \$10,000 -- about \$14,000, which is the total cost of impact fees, it raises the monthly payment \$121 and some odd cents and that was at six percent. I haven't done the new calculation at seven percent. So all of these things factor in. But the answer is, we would be doing some affordable housing if the City of Oakland Park, we just have to establish some rules. That is where we are right now. We don't know what they are going to approve.

COMMISSIONER GUNZBURGER: I'd like to pursue this a little more with you, if I might. I have not said that when you put up affordable housing if you're building units of 2,000 square feet and you're charging \$350,000 -- I'm just picking numbers -- \$350,000 a unit, which may be market rate, that you're going to

have to put up another 2,000 square foot home and charge 200,000. That's not necessarily what is meant by affordable housing.

It means that you would intersperse and have inclusionary housing that could be smaller within the same development that would be less expensive instead of every single house on the block being a cookie cutter, they don't have to be, and that gives you a neighborhood with diversity, and it gives you the ability to provide housing for people that would not be able to have it without anyone having to subsidize their neighbor.

MR. NORFLEET: Well, I understand that, and I go along with your concept of mixing the units, that's not a problem. The problem is some governmental agencies look at things differently than you do, and we don't know what the rules are yet.

COMMISSIONER GUNZBURGER: Well, is there anybody from the City of Oakland Park here?

MAYOR GRABER: Anyone from Oakland Park here? Nobody is here from Oakland Park.

COMMISSIONER GUNZBURGER: Isn't that convenient?

MAYOR GRABER: We have the local commissioner here, Vice-Mayor Eggelletion. Maybe we can hear from him. You represent the district.

VICE-MAYOR EGELLETON: Yeah, thank you, very much. First of all, sometimes geography is an important factor in understanding what you're talking about here. This development is off of Northwest 31st Avenue. It is directly north of Oakland Park Boulevard, and it's directly behind what has commonly been referred to as the Oakland Park Flea Market. Okay.

Now, let me just point something out to you. We all like to throw -- look, I'm as strong a proponent of anyone on this commission on affordable housing. so much so that I get beat up in the press, so, therefore, I recuse myself rather from voting on affordable housing, because I don't want folk to go out and get the wrong impression that I'm trying to help developers by pushing for affordable housing.

Now let me point something out to you, almost every house in this area would be deemed affordable. So what is it that the commission want to do, put all the affordable houses in the neighborhood? I don't think that that's what we want. Certain neighborhoods need more of a market rate home so that the value of the surrounding property can appreciate like it does in all the other neighborhoods that some of you live in. We would love to have half million dollar homes in this particular community. Unfortunately, we can't find people to buy them.

So here's a developer that's coming forward that's putting some homes in the area, and the price point I can tell you is well within the affordable range. He just simply has not designated his development as an affordable development but when you look at the price point of these particular units, they're all within the affordable range.

COMMISSIONER GUNZBURGER: What are they?

VICE-MAYOR EGELLETON: Let me ask you a question, what do you anticipate some of these homes selling for?

MR. NORFLEET: You probably have some in the 250 range, but probably not many over 280. They're going to be probably 1,400 of the smaller ones up to around 18 to 1900 square feet. The surrounding area is predominantly 1,400 square foot houses built in 1964, and they range from 235 to 295 in that area.

COMMISSIONER GUNZBURGER: But they're not affordable.

VICE-MAYOR EGGELLETON: And let me just point out to you in case most of you don't know, this gentleman is the president of the Broward County Commercial Realtors who has been a strong supporter of ours on the affordable housing issue here and in Tallahassee on our surtax issue.

So let me just point something out to you, we all want affordable homes. The price point that he's talking about is well within the median price of houses in Broward County, and I don't want this commission to think that you can constantly put the lowest price homes in these communities. Certain communities need houses that are of higher value to bring the surrounding value up. And, you know, I don't think anyone in here want to live in a community where all the homes, all the homes have little or no value to it.

So I'm going to support this. You know, this is in my district. These are -- I've seen the design on these particular townhomes. They're very beautiful townhomes. I think it's going to add to the value of this particular community. And so I think this is exactly where we need to go, Commissioner. I understand your point about affordable housing. I strongly support it. But this is less than a hundred -- how many units are you talking about here?

MR. NORFLEET: Well, the maximum if we could get the site plan approved would be 144, but it's unlikely that they're going to be there.

VICE-MAYOR EGGELLETON: Right.

MR. NORFLEET: Because we still have to go to the City of Oakland Park and site plan and zoning.

VICE-MAYOR EGGELLETON: Correct, and the other issue here is a lot of cities, like he's pointed out in the City of Oakland Park, have not developed their affordable housing plan as of yet. So that's where we are with this and I strongly support it and I think we need to go ahead and approve it.

(COMMISSIONER LIEBERMAN RETURNED TO THE ROOM.)

COMMISSIONER GUNZBURGER: Ben, Lois and I.

