

COMMISSION MINUTES

June 19, 2007

COMMISSION MINUTES

MEETING OF JUNE 19, 2007

(The meeting convened at 11:20 a.m.; recessed at 12:50 p.m.; reconvened at 2:45 p.m., and adjourned at 7:15 p.m.)

PLEDGE OF ALLEGIANCE was led by Mayor Josephus Eggleton, Jr., District 9.

MOMENT OF SILENCE

In memory of the soldiers who have given their lives in Iraq and for the nine firefighters in Charleston, South Carolina who lost their lives in the line of duty. Also in memory of Sid Jones for his work with the Aquaculture and Hydroponics Complex in Pompano Beach, and in memory of Ruth Graham, wife of evangelist Billy Graham.

CALL TO ORDER: Mayor Josephus Eggleton, Jr. called the meeting to order and declared a quorum present.

<u>COMMISSIONER</u>	<u>DISTRICT</u>	<u>ATTENDANCE</u>
Josephus Eggleton, Jr.	9	Present
Sue Gunzburger	6	Present
Kristin D. Jacobs	2	Present
Ken Keechl	4	Present
Ilene Lieberman	1	Present
Stacy Ritter	3	Present
John E. Rodstrom, Jr.	7	Present
Diana Wasserman-Rubin	8	Present
Lois Wexler	5	Present

CONSENT AGENDA

A motion was made by Commissioner Lieberman and seconded by Commissioner Gunzburger and unanimously carried to approve the Consent Agenda, consisting of Items 1 through 32, along with the Mayor's request to transfer Item 36 from the Regular Agenda to the Consent Agenda.

The following Items were withdrawn: Item 28, deferred at the landlord's request.

The following items were pulled by Board members and considered separately: 5, 22, 23, and 28. Item 25 B was pulled by a member of the audience.

BOARD APPOINTMENTS

1. MOTION TO APPROVE reappointment of Susan Onori to the Library Advisory Board. (Vice Mayor Wexler)

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ACTION: (T-11:48 AM) Approved.

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AVIATION DEPARTMENT

2. MOTION TO APPROVE Business Technology Service Centers Concession Agreement between Broward County, Florida and Fort Lauderdale Business and Currency Services, LLC ("FLBCS") RLI No. 20060627-0-AV-05) to provide business technology services at the Fort Lauderdale-Hollywood International Airport ("FLL"); with an established percentage fee of the annual gross revenues based on the services during the transition period (no greater than 12 months); and thereafter the greater of the minimum annual guarantee ("MAG") of not less than \$95,000 (to be adjusted annually by 85% of the prior year's paid privilege fee); a minimum capital expenditure of \$125,000; to be effective upon approval, with a commencement date for operations of July 1, 2007, with an expiration date of December 31, 2013; and authorize the Mayor and Clerk to execute same.

ACTION: (T-11:48 AM) Approved.

3. MOTION TO ADOPT Resolution 2007-396 authorizing acceptance and execution of a Florida Department of Transportation Supplemental Joint Participation Agreement (SJPA) No. 1, Financial Project No. 409856-1-94-01, to conduct an Airport Master Plan Update at North Perry Airport, in the amount of \$636,706 (State's share); and authorize the County Administrator to take the necessary administrative and budgetary actions to execute the grant.

ACTION: (T-11:48 AM) Approved.

4. A. MOTION FOR POST APPROVAL of Fee Collection Agreement between Broward County and National Jets, Inc., for the collection of general aviation landing fees at the National Jets leasehold located at the Fort Lauderdale-Hollywood International Airport, with an effective date of February 01, 2007; and authorize the Mayor and Clerk to execute same. **(Deferred From April 17, 2007 – Item No. 2)**

ACTION: (T-11:48 AM) Approved.

B. MOTION FOR APPROVAL of Guaranty and Indemnity Agreement by Carolina Aircraft Corp., a Florida corporation, in favor of Broward County, and authorize the Mayor and Clerk to execute same.

ACTION: (T-11:48 AM) Approved.

5. MOTION TO APPROVE Amendment No. 3 ("Amendment") to the Terminal Building Lease Agreement ("TBLA") between Broward County and Southwest Airlines Co. ("Southwest"), deleting the requirement for Southwest to preferentially lease Gate B7 on or before September 1, 2007, and increasing the required minimum number of flights per leased gate from four per day to seven per day; and authorize the Mayor and Clerk to execute same.

(This item was pulled by Vice-Mayor Wexler.)

ACTION: (T-11:49 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

COMMISSION MINUTES

HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION

6. MOTION TO APPROVE conveyance of a Utility Easement from Broward County to BellSouth Telecommunications for installation/relocation of underground telecommunication cables through County-owned property located at the southwest corner of Dixie Highway and Martin Luther King Jr. Boulevard in the City of Pompano Beach, at no cost to the County; and authorize the Mayor and Clerk to execute Easement Agreement. **(Commission District 2)**

ACTION: (T-11:48 AM) Approved.

7. MOTION TO APPROVE second 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 \$38,662. The amendment will be effective upon execution by the Florida Department of Transportation; and authorize the Mayor and Clerk to execute same.

ACTION: (T-11:48 AM) Approved.

8. MOTION TO ADOPT Resolution 2007-397 accepting a Bus Shelter Easement, at a nominal cost of \$1 to the County, executed by The Turtle Run Venture, LLC, a Limited Liability Company for bus shelter purposes for Wiles Road, located on the south side of Wiles Road, east of Creekside Drive in the City of Coral Springs. **(Commission District 1)**

ACTION: (T-11:48 AM) Approved.

COMMISSION MINUTES

REAL PROPERTY SECTION

9. MOTION TO ADOPT Resolution 2007-398 authorizing the conveyance by Quit Claim Deed of five Tax Deed properties that are unbuildable parcels and have escheated to Broward County for delinquent real estate taxes pursuant to Florida Statutes Chapter 197.592, to the City of Fort Lauderdale, Florida, the municipality within which these parcels are located, at no cost to the County; authorize the Mayor and Clerk to execute Deeds and authorize recordation of same. **(Commission Districts 4, 7 and 9)**

ACTION: (T-11:48 AM) Approved.

10. MOTION TO ADOPT Resolution 2007-399 authorizing the conveyance by Quit Claim Deed of six Tax Deed properties that are unbuildable parcels and have escheated to Broward County for delinquent real estate taxes pursuant to Florida Statutes Chapter 197.592, to the City of Deerfield Beach, Florida, the municipality within which the land is located, at no cost to the County; and authorize the Mayor and Clerk to execute deeds, and authorize recordation of same. **(Commission Districts 2 and 4)**

ACTION: (T-11:48 AM) Approved.

11. MOTION TO APPROVE Contract for Sale and Purchase between Broward County and Lawrence P. Puckett, Jr., Trustee, in the amount of \$20,000 for the purchase of 900 square feet, or .0207 acre of land located at the northeast corner of N. W. 17th Lane and Copans Road; a portion of Lot 18, Associated Plat No. 2, Plat Book 101, Page 22, in the City of Pompano Beach, Florida; to provide a lift station for sewer service to properties between Copans Road and Park Central Boulevard, South, and NW 16th Lane and NW 17th Lane in Pompano Beach. The Water and Wastewater Engineering Division authorized Real Property to acquire this property for Water and Wastewater Services' Capital Project 9091; authorize the Mayor and Clerk to execute Contract for Sale and Purchase, and authorize recordation of Deed. **(Commission District 2)**

ACTION: (T-11:48 AM) Approved.

COMMISSION MINUTES

TRAFFIC ENGINEERING DIVISION

12. MOTION TO APPROVE agreement between Broward County and the City of West Park, transferring responsibility to Broward County for traffic engineering functions on all roads within the City. The cost will vary based on, among other things, operational needs, rate of wear and tear on traffic control devices and quantity of study requests received. The Division has paid for the cost of these services while the area was unincorporated, and the County receives state gas tax funding for providing these services. The agreement will be effective upon execution and will run continuously until cancelled by either party; and authorize the Mayor and Clerk to execute same. **(Commission District 8)**

ACTION: (T-11:48 AM) Approved.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

HUMAN RESOURCES DIVISION

13. MOTION TO APPROVE scheduling of an Executive Session ("Shade Meeting") for June 26, 2007, beginning at 12:00 p.m., or following the conclusion of the morning meeting, relative to collective bargaining with the County's Blue Collar Bargaining Unit, pursuant to Section 447.605, Florida Statutes; and authorize County Administrator to post the appropriate notice.

ACTION: (T-11:48 AM) Approved.

HUMAN SERVICES DEPARTMENT

14. MOTION TO APPROVE Agreement No. 07-HSD-8452-01 between Broward County and Archways, Inc. an active not-for-profit Florida organization from the date of execution through September 30, 2007 in the amount of \$44,720; for the purpose of providing Emergency Funds to treat bed bug infestation at the agency's three residential buildings; prescribing requirements and conditions for disbursement of emergency funds; and authorize the Mayor and Clerk to execute same.

ACTION: (T-11:48 AM) Approved.

COMMISSION MINUTES

CHILDREN'S SERVICES ADMINISTRATION DIVISION

15. MOTION TO APPROVE agreement between Broward County and Jason A. Schulman, M.D., P.A. from July 1, 2007 through June 30, 2010 in the amount of \$300,000; for the purpose of providing medical evaluation and medical consultation services to children and families involved in child abuse and neglect investigations in Broward County and authorize the Mayor to execute same.

ACTION: (T-11:48 AM) Approved.

MEDICAL EXAMINER AND TRAUMA SERVICES DIVISION

16. MOTION TO ACCEPT nominations of Dr. Richard Paley and Dr. Louis Scott Ulin for appointments to the Broward Regional Emergency Medical Service (EMS) Council.

ACTION: (T-11:48 AM) Approved.

SUBSTANCE ABUSE AND HEALTH CARE SERVICES DIVISION

17. MOTION TO APPROVE allocation of State of Florida, Department of Law Enforcement (FDLE) Edward Byrne Memorial Justice Assistance Grant funding for the period of October 1, 2007 through September 30, 2008, in the amount of \$843,944 as recommended by the Broward County Commission on Substance Abuse; and authorize the Mayor and Clerk to execute same.

ACTION: (T-11:48 AM) Approved.

18. MOTION TO APPROVE Amendment No. 1 to the agreement between Broward County and Volunteers of America of Florida, Inc. (VOA) for the purpose of increasing the value of the agreement from \$346,605 to \$376,928; which is a total increase of \$30,323 to provide County cash match required by HUD to continue to provide services under the HART House Permanent Supportive Housing Program; and authorize Mayor to execute same.

ACTION: (T-11:48 AM) Approved.

19. MOTION TO APPROVE agreement between Broward County and The Ronik-Radlauer Consultant Group, Inc., for the purpose of providing monitoring and evaluation services for the County Batterer Intervention Program. The \$35,000 funding for this item is included in the Funding Resolution in Fiscal Year 2007.

ACTION: (T-11:48 AM) Approved.

ENVIRONMENTAL PROTECTION DEPARTMENT

COMMISSION MINUTES

ENFORCEMENT ADMINISTRATION DIVISION

20. MOTION TO APPROVE Settlement Agreement in the amount of \$22,085 between Broward County and Tony P. and Joann W. Sellitti, and John U. and Sylvia Fazi, to resolve work practice violations of Chapter 27 of the Broward County Code of Ordinances involving the improper removal of asbestos containing material; and authorize the Mayor and Clerk to execute same. **(Commission District 4)**.

ACTION: (T-11:48 AM) Approved.

POLLUTION PREVENTION & REMEDIATION DIVISION

21. MOTION TO APPROVE Amendment No. 2 to Contract No. GC658 between the Broward County Board of County Commissioners (Board) and the Florida Department of Environmental Protection (FDEP) to extend the contract completion date through June 30, 2008, provide for the continued accelerated resolution of Significant Non-Compliance (SNC) violations, and associated enforcement activities at regulated storage tank facilities within Broward County; and authorize the Mayor and Clerk to execute same.

ACTION: (T-11:48 AM) Approved.

URBAN PLANNING AND REDEVELOPMENT DEPARTMENT

22. A. MOTION TO INITIATE amendment to the Broward County Land Use Plan, to modify Section IV.D.2. of the Plan Implementation Requirements Section, to exempt construction of two or fewer residential dwelling units from platting requirements, and transmit the amendment to the Broward County Planning Council. **(Deferred from June 12, 2007 – Item No. 43)**

(This item was pulled by Commissioner Lieberman.)

ACTION: (T-11:50 AM) Approved, as amended. The Board requested that time and distance restrictions be included in the proposed amendment. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

B. MOTION TO INITIATE amendment to Article 4 of the Administrative Rules Document of the Broward County Land Use Plan, to implement the Alternative State Review Process Pilot Program to be created in Section 163.32465, Florida Statutes. **(Deferred from June 12, 2007 – Item No. 43)**

(This item was pulled by Commissioner Lieberman.)

ACTION: (T-11:50 AM) Approved, as amended. The Board requested that time and distance restrictions be included in the proposed amendment. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

OFFICE OF TRANSPORTATION

COMMISSION MINUTES

23. MOTION TO APPROVE Interlocal Agreement (ILA) between Broward County and the City of Wilton Manors for public transportation services; providing for the lease of one wheelchair-accessible passenger vehicle from the County at a cost of \$10 per vehicle annually; providing for an operating stipend of \$20 per revenue service hour for community bus service operations; for an estimated total annual operating cost not-to-exceed \$47,596.80; effective upon date of execution through September 30, 2009, and may be extended for up to two, additional one-year periods upon written approval of the Contract Administrator; and authorize the Mayor and Clerk to execute same.. **(Commission District 4)**

(This item was pulled by Vice-Mayor Wexler.)

ACTION: (T-11:52 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 8 - 0. Commissioner Rodstrom was out of the meeting room during the vote.

ACTION: (T-12:48 PM) Commissioner Rodstrom returned to the meeting room and requested he be shown voting in the affirmative. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

24. MOTION TO APPROVE between Broward County and Cherokee Enterprises, Inc. for consultant services for Mass Transit Underground Bulk Storage Tank System Removal and Replacement Design and Project Oversight, RLI No. 20060714-MT-01 in the total project amount of \$624,255.77, which includes \$375,201.99 in lump sum compensation for the Pre-Design phase of the project through Phase VA- Installation of Temporary Fueling System, (Basic Services amount of \$194,122.05, Technical Services by Other of \$106,522.50; Reimbursables up to a maximum amount not to exceed of \$74,557.440); maximum amount not-to-exceed compensation of \$199,053.78, for Phase VB –Construction Oversight and Phase VI-Warranty Administration and Post Occupation, and optional services in a maximum amount not-to-exceed of \$50,000; and authorize the Mayor and Clerk to execute same.

ACTION: (T-11:48 AM) Approved.

COUNTY AUDITOR

25. A. MOTION TO FILE County Auditor's Report – *Review of Taxicab Dispatch Operations – Aviation Department.*

ACTION: (T-11:48 AM) Approved.

B. MOTION TO ADOPT County Auditor's Recommendations.

ACTION: (T-4:44 PM) Approved.

VOTE: 9 – 0.

26. A. MOTION TO FILE County Auditor's Report – *Port Everglades Department Delegated Purchases Review.*

ACTION: (T-11:48 AM) Approved.

B. MOTION TO ADOPT County Auditor's Recommendations.

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ACTION: (T-11:48 AM) Approved.

COUNTY ATTORNEY

27. MOTION TO APPROVE proposed settlement in the amount of \$22,000; including costs and attorney's fees, in the case of *Paul Exantus, as Personal Representative of the Estate of Maltide Augustine, Deceased, for the use and benefit of Wildy Verdine and Matilia Verdine v. Broward County*, Case No. 06-01280.14.

ACTION: (T-11:48 AM) Approved.

COUNTY ADMINISTRATION

28. MOTION TO APPROVE ceasing negotiations with Plantation Properties of Broward, for the relocation of the West Regional Tag Agency.

(This item was pulled by Commissioner Lieberman for a comment regarding privatizing and a request for staff to provide a timeframe and a plan.)

ACTION: (T-11:47 AM) Deferred to a yet to be determined date by staff at the request of the landlord. (Refer to minutes for full discussion.)

COMMISSION MINUTES

REQUEST TO SET FOR PUBLIC HEARING

29. MOTION TO DIRECT County Administrator to publish notice of a Public Hearing to be held Tuesday, August 14, 2007, at 2:00 p.m., in Room 422 of the Governmental Center, to consider the issuance of a new Class 2 - ALS Transfer Certificate of Public Convenience and Necessity (COPCN) to the City of Tamarac Fire Rescue.

ACTION: (T-11:48 AM) Approved.

30. MOTION TO DIRECT County Administrator to publish notice of Public Hearing to be held Tuesday, August 14, 2007, at 2:00 p.m. in Room 422 of the Governmental Center, to consider new Nonemergency Medical Transportation Service (NEMTS) licenses to Above and Beyond Medical Transportation, LLC; Heralpin USA, Inc.; N-Mets, Inc., d/b/a On Wheels Transport; and Reliable Staffing, Inc.

ACTION: (T-11:48 AM) Approved.

31. MOTION TO ADOPT Resolution 2007-400 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, August 14, 2007 at 2:00 p.m. in Room 422 of the Governmental Center, to vacate a portion of a 20-foot wide alley and right-of-way portions of Lots 1, 2, and 3 of Block 7; lying within, over and across North Pompano Beach Section A Plat; located north of Sample Road between NE 15th Terrace and NE 16th Avenue in the City of Pompano Beach; at no cost to the County. Petitioners: Mario Esposito and Deborah A. Esposito; (2005-V-09) **(Commission District 2)**

ACTION: (T-11:48 AM) Approved.

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32. MOTION TO ADOPT Resolution 2007-401 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, August 14, 2007, at 2:00 p.m. in Room 422 of the Governmental Center, to consider enactment of a proposed Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, REPEALING CHAPTER 27 OF THE BROWARD COUNTY CODE OF ORDINANCES, ARTICLE IX, "OPEN BURNING," AND REPLACING IT WITH ARTICLE IX, "OPEN BURNING," SECTION 27-281, "DECLARATION OF INTENT"; SECTION 27-282, "DOCUMENTS INCORPORATED BY REFERENCE"; SECTION 27-283, "DEFINITIONS"; SECTION 27-284, "PROHIBITIONS"; SECTION 27-285, "OPEN BURNING ALLOWED"; SECTION 27-286, "OPEN BURNING REQUIREMENTS"; SECTION 27-287, "NOTIFICATION REQUIRED"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-11:48 AM) Approved.

COMMISSION MINUTES

REGULAR AGENDA

PUBLIC HEARING

THIS ITEM CONTINUED FROM THE
JUNE 12, 2007 10:00 AM PUBLIC HEARING

33. MOTION TO ADOPT Resolution 2007-402 to vacate a portion of a 50-foot wide right-of-way known as SW 3rd Street, or Van Buren Street; lying within, over and across South Broward Ranches Plat; located between SW 67th Terrace and SW 68th Avenue in the City of Pembroke Pines; at no cost to the County. Petitioners: Randall and Rene Arrowsmith Carlisto and Verona Riley, and Goldy Aguirre (2006-V-13) **(Commission District 6)**

ACTION: (T-12:24 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 7 – 0. Commissioners Lieberman and Rodstrom were out of the meeting room during the vote.

ACTION: (T-12:36 PM/12:48 PM) Commissioners Lieberman and Rodstrom returned to the meeting room and requested they be shown voting in the affirmative. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

END PUBLIC HEARING

COMMISSION MINUTES

URBAN PLANNING AND REDEVELOPMENT DEPARTMENT

34. MOTION TO APPROVE Interlocal Agreement by and between Broward County, the City of Oakland Park, and the City of Oakland Park Community Redevelopment Agency (CRA), to provide one or more grants not to exceed \$13,021,941 through the Redevelopment Capital Program (RCP), to fund public improvement projects located within the boundaries of the community redevelopment area; and authorize the Mayor and Clerk to execute same. **(Commission Districts 4 and 9)**

ACTION: (T-12:35 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 7 – 0. Commissioner Lieberman was out of the meeting room during the vote.

ACTION: (T-12:36 PM/12:48 PM) Commissioners Lieberman and Rodstrom returned to the meeting room and requested they be shown voting in the affirmative. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

HOUSING AND COMMUNITY DEVELOPMENT DIVISION

35. MOTION TO APPROVE weighting factors for evaluation and selection of projects to be funded through the Affordable Housing Program.

ACTION: (T-12:39 PM) Approved, as amended. **The Board amended to direct staff to add the category “Green Building” or “Green Village” under Item 7 of the bonus factors.** (Refer to minutes for full discussion.)

VOTE: 8 - 0. Commissioner Rodstrom was out of the meeting room during the vote.

ACTION: (T-12:48 PM) Commissioner Rodstrom returned to the meeting room and requested he be shown voting in the affirmative. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

OFFICE OF PUBLIC COMMUNICATIONS

36. MOTION TO APPROVE Memorandum of Understanding between Broward County and News Radio 610 WIOD to designate 610 WIOD as Broward County’s official emergency information radio station and to document the working partnership that has been agreed to during activations of the Emergency Operations Center. **(Deferred from June 12, 2007 – Item No. 50)**

ACTION: (T-11:48 AM) Approved. (Transferred to the Consent Agenda.)