MAYOR GRABER: Okay. Before we continue this line of discussion, which I'll recognize you in a minute, let me just say that when we were discussing affordable housing in Broward County, one of the things we said is there are 31 municipalities. They are all not created equal. Some are depressed areas. Some have more affordable housing than they need. Others have zero, and so that's why we said: Each area has to be taken independently and looked at. You cannot judge every single municipality by the same code. That's why we have choices. So, please, when you're going to ask your questions today, pay attention to the area we're discussing before you start asking about affordable housing. This is an area that has an overabundance of affordable housing.

Commissioner Wexler.

COMMISSIONER WEXLER: I do recognize that, Mayor, and I think that Hallandale has an overabundance of affordable housing and a lot of it is in the central and eastern part of our county of affordable housing. However, a policy is a policy is a policy, and quite frankly, I think we're right now really realizing, at least I am, that we have a policy in place. It has a menu. The Broward County Planning Council supported it. It had readings. It went to Tallahassee. It's gone through the whole process, and the cities have ignored it. I don't get it. I just don't get it.

COMMISSIONER GUNZBURGER: No, you just got it.

COMMISSIONER WEXLER: I got it. So, I guess, it's really a matter of we should be commending Coral Springs, because they have a policy in place and have been working on it for as long as we have to put something in place. There's a menu of like A through J. and Sunrise doesn't have it and Oakland Park doesn't have it and I'm sure others that are before us don't have it, and there's no one here from the city, how convenient.

You know, I just -- I'm sorry, the other one I don't know if it was going to be a hundred or so. This is 144. The trigger was a hundred. It was a hundred. And anything over a hundred, you're supposed to pick something from the menu. So I just don't -- I don't get it. I really don't. I'm not happy about this, and I don't think any of you should be either.

MAYOR GRABER: Well, just let me remind you one more time, Coral Springs didn't have much affordable housing. So they came up with a very good proposal. Oakland Park unfortunately has a lot of affordable housing and they have a different approach to it. Any further discussion on this item before we're ready to vote?

Commissioner Jacobs.

COMMISSIONER JACOBS: Just a point to make in the city's defense, and that is that these are all rather new facts that we're all taking. The new -- the benchmark of a hundred units just passed in the last, what, month or two. So the cities -- everybody is kind of waking up at once, some cities sooner than others that they have to do something. And others, some cities have varying degrees of sophistication in their staff level and their resources to be able to put together plans to deal with these.

I truly believe the cities are not ignoring these new directions. They simply haven't had a chance to catch up and figure out how to legislate it, how at the A. through J. menu which one of the choices is that works for them. Where does their city fall within the overall context and what choices are they going to make. I know the City of Oakland Park is sensitive and is working out some of these issues. They're having these conversations. They just haven't ironed out the policy yet, and I believe that's where most of our cities -- I think they're going to get there. They're just not there yet.

I think we need to be cognizant of those cities that are moving along that path, and if we get too far down the road and cities are still ignoring it, this is a change in the Broward County plan. This is a rule making change that they have to abide by. So at some point, I think we're going to have to really get a little tougher about it, but at this point I think there's such measure of grace to be given because it's new and they haven't figured it out and I have confidence that they will, and I have to have faith in that, because, otherwise, it's a very dire picture for the future without it.

MAYOR GRABER: You've got to keep faith. Commissioner Scott.

COMMISSIONER SCOTT: Right, just to follow that, I mean Oakland Park is my home city for 20 years. I'll have to tell you something, I'm trying to get the water out of the streets in some areas. You've seen the examples here of Oakland Park's efforts as really a true model for redevelopment, turning junkyards into mixed use and so forth. And I agree with Commissioner Jacobs, this is a -- it's a transition and a little bit of a work in progress for cities like this, but, you know, they have shown themselves more than willing to step up to whatever, it's just that you can't do everything at once, and they'll get there. So I would -- I'm going to vote in favor of the project.

MAYOR GRABER: Commissioner Rodstrom, then Gunzburger.

COMMISSIONER RODSTROM: Commissioner Wexler, you know, you're right, and you know, I'll tell you what, I was blindly going along voting for all these. I'm going to change my vote on Number 8, 13, and 12, and I'm going to vote against 14, because you know what, if you don't say what you mean and you

don't mean it, it isn't any good and if this commission isn't going to stand for affordable housing we're just going to be a joke. So we're going to say we passed affordable housing ordinance --

COMMISSIONER GUNZBURGER: Number 12 is --

COMMISSIONER RODSTROM: I'm sorry, 12 was wrong. I beg your pardon? This is a transit corridor, and the problem is -- there's two things going on here. There's not enough student stations in schools, which this -- which this commission has always, always supported student stations and the second is there's no affordable housing components, and --

Well, it is true because these cities haven't adopted a plan yet. Well, I mean Sunrise hasn't adopted plan. Oakland Park hasn't adopted a plan. So we're just going to pass this so that's -- I mean I guess -- I mean just think of how we look. We look like we don't support it either. I mean when do you finally say: This is the way it is. This is the new law of the land. When do you do that? Next time? I mean -- when? When does the new law take effect? When do the new rules take effect? They either take effect now or they don't.

MAYOR GRABER: Okay. Commissioner Gunzburger, and then we're going to vote.

COMMISSIONER GUNZBURGER: No, Commissioner Jacobs also wants to speak.

COMMISSIONER JACOBS: No. oh, no, I was -- I agree with everything Commissioner Rodstrom just said. The issue is, this is brand new. The cities haven't created their plans yet. So when you say when, we ought to say when.

COMMISSIONER RODSTROM: Fort Lauderdale may not ever create a plan. Some cities may not create plans. They're going to create plans when they feel like creating a plan. We're not creating any sense of immediacy.

COMMISSIONER JACOBS: Maybe we do a when. Maybe we put the drop dead date in there. Maybe we give them "X" amount of time to create the policy and then that's it. We haven't done that yet.

COMMISSIONER RODSTROM: We have a drop dead date.

COMMISSIONER JACOBS: I don't know if we do.

MAYOR GRABER: A law was passed. We're on item -- wait a minute. We're on 14 items now at the same time. Let's stick to Item 14.

COMMISSIONER GUNZBURGER: May I speak?

MAYOR GRABER: And this is Vice-Mayor Eggelletion's district, and I'm going to give him the final say.

COMMISSIONER GUNZBURGER: But you called on me.

MAYOR GRABER: And then we're going to vote and vote whatever you wish.

COMMISSIONER GUNZBURGER: Wait a minute. You had called on me.

VICE-MAYOR EGGELLETON: Just wait a minute, Commissioner. I think this might shed some light.

MAYOR GRABER: Everybody has spoken three times already. Okay. Vice-Mayor Eggelletion.

VICE-MAYOR EGGELLETON: I'd just like to call Mr. Sniezek into the --

MAYOR GRABER: Mr. Sniezek.

VICE-MAYOR EGGELLETON: Mr. Sniezek. Henry, I apologize. I always have a tough time with your name, as you well know like people have with my name. Mr. Sniezek, the policy that Commissioners are bantering around here, when did that policy pass?

MR. SNIEZEK: For the record, Henry Sniezek, Director of the Planning Council. Just to clarify the policy that's being discussed about the hundred units and the menu approach was adopted today formally and will actually be implemented as part of the first group of next year.

VICE-MAYOR EGGELLETON: Today, but instantly cities are supposed to have a plan in place, boom, just like that, right out of the hat. It doesn't happen like that way, ladies and gentlemen. And the point I'm trying to make to you is you want to punish someone, this is not the right way to do it. And so what I'm asking you to do is to approve this. Let's move forward, give the cities an opportunity to adjust to a plan that we voted on and passed today. So I would move the adoption of this particular plan and then we need to make sure that every city is notified, all 31 municipalities are notified of what we passed today.

MAYOR GRABER: All right. Now was there anyone from the audience who wanted to speak? If you want to speak, sign a form and you can speak.

Do you want to speak, sir? Well, step up here, fill out a form, you can speak. You want to be recognized to speak? You can't speak from there. Come up here, state your name. I will give you an opportunity to speak as long as you fill out the form after you speak. Go ahead and identify yourself. You're recognized.

MR. MATOR: Yes, my name is Joe Mator. I live at 3410 Northwest 5th Court, Fort Lauderdale. I'd like to commend you in your respective places. I'm talking on this issue pertaining to affordable homes. Some time in -- and I'm very disappointed in this because some time instead of someone doing a study to see exactly what is needed in these areas, we go by if that person is a black representative or if that person is familiar with that area and then that is the ruling in which you vote on.

We need to look and see exactly what's there, and as Commissioner Rodstrom stated, if a rule is already put in place, there's no room for an exception, because if you make an exception for one, others are going to call for that same exception, and to be fair, you would have to give them that then. Okay.

And in this process, we have to be accountable. Yes, there's some affordable homes in that area, but if we look at that, it is a blighted area. Are we holding the landlords and what have you accountable so that they could bring those areas up to par, not just continue to run them out. This is called a reverse generification. This is exactly what has taken place, and who is going to feel the heat? Mostly in majority a large number of black folks are going to be losing their homes in that area and if our black officials allow this in the inner cities and what have you, it's sure to come on the outskirts of places such as Oakland Park.

So, no, if you've got a rule in place, implement it, because you look like clowns if you don't and the reason why I'm saying that is because again these other cities have a right to hold for their exception just like you would give it to Oakland Park. So in all respect, I suggest that you vote this down until they come out with a plan that is pleasing to this commission and then we can go forward. Don't make a plan afterwards. You don't turn around there and perform surgery without knowing where the ache is, so don't do that. Vote it down. Thank you.