AVIATION DEPARTMENT

37. A. MOTION TO DISCUSS type of system to be used for providing taxicab service for arriving passengers at the Fort Lauderdale-Hollywood International Airport (“FLL”).

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ACTION: (T-4:44 PM) The Board discussed the type of system to be used. (Scrivener's error – See County Administrator's report: Remove "or" between Motions A and B.) (Refer to minutes for full discussion.)

OR

B. MOTION TO APPROVE Request for Letters of Interest for Metered Taxicab Management Concession at FLL RLI No. 20070417-0-AV-01 ("Hybrid System RLI"); and APPOINT a Selection Negotiation Committee ("SNC") to recommend the most qualified firm.

ACTION: (T-4:44 PM) No Board action taken.

OR

C. MOTION TO DIRECT Aviation Department staff to take the necessary actions to operate an Open System for the taxicab service for arriving passengers at Fort Lauderdale-Hollywood International Airport ("FLL").

ACTION: (T-4:44 PM) No Board action taken.

OR

D. a) MOTION TO WAIVE Chapter 26, Operational Policy, Aviation, of the Broward County Administrative Code, Sections 26.16 a. b. d. and f., to provide for a revision to the general description to modify the eligibility requirements, to modify the basis of award for a dispatch management agreement; and to eliminate the privilege fee requirement for the Open Metered Taxicab System Dispatch Management at FLL.

ACTION: (T-4:44 PM) No Board action taken.

b) MOTION TO APPROVE Request for Letters of Interest for Open Metered Taxicab System Dispatch Management Agreement at FLL, RLI No. 20070417-0-AV-02 ("Open Dispatch Management System RLI").

ACTION: (T-4:44 PM) No Board action taken.

c) MOTION TO APPOINT Selection Negotiation Committee ("SNC") to recommend the most qualified firm.

ACTION: (T-4:44 PM) No Board action taken.

OR

E. a) MOTION TO WAIVE Chapter 26, Operational Policy, Aviation, of the Broward County Administrative Code, Sections 26.16 e. to provide for a revision to the eligibility requirements for the Metered Taxicab Concession at FLL, RLI No. 20070417-0-AV-03.

ACTION: (T-4:44 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 8 – 0. Commissioner Lieberman was out of the meeting room for the vote. .

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ACTION: (T-5:40) Commissioner Lieberman returned to the meeting room and requested she be shown voting in the affirmative. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

b) MOTION TO APPROVE Request for Letters of Interest for Metered Taxicab Concession at FLL, RLI No. 20070417-0-AV-03 (“Concession System RLI”); and APPOINT a Selection Negotiation Committee (“SNC”) to recommend the most qualified firm.

ACTION: (T-4:44 PM) Approved. The Board approved the following to serve on the Selection Negotiation Committee (SNC): Mayor Eggelletion; Vice-Mayor Wexler; Commissioners Keechl and Ritter; Director of Business Division, Aviation Department (Chair); Director of Operations Division, Aviation Department; Deputy Director, Convention Visitors Bureau and in addition to the above, support staff from the offices of the County Attorney, County Auditor, Small Business Development Division, Risk Management Division, Purchasing Division, and the Aviation Department. (Refer to minutes for full discussion.)

VOTE: 8 – 0. Commissioner Lieberman was out of the meeting room for the vote.

ACTION: (T-5:40) Commissioner Lieberman returned to the meeting room and requested she be shown voting in the affirmative and requested, without objection, to serve on the SNC as well. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

38. MOTION TO APPROVE Consultant Services Agreement (“Agreement”) between Broward County, Florida (“County”), and Robinson Aviation Inc., (“RVA”) providing for a one year term, with four, one year renewals at the County’s option; to provide airport ramp control services at the Fort Lauderdale-Hollywood International Airport (“FLL”) in the amount of \$1,069,214 for the first year, to be effective upon Board approval; and authorize the Mayor and Clerk to execute same.

ACTION: (T-2:46 PM) Approved. **The Board directed staff to correct the language in Section 2.1 to reflect the funding is from the Airport Enterprise Fund.** (Refer to minutes for full discussion.)

VOTE: 8 – 1. Commissioner Lieberman voted no.

39. A. MOTION TO APPROVE first amendment to agreement between Broward County and Jacobs Consultancy, Inc. (formerly Leigh Fisher Associates, LFA) for Airport planning consulting services for preparation of the Master Plan Update, Phase III and Airport Layout Plan (RLI No. 20050307-0-AV-01) (Agreement); effective on the day of execution and ending January 31, 2009; for a maximum not to exceed amount of \$779,565; which includes professional services, expenses, and \$95,000 that may be utilized for additional services (if needed); and authorize the Mayor and Clerk to execute same.

ACTION: (T-6:37 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

B. MOTION TO ADOPT an unanticipated revenue Resolution 2007-403 within the Facility Improvement and Development Fund (4040) in the amount of \$584,674 to appropriate these grant funds, and to transfer \$194,891 from reserves in order to fund the Aviation Master Plan Update, Phase III.

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ACTION: (T-6:37 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

40. A. MOTION TO APPROVE second amendment to the agreement between Broward County and Jacobs Consultancy, Inc. for consulting services for the completion of the Part 150 Noise Compatibility Study (Part 150 Study) for the Fort Lauderdale-Hollywood International Airport (RLI No. 20040909-0-AV-01) (Agreement); for the maximum amount not-to-exceed \$795,000; which includes reimbursables in the amount of \$58,750; for a period of one year ending April 30, 2008, with a one-year renewal option; and authorize the Mayor and Clerk to execute same.

ACTION: (T-6:41 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

B. MOTION TO ADOPT unanticipated revenue Resolution 2007-404 within the Facility Improvement and Development Fund (4040) in the amount of \$636,000 to appropriate grant funds, and to transfer funds from reserves in the amount of \$159,000 for the completion of the Part 150 Noise Compatibility Study for the Fort Lauderdale-Hollywood International Airport.

ACTION: (T-6:41 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

41. A. MOTION TO APPROVE third amendment to the agreement between Broward County and Landrum & Brown (L&B) for the completion of the existing Environmental Impact Statement (EIS) services (RLI No. 20030325-0-AV-01) (Agreement); for a maximum not to exceed amount of \$727,000; which includes reimbursables in the amount of \$7,000; extending the agreement for one year to December 31, 2008; and authorize the Mayor and Clerk to execute same.

ACTION: (T-12:41 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 8 - 0. Commissioner Rodstrom was out of the meeting room during the vote.

ACTION: (T-12:48 PM) Commissioner Rodstrom returned to the meeting room and requested he be shown voting in the affirmative. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

B. MOTION TO ADOPT unanticipated revenue Resolution 2007-405 within the Facility Improvement and Development Fund (4040) in the amount of \$545,250, to appropriate these grant funds, and to transfer \$181,750 from reserves in order to fund the completion of the existing Environmental Impact Statement.

ACTION: (T-12: 41 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 8 - 0. Commissioner Rodstrom was out of the meeting room during the vote.

COMMISSION MINUTES

ACTION: (T-12:48 PM) Commissioner Rodstrom returned to the meeting room and requested he be shown voting in the affirmative. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

42. MOTION TO APPROVE Amendment No. 4 to the Agreement of Lease between Broward County and Embraer Aircraft Holding, Inc., covering 25.2894 acres located on the north side of the Fort Lauderdale-Hollywood International Airport ("FLL") providing for, (i) a ten year extension of the lease term from April 16, 2020 to April 16, 2030, with a five year mutual option period thereafter; (ii) a minimum capital expenditure of \$8,000,000 for the construction of a new maintenance and repair facility of approximately 40,000 square feet, including shops and office space; and authorize the Mayor and Clerk to execute same.

ACTION: (T-2:57 PM) Approved. (Scrivener's error – See County Administrator's report: In the Third Amendment on Page 2, Section 5.1 reads "December 31, 2007" should read "December 31, 2008" and on Page 3, Section 6.1.4 reads "January 11, 2007" should read January 24, 2007") (Refer to minutes for full discussion.)

VOTE: 5 – 4. Vice-Mayor Wexler and Commissioners Lieberman, Jacobs, and Rodstrom voted no.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

43. MOTION TO APPROVE Resolution 2007-406 authorizing a Memorandum of Agreement with Embraer Aircraft Holding, Inc. with respect to financing the cost of constructing and equipping of a project in Broward County, Florida; providing for the issuance of Airport Facility Revenue Bonds of Broward County, Florida in an original principal amount not to exceed \$17,000,000 for the purpose of paying all or any part of the cost of the project; providing certain other details with respect thereto; and providing an effective date.

ACTION: (T-3:50 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 5 – 4. Vice-Mayor Wexler and Commissioners Lieberman, Jacobs, and Rodstrom voted no.

COMMISSION MINUTES

PURCHASING DIVISION

For Office of Transportation

44.

A. MOTION TO AUTHORIZE Purchasing Director to approve and execute an extension to the interim agreements for paratransit transportation services with Handi-Van, Inc. and Village Car Service, Inc., which expire June 30, 2007, for the purpose of providing services, as needed, from July 1, 2007 to September 30, 2007.

ACTION: (T-3:52 PM) Approved. (Scrivener's error – See County Administrator's report: Page 2, Paragraph 4, remove reference to Exhibit 1. Under "Requested Action," Motion A reads "to September 30, 2007" should read "not to exceed November 30, 2007." Page 2, third paragraph from bottom reads "September 30, 2007" should read "November 30, 2007.") (Refer to minutes for full discussion.)

VOTE: 7 – 2. Mayor Eggelletion and Commissioner Keechl voted no.

B. MOTION TO AUTHORIZE the Director of the Office of Transportation to assign trips to not-for-profit providers if Handi-Van, Inc. and Village Car Service, Inc., refuse to execute the month-to-month extensions.

ACTION: (T-3:52 PM) Approved. (Scrivener's error – See County Administrator's report: Page 2, Paragraph 4, remove reference to Exhibit 1. Under "Requested Action," Motion A reads "to September 30, 2007" should read "not to exceed November 30, 2007." Page 2, third paragraph from bottom reads "September 30, 2007" should read "November 30, 2007.") (Refer to minutes for full discussion.)

VOTE: 7 – 2. Mayor Eggelletion and Commissioner Keechl voted no.

COMMISSION MINUTES

For Greater Fort Lauderdale Convention and Visitor's Bureau

45. MOTION TO APPOINT Selection Committee to select the most qualified firm to provide developer and operator services for the Broward County Convention Center Hotel, and approve Request for Letters of Interest (RLI)
No. 20070522-0-CVB-01.

ACTION: (T-5:22 PM) Approved. The Board approved the following to serve on the Selection Committee (SC): Mayor Eggelletion; Vice-Mayor Wexler; Commissioners Lieberman, Jacobs, Ritter, Keechl, Gunzburger, Rodstrom, and Wasserman-Rubin; President, Greater Fort Lauderdale Convention and Visitors Bureau (Chair); Assistant County Administrator, County Administration; CFO/Director, Finance and Administrative Service Department; Director, Port Everglades Department. Plus administrative support staff from the Offices of Equal Opportunity, County Attorney, County Auditor, Purchasing Division, and Risk Management Division. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

For Public Works and Transportation Department

46. MOTION TO APPOINT Selection Committee (SC) to shortlist the most qualified firms through Letters of Interest to submit bids using the Construction Manager at Risk-Modified (Two-Step Hybrid) procurement method for Cruise Terminal 18 Baggage Expansion Phase 1 Project, consisting of renovating approximately 33,000 square feet of existing warehouse space into additional cruise ship passenger baggage area for the Seaport Construction and Planning Division (SCPD), and approve Request for Letters of Interest (RLI)
No. 20070525-0-CPD-01.

ACTION: (T-4:40 PM) Approved. The Board approved the following to serve on the Selection Committee (SC): Vice-Mayor Wexler; Commissioners Gunzburger, Keechl, and Rodstrom; Director, Port Everglades Department; Assistant Director, Public Works and Transportation Department (Chair); Deputy Port Director, Port Everglades Department; County Architect, Public Works and Transportation Department, plus administrative support staff from the Office of Equal Opportunity, County Attorney, County Auditor, Purchasing Division, Risk Management Division and the requesting agency. (Refer to minutes for full discussion.)

(Scrivener's error – See County Administrator's report: The Presentation/Ranking paragraph and Negotiation and Award paragraph in the RLI document will be removed because they are not applicable to a Construction Manager at Risk Modified procurement.) (Refer to minutes for full discussion.)

VOTE: 9 – 0.

COMMISSION MINUTES

COUNTY ATTORNEY

47. DISCUSSION: County Attorney's advice and request for an attorney-client session pursuant to Subsection 286.011 (8), Florida Statutes, regarding settlement negotiations or strategy related to litigation expenditures in *National Beverage Corporation v. Broward County*, 17th Judicial Circuit Court Case

No. 02-10896 (12); *Broward County v. National Beverage Corporation*, 17th Judicial Circuit Court Case No. 06-08784 (12); *National Beverage Corporation v. Broward County*, United States District Court Case No. 06-6158 MOORE/GARBER.

ACTION: (T-12:46 PM) Approved. (Scrivener's error – See County Administrator's report: Remove "Assistant County Attorney Benjamin R. Salzillo" from the Notice (Exhibit 1). (Refer to minutes for full discussion.)

VOTE: 8 - 0. Commissioner Rodstrom was out of the meeting room during the vote.

ACTION: (T-12:48 PM) Commissioner Rodstrom returned to the meeting room and requested he be shown voting in the affirmative. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

COUNTY ADMINISTRATION

48. A. MOTION TO APPROVE County participation in the State funding plan for the purchase of both optical scan and ballot on demand equipment, and authorize the Secretary of State to negotiate the disposal of 4,500 County owned touchscreen machines, with the proceeds to be used to pay off a portion of the County's \$8.3 million debt for the existing voting system.

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

VOTE: 8 - 0. Commissioner Rodstrom was out of the meeting room during the vote.

ACTION: (T-12:48 PM) Commissioner Rodstrom returned to the meeting room and requested he be shown voting in the affirmative. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

B. MOTION TO APPROVE sole source, sole brand standardization of Election Systems and Software, Inc. (ESS) for voter tabulation system equipment, licensed application software products, maintenance support, including new releases and third party item upgrades for the Office of Supervisor of Elections.

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

VOTE: 8 - 0. Commissioner Rodstrom was out of the meeting room during the vote.

COMMISSION MINUTES

ACTION: (T-12:48 PM) Commissioner Rodstrom returned to the meeting room and requested he be shown voting in the affirmative. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

COUNTY COMMISSION

49. MOTION TO DIRECT staff to prepare an expedited Request for Letters of Interest (RLI) to seek proposals for an engineering study on the proposed design of the expansion of runway 9R/27L at the Fort Lauderdale/Hollywood International Airport. (Commissioner Rodstrom)

ACTION: (T-6:41 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

50. MOTION TO TERMINATE for convenience the contract with Jacobs Consultancy for planning and programming services related to Broward County owned airports. (Commissioner Rodstrom)

ACTION: (T-6:37 PM) No Board action taken.

51. COUNTY ADMINISTRATOR'S REPORT

A. AIRPORT POSITION

ACTION: (T-6:46 PM) The County Administrator confirmed that the recruiter for the airport position, as well as Mr. Walsh, are scheduled to meet with the Commissioners at the conclusion of the budget workshop on Thursday, June 21, 2007. (Refer to minutes for full discussion.)

52. MAYOR'S REPORT

A. TRADE MISSION REPORT

ACTION: (T-6:47 PM) Mayor Eggelletion stated that he would submit a copy of his comments regarding the trade mission that he and Commissioner Wasserman-Rubin led to Mexico. Commissioner Wasserman-Rubin commented on the success of the contacts made regarding economic potential.

B. NATIONAL DUMP THE PUMP DAY – MAYOR EGGELLETON

ACTION: (T-6:50 PM) Mayor Eggelletion encouraged members of the Board and the general public to utilize mass transit on Thursday, June 21, 2007, to recognize National Dump the Pump Day, in an effort to send a message to the oil companies. (Refer to minutes for full discussion.)

C. WASTE TREATMENT FACILITY ON NORTH FORK/NEW RIVER

ACTION: (T-7:06 PM) Mayor Eggelletion discussed the closing of the Waste Treatment Facility on the North Fork of the New River and directed staff to investigate the ownership of a vacant building on that property as it is part of the county and suggested plans to reclaim for green space. (Refer to minutes for full discussion.)

NON-AGENDA

COMMISSION MINUTES

53. BROWARD SOIL AND WATER CONSERVATION DISTRICT UPDATE - COMMISSIONER JACOBS

ACTION: (T-6:51 PM) Commissioner Jacobs updated the Board as to a recent Broward Soil and Water Conservation District meeting. Recently a resolution was passed to change from a land owner to a qualified elector so as to become a taxing authority. (Refer to minutes for full discussion.)

54. ANIMAL SHELTER CONCERNS – COMMISSIONER JACOBS, COMMISSIONER KEECHL AND VICE-MAYOR WEXLER

ACTION: (T-6:51 PM) Commissioner Jacobs stated issues have been raised relating to the euthanasia of animals at an animal shelter located within her district **and directed the County Administrator to provide a report as soon as possible.**

Commissioner Keechl stated he was also very concerned regarding the treatment of the animals at the shelter and stressed that the Board will review and resolve the issue.

Vice-Mayor Wexler reported that the veterinarian and the director at the shelter will meet with the Commissioners and staff to answer questions. Vice-Mayor Wexler proposed a possible advisory committee for animal care and regulation and suggested it should be discussed in a workshop. (Refer to minutes for full discussion.)

55. ACT AND FAC SCHEDULE CONFLICT – COMMISSIONER JACOBS

ACTION: (T-7:04 PM) Commissioner Jacobs noted a conflict with a possible airport retreat and a FAC retreat as they are both scheduled for August 23, 2007. The Mayor requested that the County Administrator work with the Board to find a new date. (Refer to minutes for full discussion.)

56. NEXT IN-LINE FOR PRESIDENT OF FLORIDA ASSOCIATION OF COUNTIES – COMMISSIONER JACOBS

ACTION: (T-6:54 PM) Commissioner Jacobs congratulated Commissioner Lieberman on her recent achievement of as the next in line to serve as Vice-President of FAC. (Refer to minutes for full discussion.)

57. CONGRATULATIONS TO COUNTY ATTORNEY’S OFFICE – COMMISSIONER KEECHL

ACTION: (T-6:56 PM) Commissioner Keechl congratulated the County Attorney’s Office on a job well done relating to Broward County versus the Christian Romany Church Ministries and Security Bank, NA. (Refer to minutes for full discussion.)

58. LEGISLATIVE AGENDA– COMMISSIONER GUNZBURGER

ACTION: (T-6:57 PM) Commissioner Gunzburger referenced her yellow-sheeted non-agenda item regarding H.R. 1023 and **requested that staff expeditiously add it to the Legislative agenda.** Upon inquiry, Ms. Madison replied that it had already become part of the Legislative program. (Refer to minutes for full discussion.)

59. TRAFFIC LIGHTS – COMMISSINOER GUNZBURGER

COMMISSION MINUTES

ACTION: (T-6:58 PM) Commissioner Gunzburger directed staff to examine the use of LED traffic lights so as to provide long-term monetary savings and staff reported they are in limited use now. (Refer to minutes for full discussion.)

60. CITY OF FORT LAUDERDALE CONCERNS – COMMISSIONER RODSTROM

ACTION: (T-6:59 PM) Commissioner Rodstrom commented that the City of Fort Lauderdale is concerned with issues related to the over proliferation of the neighborhood regarding the Romany Church ruling.

61. REMAINING FUNDING FOR PROJECTS – COMMISSIONER RODSTROM AND VICE-MAYOR WEXLER

ACTION: (T-7:00 PM) Commissioner Rodstrom inquired as to the funds left in the budget for Sistrunk Boulevard and Vice-Mayor Wexler inquired as to the amount remaining in the Redevelopment Trust Fund. The County Administrator reported on the amounts available and Vice-Mayor Wexler requested staff to provide what funding remains for proposed projects. (Refer to the minutes for full discussion.)

62. CONGRATULATIONS – COUNTY ATTORNEY

ACTION: (T-7:10 PM) The County Attorney thanked the Board for their congratulatory note and expressed kudos to Assistant County Attorney Tony Rodriguez on his success with the Romany church case. (Refer to minutes for full discussion.)

MEETING/WORKSHOP NOTICES

FISCAL YEAR 2008 BUDGET OVERVIEW WORKSHOP
Tuesday, June 19th, in Room 430 at 1:00 PM
Or immediately following the morning Commission meeting

FISCAL YEAR 2008 BUDGET OVERVIEW WORKSHOP
Thursday, June 21st, in Room 430 at 11:00 AM

COMMISSION MINUTES

THE BROWARD COUNTY
BOARD OF COUNTY COMMISSIONERS
MEETING OF
JUNE 19, 2007

10:00 A.M.

A meeting of the Broward County Board of County Commissioners, Broward County, Florida, was held in Room 422 of the Government Center, Fort Lauderdale, Florida, at 11:40 a.m., Tuesday, June 19, 2007.