MAYOR GRABER: Thank you, sir. Just fill out a form for us, please. Okay. Now we're on the item. I think we've discussed it. Okay.

Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Thank you. I'm brief. When I talk, I am not long, Mayor.

MAYOR GRABER: I didn't say that. You're just persistent, so go ahead.

COMMISSIONER GUNZBURGER: When I had asked the cities in my district to come up with the 15 percent formula, even though we now have a two box, I also promised them just as they promised me they would meet that threshold that I would ask that of any development over a hundred units. I will continue to be consistent throughout any land use changes that bring about over 100 units on any site.

MAYOR GRABER: Thank you. Okay. The item has been moved by -- question by Commissioner Rodstrom.

COMMISSIONER RODSTROM: Yes. All right. I'm willing to bite the apple here, but I want a commitment from all of you that come six months from now when the next set of -- because I think your point is well taken. You can't expect somebody just to -- because we pass something today to implement today, but I mean we've all got to stick together here, because it's not going to be fun. I want everybody to nod their head and say they're going to do this and we're just going to stick together. Now you won't be here but --

MAYOR GRABER: I won't be here, but I will back you on that. The plan went in today, and now the fair thing is, give everyone a chance to read -- like we say, give them a chance to read the plan before we implement it. So I agree, after today, we have -- this is the last day. So after today, we will have a whole new world before us. So I agree on that.

Okay. Vice-Mayor Eggelletion moves the item. It's seconded by Commissioner Lieberman.

All in favor say aye.

Opposed.

COMMISSIONER GUNZBURGER: Opposed.

MAYOR GRABER: Okay. It passes 8 to 1.

VOTE PASSES 8 TO 1 WITH COMMISSIONER GUNZBURGER VOTING NO.

AGENDA ITEM 15

MAYOR GRABER: Item Number 15 is a public hearing, a motion to enact an ordinance in District 8.

Do I hear a motion? It's moved by Commissioner Wasserman-Rubin; seconded by Vice-Mayor Eggelletion.

Do I hear anyone from the public wishing to speak on 15?

Seeing none, any of the Commissioners wish to speak?

At this point all in favor say aye.

All opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 16

MAYOR GRABER: Item Number 16, there is a speaker on 16. It's a motion to enact in District 6. Let me recognize Sandi Olin.

MS. OLIN: May I reserve my comments until after you start with the discussion? I would like to see what the commission has in mind?

MAYOR GRABER: Certainly. Do I hear a motion in Item 16, District 6?

It's moved by Commissioner Gunzburger; seconded by Commissioner Jacobs.

Any discussion by the commission? No discussion by the commission.

Do you wish to be heard now?

MS. OLIN: Yes.

MAYOR GRABER: Okay. Ms. Olin, you're recognized.

MS. OLIN: I live in Century Village, Pembroke Pines. This property is adjacent to Century Village. Over the years, we have been told -- and we have been to many meetings. Oh, it's going to be single-family housing. No, it's not, it's going to be green space and then possibly an office/recreational area. Then we were told: No, it's going to be townhouses. That is the last we have heard, they were going to put up 157 townhouses, although there was a lot of opposition saying that there was no schooling and there was no roads for the property. Now we get this latest paper in the mail showing besides that, they have an area on the paper, which is not explained very well, that's going to be an office park. Is there no zoning saying that an office park cannot be directly against the fence of private property?

MAYOR GRABER: Is that a question?

MS. OLIN: Yes.

MAYOR GRABER: Ms. Henry, if someone could answer that question for her.

MS. HENRY: Mr. Sniezek.

MS. OLIN: I didn't hear you.

MAYOR GRABER: Mr. Sniezek will answer your question. He's standing right behind you. That gentleman will answer the question.

MS. OLIN: Sure.

MR. SNIEZEK: This amendment is actually a change from office park -- it is office park right now, and the proposal is to change it to residential. There is residentially designated land to the south, and that's probably the area that the woman is talking about, the lady is talking about as far as the --

COMMISSIONER GUNZBURGER: It says commercial, Henry.

MR. SNIEZEK: This is being proposed to commercial. I was talking about the land to the south.

COMMISSIONER GUNZBURGER: You said residential.

MR. SNIEZEK: I'm sorry. I meant commercial. I'm sorry. This is a change to commercial.

MAYOR GRABER: This is a change to commercial.

MR. SNIEZEK: Yes.

MAYOR GRABER: So, Ms. Olin, it's been changed from an office park to commercial zoning. Commercial means it's going to be some kind of businesses.

COMMISSIONER GUNZBURGER: Retail.

MAYOR GRABER: Retail. Yeah, stores, shops.

MS. OLIN: Right against the Century Village property?

MAYOR GRABER: That's what this amendment would do, yes.

MS. OLIN: Okay. There have been no public hearings on that.

COMMISSIONER GUNZBURGER: Mr. Sniezek, were there public hearings at the Planning Council and in the City of Pembroke Pines?

MR. SNIEZEK: Yes, Commissioner, there were two public hearings at the Planning Council of which notice was given, the same as this meeting and there were also public hearings at the city level.

MAYOR GRABER: There were some meetings, Ms. Olin.

MS. OLIN: Well, the last we heard it was going to be 157 townhouses.

MAYOR GRABER: That's no longer on the table. It's now commercial.

COMMISSIONER GUNZBURGER: Wait a minute. When did you hear that, Ms. Olin?

MS. OLIN: This was in the City of Pembroke -- this was at a City of Pembroke Pines Planning Council meeting.

COMMISSIONER GUNZBURGER: At the last council meeting?

MS. OLIN: No, this was -- I guess, it was close to a year ago, maybe less.

COMMISSIONER WASSERMAN-RUBIN: Mayor.

MAYOR GRABER: Commissioner Wasserman-Rubin.

COMMISSIONER WASSERMAN-RUBIN: I think the lady is confusing the Planning Council, the Broward County Planning Council and the City of Pembroke Pines City Commission meeting.

MS. OLIN: Okay.

COMMISSIONER WASSERMAN-RUBIN: Yes, the representative from Pembroke Pines for Century Village is Angelo Castillo. You might want to give him a call and find out what happened over there. It's two different things.

MS. OLIN: So now this is going to be stores.

COMMISSIONER GUNZBURGER: The City of Pembroke Pines changed it from residential and asked to have it moved to commercial to be retail at their meeting. It could not have come to the Planning Council. The Broward County Planning Council --

MS. OLIN: No, it said Pembroke Pines Council, not Broward.

COMMISSIONER GUNZBURGER: No, but Pembroke Pines changed their mind and then sent it to us after they changed their mind.

MAYOR GRABER: In the past year, there's been some changing by the city, and what happens, it goes to the city, then it goes to our Planning Council, then it comes here. So it was actually the city that's requested the change that we're talking about today. The city changed it some time in the last year.

COMMISSIONER GUNZBURGER: Is there anyone from the city here?

MAYOR GRABER: Anyone from Pembroke Pines here? There's nobody here. Does that answer your question, ma'am?

COMMISSIONER GUNZBURGER: No, it doesn't. Probably not.

MS. OLIN: I guess it answers my question. It doesn't make us happy.

MAYOR GRABER: Right. It's a little late in the process, right.

MS. OLIN: And there's nothing can be done about this at this point?

MAYOR GRABER: It's passed every committee until today, and we have the final say on it today. What do you want us to do?

MS. OLIN: Regardless of traffic --

COMMISSIONER GUNZBURGER: You had two hearings at the county Planning Council. I'm just looking at the backup to pull it out because I thought read it. April 27th and May 25th there were two public hearings on this at the county level prior to coming to the board. The Broward County Planning Council heard it twice.

MS. OLIN: Yeah. We received one notice. It didn't say that it was being changed. It was supposed to have been on the townhouses.

MAYOR GRABER: Ms. Henry, can I ask maybe staff to talk to her about it, because we need to go forward, and I think she's coming in late in the process, so maybe someone could help her. Okay. Thank you, ma'am. Thank you, Ms. Olin.

Item Number 16, any further discussion by the board? Okay.

It's been moved and seconded.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 17

MAYOR GRABER: Item Number 17, motion to enact an ordinance in commission District 5.

Do I hear a motion?

COMMISSIONER RODSTROM: Move it.

COMMISSIONER WEXLER: Move it.

MAYOR GRABER: It's moved by Commissioner Wexler; seconded by Commissioner Rodstrom. Anyone from the public wish to discuss it?

Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: It's not about affordable housing.

MAYOR GRABER: In District 5? Go ahead.

COMMISSIONER GUNZBURGER: The question is that there is some very good wetland that's going to be filled in, and I wanted to know what they are going to do in terms of mitigation.

MAYOR GRABER: Okay. Who represents District 5 to speak today?

COMMISSIONER GUNZBURGER: Oh, Ms. Hall.

MS. HALL: Good afternoon. Barbara Hall representing the applicant.

MAYOR GRABER: Don't forget to fill out a form for us.

MS. HALL: Yes, thank you. Actually these are really not high quality wetlands. They will be primarily mitigated on-site. We have come up with a plan to expand the water area between the homes to the east of us and our development. We're going to expand the lake and create literal plantings.

COMMISSIONER GUNZBURGER: That sounds great.

MS. HALL: The neighbors to the east are delighted.

COMMISSIONER GUNZBURGER: No, that sounds very good. If you told me you were going to mitigate in South Dade County, then I would have been --

MS. HALL: No, absolutely not.

COMMISSIONER GUNZBURGER: That's the type of mitigation I like. Thank you, Ms. Hall.