<u>COMMISSIONER</u>	<u>DISTRICT</u>	<u>ATTENDANCE</u>
Josephus Eggelletion, Jr.	9	Attending a Trade Mission
Sue Gunzburger	6	Present
Kristin D. Jacobs	2	In Tallahassee
Ken Keechl	4	Present
Ilene Lieberman	1	In Tallahassee
Stacy Ritter	3	Present
John E. Rodstrom, Jr.	7	Present
Diana Wasserman-Rubin	8	Attending a Trade Mission
Lois Wexler	5	Present

CALL TO ORDER

MAYOR EGGELLETON: Okay. Ladies and gentlemen, I would like to call the Board of County Commissioners of Broward County meeting to order for January -- I mean for June the 19th, and the hour is now 11:40 a.m.

CONSENT AGENDA

MAYOR EGGELLETON: The Consent Agenda is Items 1 through 32.

The Regular Agenda is Item 33 to 50 -- 52, rather. I am looking for my agenda here. Okay. We have no supplemental items.

Item 28 has been deferred by staff at the landlord's request.

Item 37, we have some scrivener's errors on Item 37, 42, 44, 46. We have scrivener's errors on those particular items.

There is -- I would like to, Item 48, because of the disability of a person, of the gentleman that is here, I would like to move that item for a time certain at 12:00 o'clock and would like to take that item at 12:00 o'clock. Item 48.

There is a -- I am looking for an item, Item 36 if there be no objection, I would like to move to the Consent Agenda, Item 36. I would like to move that item to the consent agenda if there be no objection from the board. Okay.

And these scrivener's errors, let me just correct those for the record. In Item 37, remove "or" between A and B.

COMMISSION MINUTES

Item 42, Third Amendment, Page 2, Section 5.1 reads: December 31, 2007, should read: December 31, 2008, and on Page 3, Section 6.1.4 reads: January 11, 2007. It should read: January 24, 2007.

On Item 44, Page 2, Paragraph 4, remove the reference to Exhibit 1. Under Requested Action, Motion A reads: To September 30, 2007, should read: Not to exceed November 30, 2007.

Item 44, Page 2, third paragraph from the bottom reads: September 30, 2007, should read: November 30, 2007.

And on Item 46, the Presentation/Rankings paragraph and Negotiations and Award paragraph in the RLI document will be removed because they are not applicable to the Construction Management at Risk Modified Procurement.

We have a couple of workshops today. It would be my intent to try to get through the Consent Agenda if we could. We want to take the items certain, that is, Item 48, and then after that, we will take a break for the workshop and then come back in.

Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Item 48 may engender more public comment than one person.

MAYOR EGGELETTION: Well, if it does, Commissioner, it's a time certain. The person is a disabled individual. They do not have eyesight.

COMMISSIONER GUNZBURGER: Can we get that one person's testimony and then take it up later?

MAYOR EGGELETTION: If you -- no. I think it's not appropriate to that person to do that. This person is a person who is without eyesight, and I think it would not be appropriate to do that. They had to use our transportation to get here. They have a certain time to arrive and a certain time that their transportation is going to pick them up, and I think it's appropriate that we dispose of that item while they are here because of their disability.

Commissioner Keechl.

COMMISSIONER KEECHL: Thank you, Mayor. If you do Consent Agenda and then we do that one item, I think we should also do 34 because we have the Oakland Park City Commission here.

MAYOR EGGELETTION: Okay.

COMMISSIONER KEECHL: Almost en masse.

MAYOR EGGELETTION: Okay.

COMMISSIONER KEECHL: Thank you, Mayor.

MAYOR EGGELETTION: Okay. Well, let's try to wade through -- let's try to wade through and I'll cut it off if we have to, but I want to try and wade through as much of the Consent Agenda. We have a long day today and I want to wade through as much of this as we can. Okay?

COMMISSIONER KEECHL: Mayor? Mayor?

COMMISSION MINUTES

MAYOR EGGELETTION: Yes?

COMMISSIONER KEECHL: Just a reminder on Item Number 33. I believe it was continued to a time certain of 10:00 a.m. from last week.

MAYOR EGGELETTION: Okay. All right. And I assume that the persons are here on Item 33? That's on the regular agenda, so maybe we try to get through those things. But let's see if anybody have any comments on consent. Anybody have any pulls from consent first of all? Any pulls? Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Twenty-two.

MAYOR EGGELETTION: Twenty-two.

COMMISSIONER LIEBERMAN: And one comment on 28, which I know is withdrawn. When it comes back, one of the issues you mentioned was privatizing. I'd like to see a time frame and a plan for what we're doing, which we can do even before there is a new chief judge selected because there are tag agencies.

MAYOR EGGELETTION: Okay. Any other pulls?

Commissioner Ritter?

COMMISSIONER RITTER: None.

MAYOR EGGELETTION: Commissioner Jacobs?

COMMISSIONER JACOBS: (Inaudible.)

MAYOR EGGELETTION: Commissioner Wasserman-Rubin?

COMMISSIONER WASSERMAN-RUBIN: (Inaudible.)

MAYOR EGGELETTION: Commissioner Keechl?

COMMISSIONER KEECHL: None.

MAYOR EGGELETTION: Commissioner Gunzburger?

COMMISSIONER GUNZBURGER: None.

MAYOR EGGELETTION: Commissioner Rodstrom?

COMMISSIONER RODSTROM: None.

MAYOR EGGELETTION: Vice Mayor Wexler?

VICE MAYOR WEXLER: Yes, 5 and 23, and I would like to know what deferral on 28 actually means? Does that mean it's coming back next week or do we mean withdrawn?

COMMISSION MINUTES

MS. BRANGACCIO: Mr. Corwin is here. I think he had talked to the property owner. I think it was our intent, for it not necessarily to come back next week, but to continue the discussions, resolve the concerns of the property owner, do what we've talked about in terms of looking at it both privatization issues as well as the courtroom issues.

VICE MAYOR WEXLER: I was just surprised to see that language used. That's all. So deferral does not mean next week in this case. Thank you.

MS. BRANGACCIO: Exactly.

MAYOR EGGELETION: Is that it?

COMMISSIONER LIEBERMAN: Move the Consent Agenda.

MAYOR EGGELETION: The consent agenda has been moved by Commissioner Lieberman; seconded by Gunzburger. We have some pulls from the audience. 25B has been pulled from the audience.

COMMISSIONER GUNZBURGER: (Inaudible.)

COMMISSIONER LIEBERMAN: 25B.

MAYOR EGGELETION: Yes. 25B has been pulled by a member of the audience, and we have some persons who also pull Item 33, but they only wish to speak --

COMMISSIONER LIEBERMAN: Thirty-three is on the Regular.

MAYOR EGGELETION: Then we will deal with that on regular. At the appropriate time, we will take the others. Okay. So that moves us to --

Are there any objections to the Consent Agenda?

Any objection.

Without objection showing approved without objection the Consent Agenda.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 5

MAYOR EGGELETION: Item 20 – Item 5, rather, Vice Mayor Wexler.

VICE MAYOR WEXLER: Thank you. I had asked a question that I don't believe I got an answer to or else I wouldn't have pulled it. This is an item which is amending the agreement to increase the number of flights per day from four to seven at Southwest Airlines gates. And when I asked the question of how many other airlines have this same provision in their agreement, the answer I got back is: Four flights a day per gate is -- and that there is a 90-day window in which for us to object. So could someone on staff, please, respond to: Are there any other arrangements, agreements with any other airlines that have more than four flights per day per gate at the current time or would this be the first one to increase from four to seven?

COMMISSION MINUTES

MS. BRANGACCIO: Mr. Bielek.

MR. BIELEK: Both Air Tran and Spirit have seven turns per day in their TBLA's.

VICE MAYOR WEXLER: Well, I would ask, please, through the Mayor, Mrs. Brangaccio -- I don't know who reads these answers, but if that answer had been given to me here, there would be no need for me to pull this item. Thank you.

MR. BIELEK: Okay.

MAYOR EGGELLETON: Okay. Vice Mayor Wexler moved the item. It's been seconded by Commissioner Keechl.

Any objection?

Any objection?

Without objection, show Item 5 passed without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 22

MAYOR EGGELLETON: Item 22, Commissioner Lieberman.

COMMISSIONER LIEBERMAN: I move 22 with amendment. I had asked a question if there were any distance or time restrictions so that people couldn't subdivide in order to take a benefit of this exemption. So I am going to ask that an amendment be drafted to -- with this plan amendment that would put time and distance restrictions in this proposed amendment so that someone cannot subdivide for the purpose of avoiding (Inaudible).

MAYOR EGGELLETON: Commissioner Lieberman has amendment to Item 22. It's been moved by Commissioner Lieberman; seconded by Commissioner Jacobs.

Any objection to the amendment?

Any objection to the amendment?

Without objection, show the amendment adopted.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER LIEBERMAN: Move as amended.

MAYOR EGGELLETON: We are now on the main motion. Commissioner Lieberman moves the item, 22. It's been seconded by Commissioner Jacobs.

Any objection to Item 22 as amended?

COMMISSION MINUTES

Seeing that there is no objection, show the item passed unanimously without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 23

MAYOR EGGELLETON: Item 23, Vice Mayor Wexler.

VICE MAYOR WEXLER: Thank you, Mayor.

I use this as a springboard. Hopefully we all got the chart regarding ridership in my conversation with the County Administrator yesterday. I know that after the agreement period, which is typically three years, that we're a pass-through for dollars from the feds. It becomes part of our general fund obligation to fund the community -- these community buses. So it was important for me at least to see that we are maintaining the logs as far as ridership. And a number of them -- and this, commissioner, has nothing to do with the Wilton Manors item. It has to do with the big picture of spending money and that we make sure as a commission that we are looking very carefully -- because I don't remember seeing this report previously, and the average daily -- the ridership needs to be a minimum of five, and there are some of these that are provided to us that are very, very close after being in existence for a lengthy period of time that are just not making it. So I would like to make sure that, Commissioner Keechl, this is under your -- I think it's under -- or maybe -- mass transit.

MAYOR EGGELLETON: Commissioner Keechl -- that's Commissioner Gunzburger.

VICE MAYOR WEXLER: Okay. I'm sorry. I'm still with you with --

COMMISSIONER KEECHL: (Inaudible.) My city.

VICE MAYOR WEXLER: Yeah, not even that. It was under --

COMMISSIONER KEECHL: Community Services.

VICE MAYOR WEXLER: Exactly. So, Commissioner, I don't know if you've had this conversation as part of your results teams, but I certainly hope that and believe that it is appropriate to have. Thank you.

MAYOR EGGELLETON: Commissioner Gunzburger you are recognized.

COMMISSIONER GUNZBURGER: I was very shocked when I saw this and when you are saying after three years we assume the full cost?

VICE MAYOR WEXLER: Well, that's what the executive summary of this current item in front of us said for Wilton Manors. After the third year, then it's general fund dollars.

COMMISSIONER GUNZBURGER: I did not think that this has happened because there are many cities have it after three years and when I saw the numbers, when Mr. Walton is canceling routes with 700 or less riders a day and we are talking about so many routes that have so few riders that I was thinking that if we have to look for at least ten, you know, as an average, rather than five, I am real concerned and I really think -- I have no problem with the Wilton Manors, but I think that this needs to be looked at, the information that I thank you for bringing forward in context with our entire transit system.

VICE MAYOR WEXLER: And I would ask as spokesperson --

COMMISSION MINUTES

COMMISSIONER GUNZBURGER: And I would – trust me, it's something I am not going to let go of, but thank you for the question, and I would like to hear from Mr. Bentley or Mr. Walton in answer to your question, because was I' mortified, to say the least.

MAYOR EGGELLETON: Ms. Henry, who do you want to answer the question from your staff?

MS. HENRY: Mr. Walton.

MAYOR EGGELLETON: Mr. Walton, you're recognized.

MR. WALTON: I'm sorry. I didn't get the question. Sorry.

VICE MAYOR WEXLER: It was, I guess my question, Mr. Walton.

COMMISSIONER GUNZBURGER: Your question.

VICE MAYOR WEXLER: If I may. The actual item that is in front of us, Item 23, in the executive summary, makes reference to the operating costs coming from the transit-oriented concurrency fund for a period of three years. After that period, funding to continue to provide the service will be required from the county's general funds, and I am reading from the executive summary.

COMMISSIONER GUNZBURGER: That's how all transit-oriented concurrency dollars go --

VICE MAYOR WEXLER: Well, wait a second. But that's why it's married to this chart because if it's coming from general fund dollars --

MAYOR EGGELLETON: Vice Mayor, you have a question of Mr. Walton?

VICE MAYOR WEXLER: Is that accurate? That's the question.

MR. WALTON: For the routes, the community bus routes that are funded out of concurrency, that is accurate. Okay?

VICE MAYOR WEXLER: Okay.

MAYOR EGGELLETON: Commissioner Gunzburger, you're recognized for a follow up.

COMMISSIONER GUNZBURGER: I still had the floor. Thank you. I think we really have to look, when we are talking about a tight budget year, the number of dollars that we've had to pick up on these community bus routes and those that are not really performing, as opposed to some of ours where we have ridership of 674 people a day often times to take them to work and there is no other nearby transit lines available, especially in the southeast where three out of the four lines are being canceled, I think this has to be part, Mr. Walton, of our entire discussion. I had always loved community bus routes, but if it's going to take -- be providing so little -- so few passengers for so much money, it may be time to relook at the entire program.

MAYOR EGGELLETON: Okay. Very good. Any other discussion?

Commissioner Jacobs, you're recognized.

COMMISSIONER JACOBS: Thank you, Mayor.

COMMISSION MINUTES

Commissioners, I have served on the Community Bus Application Committee almost since I was elected in 1998, and this committee -- it's important to understand the way these buses are set up and why you're not seeing some of these charts. Those charts came to us under this committee under the limited amount of money that was approved by that extra penny. The extra penny -- last penny of gas tax was given over for additional community buses. And each city had its opportunity to go for and vie for these buses within the limits of the monies generated by that penny.

We really have a very complicated system. You have community bus shuttles in three different ways. You have, first you have the pilot projects. There were those community bus shuttles funded out of the general fund in a very narrow number of cities.

Then we passed penny and so that penny went for additional. Now you have concurrency dollars that are being used for and they're all being done differently. They are not commingled, so, but the expectations are the same and that is that you could not ride behind the main line routes and bleed off customers. You had to connect to other cities so you had to be a part of the holistic system and you had to maintain a five riders per revenue service hour. Many of our community bus shuttles throughout the cities that were being used for that penny, and there are cities that sit on this committee -- those cities have often times fallen below that bar of five riders per hour.

What has been happening is Mass Transit has worked with those cities through marketing and other areas to try to bring their numbers up but their numbers are woefully short. There are cities now who are having conversations that they may drop because they add a substantial amount of dollars to that community bus. But we have three different systems. Those buses that are being funded with concurrency dollars and those cities that are blessed to have that way and then eventually drop into general funding and those who already are under the general fund and then those for which the cities are contributing dollars.

We really, in my opinion, need to draw this whole community bus discussion to a close and treat -- try to find a way in working with the League of Cities and those who are invested in it and participating in it to find a way that is equitable, that we set the bar, in my opinion, a little bit higher. Five riders per hour in such lean budget years is really, I think, a disservice to the riders out there, and particularly when you consider cities like Lauderhill who cannot get more community buses to their area. They have standing room only in those buses and you have another city that has just a very few.

So I think at some point -- I don't think today is the day and this is certainly not the item, but, Vice Mayor, you raised some really valid questions that I think we -- the time is coming where we are going to have to address them and it's going to be sooner through budget --

(COMMISSIONER RODSTROM LEFT THE ROOM.)

COMMISSIONER GUNZBURGER: (Inaudible.)

MAYOR EGGELLETON: Just a minute, please.

COMMISSIONER JACOBS: And Commissioner Gunzburger as well.

MAYOR EGGELLETON: Are you done?

COMMISSIONER JACOBS: These are issues that I think through the budget that we are going to have to find whether or not we change this and try to create a more equitable system.

COMMISSION MINUTES

MAYOR EGGELLETON: Okay. Item 23 is before us. Is there a motion on the item?

COMMISSIONER KEECHL: So moved.

MAYOR EGGELLETON: The item has been moved by Commissioner Keechl; seconded by Vice Mayor Wexler.

Any objection?

Any objection?

Without objection, show 23 passed without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 48

MAYOR EGGELLETON: I'm going to now move to Item 48. The time certain it as 12:00 o'clock, and I am going to ask Mr. Evan Jackson or Jackson Evan, is that person here?

MR. EVANS: Yes, sir.

MAYOR EGGELLETON: Okay.

MR. EVANS: Just for the record, my name is Evan Jackson Evans, and I should take this off because I come to you as a private citizen today. I want to thank you, Mr. Mayor and Commissioners for allowing me a chance to speak.

I have been a proud citizen of Broward County for over 19 years now, through good times and bad. Subsequent to the less than stellar participation and actions of the 2000 election, I have considered it my duty and my pleasure as a citizen to participate in the election process as a poll worker, as an assistant clerk, as a clerk, and as a voting systems technician.

The items -- the motions made in Agenda Item 48 cause me some grief. Knowing what I know from talking to fellow citizens in general and also interacting with people at the polls as a poll worker, I tend to agree that we need to enlist or engage the Secretary of State as an agent to act in behalf of Motion A of the agenda item, but I believe that it is very dangerous to allow ES&S to have a sole source, sole standard standing in the selection of the replacement voting equipment that we are needing to procure. I think we really need to have a more fully citizen participatory demonstration and decision making so that we can ensure that the qualms that people have about the systems that we are using now don't recur in the next set of equipment that we purchase. And that's pretty much the brunt of what I have to say and I want to thank you for your time.

MAYOR EGGELLETON: Thank you, sir.

I have Ms. Ellen Brodsky. Ms. Brodsky, you're recognized.

MS. BRODSKY: Thank you. Good afternoon to you. Broward County is a tale of two counties, one of secret government and the other open government. In this case, by adding the motion for the sole source status of ES&S as a vendor is a violation of the Florida and the Sunshine Laws. Okay.

COMMISSION MINUTES

Basically speaking, the only thing that's really important today that you vote on is in Item 48 for the Secretary of State to be the purchasing agent whether or not to sell or dispose of the iVotronics. There is no other issue in Item Number 48 that needs to be addressed today. All the other issues should be brought before a citizen advisory board on election and held extensive public hearings to determine how we want to vote in Broward County. I just wanted to say the only deadline is June 30 for the people that are watching right now. This County Commission and also the State of Florida has been overly, overly influenced by lobbyists. On this committee, itself, you have the husband of the largest lobbyist in the State of Florida, ES&S.

MAYOR EGGELETION: Ms. Brodsky, I'm not going to allow you to personally attack anybody on this commission. If you do that, I will cut you off.

MS. BRODSKY: Some of these Commissioners though should consider recusing themselves when it comes to voter system selection here. Okay.

To finish, the vendor selection process should be public it is not with participation of a citizen advisory panel that discussed and considered by officials in a properly noticed public meeting and a series of meetings. There have been many problems with ES&S. Sarasota County just went through a lengthy public process and opted to spend money over the objections of the Supervisor of Elections and dumping ES&S in favor of Diebold for an all-paper ballot system, no more DRE's. DRE's should be scrapped now in favor of ballot marking devices as more and more states are doing on a statewide level.

HB 537, the Governor's plan that was just passed, provides for counties to scrap paperless DRE's altogether. We recommend the county just do that. For whom are they kept? Disability groups don't want them. The Governor said Florida has a duty to see that voters with disabilities are not treated differently from all other voters. This is no time for face saving. 537 requires you to get rid of DRE's in four years but federal legislation HR 11 will call for ending all DRE's with optical scanners and ballot marking devices in time for the November 8 election.

Why continue supporting two systems, one of which has failed many times, lost votes, cannot be recounted, is more expensive, no one wants and leaves the county vulnerable to expensive lawsuits. Not just that they fail, as in Sarasota --

MAYOR EGGELETION: Mrs. Brodsky.

MS. BRODSKY: – but should someone bring equal protection lawsuit against the county as well.

MAYOR EGGELETION: Mrs. Brodsky, your time has come to an end. Thank you.

MS. BRODSKY: Okay. Please just vote for the Secretary of State to authorize the purchase of our voting machines.

MAYOR EGGELETION: Thank you, Mrs. Brodsky.

MS. BRODSKY: And nothing else today. Thank you very much.

MAYOR EGGELETION: Mrs. Brodsky, I'm going to ask you to remove yourself from the podium. Thank you.

MS. BRODSKY: Thank you very much.

MAYOR EGGELETION: Okay.

COMMISSION MINUTES

Members wishing to speak on Item 48? All right. Let me just -- did you all get the additional material on Item 48? I just want to make sure that you got it. Okay?

COMMISSIONER JACOBS: I think it --

MAYOR EGGELLETON: It deals with the capital costs, additional costs for optical scanners. I want to make sure that you got it.

COMMISSIONER GUNZBURGER: (Inaudible.)

MAYOR EGGELLETON: Okay. I'll have my -- I'll make sure you get it but I am going to recognize Commissioner Lieberman right away.

COMMISSIONER LIEBERMAN: (Inaudible.)

MAYOR EGGELLETON: She's going to copy it for you now. Okay?

COMMISSIONER LIEBERMAN: If you want to recognize the Vice Mayor.

MAYOR EGGELLETON: Yeah, she's copying it for you right now. I will recognize the Vice Mayor.

Vice Mayor Wexler, you're recognized.

VICE MAYOR WEXLER: Well, I had discussed this item last week under -- when I went over the draft agenda, Mayor, and with the County Administrator's permission, Mr. Corwin, I believe, has been point on all of this. And one of the questions that I had asked and needed to clarify for me and helped a bit in my decision-making was as it related to -- I am under the impression that the state -- that the state is -- has made some decisions.

And I don't want to put words in your mouth, but I am going to repeat what you said to me, Mr. Corwin, and I would like you to confirm whether I am repeating it properly or not, and that was that the state decided that the counties that have ES&S equipment would have ES&S opti-scanners, those that have Sequoia equipment would have Sequoia opti-scanners. At least that's what I understood, and I would ask that Mr. Corwin verify that statement.

MR. CORWIN: The State --

MAYOR EGGELLETON: You're recognized.

VICE MAYOR WEXLER: Thank you.

MR. CORWIN: Good morning. The State has agreed to pay for the scanners. You could choose -- and that's what Motion B gets to, to scrap this ES&S system and start all over with a new system and purchase, for example, Sequoia Central Count, Sequoia Central County Optical Readers, Sequoia Precinct-based Readers and start all over. It's our recommendation, and I believe the Supervisor of Elections supports -- I'm sure she does -- that we stick with the system we have and simply add optical scan readers in the precincts to that system, which the state will pay the majority of those costs.

VICE MAYOR WEXLER: So there was no directive or procedure from the state that if you have one system, that you are going to continue having the same system of opti scanners?

COMMISSION MINUTES

MR. CORWIN: That's a business decision, but not a mandate. They have mandated that you can't use touch screen for -- in the precincts except for the visually impaired, the ADA machines.

VICE MAYOR WEXLER: Now that we have cleared that up, the county does have the option, the next question, logically for me would be compatibility.

MR. CORWIN: Correct.

VICE MAYOR WEXLER: Is there a need for compatibility or do they work independent, because, quite frankly, I wasn't involved. I know how to vote on the touch screen machine but after that, I don't know whatever happens to it.

MR. CORWIN: Uh-huh. You cannot use a Sequoia Optical Reader with an ES&S system. They're not compatible.

VICE MAYOR WEXLER: But you need to go a little bit further, Mr. Corwin. Talk about the system itself.

MR. CORWIN: Got you.

VICE MAYOR WEXLER: So I've got now someone votes manually, they put it through the opti-scanner. They get a receipt.

MR. CORWIN: Uh-huh.

VICE MAYOR WEXLER: What happens with what was recorded in the opti-scanner? What does it do? How is it transmitted because I think that's the piece without ES&S equipment that I want to you talk to about.

MR. CORWIN: It is. In many systems, it is, the votes are recorded, Dr. Snipes will correct me very soon, on what is the DS200. If you buy the ES&S machine, you have a precinct count and those counts can be transmitted to the central tabulation system and ES&S software and hardware system and be merged with, if you will, with the counts that come from the ES&S Central Count Readers, the ES&S Touch Screen Systems that you would have for the visually impaired and the votes from the early voting sites. So they all, wherever you to, it ends up in one central count system and that is the system that was purchased in 2001 from ES&S.

VICE MAYOR WEXLER: Okay. So the final question is -- and this is the tough one: Compatibility, does and is Sequoia equipment compatible, can it work with what we currently have in place?

MAYOR EGGELLETION: Dr. Snipes, you're recognized.

DR. SNIPES: Vice Mayor Lieberman, as far as we know --

VICE MAYOR WEXLER: Well, I'm Wexler --

DR. SNIPES: I'm sorry.

VICE MAYOR WEXLER: I know you know the difference.

DR. SNIPES: No. I see many similarities. Thank you.

COMMISSION MINUTES

Vice Mayor Wexler, whom I have known for many years.

VICE MAYOR WEXLER: A long time.

DR. SNIPES: As far as we know there is not compatibility between the two systems. There are three systems as you probably know that are certified for use in the State of Florida as voting systems. And that is Dibold, Sequoia and ES&S. The ES&S system does involve the major tabulation units, which are the M650's and that's where we tabulate all of the votes especially those that are done by paper. Then we have to bring all of that together using the unity software. So the Sequoia system would not be compatible with what we already have for ES&S. So if we were to change to Dibold or Sequoia, we have to go totally with those systems. We can't have a piece of one and piece of the other and expect they would be able to bring the results that we need.

VICE MAYOR WEXLER: Thank you. Thank you, Mayor

MAYOR EGGELLETON: Commissioner Lieberman, you're recognized followed by Commissioner Jacobs.

COMMISSIONER LIEBERMAN: You know, you can't fix history. You can only learn from history. When this issue first came to us as a board, I believe Commissioner Scott and I – and there may have been others and I apologize if I've forgotten who -- voiced concerns about buying the touch screens because it was first-year technology. And like with anything else that you buy, first-year technology means that as systems have second, third and four years, they figure out what the bugs are and they correct them. And the then-supervisor of elections waged a political war where she went to the condominiums and got signatures that, we, as a Board of County Commissioners were going to buy her second-rate equipment by buying the optical scans which is why we ended up with the touch screens because we were flooded with residents who said we want state-of-the-art.

That being said, the current Supervisor of Elections, I hold in much higher regard. She's much more proficient in her job and I have been led to believe, and I ask her to correct me if I am wrong, that she 100 percent concurs in Mr. Corwin's opinion was consulted, and, in fact, help him put together his recommendation in front of the board; is that correct?

DR. SNIPES: That's absolutely correct. We've been talking to Mr. Corwin over a period of weeks regarding this whole issue.

COMMISSIONER LIEBERMAN: So here's the issue, we have our current Supervisor of Elections who has safely led us through a number of elections with few, if any, glitches, who said to us -- in the backup I think there were two issues, A, that unless we do this, she is uncertain that she will have the voting equipment she needs to conduct the next general election in time; is that correct?

DR. SNIPES: That's correct.

COMMISSIONER LIEBERMAN: Okay. That she's recommending this because she recognizes the time frame and is concerned about not being able to meet the state requirement that we use the optical scan instead of the touch screens; is that correct?

DR. SNIPES: Well actually, come July '08, we will not be able to use touch screens for anything except for our disabled voter.

COMMISSION MINUTES

COMMISSIONER LIEBERMAN: Right. I think the question was: If we choose any other course of action, I believe your opinion was or I believe what you shared was you are concerned that you would be unable to meet that July 1st deadline?

DR. SNIPES: The direction which we are recommending is one that I think will allow us to be able to run an efficient election in the upcoming season, so, yes.

COMMISSIONER LIEBERMAN: If we don't sole source and we scrap the entire system, do you still feel confident that you could meet that July 1st 2008 deadline with an entirely new system we don't have?

DR. SNIPES: Absolutely not.

COMMISSIONER LIEBERMAN: Okay.

And then my last question to you, Dr. Snipes, is I believe you also looked at the cost if we were to scrap the entire system because we would have to do that since -- and I don't recall whether you agreed with Mr. Corwin when the Vice Mayor asked this question -- that since the ES&S equipment is simply not compatible with the Sequoia equipment, if we were to choose a different vendor, we would have to scrap everything and buy entirely new equipment because the tabulating software and the unity reporting software work off the ES&S system which is not compatible with any other system; is that correct?

DR. SNIPES: Compatibility is a real significant issue, not only for the actual equipment, itself, but if we were to buy a new system, that means we start from absolute scratch. There are training manuals. There's the location of your polling places, how you deliver that equipment, all of those things have to be redefined, and to scrap a system, to scrap the equipment means scrapping much more than that. So I think at this time it really is not a feasible move.

COMMISSIONER LIEBERMAN: Okay. Is it your opinion that if we were to scrap, that the cost would be twice what we are expecting to pay if we sole source and maintain the existing system?

DR. SNIPES: I am not familiar with all the costs from Sequoia or from Dibold, but I do know that if we scrap this system, then even the tabulating equipment must be repurchased. New software has to be purchased, new equipment needs to be purchased so we would have no system.

COMMISSIONER LIEBERMAN: Do either you or Mr. Corwin have any idea what it would cost to do that as opposed to the agenda item in front of us?

MAYOR EGGELLETON: I have it in front of me, Commissioner.

COMMISSIONER LIEBERMAN: I appreciate that but you are Dr. Snipes. I do know the difference. You are not either Dr. Snipes nor Mr. Corwin.

MAYOR EGGELLETON: You're absolutely correct.

Pete Corwin, you're recognized to answer that question.

MR. CORWIN: I am afraid I don't have the detail. However, the central count software and hardware along with the training time and what that would require -- and I am going back to the original purchase. It's got to be 1 to \$2,000,000. Then you would need several central count optical readers, which I think easily could be, I think the last unit cost was 2 to 300,000 each so that's got to be a million dollars. And then you have the decision as to what you would put in precincts for visually impaired.

COMMISSION MINUTES

Now, one thing to keep in mind, just in four or five years, I think the deadline is 2012, we will need to purchase something new for whatever system that we have. But for today, where we are right now, the 1,000 ADA iVotronics will be sufficient and they work, and they meet the legal requirements of the state and the federal government, and you would not need to replace them for at least four years at which time maybe -- and that's in that handout the Mayor may have just handed to you -- there may be state or federal funds. We know there are not funds for that today. So you would be out 5,000 times 1,000 units, that's \$5,000,000.

COMMISSIONER LIEBERMAN: You know, for me, I'm going to support the Supervisor's recommendation. This is what she's asked us to meet, the requirement on us, and I want to be able to give her the confidence she needs to go into those elections. I believe she's researched this matter --

DR. SNIPES: Yeah.

COMMISSIONER LIEBERMAN: -- and I am going to support her opinion. I know the ballot on demand she's still researching and that will come back to us. I also know you had sent her, Vice Mayor, a letter about the Citizen's Advisory Committee. It is my position that she's an independently elected constitutional officer and though people may come here to talk about various things, and, yes, we have to technically approve a purchase, the operation of her department is in her hands, not mine.

MAYOR EGGELETTION: Thank you.

Commissioner Jacobs, you're recognized.

COMMISSIONER JACOBS: Mayor, every question I was going to ask has been ably asked and answered both by Commissioner Lieberman and by the Supervisor of this department, so there's no need. I'm ready to vote.

MAYOR EGGELETTION: Okay.

Commissioner Ritter, you're recognized.

COMMISSIONER RITTER: Thank you, Mr. Mayor. I'm used to being libeled and slandered as a public official and I recognize that the rules for us are different than for private citizens, but I get very concerned when people come before us and either knowingly or unknowingly misrepresent facts. My husband does not represent any clients at the county commission and as a result, I am perfectly able to vote on this issue and do not need to recuse myself.

MAYOR EGGELETTION: Thank you.

That brings us to the question -- and let me just state this and I want you all to understand this. The reason why I have asked that this additional cost item that you have in front of you that has been prepared for you because I want to point out to you and the general public the issues that we have to deal with and unfunded mandates that are handed down to us from the State of Florida.

There is a capital cost to us going to this machine that has been mandated by the State of Florida. That capital cost is \$1.4 million. That one point -- because we have to pay for -- let me just break that out. We got to buy 146 extra optical scan readers for the busy precincts. That's at a cost of about \$843,000. We have to pay for 60 ballot-on-demand printers for early voting. That's 184,000. There are 50 extra ballot boxes for your busy precincts at \$10,000, and there is 5,200 kits to convert the iVotronics carrying

COMMISSION MINUTES

case to voting booths. That is \$234. Then we have to have forklifts and storage racks and all that other equipment. That's 120,000. That comes to \$1.4 million.

I want you to understand there is an operating cost impact to the budget. That operating cost impact is \$500,000 per general election. Now there is a net savings in there of about 217,000 because of the reduced maintenance. I want you also to understand that Mr. Corwin has pointed out to you here today that in 2012, you are going to have to replace for ADA purposes the touch screen units for visually impaired. We don't know what that cost is. It's indeterminate. He gave you an idea that could be anywhere from 4 to \$5,000,000 depending on the cost.

Additionally, members, you have to understand that with the machines we have, although we have to turn those back to the state, we are still responsible for the debt service on those machines. The debt service is 8.3 million in debt. So the point that I am trying to make to you, members, is as the state is asking us to cut our budgets and do the other things, there are still these fixed costs that we have built into our system that we are going to have to deal with on a countywide basis, and I want to just point that out so you will know and so those in the audience will know and those that are viewing us on television to understand that some of these unfunded mandates are very difficult for us to handle, and although we will handle this, but it comes at a cost to the taxpayers of Broward County that has been pushed on us by the State of Florida.

With that, Vice Mayor Wexler move the item; seconded by Commissioner Lieberman.

Any objection?

Any objection?

Without any objection, show Item 48 passed without objection.

VOTE PASSES UNANIMOUSLY.

PUBLIC HEARING

AGENDA ITEM 33

MAYOR EGGELLETON: I am going to go now because they are here and there was a time certain to Item 33. I am going to go to Commissioner Gunzburger and recognize her for Item 33.

COMMISSIONER GUNZBURGER: Thank you. I had concerns last week based on --

MAYOR EGGELLETON: Oh, wait a minute. This is -- it's a public hearing? Okay. This is a public hearing. Anyone from the public wishing to sign up, please, do so with the minutes clerk. I do have some speakers on Item 33 but I don't think after Commissioner Gunzburger commented they would want to speak.

But Commissioner Gunzburger, you're recognized.

COMMISSIONER GUNZBURGER: I'm going to speak briefly because we are in a hurry. Last week listening to the neighbors, I was concerned. I went out. I looked at the site which I have not seen previously. It isn't a street. It's barely an alley. It's no wider than maybe a one-car driveway. There is a beautiful fence around it. The neighbors are beautifully protected. I would like to move the item.

COMMISSION MINUTES

COMMISSIONER KEECHL: Second.

MAYOR EGGELLETON: The item has been moved and seconded. Anyone here wishing -- I think the wishes are -- any of you who signed up, let me just call your name. If you wish just say -- if you do not wish to speak, say you waive your time.

Mr. David Roop. If you do not wish to speak, you can just say: I waive my time. Okay.

Mr. Roop, you're recognized.

MR. ROOP: Thank you. Good afternoon. Your comment that was an alley. That is not true. That was a two-lane street through there --

COMMISSIONER GUNZBURGER: It isn't?

MR. ROOP: -- that was used extensively by the people in that neighborhood. So you obviously did not look at it very good. Thank you.

COMMISSIONER GUNZBURGER: I am sorry.

MAYOR EGGELLETON: Okay.

COMMISSIONER GUNZBURGER: I'm sorry, but I looked at it. It is not a two-lane street. Never -- it may have been at one time.

MAYOR EGGELLETON: Commissioner, Commissioner. Commissioner, you're not recognized.

COMMISSIONER GUNZBURGER: Sorry.

MAYOR EGGELLETON: Richard Negron. Is that person here?

MR. GABRIEL: No. My name is Gabriel.

MAYOR EGGELLETON: Okay. Gabriel?

MR. SAINT ARNEAULT: Saint Arneault.

MAYOR EGGELLETON: Saint Arneault?

MR. SAINT ARNEAULT: Yes.

MAYOR EGGELLETON: You're recognized.

MR. SAINT ARNEAULT: Good afternoon, Mayor, Vice Mayor, and all the Commissioners. I have been living -- first of all, this Pembroke Pines was made in 1952, and that street was (Inaudible.) I have the paper on it. It was a through street. I have been living there for 35 years and we have been using this street all the time, every time, all the neighbors. You have 28 people and a business that have been using that for 52 years. Everybody in the place have been using that since 1952 and other people since it has been built. It's a two-way street, but I cannot believe that you allow Pembroke Pines, the Commissioner to make a parking lot for those people where they live on 67th Street, for a parking lot to park in their lot when we need it for an emergency.

COMMISSION MINUTES

I don't understand you. Where is your wisdom? Your knowledge and understanding? When I have been living there for -- then you work for the city and he got some people behind it to back him up without us knowing. Three years later, he come close and street he said: This is my street, when I want to talk to her, and I have been paying taxes for 35 years. Just came in the neighborhood and used that. I would like to go, not one, but many and I show you a picture of the street. That street was two for all the time since 1952, and two cars go there without no problem. I don't understand where is your wisdom as Commissioner, where? Is from the Holy Spirit? I don't understand that. I don't understand what happened here.

I would like you to all go and come and look and I show you the that the picture before and what it is now. A parking lot. Can you allow that in the west Pembroke Pines? You don't allow a truck to park there in the street and he take the street over for us to go the red light. We don't have no place to go on that street. They use that as a parking lot and they happy like that -- we have been paying taxes all the time. He just started that. Thirty-five years and he come around, and you allowed that. You allowed to close this street for all of us as an emergency. We cannot go to the red light.

You know what we do now, all of us? We go across the parking lot where all the business, the flower place, Joe Sandler, we all go there all the time to get to the red light because it's 11 blocks, you understand, from one street to go to the other one around, is 11 blocks we have to do. He was lying when he said 42nd and 32nd, last week, to go from his place for the red light. There is no way. I would you to reconcile this and go back, not one, but many, and you come and I am going to show you a picture what the street look like and two cars. That's what I want to say and this is, to me, there is no wisdom there. Absolutely not. Thank you.

(COMMISSIONER LIEBERMAN LEFT THE ROOM.)

MAYOR EGGELLETON: Thank you, sir. Mr. C. R. this looks like Sookdee? I cannot read your writing, sir, but is that you? Could you, please, pronounce your name correctly for the record? Thank you.

MR. SOOKDEE: Sookdee, Mr. Mayor.

MAYOR EGGELLETON: Thank you. You're recognized, sir.

MR. SOOKDEE: Mr. Mayor, Vice Mayor and Commissioners, I regret to say that statement by Commissioner Gunzburger is terribly incorrect. Southwest 3rd Street, ever since I began living in the area was a two-way street open to the public. The public was using it all the time. So her statement -- it's a one -- it was a one-lane street is incorrect. And because of the closure, it's causing a lot of problems and inconveniences to the residents in the area.

I would like to recommend that further investigation and inspection be made on that site to correct me as saying that street that is closed now was a two-way street and was in existence ever since I began living in that area. I am not against anyone, Mr. Arrowsmith or any other persons who contest the matter. What I want to say, that street was a valid street by the state and the city and it was a two-way street all the time. Thank you, sir.

MAYOR EGGELLETON: Thank you.

We have Mr. Richard, looks like Negron. You're recognized, sir.

COMMISSION MINUTES

MR. NEGRON: Yes. My name is Richard Negron, and I want to state that I don't see how they consider going around the block an inconvenience for 30 seconds.

Number two you are not supposed to go through a business area, if you are a resident, during business hours to cut through a light. I want to state that clearly to everyone. It's against the law and it's not the right thing to do.

Number two, -- number three, I just want to state we did have drug activity during the time after-school hours and fights with the kids that we sometimes would visually see the kids fight around the school because there is a high school approximately maybe a half mile away from the house. So I don't see how they are stating it's a grief. It's not a grief. It's an additional 30 seconds to go around the block. How much grief could that be on anyone? That's -- I can't understand that at all.

And I am saying that we improved the neighborhood as far as the view, the property and some people are just not acceptable to change these days in society. They don't want to see change. And whenever there is change in the neighborhood, it's for the better, and we didn't do anything for the worse. And I just want to state that fact to you Commissioners and appreciate the time you are giving me to speak here and it's a good thing we did, and I really feel good that we did good to improve the neighborhood, not to bring it down. Thank you very much.

MAYOR EGGELETTION: Thank you. There are no other speakers. Are there any other speakers from the public on the item? Seeing that there is no other speakers from the public on the item -- yes, I'm sorry.

Deputy County Administrator, Mrs. Henry, you're recognized.

MS. HENRY: Mr. Arrowsmith provided some testimony in writing. He wanted to make sure this testimony is added to the record.

MAYOR EGGELETTION: Let the record reflect that Mr. Arrowsmith's testimony that is provided for us on Agenda Item 33 is part of the records to -- the county and the minutes clerk will record the same.

The public comment section is now closed. The commission will deliberate.

Commissioner Gunzburger, it's your item. What's your pleasure, ma'am?

COMMISSIONER GUNZBURGER: I had moved it. It was obvious that this little street had been closed. They just have to go -- I saw how far they had to go. They just had to go around because it was so small when I first went up 67th Terrace, I could not find it and I had to go around to 68th, and it does not take that long to get to 68th as I found. This street does not -- that may have been there doesn't continue to the east or the west. It was -- and it is now down to one lane and I move the item.

COMMISSIONER KEECHL: Second.

MAYOR EGGELETTION: The item has been moved by Commissioner Gunzburger; seconded by Commissioner Keechl.

Any objection?

Any objection?

COMMISSION MINUTES

Without objection, show the item passed without objection unanimously.

VOTE PASSES UNANIMOUSLY.

REGULAR AGENDA

AGENDA ITEM 34

MAYOR EGGELLETON: I'm going to move now to Item 34 on the Regular Agenda. Commissioner Keechl, you're recognized on Item 34.