MS. HALL: You're welcome.

MAYOR GRABER: Everybody okay? Okay. It's been moved and seconded and discussed and debated.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 18

MAYOR GRABER: Number 18, moved by Commissioner Wasserman-Rubin; seconded by Commissioner Scott.

Anyone from the public wish to be heard on 18?

Seeing none, any Commissioners wish to discuss? Seeing none.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 19

MAYOR GRABER: Item Number 19 is a motion to enact an ordinance in District 7. Do I hear a motion?

COMMISSIONER LIEBERMAN: Commissioner Rodstrom.

MAYOR GRABER: Commissioner Rodstrom, it's your district.

COMMISSIONER RODSTROM: Move it.

MAYOR GRABER: Moved by Commissioner Rodstrom; second by Commissioner Wexler.

Anyone from the public wish to be heard?

Seeing none, any commissioners wish to be heard? Seeing none.

All in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 20

MAYOR GRABER: Final item, Item Number 20, motion to adopt a resolution.

COMMISSIONER LIEBERMAN: There's a typo.

MAYOR GRABER: There's a typo.

Commissioner Lieberman.

COMMISSIONER JACOBS: It's our committee.

MAYOR GRABER: It's a committee item?

COMMISSIONER JACOBS: It's our committee item.

MAYOR GRABER: Commissioner Jacobs.

COMMISSIONER JACOBS: Thank you, Mayor. This item is co-sponsored by myself and Commissioner Sue Gunzburger and Lois Wexler, who are on the attainable housing committee. And you'll recall when this item came to us before for conversation, there were many things that the Board asked for, and we were asked on May 9th to take it back to our committee and work it over a little bit more and to incorporate those issues that were raised by the Board during the discussion.

And what you have before you is a reworked proposal to set up the housing program. It is what we have referred to -- well, I think it was what Commissioner Gunzburger referred to as the Tallahassee model in that it has no funding. It's basically an empty vessel.

There is a scrivener's error, however, on Page 3 that mentions approval of this resolution will authorize 2,000,000. That is not true, and Ms. Chambers is here in the audience -- or in the chambers. There she is in the back. Is in the chambers. That can verify that for you if anyone is of need.

What we were asked by you and what we brought back is a project -- a program that includes funding, not just for the nine percent and four percent tax credits for rental that originally came to you, but also includes not-for-profits. Much time was spent to revamp the program so that not-for-profits get all that they need out of the program and additionally small scale builders. There are many minority builders that are doing projects that are for profit that they are building projects are small in nature and they felt that the way that the application process is that go up to the state and Broward, one or two times a year were making it difficult for them so those have also been massaged and changed.

The deletion of information that was specific to the funding source is out of this one. It will come back to you after the break. You'll see in the backup a proposed funding mechanism, which will be discussed after the break.

Additionally, the item was massaged to include funding for multifamily and single-family housing units both owner-occupied and rental. And additionally that criteria, I believe it was Commissioner Eggleton that spoke at length on the issue, a demonstration of good maintenance history for rental projects --

(VICE-MAYOR EGELLETON LEFT THE ROOM.)

COMMISSIONER JACOBS: – and the need for if the county is going to be giving any of our precious funds to build affordable housing we want to make sure that those developers that come forward have or those housing authorities have a good record of maintenance for their project.

So this has been kind of a labor of love for the committee. We've brought -- we brought it forward. We took it back. We hope that we have incorporated all of the requests of the Board, and are certainly amenable to those others that you might want to add and look forward to bringing an item back to you after the break with real dollars so we can start to move forward with some real projects. Mayor.

MAYOR GRABER: Thank you.

Commissioner Rodstrom.

COMMISSIONER JACOBS: And with that, I'd like to move the item.

COMMISSIONER WEXLER: Second.

COMMISSIONER GUNZBURGER: Second.

MAYOR GRABER: Okay. It's been moved by Commissioner Jacobs; seconded by Commissioner Wexler and Gunzburger.

Commissioner Rodstrom, then Lieberman.

COMMISSIONER RODSTROM: First, I want to commend the committee for doing such a nice job.

COMMISSIONER JACOBS: Thank you.

COMMISSIONER RODSTROM: It seems to have encompassed, you know, all the criticisms or all the comments that I had previously. And just so I understand, the – A. is the tax credits of four percent, B. is the nine percent, and C. is any other –

COMMISSIONER JACOBS: Lots of other things.

COMMISSIONER RODSTROM: That's the whole Pandora's box. So what you've done is included everything as coming under this one umbrella.

COMMISSIONER JACOBS: Absolutely.

COMMISSIONER RODSTROM: That's really great.

COMMISSIONER JACOBS: Commissioner, if I could just add that the not-for-profits had some concerns about the timing and the way that their projects may not be ready. So all of that was massaged and included in too, and they did sign off on this.

(VICE-MAYOR EGELLETON RETURNED TO THE ROOM.)