COMMISSIONER KEECHL: Mayor, you and I share this city. This is districts 4 and 9, and if there's no discussion, I'm going to move Item 34.

MAYOR EGGELLETON: Commissioner, before you move it, would you like to recognize the elected officials from the City of Oakland Park?

COMMISSIONER KEECHL: I'm sorry. Stand on up, elected officials.

MAYOR EGGELLETON: Waiting here patiently, including the city manager. Okay.

COMMISSIONER KEECHL: Say hello.

MAYOR EGGELLETON: All right. Okay.

COMMISSIONER KEECHL: This is a great program. Everyone has seen everything here (indicating.) This -- the CRA furthers all of the important things we talked about, including affordable housing and transit-oriented corridors, and I'm moving Item 34 at this time.

COMMISSIONER GUNZBURGER: Second.

MAYOR EGGELLETON: Okay. The item has been moved --

COMMISSIONER GUNZBURGER: No, I am sorry. You may want to --

MAYOR EGGELLETON: Moved by Commissioner Keechl. You seconded it, Commissioner Gunzburger.

Any objection?

Any objection?

Without objection, show the item passes unanimously without objection.

VOTE PASSES UNANIMOUSLY.

(COMMISSIONER LIEBERMAN RETURNED TO THE ROOM.)

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MAYOR EGGELETTION: Mr. Manager? You do good work, you and the rest of your commissioners, and we always like to see here down at the county and your residents know that you also have them at heart, and all of you do such a fine job. Thank you so much.

COMMISSIONER GUNZBURGER: Do you all want your copies back?

COMMISSIONER LIEBERMAN: Mayor?

MAYOR EGGELETTION: Yeah?

(COMMISSIONER LIEBERMAN RETURNED TO THE ROOM.)

COMMISSIONER LIEBERMAN: May I be shown as voting in the majority on the last two items? I'm sorry, I had to go off the dais for a minute.

MAYOR EGGELETTION: Let the record reflect. Thank you. Thank you so very much.

VICE MAYOR WEXLER: I --

MAYOR EGGELETTION: Yes? What was that?

VICE MAYOR WEXLER: I don't know if you want these returned. The commissioners that represent -- they are beautiful. I mean artwork in particular is stunning.

COMMISSIONER JACOBS: Yeah.

MAYOR EGGELETTION: I just want you all to go to the City of Oakland Park in a few years and you will see the beautiful work that is being done there.

COMMISSIONER JACOBS: You see it already, what they've done.

MAYOR EGGELETTION: Yeah.

COMMISSIONER JACOBS: It's really, I mean, it's great. Great vision.

MAYOR EGGELETTION: Outstanding job. Textbook case on how to transform a community, I want to thank all of you for the fine work you are doing.

UNIDENTIFIED SPEAKER: Thank you.

MAYOR EGGELETTION: Thank you.

COMMISSIONER JACOBS: And might I point out, Mayor, they are doing it with no TIFF.

MAYOR EGGELETTION: That's right. They're doing it the right way. Y'all need to take notes from Commissioner Keechl and I.

(Laughter.)

MAYOR EGGELETTION: All right. Thank you so very much.

COMMISSION MINUTES

AGENDA ITEM 25B

VICE MAYOR WEXLER: Mayor?

MAYOR EGGELLETON: Yes.

VICE MAYOR WEXLER: We have one more item left on the Consent Agenda.

MAYOR EGGELLETON: Yes.

VICE MAYOR WEXLER: I, personally I almost wanted to pull it because I really want to discuss it with Item 37 which is the taxi cab item.

MAYOR EGGELLETON: Yes, that's my intent.

VICE MAYOR WEXLER: Okay.

MAYOR EGGELLETON: And I know we have a number of speakers that are here to speak on Item 25B.

Mr. McCarthy. Let me just say before you come to the microphone. I am going to give you a choice, okay? We are going to -- this is going to be a lengthy discussion. I want to give you a choice. You can do your three minutes now but it is my intent to take this Item 25 and to combine this with Item thirty --

VICE MAYOR WEXLER: Seven.

MAYOR EGGELLETON: Thirty-seven, and 37 has four parts so the discussion is not lost. But I am going to let you make your decision. You can come during the full discussion and deal with it or you can use your three minutes now and when we get to the other item, I will not recognize you. So it's your choice.

MR. McCARTHY: I will defer to Item 37.

MAYOR EGGELLETON: Good. I thought you would, because I know that you want it in the same context. Right?

MR. McCARTHY: Yes.

MAYOR EGGELLETON: And I see there is a member of persons from several taxi cab companies in the audience with us today and transportation companies. Let me just apologize that we won't get to your item until about -- what do you all think, about 2:00 o'clock? It's going to be about 2:00 o'clock. We are going to have an hour lunch and workshop at the same time. But let me just see if there are any items on the afternoon agenda -- I mean on the Regular Agenda that we may dispose of very quickly. Let me see. Item 35.

AGENDA ITEM 35

MAYOR EGGELLETON: Let's see if we can get through Item 35. Anyone like to move Item 35? Somebody?

COMMISSIONER LIEBERMAN: I'll move it.

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MAYOR EGGELETTION: Item moved by Lieberman; seconded by Commissioner Ritter. Any objection?

COMMISSIONER GUNZBURGER: I have a small amendment that I hope nobody will object to.

MAYOR EGGELETTION: Okay then, I'm going to pull the item and we will go back to it.

COMMISSIONER GUNZBURGER: It's real brief.

MAYOR EGGELETTION: Okay.

COMMISSIONER GUNZBURGER: I just want – under Item 7, Bonus Factors, under the last -- where the bonus factors are, the last two columns, to add: Green building, that they – if they do a green building or a green village.

COMMISSIONER LIEBERMAN: I second (Inaudible.)

MAYOR EGGELETTION: Okay. For affordable housing?

COMMISSIONER GUNZBURGER: Yes. They can do it.

COMMISSIONER LIEBERMAN: Yes.

COMMISSIONER GUNZBURGER: It's just a bonus item.

MAYOR EGGELETTION: Okay. All right. Fine. Okay. All right. It makes it more expensive, too, you know. I don't know how you are going to -- that's fine. Okay. That's fine. She's added an amendment --

COMMISSIONER GUNZBURGER: There's --

MAYOR EGGELETTION: Wait a minute. There is an amendment proposed to the item by Commissioner Gunzburger that an additional category be put into place, an additional bonus points at staff discretion for a green?

COMMISSIONER GUNZBURGER: Building.

MAYOR EGGELETTION: Building or greenhouse, whatever.

(Laughter.)

COMMISSIONER GUNZBURGER: No.

MAYOR EGGELETTION: Green building, greenhouse, whatever. Green.

COMMISSIONER GUNZBURGER: Greenhouse?

MAYOR EGGELETTION: Okay. It's been moved by Commissioner Gunzburger; seconded by Commissioner Lieberman to the amendment.

COMMISSION MINUTES

Any objection?

Seeing there are no other objections to the amendment, the amendment is adopted without objection.

VOTE PASSES UNANIMOUSLY.

MAYOR EGGELLETON: We are on the main motion, Item 35 has been moved by Commissioner Lieberman; seconded by Commissioner Gunzburger.

Any objection to the item as amended?

Seeing no objection item passes unanimously without objection.

VOTE PASSES UNANIMOUSLY.

MAYOR EGGELLETON: Item 36 was moved to Consent. We've have already done that item.

Item 38?

COMMISSIONER LIEBERMAN: I have a concern.

MAYOR EGGELLETON: Okay. So we'll hold 38. I'm going to take 39 and 40 and move those over to Item 50, so we can have consistency with that.

AGENDA ITEM 41

MAYOR EGGELLETON: Item 41?

COMMISSIONER LIEBERMAN: Move approval.

COMMISSIONER WASSERMAN-RUBIN: Second.

MAYOR EGGELLETON: Item has been moved by Commissioner Lieberman; seconded by Vice -- seconded by Commissioner Diana Wasserman-Rubin.

Any objection?

Any objection?

Without objection, show Item 41 passes unanimously without objection.

VOTE PASSES UNANIMOUSLY.

MAYOR EGGELLETON: Okay. We have a speaker on Item 41? Okay.

COMMISSIONER WASSERMAN-RUBIN: Mayor, point of order, for a minute.

MAYOR EGGELLETON: Okay. Huh?

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COMMISSIONER WASSERMAN-RUBIN: You could actually hang meat here. Could somebody please?

MAYOR EGGELLETON: Okay.

We have a speaker, Brenda Lee Chalifour, on Item 41.

Mrs. Chalifour, you're recognized.

MS. CHALIFOUR: Yes, good day, Mr. Mayor Vice Mayor, Commissioners, Counsel, Auditor, staff, greetings. I have one simple question that I really do hope you answer before, since you have already passed it but maybe you can just give me an answer to the quick question.

On Item 41, we are now paying over \$10.3 million for environmental impact statement. I think it's the fourth amendment. Unfortunately, I did not see in there any timetables which given us an idea of when we might see a draft, supplemental draft or a final draft. I would hope that that would come to you along with these requests for additional funds.

But beyond that, this item talks about using FAA grant money, and I know a lot of you say that comes from the airlines or the air or the trees. I am not really sure where the money tree is, but in my world, Federal Government money comes from tax dollars. So unless someone could teach me differently, that's all I know.

Beyond that, it also calls for 101 -- \$181,750 from reserved. Could somebody please tell me what fund, what reserves, what account? Is it taxpayer dollars? It just says reserves. It doesn't define or delineate where those additional monies are coming from. I would think or hope that the backup would provide the answer to the question. What reserves? Whose reserves? Is it enterprise funds? Generally, when it is, you clearly point out enterprise funds. I am hoping that somebody will answer this question. If not, I guess we will have to do a little more research and try and get some public information which as you very well know isn't -- does not come easily and sometimes unfortunately gets accidentally buried.

But beyond that, over 10.3 million, no timetable. One hundred -- on this award, this amendment anyway, and we will go back and look at where the other monies came from. But on this one, it clearly says: 181,750 from reserves, and appreciate an answer to our question. My question. I'm so sorry. I don't really ever mean to use the word "we", but my daddy did teach me the word "I" is selfish. Thank you.

MAYOR EGGELLETON: Thank you, Mrs. Chalifour.

To the narrowly drawn question, Mr. Bielek.

MR. BIELEK: It's from the enterprise fund capital reserves.

MAYOR EGGELLETON: Thank you. All right. Item has been moved and already passed.

AGENDA ITEM 42

MAYOR EGGELLETON: Item 42. Anyone like to move 42? Okay. Is there a problem?

COMMISSIONER LIEBERMAN: Yep.

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MAYOR EGGELETION: Okay. Then we'll hold that item over. Forty-three, I am assuming there is a problem there, too?

COMMISSIONER LIEBERMAN: Well, only --

MAYOR EGGELETION: Okay. We will hold 42 and 43. There is going to be, I guess some discussion on those. Item 44, I imagine is going to be some -- have a lot of questions on that. Let's go to Item 45. Item 45 is Selection Committee to -- well, that is going to be lengthy.

COMMISSIONER LIEBERMAN: We need to talk about the RLI.

AGENDA ITEM 46

MAYOR EGGELETION: Okay. All right. Well, let's to Item 46. 46, is there a motion on 46?

COMMISSIONER LIEBERMAN: Move 46.

MAYOR EGGELETION: Forty-six has been moved by Commissioner Lieberman;, seconded by Commissioner?

COMMISSIONER KEECHL: Second.

MAYOR EGGELETION: Discussion on 46.

COMMISSIONER GUNZBURGER: I would like to serve.

MAYOR EGGELETION: This is 46.

VICE MAYOR WEXLER: I do have discussion on 46, which is --

MAYOR EGGELETION: Okay. Well then, we'll hold 46.

VICE MAYOR WEXLER: Okay.

MAYOR EGGELETION: Because we got to break here in a minute.

VICE MAYOR WEXLER: It's not a big discussion.

AGENDA ITEM 47

MAYOR EGGELETION: I am trying to get to Item 47.

VICE MAYOR WEXLER: Okay.

COMMISSIONER LIEBERMAN: Move it.

COMMISSIONER KEECHL: It is my request.

MAYOR EGGELETION: Yes.

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COMMISSIONER KEECHL: If you move it, I will read my statement.

MAYOR EGGELLETON: Okay. It's been moved by Commissioner Lieberman, seconded by Commissioner Diana Wasserman-Rubin.

Mr. Newton, you're recognized.

MR. NEWTON: Notice is hereby given pursuant to Subsection 286.011 (8), Florida Statutes. A closed attorney/client session will be held on Tuesday, June 26, 2007, at approximately 9:15 a.m., in the Broward County Governmental Center in Room 430 by the Board of Broward County Commissioners of Broward County to discuss settlement negotiations or strategy related to litigation expenditures in National Beverage Corporation versus Broward County, Seventeenth Judicial Circuit Court, Case No. 02-10896(12), Broward County versus National Beverage Corporation, 17th Judicial Circuit Court Case No. 06-08784(12), National Beverage Corporation Versus Broward County United States District Court Case No. 06-6158 MOORE/GRABER.

The names of all persons expected to attend the closed portion of the meeting are: Broward County Mayor, Josephus Eggelletion, Jr., Vice Mayor Lois Wexler, County Commissioners: Ilene Lieberman, Kristin D. Jacobs, Stacy Ritter, Ken Keechl, Sue Gunzburger, John D. Rodstrom, Jr., Diana Wasserman-Rubin, County Administrator Pamela Brangaccio, County Attorney Jeffrey Newton. Chief Appellate Counsel, Andrews Myers, and an official court reporter.

The open portions of the meeting will be held in Room 430 and in Room 422.

MAYOR EGGELLETON: Okay. Thank you.

The item has been moved and seconded.

Any objection?

Any objection?

Without objection, show the item passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 38

MAYOR EGGELLETON: I forgot Item 38. Item 38, would someone like to move Item 38?

COMMISSIONER LIEBERMAN: No, you had said that before. I said I have a concern.

MAYOR EGGELLETON: You have a concern?

COMMISSIONER LIEBERMAN: I do.

MAYOR EGGELLETON: Okay. So we're going to hold 38. Okay?

COMMISSIONER LIEBERMAN: Yeah, and we are paying them to hire him.

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MAYOR EGGELETTION: So then that brings us to, I think to – I think then at this particular time, members, we will take a break and we will move to Room 430 for the Fiscal Budget Overview Workshop.

And, Mrs. Brangaccio, what do you think, how long do you think?

MS. BRANGACCIO: Less than an hour, Mayor.

MAYOR EGGELETTION: Okay.

(COMMISSIONER RODSTROM RETURNED TO THE ROOM.)

MS. BRANGACCIO: This is just an overview. The real operational details are going to be on Thursday.

MAYOR EGGELETTION: So we will reconvene in here, say at 2:15?

COMMISSIONER RODSTROM: Mayor?

MAYOR EGGELETTION: Yes?

COMMISSIONER RODSTROM: Before you break, can you show me in the affirmative on the votes that were just taken (Inaudible)?

MAYOR EGGELETTION: Let the record reflect that Commissioner Rodstrom voted affirmative on the items that he was absent. So we will return here at 2:15. That gives us an hour and 15 minutes. If we can move quickly, I think we quickly can dispose of remaining items and get out of here maybe by 4:00 o'clock.

COMMISSIONER LIEBERMAN: Good.

MAYOR EGGELETTION: Thank you.

(THE MEETING RECESSED AT 12:49 P.M. AND RECONVENED AT 2:46 P.M.)

MAYOR EGGELETTION: Okay. We're going to reconvene the 10:00 a.m. County Commission board meeting. We had a number of items that was left unresolved. Let me see if I have my sheet here, and I'll go directly to some of those, and I want to get some of the easier ones out of the way first that we have left on the agenda. Okay? So let me go first to Item 38.

AGENDA ITEM 38

MAYOR EGGELETTION: Item 38, Commissioner Lieberman, you had an issue with 38. You're recognized.

COMMISSIONER LIEBERMAN: Here's the issue for me with 38. And I realize this went through a selection committee and I realize that there was a one-point difference between this vendor and the number two-ranked vendor who was cheaper than the number one-ranked vendor. So I just, you know, I can't vote for it. The majority wants to vote for this. What's happened in this agenda item is the number two vendor was less expensive than the number one, and the number one vendor is now hiring the number two vendor to be the program manager. So we're actually paying more to get the same person who was better qualified and at a lower cost. So I'm not going to move it. I'm not going to second it. I

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can't vote for it. Even though it's the airport funds, even though it's not general funds, it still troubles me to spend more money than I have to to get the same program.

MAYOR EGGELETTION: Well, okay. They actually went through a process. I don't think --

COMMISSIONER LIEBERMAN: I know. I can't vote for it. So you can all move it. You can vote for it but I just can't vote for it.

MAYOR EGGELETTION: I'm ready. Is this a motion to move?

COMMISSIONER JACOBS: I was simply going to ask -- I didn't serve on the S/NC but apparently the majority voted for it, so could somebody give the opposite point of view?

MAYOR EGGELETTION: There were two of us on the S/NC and I'm comfortable with the item, but I'm looking for a motion.

VICE MAYOR WEXLER: I'm going to move the item.

MAYOR EGGELETTION: Okay.

VICE MAYOR WEXLER: And I served on the S/NC.

MAYOR EGGELETTION: The item has been moved by Commissioner Wexler. Is there a second to the motion? Is there a second to this motion?

COMMISSIONER KEECHL: Second.

MAYOR EGGELETTION: It's been seconded by Commissioner Keechl. All those in favor?

MS. CHALIFOUR: Excuse me, Mr. Mayor.

COMMISSIONER KEECHL: Aye.

MAYOR EGGELETTION: Oh, wait, I'm sorry.

MS. CHALIFOUR: (Inaudible.)

MAYOR EGGELETTION: That's all right. I'm sorry, I didn't see -- okay, Ms. Chalifour, you're recognized to speak on the item.

MS. CHALIFOUR: Good day. Brenda Lee Chalifour for the record, speaking for myself, and unfortunately, I may use the term "we." Just disregard, please. Agenda Item 38 provides for a new and unique service at our airport. Ramp control.

First, it's amazing what the amount of money we've spent on planning, designing, and engineering that we have areas on our airport that are outside the sight line of our tower. How can that be? What have we been spending our money on? Very, very bizarre that this can happen.

It's bizarre that our clearances on the aprons do not meet FAA standards and that BCAD is the only one that can provide this service, and now Mr. Ron Boyd, and I agree with the issue regarding cost. However, you're going to go forward and do this, but you haven't even found out if the airlines and the

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FAA are going to submit to your control or not. That would be my first question, are they, in fact, going to do so.

(COMMISSIONER WASSERMAN-RUBIN ENTERED THE ROOM.)

MS. CHALIFOUR: Secondly, ramp control services in the amount of over 1,000,000 for the first year, and then there are four option years for a total of 5.6 million over five years, and that option is to be exercised by your Director of Purchasing, not yourselves. I would strongly urge you to bring it back to this board to make sure that we're spending that money wisely.

Lastly, as it relates to the cost, I'm reading from Page 4 of 40 of the agreement: Article 2.1, county has budgeted funds for the project. The project is funded with county funds. Easy question: What county funds? And, again, if it is, in fact, airport enterprise fund, couldn't we just say that? I will note, however, in fairness, the backup indicates that the project may be eligible for federal grant funds or passenger facility charges, although I think we've spent those time and time again on a zillion different things, or State of Florida grant funds. However, right now, it says: County has budgeted funds for the project. The project is funded with county funds. Could we please get clarification of the source of the funding for what I consider the most outrageous abuse of our spending power? Thank you.

MAYOR EGGELLETON: Thank you. Okay.

Vice Mayor Wexler, then followed by Commissioner Gunzburger.

VICE MAYOR WEXLER: First of all, Ms. Chalifour is correct on Section 2.1. It does say county budgeted funds. Do we need to clarify, Mr. Mayor, that these are, indeed, enterprise fund funds?

MAYOR EGGELLETON: Mr. Bielek.

MS. BRANGACCIO: Absolutely, and we'd like to, when it's appropriate, Mr. Mayor, to review some of the history of this item and how it's actually aimed at reducing congestion and reducing the use of 1331.

MR. BIELEK: And they are enterprise funds.

VICE MAYOR WEXLER: Yes, and I appreciate -- and someone will give a history. I did serve on the selection committee. You can see the vote was extremely close on this. I believe it was 12/13 or something like that?

COMMISSIONER GUNZBURGER: Yes, exactly.

VICE MAYOR WEXLER: I don't have it -- okay.

COMMISSIONER GUNZBURGER: 12/13.

VICE MAYOR WEXLER: I believe that the three commissioners that served on it did not vote Robinson their number one.

COMMISSIONER LIEBERMAN: Right, they did not.

VICE MAYOR WEXLER: However, we did not prevail, and that's okay. I will tell you that this company that did get the 12 points is very, very qualified.

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(COMMISSIONER RODSTROM ENTERED THE ROOM.)

VICE MAYOR WEXLER: So is Mr. Boyd qualified. As a matter of fact, he had been the tower -- tower chief?

MAYOR EGGELETTION: Right.

VICE MAYOR WEXLER: ...before Mr. Berlucci, and Mr. Berlucci also, who is also the current tower chief, also sat in ex officio at this meeting and asked some very, very straightforward, significant, pertinent questions regarding the capabilities of the individuals --

(Cellular telephone interruption.)

VICE MAYOR WEXLER: I'm sorry, that was music.

The capabilities of the individuals and the companies that applied for it. I suspect that one of the things that staff may have found attractive about this particular company was the depth of experience that they had actually done this before such as Seattle-Tacoma, and I would ask as your permission, Mayor, that Mr. Bielek give a little bit more in-depth history.

COMMISSIONER GUNZBURGER: That's what I want.

MAYOR EGGELETTION: Mr. Bielek, a little history, but observe the two B's, be brief.

MR. BIELEK: I'll be happy to do that. After the selection committee met and voted RBA Number 1, we conducted negotiations with RBA. Part of those negotiations deal with the letter of agreement with Attire, the airlines who do want this service. That is where the request came from originally. During those negotiations, even though RBA had decided to make an offer to Mr. Boyd to be their project manager, he sat outside the negotiations. He didn't become involved in the negotiations at all. After the negotiations were concluded, they hired him as their project manager.

I think if you remember at the Selection/Negotiation Committee meeting, the original project manager said that he was stepping down from a higher position to take this one because he was so interested in Broward County and lived here. So that's a short synopsis of the history.

MAYOR EGGELETTION: Okay.

Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Thank you. Are you -- Are you satisfied with the results that came out of this committee work that the job will be done in the way that is needed by the airport?

MR. BIELEK: Yes.

COMMISSIONER GUNZBURGER: And I'd like to address Commissioner Wexler. As a member of the committee, even though the committee members didn't prevail, are you satisfied and that's why you have moved this?

VICE MAYOR WEXLER: I moved it because I know that this company is capable of doing -- very capable --

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COMMISSIONER GUNZBURGER: Your mike isn't on.

VICE MAYOR WEXLER: And the answer is yes.

COMMISSIONER GUNZBURGER: Your mike isn't on.

VICE MAYOR WEXLER: The short of the answer is yes.

MAYOR EGGELLETON: Okay. Any other questions, Commissioner?

COMMISSIONER LIEBERMAN: Yep.

MAYOR EGGELLETON: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Just as a point of clarification, I'm not questioning whether this company is qualified. I'm questioning whether we're paying more than we have to because they've hired as the project manager the number two ranked bidder whose cost proposal for doing this was less.

Mr. Bielek, how did you rank Mr. Boyd, first or second?

MR. BIELEK: To be honest with you, I'd have to look back. I don't remember.

COMMISSIONER LIEBERMAN: I remember.

MR. BIELEK: Okay.

COMMISSIONER LIEBERMAN: No, he ranked him first. He was the only member of staff who agreed with the Board of County Commissioners.

MAYOR EGGELLETON: All right.

The item has been moved by Vice Mayor Wexler; seconded by Commissioner Keechl.

All those in favor of item.

COMMISSIONER KEECHL: Aye.

MAYOR EGGELLETON: Those opposed?

COMMISSIONER LIEBERMAN: Nay.

Let it reflect that the item passes 8 to 1 with Commissioner Lieberman voting in the negative.

VOTE PASSES 8 TO 1 WITH COMMISSIONER LIEBERMAN VOTING NO.

MAYOR EGGELLETON: Okay. That was Item 38.

VICE MAYOR WEXLER: Mayor, with the correction in the language of 2.1 indicating enterprise fund dollars, not county fund dollars.

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AGENDA ITEM 42

MAYOR EGGELLETON: Okay. All right. That takes us to 42.

Commissioner Lieberman, you had a problem with Item 42?

COMMISSIONER LIEBERMAN: Yeah. Here's -- are we finished with 39? Did we do 39?

UNIDENTIFIED SPEAKER: No.

COMMISSIONER LIEBERMAN: We still have to do 39.

MAYOR EGGELLETON: Thirty-nine, I've -- I'm moving 39 and 40 to Item 50. We're going to take all those together.

COMMISSIONER LIEBERMAN: Oh, okay. Here's the dilemma for me. I don't know how to deal with this. When you look at the report that we've received from our consultant about the airport, it looks like at about either 2024 or 2025, the delay reaches what is considered unacceptable delay by the FAA if you use the south runway, and you'll be looking at a north runway.

In addition to that, we had early on as a board asked the County Attorney and the county administrator to make sure that no leases on the north side, on the north side of the airport for the fixed base operators exceeded 2020, and the reason is because if, in fact, a north runway becomes required or if, for some reason, in litigation about the south runway, the south runway gets abandoned by the FAA, you will have to buy out the fixed base operators on the north side of the airport.

My concern is not about Embraer. I think they're a good company. I'd like to keep them at the airport. I keep asking staff if there's some way that we can relocate them to the west side of the airport, that perhaps other projects can be placed on hold so that they can build on the west side. The issue is that there is some infrastructure that needs to be relocated, which staff says they can't do. In my mind, that means you do a contract with Embraer and you quantify what those costs are in the cost of building. They do the relocation and you reimburse them, not unlike we do for many road construction projects where we have somebody building a road or we're building a road and somebody -- and a developer gives us a percentage, but what concerns me, and I can't reconcile in my mind is that if, in fact, we approve Embraer to 2030, is the domino.

They are not the only fixed base operator at the airport. Everybody on the north side will then want their contracts extended to 2030, which means if a north runway becomes required for one of two reasons, either delay in 2025 indicates that we need another runway because we've decommissioned the Crosswind or in going through the record of decision and the litigation we'll expect to happen from the record of decision, if there's a change in any position that makes the South Runway not happen, you will have a dollar cost to buy out the fixed base operators above the current position that you're in.

Now I realize I was out of town last week and Mr. Bielek I believe was in Washington, but one of the things -- and I recognize Embraer is on a tight schedule and they need to build, but it just seems to me if you were going to position this airport to be in the best possible position to lower costs, mitigate costs that we could have to bear and preserve potential for the future, then you would look at those other projects on the west side and some of them can probably be delayed, and you would enter into a contract with Embraer for the west side of the airport, because I've asked them when they met with me if their maintenance facility needs to be next to their current operations on the north side and they've told me it doesn't.

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(COMMISSIONER RITTER LEFT THE ROOM.)

COMMISSIONER LIEBERMAN: They don't have a problem with building on the west side. The problem is ours. We can't seem to move infrastructure fast enough to accommodate them.

So the next question is: Couldn't we do a contract with them that said, as you do your construction, you do the relocation. We quantify what that cost is, and I'll bet you the private sector could work it faster than the public sector could.

So the only concern I have, and nobody has been able to satisfy and give me a good answer is, is this the domino? Is this the lead domino? Because if it's the lead domino, what it means -- and I'd go to 2025, because when I look at that, I look at what we've been presented with. It says delay doesn't happen again until 2025 if the South Runway is approved, but what no one can tell me is, is this the domino, and my concern is that once you do this for Embraer, you'll have to do let for everybody on the north side. So congratulations, the cost that you've mitigated by making everybody's lease expired into 2020, you've just given up, and until I get a good feeling on that, and I mean I realize that next week is our last week before summer break. I would hope that staff could come up with some way to solve this and move them over to the west side, because I'm telling you, you do it on the north side, your dollar number for buying out the leases on the north side will increase dramatically. It's not just from them. It's from everyone else will follow them.

You even have a letter or e-mail today, I know I have it, I'm not sure if everybody else has it, from Sheltair that says: You approve this, we're coming back, and we want you to do the same for us.

(COMMISSIONER RODSTROM LEFT THE ROOM.)

COMMISSIONER LIEBERMAN: So all the me toos will be in front of us again. It has nothing to do with the quality of this person. I'd like to keep them. It has to do with the master plan, where you put them and preserving our options for the future.

MAYOR EGGELLETON: Okay. Thank you.

Mrs. Henry, let me ask a question. If, in the event, and this is -- the operative word here is "if." If there is ever a need to build a north parallel runway, is it not a fact that the FAA pays for the relocation cost of those businesses that would be affected?

MS. HENRY: These costs would be eligible for reimbursement from the FAA.

MAYOR EGGELLETON: Okay.

Additionally, I believe that because -- I don't know whether we gave QTI tax credits or any of those things to Embraer. I see Mr. Taylor is here. I don't believe we did that, but I think that everyone have talked to you about the time frame that's critical to the moving of this item forward, but at that particular time, if you have to move in 2025, it doesn't cost the county a dime.

COMMISSIONER LIEBERMAN: No, it's eligible. It doesn't mean you get the full amount.

MAYOR EGGELLETON: It's eligible, but I can tell you, Commissioner, in my conversation with the FAA when they were here the night we had the meeting at the airport, I asked them that very same question, because I knew that this item was on the radar screen. Here's what they said to me. They said: Mayor, just as we moved all the businesses at Miami International Airport, we're more than happy to participate with the exact same thing in Broward County if that occurs, and that they have no problem in putting that

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money into the cost of building that runway, and that's where the actual dollars come from; is that not correct, Mrs. Henry?

MS. HENRY: Correct.

MAYOR EGGELETION: Okay. Thank you.

Commissioner Gunzburger, did you have your hand up?

COMMISSIONER GUNZBURGER: I didn't. I wanted to hear from staff whether all that information is accurate, if Ms. Brangaccio can ask Mr. Bielek, because none of us want to spend that. I am under the impression because I supported Commissioner Wexler's stand for a north parallel runway rather than the south --

VICE MAYOR WEXLER: Did you vote for it?

COMMISSIONER GUNZBURGER: Yeah, I did.

COMMISSIONER LIEBERMAN: Yeah, it was four votes.

COMMISSIONER GUNZBURGER: Yes.

COMMISSIONER LIEBERMAN: There were four votes for D1.

MAYOR EGGELETION: I thought there were only three votes.

VICE MAYOR WEXLER: (Inaudible.)

COMMISSIONER LIEBERMAN: Yes, he did.

MAYOR EGGELETION: I counted three votes.

COMMISSIONER LIEBERMAN: For the D2 option, it was Commissioner Jacobs --

COMMISSIONER GUNZBURGER: Me. Me.

COMMISSIONER LIEBERMAN: Lieberman, you, and Commissioner Gunzburger. So it died because there were four.

MAYOR EGGELETION: No. It was three.

COMMISSIONER GUNZBURGER: Well, I had my --

MAYOR EGGELETION: It was three.

COMMISSIONER LIEBERMAN: It was four, but it doesn't matter.

COMMISSIONER GUNZBURGER: It doesn't matter.

COMMISSIONER JACOBS: (Inaudible.)

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COMMISSIONER GUNZBURGER: It failed whether it was four or three, it didn't make it. What I am asking is, if we allow this, is this going to be a me too, and are there -- do we know for certain that another long runway will be needed and at what year?

MR. BIELEK: Okay. First, let me say relocation is eligible. Whether there are funds to fund it is anybody's guess in 2020.

Secondly, the reason that we have said that the west side is not a good option at this time is that we have a number of requests for all of the land on the west side, and we are waiting, and we've been putting everybody off until the master plan is complete because the master plan is to lay out what the land use is on the west side.

Can we have a third runway here? This is just a personal opinion, I doubt it. I doubt it very seriously, simply because if you build a third runway, you create more airfield capacity than you could possibly create land side capacity to balance. And if you take a look at the fact that we already have a demand for all of the aviation land on the west side, to think that we won't have increased demand on the west side by 2025 just doesn't make any sense.

(COMMISSIONER RODSTROM RETURNED TO THE ROOM.)

MAYOR EGGELETTION: Does that answer your question?

COMMISSIONER GUNZBURGER: Well, it certainly does. It sounds to me like the north runway was killed on June 5th and, therefore, that what Commissioner Lieberman brought up is probably moot.

COMMISSIONER LIEBERMAN: We're never going to get there.

MAYOR EGGELETTION: Okay.

Commissioner Jacobs.

COMMISSIONER JACOBS: I'm just trying to get to the bottom of a question. I was talking to Mr. Newton, and Mr. Bielek, I hope you can help me out. When I read the agenda item, on the second page, the second do the last paragraph that speaks to the issues of early termination provisions, I read it to say that while there was some period of time where there was -- this issue was rejected, that finally the standard language had been included. I understood the standard language to be the early termination provision. Mr. Newton is saying he believes it may mean that it's the county buy-out of the lease provision.

And so when I read the item that you sent around without on early termination provisions, it opens us up to the issues that you mentioned with Sheltair. I don't know which side of the table you're falling on. So on Page 2, when you state the standard language has been included, what did you mean by that? Did you mean the county buy-out of the lease or did you mean the early termination?

MR. BIELEK: I'm going to ask Ms. Bowers to answer that question. The yellow sheet that came around though deals with the Sheltair lease which essentially says if anybody gets a better deal, we get the same deal.

COMMISSIONER LIEBERMAN: Right.

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MS. BRANGACCIO: And the standard language --

COMMISSIONER JACOBS: Okay. But as to my question, when you say the standard language has been included, are you speaking to the buy-out of the lease --

MS. BOWERS: Yes.

COMMISSIONER JACOBS: -- or the early termination?

MS. BOWERS: Standard buy-out, the buy-out of the lease.

COMMISSIONER JACOBS: Okay. Because to me, that's an issue. That's something that we need to talk about. If we're entering, as Commissioner Lieberman said, that's a domino, if we're opening ourselves up to that, what did you all mean when you sent this next sheet around, be aware, why you didn't recognize it when you wrote this sheet (indicating)?

MS. BOWERS: Sheltair is the only other tenant on the north side that has the favored nations clause, as the County Attorney's Office calls it. And so they are the only ones that can come back to us and if we give someone else a better deal than they had, we have to give it to them, and the reason this is a better deal than they have currently, because currently in Sheltair lease, after 2022, we don't have to do a buy-out for them. They agreed to that. So from the years of 2022 to 2035, which is their lease expiration date, we would not have to buy them out. We would relocate them --

COMMISSIONER JACOBS: After this though, we would?

MS. BOWERS: After this, if they come back and ask for it --

COMMISSIONER JACOBS: Then we would. And so, to me, that's a very relevant discussion for us to be having here today, and it surprises me that that information was not mentioned in the agenda item and comes late in a little paragraph. I mean it's akin to saying there's a big rock to fall on your head when you walk in the door tonight. Not that you can do anything about it. Thought you might want to know. So, to me, what's the impact here? How does this affect the standing of Sheltair and any financial exposure that the county may have?

MS. BOWERS: Well, the exposure is any time after 2022, we would have to pay all the normal buy-out clause expenses that we do for every other --

COMMISSIONER JACOBS: I understand that. I was looking for what that means.

MS. BOWERS: I don't have a number for you.

COMMISSIONER JACOBS: Okay.

MS. BOWERS: Because it would depend on the market value of the property at that time and their business and what it would cost to them to relocate them. I don't think we've done that kind of estimate on any of those yet.

COMMISSIONER JACOBS: Okay. Well, to my colleagues, it seems to me that until we really understand what series of changes we're putting into effect by approving this item, we shouldn't really be moving forward with it until we understand what that is, and I'm just very surprised that you would come forward with this kind of language. Today, it's dropped on my desk just before we contemplate this item,

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and it wasn't -- why did it arrive so late? Do you consider it so inconsequential that it's not to be considered, it's not of importance?

MS. BOWERS: No, that's why we yellow sheeted it.

MS. BRANGACCIO: And actually the reason why we asked Ms. Bowers to go back and talk to the attorney's office because when Ms. Henry and I both read the language in terms of favored nations status, we interpreted it differently than staff had. So it was at our suggestion that they went back and talked to the attorney's office who agreed with our interpretation that the favored nations status would kick in. So that's why we felt that it had to be yellow sheeted. Obviously, it is a major point. It's two companies, and Sheltair would get the same status if this agreement was approved within the year.

COMMISSIONER JACOBS: So, Ms. Brangaccio, what is staff recommending on this item and based on what?

MS. BRANGACCIO: Staff's recommendation -- we had been working with Embraer probably six months at least, and we have -- well, a year, probably a year. I know Ms. Henry probably knows better than I in terms of how long, but we've held them off and held them off and held them off quite frankly until the runway decision. We just kept telling them we're not willing to make a recommendation on any language beyond the standard language.

When the runway decision was made two weeks ago, our commitment to Embraer was to bring it to the Board, flag it in terms of the difference of your normal lease but to show you the benefit to the airport. Mr. Bielek's personal opinion withstanding, it's hard to make -- to say to you that some time between now and the year 2035 that the northern runway issue isn't going to come back. We realize that. That's a policy issue for the Board. You've got to deal with that --

COMMISSIONER JACOBS: That's not the issue here. The issue isn't over the northern runway. The issue is over the me too clause environment that we are now setting up with Sheltair.

MS. BRANGACCIO: Agreed.

COMMISSIONER JACOBS: So I'm asking you if you've been negotiating --

MS. BRANGACCIO: Agreed. That's why we brought it to your attention.

COMMISSIONER JACOBS: No, this wasn't brought to our attention until just before we went to consider the item. If you've been dealing with this issue for a year or more, why is it only now that you're leaving this information to us? Why was that not included in the agenda item? How can it be missed? And how can I approve this now without knowing what the impact of this change to the Sheltair contract means to the county?

MS. BRANGACCIO: All I can tell you is that when we read it, Ms. Henry and I, we had a different interpretation than the staff's initial conversations had been. Mr. Newton's office agreed with our interpretation when we asked for a re-review.

COMMISSIONER JACOBS: So are you saying that in the absence of the knowledge of the impact of what Sheltair is doing, you still recommend, staff still recommends approval?

MS. BRANGACCIO: Staff is recommending approval at this point in terms of the Embraer to lease, yes.

MAYOR EGGELLETON: Okay.

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COMMISSIONER JACOBS: Even with the Sheltair impacts unknown?

MS. BRANGACCIO: And I need to ask you too –

COMMISSIONER JACOBS: That's a yes or a no.

MS. BRANGACCIO: You put the item -- yes for me, but I need to ask these two because they put the item forward.

MAYOR EGGELETTION: Yes. I think that the answer, Commissioner, here is yes. Okay?

COMMISSIONER JACOBS: Okay.

MAYOR EGGELETTION: All right. I'm going to call on Commissioner Lieberman, but before I do that, Mr. Bielek, is Sheltair a general aviation company that deal with private aircraft; is that correct?

MR. BIELEK: Yes, sir.

MAYOR EGGELETTION: Okay. If you build a north parallel runway, does that impact Sheltair?

MR. BIELEK: Well, it impacts their facility that's north of the existing runway.

MAYOR EGGELETTION: That's north of the existing runway?

MR. BIELEK: Exactly.

MAYOR EGGELETTION: But not the large facility on the south side where most of their operation is; is that correct?

MR. BIELEK: That's correct.

MAYOR EGGELETTION: Okay. So I can tell you that I thought about this and I checked the airfield capacity on the west side. It's my understanding that for the entities on the north side of the airport, if you needed, if you needed to move them, that there is room enough on the west side of the airport to accommodate all those facilities that need air side support, such as DHL, Federal Express, Embraer, Sheltair, and the like. Those that don't need air side support, meaning, you know, an aircraft taxi up to the air facilities, you simply move those particular facilities. But, you know, I don't see how this -- but, you know, that's y'all call, but I'm just telling you, that's what your -- if you look at the space that they currently have today and you look at the space that you currently have on the west side of the airport, there's room to accommodate all those facilities that need air side support.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah. I would like to see Embraer stay at the airport. I think they're a good vendor for us to have. My concern is that there may not have been enough thought given to what this generates in terms of other me too's and even though there's a me too clause in Sheltair, there are plenty of other fixed base operators on the north side, and I would suspect they'll be on your agenda in the next year asking for the similar thing, and I don't think Mr. Bielek would disagree. You may say it's discretionary, but after you've given it to two, you're going to have a hard time saying no to the third, and

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you have to give it to two, because once you give it to Embraer, you've got to give it to Sheltair. So then you're at two already.

The concern, Mr. Bielek, was it your testimony that 100 percent of the cost of buying out of those leases, 100 percent, would be absolutely reimbursed by the FAA?

MR. BIELEK: No, no, what I stated is that it's eligible for reimbursement and our participation rate right now is at 75 percent.

COMMISSIONER LIEBERMAN: Okay. So currently right now today in 2007 it's 75 percent. We don't know what it will be in 2025 if that happens if we extend the lease?

MR. BIELEK: That's correct.

COMMISSIONER LIEBERMAN: And nobody has a crystal ball that can tell us what they're going to do with these federal funds and they may dry up entirely?

MR. BIELEK: Actually, the program expires September 30th of this year.

COMMISSIONER LIEBERMAN: Yeah, it expires. The program for reimbursement expires this year. Has it been reauthorized yet?

MR. BIELEK: No, it's not.

COMMISSIONER LIEBERMAN: Okay. How many fixed base operators on the north side have leases that expire in 2020?

MS. BOWERS: There's three that go to 2022.

COMMISSIONER LIEBERMAN: Okay. How many have leases – how many fixed base operators are there on the north side that have leases?

MS. BOWERS: Hold on one second.

COMMISSIONER LIEBERMAN: Okay.

MS. BOWERS: One, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, there are twelve tenants on the north side, four of them including Embraer are FEO's.