COMMISSIONER RODSTROM: I think that's really great. And the only comment that I had is in the criteria, and maybe it's embellished in here or sort of, I guess, it's -- maybe it's just not said but it's meant in here, but I think one of the key issues is that a developer needs this money in order to make the project work.

COMMISSIONER JACOBS: Correct.

COMMISSIONER RODSTROM: And that's not really said in that -- you know, I guess it's sort of implied, but it's not stated. But I think what bothered me before was the fact that in some cases we were giving land but the land may be more than the value of what they needed to put the deal together and there was no way to quantify it. So I mean do you have any objection if we add something else that just says that, you know, in the criteria, whether -- the process in getting the money is going to be in some part based on the need in order to make the project go or have the project be more successful or whatever.

COMMISSIONER JACOBS: Certainly. Mayor, if I might respond.

MAYOR GRABER: Yes, Commissioner Jacobs.

COMMISSIONER JACOBS: You'll notice, I think Commissioner Lieberman asked that same question and a response came back from staff. As far as the weighting criteria, that is not in this. What this does is --

COMMISSIONER RODSTROM: Okay. So you'll address that later?

COMMISSIONER JACOBS: No, what we wanted to do is every Commissioner has issues on this and rather than the three of us take it to committee and work it out and then bring it back here because there were so many issues, we wanted to workshop the weighting criteria so that the full Board weighs in and we get it accomplished and that is coming back to the board after the break.

COMMISSIONER RODSTROM: Okay.

COMMISSIONER JACOBS: So this simply sets up the program --

COMMISSIONER RODSTROM: The mechanism.

COMMISSIONER JACOBS: -- and gives you the guiding principles of the program, which mirror established principles already adopted by the Board. And the exact weighting criteria will be adopted, worked on in a workshop environment and the whole board will be weighing in.

COMMISSIONER RODSTROM: Okay. And one more thing, do you have any objection to -- and maybe you codify this later as well, but in the project that they broke ground on yesterday, broke ground on yesterday, one of the key elements of that project is we actually have an equity stake in the project. And in some cases that may be appropriate. Other cases it may not, but certainly in my mind if we were to give the land, we may want some upside in some project. And I guess that could be memorialized later on, but it's certainly a concept I wouldn't want lost as we go forward with all this.

COMMISSIONER JACOBS: We agree. We think that there are various scenarios. What we wanted to do is create a fund that is flexible, but has parameters of understanding between those that are seeking the money and the strings attached to it, but that account for all the different environments. Whether it's not-for-profit, whether it's a small scale builder, whether it's a for-profit builder, there are lots of initiatives and issues that each faces in making the gap or making the project work and that we'd want to set up that criteria together as a board.

COMMISSIONER RODSTROM: Great work.

COMMISSIONER JACOBS: Thank you. Thanks.

MAYOR GRABER: Let me just recognize Ms. Henry, then Commissioner Lieberman.

MS. HENRY: I'm sorry, the Board members raised the issues that I certainly wanted to comment on just to make sure that there is some additional work that we would like to have in a workshop format so that we get all the rest of these issues on the table. So they've been responded to.

MAYOR GRABER: Okay. Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah, first of all, I think the committee has done a great job and they listened to a lot of concerns. I was at that meeting. The Vice-Mayor was at that meeting. We had agreed we would go and participate. Unfortunately I couldn't stay until the end of meeting, because I had a specialty eye doctor appointment to the extent that I could call on the cell phone, I participated. The one remaining problem, and staff has solved my matrix problem and I'm fine. The one remaining problem I have is in Section 19.35.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: 19.35, and I would ask that the maker of the motion take an amendment that deletes the sentence that says: If the project falls within a community redevelopment area created pursuant to Chapter 163, Part 3 Florida Statutes and funded through tax increment financing, investment may be predicated on successful renegotiation of the amount of the county's tax increment contribution. Here's why I actually suggested that it be deleted. I don't like the message that it sends for a beginning. And, frankly, this is about affordable housing. You want to be able to have affordable housing opportunities everywhere. With this language in here it removes one of the areas where you might be able to get affordable housing because it's predicated, they may have a successful renegotiation.

Now, I understand what the issue is because I asked staff the question, and they said the reasoning is that return on investment is important in the CRA's where we're giving a redevelopment capital plan. Well, if you take an area in a CRA that's dilapidated and you put a really good affordable housing program in, you not only get a return on your investment, you actually get rid of some of the slum and blight and get. And it may be that if we're doing it in a redevelopment area that it's a grant versus -- a loan versus an outright grant, but to say that we may renegotiate the terms of the tax increment financing, I think sends arrows through what we've tried to accomplish in partnership.

So I would ask the maker of the motion accept as a friendly amendment that that one sentence come out. And it may be that when we go to the factors, we say in CRA's --

COMMISSIONER RODSTROM: (Inaudible.)