COMMISSIONER LIEBERMAN: Okay. So we've got 12 tenants with leases on the north side. The vast majority with their leases expire in 2020, which was the direction we gave to the County Attorney. There's three that go to 2023 which don't concern me because the data we looked at showed us that it isn't until 2025 that we run into additional delays that may necessitate another runway. You know, it is a terrible dilemma to be in because it is a good business. It's a business we should keep here.

The issues with respect to the west side about the relocation of infrastructure, I think are capable of being handled by a contract with the vendor, but I just -- but I don't have a good feel today as to what the domino effect is going to be if, in fact, we approve this one vendor. So I hate to vote against them because I want to keep them here. I think they belong at the airport. That's why I spent a lot of time with them. They came to see me six months ago. I asked them if their operations could be in separate locations, like the maintenance facilities on the west side and their existing operations on the north.

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They've been great at working through the issues. But I just -- I can't seem to get my arms around what the long-term impact is financially and what the consequences are on an airport reimbursement program that is due to expire this year that no reauthorization language has passed.

MAYOR EGGELETTION: Who is next? Are you done, Commissioner?

COMMISSIONER LIEBERMAN: Yes.

MAYOR EGGELETTION: Okay. You want to be recognized, Commissioner?

Commissioner Rodstrom, you're recognized.

COMMISSIONER RODSTROM: How did you come about this favored nations clause? How did it come to your attention?

COMMISSIONER LIEBERMAN: I read the document.

COMMISSIONER RODSTROM: You read which document? The Sheltair document?

COMMISSIONER LIEBERMAN: Well, when I started with this document I started looking at other documents, and you can pull up past agendas from the Board of County --

COMMISSIONER RODSTROM: So you went back and found it through the Sheltair document?

COMMISSIONER LIEBERMAN: Yeah, everything we've done is on the Web for the past several years. You go back and pull up the agendas.

COMMISSIONER RODSTROM: You know what? Kudos because that's pretty good homework on your part. That took a lot of effort and a lot of work, something that, you know, was above and beyond, you know, to go look at the other -- you know, somebody else's document. That's good. I just was curious. Thank you. Good work.

MAYOR EGGELETTION: Vice Mayor Wexler.

VICE MAYOR WEXLER: I'm going to be brief. It was at least in my meeting as far as -- and they received the issue because you must have had this conversation with them before their hearing today as far as favored nation and another lease agreement. I just want to make sure, and I'm not there yet as far as my comfort level regarding the FAA program. I had no idea that it had not been -- it's coming to an end this year, and it hasn't -- I mean I can't wait to find out if it's going to be continued or not. I'm hoping it is, aren't we?

MAYOR EGGELETTION: It's automatic.

COMMISSIONER LIEBERMAN: Nothing is automatic.

VICE MAYOR WEXLER: It's automatic, okay. But the reality is that it will 99 percent be continued, okay, but we're trying to make some business decisions here, and seeing a clause like this, I really would like to know what the potential in that could be, and it seems that staff isn't prepared at this point to address that potential impact. I also wonder if we could renegotiate and remove this favored nation status from the Sheltair contract.

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COMMISSIONER LIEBERMAN: Never going to happen.

VICE MAYOR WEXLER: Well, you know --

COMMISSIONER LIEBERMAN: Never going to happen.

VICE MAYOR WEXLER: At some point in time, I bet you they're going to want something from us again. I have no doubt about that as we move through all kinds of processes with them. This is going up on my corner of my desk to keep as far as I had no idea that this was in place. I'm not -- I'm not there yet. I'm sorry, I'm not there yet. In regard -- regarding to make a decision today, and I just need more -- I need more clear financial impact information regarding -- no matter what, they only pay 75 percent even if you apply for these funds. Who would pick up the other 25 percent? The county?

COMMISSIONER LIEBERMAN: Uh-huh.

MR. BIELEK: Well, the enterprise fund typically picks up most of it.

VICE MAYOR WEXLER: The enterprise fund.

COMMISSIONER LIEBERMAN: The airport.

MR. BIELEK: Some comes from the state.

VICE MAYOR WEXLER: And we have a dollar amount there? Do we have any kind of idea what that 25 percent would represent?

MR. BIELEK: Well, in the EIS, the DEIS, the relocation, the total relocation expenses for the north side I believe were estimated by Landrum & Brown at \$340,000,000. So divided by 4 is a little over \$85,000,000.

MAYOR EGGELLETON: In fact, the \$340,000,000 included the runway and the reimbursable cost; is that right?

MR. BIELEK: No, I believe the 340 was the cost of rebuilding the facilities and relocating.

MAYOR EGGELLETON: Okay. So you have the cost. You have what it's going to cost you, not only to move them but to move everybody over there.

Okay. Commissioner Wasserman-Rubin, you were next on the queue, followed by Commissioner Ritter.

COMMISSIONER WASSERMAN-RUBIN: Okay. Just a quick reiteration of the fact --

MAYOR EGGELLETON: I can't hear you.

COMMISSIONER WASSERMAN-RUBIN: Is Brazil not our number one trading partner with the county? Mr. Desjarlais is here.

(COMMISSIONER RODSTROM LEFT THE ROOM.)

MAYOR EGGELLETON: To Broward County?

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COMMISSIONER WASSERMAN-RUBIN: I think Mr. Taylor is here.

MAYOR EGGELETION: I believe Mr. Taylor might have those numbers. If they're not number one, I know they're number two or one. They're somewhere in that category. Mr. Taylor, Ms. Brangaccio, a question has been asked whether or not Brazil is -- where they rank in terms of our trading partners to the county. I know in terms of the state, I think they're number two.
Mr. Taylor.

MR. TAYLOR: Yes, I don't have it accurately, but Brazil and Canada are our one and two trading partners for the State of Florida.

COMMISSIONER WASSERMAN-RUBIN: And Embraer is made in Brazil?

MAYOR EGGELETION: Correct.

COMMISSIONER WASSERMAN-RUBIN: Okay.

MAYOR EGGELETION: Okay? Any other questions?

Commissioner Ritter, you're recognized.

COMMISSIONER RITTER: Thank you, Mr. Mayor. I don't think this is as complicated as it appears to be devolving into. The chances of us building a north runway are slim for a variety of reasons, not the least of which is if we do it right after we build the south runway, the cost of doing business at this airport will be so prohibitive that no one will want to come, which I know is the intent of some, but it isn't my intent.

Secondly, I've spoken to the representatives from Embraer, and you know I love your airplanes because they're small, and I've also spoken to the guys at -- the people at Sheltair, and it's not as if they're not being courted by other airports. It's not as if we're the only game in town or the only game in the state or the only game in the nation, and it would seem to me that we'd want -- we can say all we want they'll need something from us later on, but I don't know if that's actually true. I do know that we need them. We need them at our airport to provide the jobs, the economic opportunities, and the business that Embraer and other companies like Embraer provide to Broward County. And so I'm going to support this agenda item.

Yeah, I'm a little concerned. We're all a little concerned that the clause will now be able -- we'll be eligible for another company, but my concern does not reach the level of voting against this because I believe that having Embraer at our airport is too important for us to get hung up on this particular clause.

(COMMISSIONER RODSTROM RETURNED TO THE ROOM.)

COMMISSIONER RITTER: I also think that when you look at the period of time we're talking about, 2022 and 2035, while I like -- while I think we all like to believe we have a vision for what the county will be like 20 or 30 years from now and we all like to think about what we would like the county to look like 20 or 30 years from now, this is a long way off, and while my deliberations about the airport in particular are ones where I like to look into the future and say what if this, what if that, the chances of us building a north runway are really slim. Some of us may like that. Some of us may not. But the reality is that it's probably not going to happen and it's probably not going to happen before 2035 even if we need it because we are constrained in so many ways.

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So I'm going to support the agenda item and hope that we can encourage Embraer and like businesses to come to Broward County and to recognize that it's not a difficult place to do business in, that we want good corporate partners that bring us jobs, economic opportunities, and business to our county.

MAYOR EGGELLETON: Commissioner Keechl.

COMMISSIONER KEECHL: Thank you, Mayor. I'm going to support this item. I understand the concerns, but we're talking about a slight possibility. If we were going to have: I'm never voting for northern runway for the reasons I stated at the June 5th hearing, and I think that the chances of a northern runway are about probably the same as a chance we're ever going to have a People Mover. So this has been a good customer and I think we need to support them on this. So I'll support the motion. Thank you.

MAYOR EGGELLETON: Thank you.

Commissioner Jacobs, followed by Commissioner Gunzburger.

COMMISSIONER JACOBS: I agree with everything you both said. The chances are very slim. This is a great company and a company we want to grow here. To me, that's not the concern. If, in fact, it's so slim, then why not put that early termination clause in there because it's never going to hurt the company? Why put ourselves at some percentage of exposure if it, in fact, is so slim and so unlikely that this runway is ever going to be built and certainly within this time frame, then why would they so object to having the early termination clause in there?

And I guess what really bothers me, because when we talked about this yesterday on the phone when I talked to the company, I was referring to language in our agenda item that talked about the standard language, and I believed it to be the early termination provision. And in talking to the attorney, even our attorney didn't understand what this language was. So for me, what concerns me, Ms. Brangaccio, was that the agenda item was written in a way that's confusing, but not only that, but that we've been working with them for over a year, we knew what the implications were to the Sheltair lease, and it's not mentioned here, and it's only dropped on the dais before we vote.

So the fact that we couldn't qualify what that potential impact is, how slim it may be, but that at some point we didn't go back and readdress the issue in its unlikelihood of happening with Embraer to see that the contract have that language, the early termination language added. So I guess what I would want to know, Mayor, if it's possible, from the company would be, is there still an objection to the early termination clause given that it's so unlikely being added to this lease so we don't find ourselves in the problems with Sheltair.

MAYOR EGGELLETON: Ms. Brangaccio, is there anyone here from Embraer?

MS. BRANGACCIO: I saw them earlier today. Yes, here they are.

MAYOR EGGELLETON: Sir, would you please approach the podium and when you get done speaking -- first of all, identify yourself for the record and then fill out an appearance card after you've spoken. You're recognized, sir.

MR. APPLETON: Chris Appleton. I'm the Chief Financial Officer for Embraer Aircraft Holding. We talked about the termination clause at the beginning of this process. The reason, our understanding was Sheltair accepted the termination clause was due to the fact that they were so far away from a decision on a north or a south runway. As Pam had mentioned, we had been working with this for about a year and we've waited as long as we possibly could, until -- let the airport make a decision on a north or south

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runway. They'd made a decision on the south runway. With that, we've decided to put this forward with a buy-out clause, and I'm sorry if there was any misunderstanding on our part related to that.

COMMISSIONER JACOBS: It wasn't your fault.

MR. APPLETON: But the way this reads is it should be noted the termination provision was included, but since we waited for a decision on the south runway, we then asked that that be pulled out and put a buy-out clause in there, the standard buy-out clause. So at this point we would not be willing to accept the early termination clause in there.

COMMISSIONER JACOBS: All right. Thank you.

Thank you, Mayor. That's all I needed.

MAYOR EGGELETTION: Okay. Is that helpful?

Commissioner Gunzburger, did you have your hand up?

COMMISSIONER GUNZBURGER: Yes, I believe that one of the things we talk about is economic development. This is one of our big trading partners. Brazil, as Commissioner Wasserman-Rubin pointed out, and this is one where the business is not being imported, but exported from Broward County, which is what helps with the balance of trade, and I'm going to be supporting this.

MAYOR EGGELETTION: Commissioner Rodstrom.

COMMISSIONER RODSTROM: Just so I understand it, the -- there's an option from years 20 to 30, and it's their option, right? So then the clause kicks in and if we go and take them and we have to pay them. Okay. Now in the case of Sheltair, their contract is up in what, '23?

MS. BOWERS: 2035.

COMMISSIONER RODSTROM: Sheltair is?

MS. BOWERS: Sheltair is 2035.

COMMISSIONER RODSTROM: I'm sorry?

MS. BOWERS: 2035.

COMMISSIONER RODSTROM: It's up in 2035. So it's actually longer than this contract?

MS. BOWERS: Yes.

COMMISSIONER RODSTROM: So we don't have any dollar figure at all of what it might mean for us to have to go in and take this if we need to?

COMMISSIONER LIEBERMAN: Sheltair has --

COMMISSIONER RODSTROM: Right, because Sheltair has agreed that we don't have to compensate them?

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MS. BOWERS: Right.

COMMISSIONER LIEBERMAN: To early termination.

COMMISSIONER RODSTROM: So we -- we have no idea what that number is? Can you ballpark it?

MS. BOWERS: I wouldn't want to, no.

COMMISSIONER RODSTROM: Wouldn't we want to just wait a week or two and just come back and get the number?

COMMISSIONER LIEBERMAN: So we can get a unanimous decision out of the Board.

COMMISSIONER RODSTROM: I'd just like to know the number. You're just giving them a blank check not even knowing the number. You're like flying by the seat of your pants.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER RODSTROM: I mean, just give us the number and then we can quantify where that number is and how egregious it is and who is going to pay. This thing isn't baked yet. You just need to go back and do your homework and you need to come back and tell us: This is what the feds are going to pick up. This is what it means to you. This is what it's going to cost. What's your exposure? What's the worst-case scenario?

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER RODSTROM: I think that's all we're asking, right, just to get the number. I want the number.

COMMISSIONER LIEBERMAN: You bet.

COMMISSIONER RODSTROM: It doesn't mean we're going to say yes or no. We just have the number.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER RODSTROM: I think we're going to look pretty foolish if we do this without a number.

MAYOR EGGELLETON: Okay.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: You know, I just want to echo what Commissioner Jacobs and Commissioner Rodstrom – I think the Board wants to get to a 9/0 unanimous vote. This isn't about whether we want to keep the company here. I started the discussion by saying of course we do. The issue is there's some unknowns out there that I keep asking and I can't get data on. I would love us to get to 9/0. If we roll it over one week, can they quantify the likelihood? Can they tell us what the likely fiscal impact is? We can vote this at our next meeting on the 26th and then you'll have the information in front of you to make an informed decision. Otherwise, you're flying blind. I'm just uncomfortable flying blind. I prefer to make my decisions based on information.

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MAYOR EGGELLETON: Okay. All right. You know, you know what? I have never -- I guess my whole tenure in the legislature, I had to fight this image of Broward being an anti-business county. And, you know, it would often come up in almost every single discussion that we would have. People would often ask -- and, Commissioner Ritter, you know what I'm talking about. I mean we were viewed and still are viewed today in the State of Florida as the most anti-business county in the State of Florida, and I often wondered: How do we shed this image because I've never viewed Broward as an anti-business county. However, when you have discussions like this, that's the way you're viewed because they take these comments and they run with them, and that's the way we're viewed.

You know, let me tell you something, Sheltair is the third largest aircraft producer in the world behind Boeing and Airbus -- Embraer rather, Embraer, the third largest aircraft company in the world. Okay. You know, they have over 200 jobs on-site. They're going to produce 60 more jobs. They produce a critical part to the future expansion of jet aircraft aviation, and here we are arguing over something that is so far fetched to it's unreal. When you have already been told, if you have to do that, the FAA is going to pay the cost, and then someone threw a red herring in: Well, you know, they haven't renewed it. It expires September 30th. If that be the case, if it expires and they don't renew it, do you realize how many airport expansions in this country go down the tube? All of them. That is likely not to happen. You face these sort of things all the time.

The fact is, we have put Sheltair off in dealing with this for what, almost a year now, Mrs. Henry -- Embraer, rather, for almost a year; is that correct? They have been very patient with us. They have pushed their time frame back, and now they're at a drop-dead deadline. We either do this today or they walk.

COMMISSIONER LIEBERMAN: Is that true?

MAYOR EGGELLETON: As Commissioner Ritter has pointed out, they are up against the wall. They are being courted by other places around this -- around the country. They have a deadline to get their parts to their customers. Their customers don't want to hear that you couldn't make a decision. All they want is their part. It's just like if you need a part for your car, you don't want to hear -- where's my part? So how long does it take us to make a decision? A year. Can you imagine that? One year. Unbelievable. So the fact is we need to get on with this. Tell Sheltair yes or no today. If you tell them no, they're gone --

UNIDENTIFIED SPEAKER: It's Embraer.

MAYOR EGGELLETON: Embraer, rather. I keep saying Sheltair. But you tell Embraer today that -- no, and they're out of here. You will have made their mind up for them. So it's your decision, Commissioners. Y'all can vote either way you want to vote, and they have been in to see every single one of you. You know what's on the table. Y'all can rote this up or down. It doesn't make a difference. For me, I understand the implications behind the fact that if we build a north runway, and the operative word there is "if" but you've got to move those companies. If you're so concerned, I don't think they will object if you have to move them, that they're willing to -- as long as we pay the relocation costs, and that's going to be paid for. So I mean what's the big issue here?

COMMISSIONER WASSERMAN-RUBIN: Can I move it?

MAYOR EGGELLETON: It's left up to you. I can't call the --

COMMISSIONER RODSTROM: I'd like to make a motion.

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MAYOR EGGELETTION: Yes.

COMMISSIONER RODSTROM: As soon as I have Commissioner Lieberman's attention.

MAYOR EGGELETTION: Well, first of all -- wait a minute.

COMMISSIONER RODSTROM: I want to make a motion.

MAYOR EGGELETTION: Just hold on.

COMMISSIONER RODSTROM: She wants to call the question.

MAYOR EGGELETTION: Just hold on. Call the question, do you just want to call the question?

COMMISSIONER WASSERMAN-RUBIN: Call the question.

MAYOR EGGELETTION: Not make a motion; is that right?

COMMISSIONER WASSERMAN-RUBIN: I don't know if there's a motion or not.

COMMISSIONER RODSTROM: I want to make a motion to defer for one week and get a number, get a magnitude of the estimate. One week, that's all I'm asking for.

MAYOR EGGELETTION: Now if you defer this, I want you to understand -- let me hear from Sheltair -- not Sheltair, but Embraer.

COMMISSIONER LIEBERMAN: Embraer.

MAYOR EGGELETTION: I want them to tell you face to face what your deferral mean. Can you please tell us what that deferral would mean to your company and the decision here?

MR. APPLETON: As you all have stated, we've been waiting about a year for this process to come to a head. If we can't have a decision today, because we are at such a point where we have to deliver this new facility in 12 months, we have to start construction. We can't wait any more. If we don't have a decision today, this operation, this expanded operation cannot be built here.

MAYOR EGGELETTION: You have your decision.

COMMISSIONER RODSTROM: So what if we had decided the runway issue two weeks from now?

COMMISSIONER LIEBERMAN: Right.

MR. APPLETON: We wouldn't be here.

MAYOR EGGELETTION: There you have it.

COMMISSIONER RODSTROM: This is the Dynergy deal all over again. This is how we make decisions now.

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COMMISSIONER LIEBERMAN: Right. You know, we didn't – with all due respect, Mayor, just as a point of information, I appreciate that it's taken a year to get Embraer here. It didn't take the Board a year. We're finding information as we walk on the dais. That's a whole nother discussion for another day as to being properly informed to make decisions. I don't like flying blind, I don't, and that's exactly where we're at and it's makes me very uncomfortable.

Maybe things need to be discussed with the Board and work shopped more often. Maybe we need to be heads-up. I would have been more comfortable - it's not like they didn't have notice. I'd been asking these questions. Had they been able to quantify the information that Commissioner Jacobs had asked for, I'd be perfectly comfortable in voting on this issue. I asked all the questions before we got here as we're supposed to. I just couldn't get the answers.

MAYOR EGGELLETON: Okay. There you have it.

The question has been called on the item.

COMMISSIONER GUNZBURGER: Which question?

MAYOR EGGELLETON: Well, first of all, is there a motion on the item? On Item Number 41.

COMMISSIONER GUNZBURGER: Is it 41? Forty-two.

MAYOR EGGELLETON: Forty-two, I'm sorry. Item 42. Item 42. Who made the motion?

MR. NEWTON: Commissioner Rodstrom made the motion, I believe, and Commissioner Jacobs --

MAYOR EGGELLETON: Commissioner Rodstrom made the motion to approve?

COMMISSIONER KEECHL: No.

COMMISSIONER LIEBERMAN: To defer.

MAYOR EGGELLETON: To defer?

COMMISSIONER LIEBERMAN: For one week to get the additional information.

MAYOR EGGELLETON: All right. There's a motion on the floor to defer. Has the motion been seconded?

VICE MAYOR WEXLER: Yes, I seconded it.

MAYOR EGGELLETON: You seconded the motion?

VICE MAYOR WEXLER: Yes.

MAYOR EGGELLETON: Okay.

All those in favor of a deferral, raise your hand, for one week.

Seeing four hands, the item fails.

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VOTE FAILS 4 TO 5 WITH MAYOR EGGELETION, COMMISSIONERS RITTER, KEECHL, GUNZBURGER AND WASSERMAN-RUBIN VOTING NO.

COMMISSIONER GUNZBURGER: Motion to approve the item.

MAYOR EGGELETION: The item has been moved by Commissioner Gunzburger, seconded by Commissioner Wasserman-Rubin.

All those in favor, raise your hand.

MS. CHALIFOUR: Excuse me, Mr. Mayor.

MAYOR EGGELETION: Oh, wait a minute. I don't have an appearance card for you on that one, Mrs. Chalifour.