COMMISSIONER LIEBERMAN: Yes, it's a loan versus a grant, but to put it in this as the shell it immediately removes, no one is going to want to come to the table if we're going to renegotiate their tax increment financing to get at the affordable housing.

COMMISSIONER JACOBS: Commissioner, I think you make a very valid point and I'm happy to accommodate that in, and as you've said, that is a point that could be worked out with the weighting criteria. That would further set it up. But the one thing we did not want to inadvertently do is say if you have a CRA, which is most likely a blighted area that needs affordable housing, that it would not – no city is going to come and renegotiate the boundaries of their CRA.

MAYOR GRABER: So you accept that?

COMMISSIONER JACOBS: Yes, I absolutely do.

MAYOR GRABER: Okay.

COMMISSIONER JACOBS: And I would ask my colleagues on the committee if they would accept it as well.

MAYOR GRABER: Okay. Vice-Mayor Eggelletion, then Wasserman-Rubin.

VICE-MAYOR EGGELETTION: You know, I don't mind if you take it out, but the only thing I want to point out here, this is very permissive language. It says, "may". You don't have to do it. I mean it's very permissive language. So I mean I hear your point. I understand your point. I understand exactly where you're coming from, and I'll accept it, but the only thing I just want to point out to the commission here, this is very soft language. There's nothing hard in here.

COMMISSIONER WEXLER: (Inaudible.)

COMMISSIONER LIEBERMAN: Exactly.

COMMISSIONER JACOBS: Mayor.

MAYOR GRABER: Commissioner Jacobs.

COMMISSIONER JACOBS: Just to Vice-Mayor Eggelletion's point, and that is even though it's -- it may be removed and dealt with through criteria which I think you take it from very permissive to tighten it up to what we're really looking for it's just as permissive as to the way it's stated as if it's not there. So I think it's a good suggestion to tighten it up in the criteria.

MAYOR GRABER: Okay. We're all agreeing --

COMMISSIONER JACOBS: And I would ask Ms. Henry as we go through the process of the weighting criteria in a workshop environment because staff will bring some and already have worked up some suggestions on exactly how we might weight this that that should be included because it is not here in the guiding principles now.

MS. HENRY: We'll do that.

MAYOR GRABER: Okay. Commissioner Wasserman-Rubin.

COMMISSIONER WASSERMAN-RUBIN: Yes, I'd like to also commend Commissioner Jacobs and her committee on this work. A lot of thought has gone into it, and you basically planted the seed and now we're supposed to nurture it.

COMMISSIONER JACOBS: We need to water it.

COMMISSIONER WASSERMAN-RUBIN: Water it. I didn't want to use the word "water." But I commend all of you. This is a very important issue for all of us, and you've taken a very good lead in this matter.

COMMISSIONER JACOBS: Thank you.

Thank you, Commissioner.

MAYOR GRABER: Any further discussion? Let me also congratulate you and your committee and your joint committee meeting and everything that went into this. It's a great plan, and I think it's going to do wonders.

Ms. Henry, you make certain that we have that workshop timely, okay?

MS. HENRY: I will.

MAYOR GRABER: All right.

On the issue, all in favor say aye.

Opposed?

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER GUNZBURGER: (Inaudible).

COMMISSIONER JACOBS: That's right.

MAYOR GRABER: See, that's why.

Vice-Mayor Eggelletion.

VICE-MAYOR EGGELETTION: On this item, I just want to, you know, during the committee meeting and first of all, Commissioner, congratulations to you and your committee for this.

COMMISSIONER JACOBS: Thank you.

VICE-MAYOR EGGELETTION: But let me point something out to everybody, and I think this was the intent and I want to make sure everybody understand the intent on this rehabilitative money. On the rehab money, I think the intent was, and correct me if I'm incorrect, Commissioner Jacobs, was that we would not go in to award these monies to what we refer to as slumlords.

COMMISSIONER JACOBS: Exactly.

VICE-MAYOR EGGELETTION: People who have kept their property in slum and blighted condition, have done nothing to improve it and then all of a sudden they see these funds and they want to come and apply for it, that's not intent; is that correct?

COMMISSIONER JACOBS: No, it's not the intent.

VICE-MAYOR EGGELLETON: Okay. All right.

COMMISSIONER JACOBS: And it's clearly stated in the agenda item that good maintenance and the record of it is going to be part -- it's a guiding principal and it will be further identified through the weighting criteria.

VICE-MAYOR EGGELLETON: I just wanted that intent on the record.

COMMISSIONER JACOBS: Oh, yeah, it's inherent in the agenda item itself.

MAYOR GRABER: Very good. I think your due diligence has been done. Very well. Okay. That's the end of our public hearing.

(THE MEETING ADJOURNED AT 5:03 P.M.)

(THIS IS NOT A VERBATIM TRANSCRIPTION OF THE MINUTES.)

(CD-06-77)