MS. CHALIFOUR: I have --

MAYOR EGGELETION: I have 39 -- what item is this?

UNIDENTIFIED SPEAKER: Forty-two.

MAYOR EGGELETION: I have 42. You're right. I thought we were on 41. That's why I called 41 earlier. There you go. You're recognized.

MS. CHALIFOUR: Thank you, Mr. Mayor. Sorry to have to keep screaming out, but I guess that's the only way to be recognized sometimes.

Item 42, extending lease for acreage on the north side of the airport extends the lease for over 25 acres on the north side. Commissioner Lieberman, I appreciate the fact that you pointed out the two alternatives that could happen regarding the north runway, but there's a third, and it's very real. The FAA itself record of decision could say the best alternative is the north runway.

COMMISSIONER RODSTROM: Well done.

MS. CHALIFOUR: And if and when that happens --

COMMISSIONER RODSTROM: You're screwed.

MS. CHALIFOUR: -- you are doing exactly what we have said you are doing. You are facilitating a self-fulfilling prophecy for the behemoth boondoggle runway on the south side over U.S. One and the railroad tracks, and with every single item that gets passed like this, you increase the cost so it will be prohibitive to do the best alternative. You can't mess with the FAA like that. You are adding an outrageous cost to this. You are limiting our opportunities for our airport in no uncertain terms.

So when the FAA comes back and says: Our record of decision is the best alternative is the north runway, you have handed these people an outrageous sum of money, outrageous. And you couple this item with 43 where you're going to issue tax-free bonds, give them \$17,000,000 for construction, but Item 42 only calls for \$8,000,000 worth of construction. Come on. Something is seriously wrong with these two items.

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I am appalled, outraged, angry as all heck. It says in Item 42 they're going to develop 40,000 square feet for shops and office space on airport property? Shops and office space, that's what Item 42 says. Shops and office space, Item 42, it's right there. Item 43, the inducement resolution calls for the issuance of 17,000,000 in airport facility revenue bonds to build. It talks about 46,000 square feet, and 56,000 square feet. Which is it? And what is the payout for the leasehold interest at fair market value when you need to purchase it out, buy it out, pay out? Thank you.

MAYOR EGGELETTION: Thank you.

Okay. The question has been put. Is there anyone else from the general public wishing to speak on this item? Is there anyone from the general public? Thank you. The public comment is closed.

COMMISSIONER GUNZBURGER: No, I'd like to ask someone.

MAYOR EGGELETTION: Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I am really thoroughly confused at this point. As far as I knew, this was a facility to build airplane parts and airplanes here to sell else where. All of a sudden -- they're built in Brazil, but the parts are put together here. I would like to hear from the representative from Embraer exactly how much they are building, at what cost, if they are building, as it says on this page, a \$17,000,000 site, why on the next issue is it a \$43,000,000. Are you putting in shops and restaurants, as Ms. Chalifour has said?

MAYOR EGGELETTION: It's workshops.

COMMISSIONER GUNZBURGER: Well, I would like all this cleared up so that the public doesn't think we're doing one thing when they're doing something else, because she has said a lot of things for the record, and I think Embraer should have the right to either refute it or to verify it so that there should be no problem about what would happen if we agreed to this item.

MR. APPLETON: Thank you. Basically we're looking at expanding our facility to adding two new buildings. One is a maintenance repair overhaul and refurbishment facility for Embraer Manufacturer Aircraft. The shops that were referred to are repair shops for spare parts that come off of those aircraft, and the office space that's necessary, the office space as it was referenced is necessary to support that operation. The additional facility is a spare parts distributions facility. That one is about 44,000 square feet. The MRO facility, maintenance, repair and overhaul facility is about 56,000 square feet. So we're looking at around 100,000 square feet in addition to that facility.

COMMISSIONER GUNZBURGER: What other airports were you looking at when you chose FLL?

MR. APPLETON: We looked at several airports up in Central Florida and in North Florida.

COMMISSIONER GUNZBURGER: Okay. Thank you.

MS. BRANGACCIO: Mr. Mayor, too --

MAYOR EGGELETTION: Yes.

MS. BRANGACCIO: -- if Mr. Bielek or Mr. Bowers -- Ms. Bowers, excuse me, Debbie, could clarify currently if the north runway, if the record of decision did come out what our liability is in terms of buy-out because they do have a current lease and I'm not sure that was clear with the public comments that were

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made. This is an extension of ten years. So if you could clarify what would occur if, for some reason, we were building a northern runway in 2010, 2012?

MS. BOWERS: As Mr. Bielek stated the DEIS Landrum & Brown has calculated, \$340,000,000 to relocate under the federal guidelines, all of the north side tenants under their current leases.

COMMISSIONER LIEBERMAN: That's 75.

MS. BOWERS: I'm sorry?

MAYOR EGGELLETON: That's it. Go ahead. She's asking you the percent.

MR. BIELEK: The current percentage rate is 75 percent.

MAYOR EGGELLETON: Okay. Did you get your answer, Commissioner? Okay.

Commissioner Rodstrom, did you have a --

COMMISSIONER RODSTROM: So once this contract is signed, Mr. Newton, does our liability increase or decrease because of the signing of that contract as far as a buy-out provision should it occur with a north runway?

MR. NEWTON: If there is a buy-out provision, then certainly you're going to have to expend additional funds that you would not have to expend potentially if there was an early termination provision.

COMMISSIONER RODSTROM: Do we know what those fund might be? Would it be \$17,000,000? Would it be 43,000,000? What would it --

MR. NEWTON: I don't know.

MAYOR EGGELLETON: Well, here's what we do know. We do know that they employ 205 high-wage, high-skill employees today. The average salary is \$82,000 a year. They plan to add at least 60 additional jobs at about the same pay range. Okay. The economic impact to this county's bottom line is tremendous.

So the question has been put. The debate has ended. All those -- the motion has been called. All those in favor of the motion, let it be known by raising your hands.

COMMISSIONER RODSTROM: This was the motion for deferral.

MAYOR EGGELLETON: No, this is the motion to pass the item. The motion for deferral was defeated. This is a motion to pass the item, to support the item.

COMMISSIONER LIEBERMAN: I thought you were calling the question.

MAYOR EGGELLETON: No, this motion is on the table. It has been made by, I believe Commissioner Gunzburger; seconded by Commissioner Wasserman-Rubin that the Board pass Item 42. Okay? Everybody understand? All right.

All those in favor of the motion raise your hand.

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Seeing five hands, let the record reflect that the negative votes are Commissioner Rodstrom, Wexler, Lieberman, and Jacobs.

Okay. The motion pass 5 to 4.

VOTE PASSES 5 TO 4 WITH VICE MAYOR WEXLER, COMMISSIONERS RODSTROM, LIEBERMAN AND JACOBS VOTING NO.

AGENDA ITEM 43

MAYOR EGGELETION: Okay. All right. Item 43 --

COMMISSIONER LIEBERMAN: Objection.

MAYOR EGGELETION: Okay. Item 43, this is the resolution or authorizing the memorandum agreement with Embraer Holding.

COMMISSIONER LIEBERMAN: (Inaudible.)

COMMISSIONER WASSERMAN-RUBIN: Second.

MAYOR EGGELETION: The item has been moved by Commissioner Lieberman, seconded by Commissioner Wasserman-Rubin.

Any objection to the item?

Any objection?

MAYOR EGGELETION: And before you move to the item, that's 43 --

Objection.

MAYOR EGGELETION: Okay. Item 43, Mrs. Chalifour, you're recognized on Item 43.

MS. CHALIFOUR: Just to save time, I'll incorporate by reference the comments I made on Item Number 42 for the record and speaking for myself.

MAYOR EGGELETION: Thank you very much. Vice Mayor Wexler, you're recognized on Item 43.

VICE MAYOR WEXLER: I thought we were voting.

MAYOR EGGELETION: I thought you wanted to speak.

VICE MAYOR WEXLER: No.

MAYOR EGGELETION: Okay.

All those in favor of 43, please raise your hand. Okay. 43. Okay. You got the yeas and nays? Okay.

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Wait a minute. Please raise your hand. Item 43, if you support --

COMMISSIONER JACOBS: (Inaudible.)

MAYOR EGGELLETON: No, no. Item 43, if you support 43, please raise your hand. Okay.

Let the record reflect that the item pass 5 to 4 with Commissioner Jacobs, Lieberman, Wexler, and Rodstrom voting in the negative.

VOTE PASSES 5 TO 4 WITH VICE MAYOR WEXLER, COMMISSIONERS JACOBS, LIEBERMAN, RODSTROM VOTING NO.

MAYOR EGGELLETON: Okay. Item – what is this?

AGENDA ITEM 44

COMMISSIONER LIEBERMAN: I have a quick motion on 44.

MAYOR EGGELLETON: Yes, 44.

COMMISSIONER LIEBERMAN: My understanding on 44 is that we're extending their contract, but we're keeping them at the old rate. That makes no sense to me. Everybody else has gotten the new rate on the per-trip. Well, but the others have the new rate, and I'll tell you what concerns me. Mayor, please, let me tell you what concerns me. I read Ms. Warren's legal opinion, and I went to the County Attorney and I asked them to review her opinion and see if they agreed with her opinion.

The concern that I have about the direction we're heading with these two contracts is that Ms. Warren apparently has decided that she can decide which portion of a vendor's business they should use for disadvantaged businesses. That's why she said they didn't make a good-faith effort. She has decided she wants them to give away a more lucrative part of their business than they're willing to give away. I just think with everything that we're dealing with now, that's a slippery slope. So I know we're going to reconvene the S/NC and we're doing this to get us through that process so the S/NC can address it, but I think it's very unfair to these two vendors that we don't at least compensate them at the new rate and make them meet the new requirements that would come with the new rate so at least we get that in the interim period. That's it.

MAYOR EGGELLETON: Vice Mayor Wexler.

VICE MAYOR WEXLER: I feel completely opposite, Commissioner.

COMMISSIONER LIEBERMAN: That's okay.

VICE MAYOR WEXLER: With all due respect, I just wanted to say that.

COMMISSIONER LIEBERMAN: It's okay.

COMMISSIONER WASSERMAN-RUBIN: Bring back the monks.

VICE MAYOR WEXLER: The thing is, is that unfortunately, as letter attached indicates, a provision in statute prohibited the selection committee from reconvening. I look forward to the reconvening.

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COMMISSIONER LIEBERMAN: Me, too.

VICE MAYOR WEXLER: I think that it is tremendously important for us to have that full and thorough discussion at that juncture. There is an interim rate and that interim rate -- am I correct that there was an interim rate, and that interim rate is what is being applied here to these two vendors? I would hope that as soon as we get back in August that we -- if we don't have it scheduled already that we do, to have the selection committee so we can move on, but to just arbitrarily apply the new rate to this, we have no leverage whatsoever, whatsoever if that's what we would do here today. So I support the motion. I hope that you do as well. Thank you.

MAYOR EGGELLETON: See, I don't support the motion, and let me tell you why. I just need to -- you know, how long -- Mrs. Brangaccio, and I don't know who you want to answer this question. You can answer either one of these. How long have we been dealing with this contract trying to resolve it? Has it been since last September?

MS. BRANGACCIO: Since September. Literally about --

MAYOR EGGELLETON: September 2006; is that correct?

MS. BRANGACCIO: Correct.

MAYOR EGGELLETON: Okay. So here you are in -- so what is that, nine months? Nine months, and for nine months, companies like this has held up this contract. If you can remember before, they told us they wasn't going to work at a certain rate. I want y'all to understand you put these companies in business. They wouldn't be in business if it wasn't for you. I have never been in a business situation where a person who worked for me dictated the terms of their agreement.

I mean and so that's what y'all are sitting here -- remember before they told us we couldn't work for "X" rate. We told the staff: Give them the rate. They gave them the rate and what did they do? All of them came to the table, whereas before they held you up all this time and said: We're not going to work for that rate. When you gave them the rate they came to the table, because they know without us, they don't have a business, period, zero, nothing. So I'd just like to know, Mr. Walton, when does this contract expire?

MR. WALTON: The temporary agreement expires June 30th.

MAYOR EGGELLETON: The temporary agreement expires June 30th. Senator Geller, who represents these two companies, has asked under legislative statute, since he represents them and you can't do anything for 15 days after a session, and they just came out of a special session, that the S/NC not be reconvened; is that correct?

MR. WALTON: That is correct.

MAYOR EGGELLETON: That the S/NC not be reconvened during that 15-day period; is that correct, sir?

MR. WALTON: That is correct.

MAYOR EGGELLETON: That pushes us beyond our stated time that we have to meet here. Okay? So which means that we come back when, the second week in August, first Brangaccio? August 8th. We come back August 8th. So on August 8th, we reconvene the S/NC, and then you consider the question, but in the interim, and here's what I want y'all to understand, in the interim, guess what? They

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tonight have a contract. Their contract expires, period. They don't have a contract. And so I'm willing to acquiesce to Senator Geller. I'm willing to say: Let the S/NC meet on August 8th, but I'm also willing to let the contract expire, period, done, and I'll negotiate a contract. If they want to work for us, fine, let them work, but I don't want to have the tail wagging the dog, and that's exactly what we have here, we have the tail wagging the dog, and at some point, you've got to negotiate pretty tough in business.

I mean for a year, you've been trying to reach an agreement, and every time you get to the finish line there, move the goalpost, and you acquiesce and back up. At some point, you've got to resolve these issues, and I'm saying, what's going to happen on August 8th? Is there going to be another issue and we're in September? I prefer to let the contract expire, meet Senator Geller's request, let the S/NC meet, but in the interim, the contract expire.

Let me ask you one other question: Do you have the ability under this contract and under federal guidelines to assign the number of trips you want to the companies under this agreement, sir?

MR. WALTON: Under the current terms of the contract we can decide those trips.

MAYOR EGGELLETON: There you have it. So now if y'all are sitting here willing to allow the tail to wag the dog, go ahead and vote to do that, but I think at some point you've got to get people to the table to negotiate, and I guarantee if you vote today to let the contract expire, between now and next week, you have an agreement, you have an agreement and you can move forward, but if you keep pushing the goalpost back every time you get there, you're never going to get there. For almost one year you've been doing the exact same thing.

So, you know, I would prefer, and I can't make a motion -- but I would prefer that you acquiesce to Senator Geller, that the S/NC convene on August 8th, but in the interim, let the contract expire. June 30th, you sign all the other vendors up, and that's the end of that tune.

COMMISSIONER RODSTROM: Move it.

MAYOR EGGELLETON: Commissioner Rodstrom moves it.

VICE MAYOR WEXLER: Second.

MAYOR EGGELLETON: Seconded by Commissioner Wexler. Any other comments?

UNIDENTIFIED SPEAKER: I have a comment card.

MAYOR EGGELLETON: Commissioner Jacobs.

COMMISSIONER JACOBS: My concern, and I'm not too sure if I heard the answer correctly. Assuming that that goes forward -- and, by the way, Mayor, I share your frustration that we grew these companies. These companies were the size of the little guys when everything started. And I don't feel that a good-faith effort has been moved forward.

However, where we are today is we have the option to either give them another couple of months as you're saying the tail is wagging the dog, and if we choose not to do that, I guess what I really don't have a good sense of is what happens in the interim, in that short period of time between when these contracts would expire and the Commission would come back from summer recess and be able to reconvene the S/NC, what are the physical processes that the company would have to go through in order to have the contracts put back together? Do they go back out? How does that happen? And in the interim, what happens to those seniors and others who are waiting for service?

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MAYOR EGGELETTION: Mr. Walton.

MR. WALTON: I guess I would defer to purchasing, but as it relates to the provision of service for those seniors who are currently served by those two vendors, we've got two options. The first one would be to notify the remaining vendors that the work that previously was done by the two, who would no longer be part of the contract, could be redistributed between them.

And, secondly, we would do as we've done before –

COMMISSIONER JACOBS: I'm sorry. Say that last part again.

MR. WALTON: We would do as we've done before under emergency situations because we would no longer have these two vendors. We have used taxicabs until the new vendors could ramp up.

COMMISSIONER JACOBS: Okay. But there are many instances where certain disabilities would not allow taxicabs; it just wouldn't be practical.

MR. WALTON: And we would make sure that those trips would be assigned to the vendors that would have that capability.

COMMISSIONER JACOBS: And as far as the procurement assuming this expired and we came back on August 8th, was it? August 8th, what's the process? How would it play out?

MR. WALTON: Again, I would have to defer to purchasing.

COMMISSIONER JACOBS: Ms. Brangaccio, my question, did you hear my question?

MS. BRANGACCIO: No, we were actually already talking about the RLI at the convention center, sorry.

COMMISSIONER JACOBS: Mentioning that.

MS. BRANGACCIO: Moving right along, as the Mayor would say.

COMMISSIONER JACOBS: The question was, if this plays out as the Mayor has laid out and the contracts expire and the work is shepherded out amongst the others, what happens when we come back from recess on August 8th? What's the processes? How much longer does it take to bring these two companies back?

MS. BRANGACCIO: I'm going to have to go to -- and I saw Brenda come in. If you can address that from a purchasing standpoint?

COMMISSIONER JACOBS: If ever.

MS. BILLINGSLEY: If the current contract expires and we add these two vendors on to the existing contract, then we would have to go back out for -- we would have to reconvene the RLI committee to do a new contract.

COMMISSIONER JACOBS: Right. So you would start from scratch?

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MS. BILLINGSLEY: Yes.

COMMISSIONER JACOBS: Completely, and it may be that others might find these two contracts rather than these availabilities --

MS. BILLINGSLEY: Absolutely.

COMMISSIONER JACOBS: -- than these two companies? Okay. Thank you.

MAYOR EGGELLETON: And actually he doesn't have to start from scratch. He can still leave him some business and you just assign him additional business as it comes along, but I have a public -- I have a speaker.

MR. SCAVIM: My name is Aaron Scavim.

MAYOR EGGELLETON: Yeah.

MR. SCAVIM: I represent Village Car Service. For the record, Senator Geller does not represent Village Car Service, just Handi-Van. I do represent Village Care Service and I'm glad I finally do get to speak, because as all of you know that have been to the meetings where we've tried to speak before, this has been an extremely frustrating process from our end. There have been so many inaccuracies brought forward in some of the memorandum, in some of the conversations, and we have not been able to address them.

For a year, we have been waiting to talk, and there's -- I could go on all day about trying to set the record straight about what happens within the hurricane and what's happened with the solicitation, but just to address what you're talking about right here, we're not holding the process out at all. In fact, we've been dying to get this contract done for months. We've been begging to get it done. In fact, we've turned in all of our paperwork and we believe that we've complied with everything that we need to comply with under the DBE standards. We contacted Washington, D.C. We talked to the equivalent of DBE office up there. The attorney said after we explained to him what's going on, that we are absolutely correct in what we have done.

But we have had conversations with the County Attorney. I believe we had a conference call with the county attorney and the lawyers in Washington, D.C., who I believe he restated that we were correct in the way we were interpreting the statute. So we're just waiting for someone in the County Attorney's Office or someone else to say: You know what, we've reviewed this and you have complied and we're ready to sign right now, right today, right here at this meeting.

(COMMISSIONER KEECHL LEFT THE ROOM.)

MAYOR EGGELLETON: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Listen, let me tell you what my concern is. Here's -- so far -- and I've talked to the County Attorney about this a couple of times. Here's my concern. The only reason that I believe they have not been offered a contract is this issue about DBE's. You're all aware of the lawsuit on construction contracts. So far we've not been sued under our DBE goals for these types of programs. However, what I asked the County Attorney's Office is I asked for their legal opinion, not Ms. Warren's, about whether or not Ms. Warren's determination -- they didn't make a good-faith effort because she thought they should have put more lucrative work out would hold muster. And I asked them to provide me with either a statute or anything that would support or that would say that Ms. Warren could determine that the portion of the business that they put out for DBE could be at her determination, not the company's determination.

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Mr. Newton, have you found the statute that says that?

MR. NEWTON: And that issue has not been resolved. At the crux of this is an issue of responsiveness in terms of the good-faith effort by two of the vendors. It is true that we have had a conversation with an individual who is responsible for interpretation of those regulations.

What isn't clear is whether or not any interpretation that has been rendered by staff is incorrect. It is possibly a situation where the language of the regulation is subject to varying interpretations, and so we are trying to get in writing a definitive response from the agency that is responsible for that determination, because this is not just a determination that should impact Broward County. It should impact others. So we are trying to get that response in writing. I received an e-mail today that indicated that once we develop all of our questions that we're going to ask, that the agency would be more than happy to respond to those questions. So that's where we are.

COMMISSIONER LIEBERMAN: I've been asking him for three weeks. Mr. Newton, let me ask you a question since apparently the only issue between this company and the other company signing a contract is Ms. Warren's interpretation that they didn't make a good-faith effort because she wants them to give their most lucrative part of the business to another vendor who is a DBE who got a percentage of these trips. No, that is absolutely true, Commissioner Jacobs. I've been working on this issue for a couple of weeks. She believes that they should give a certain part of their business, not the part --

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER LIEBERMAN: Well, she said to them they can qualify by giving it to another vendor that we've awarded business to under our DBE program, who is a direct contractor with us which is what I think the program is supposed to do you have to. If we were to terminate these contracts and our interpretation is wrong because FDOT agrees with Senator Geller's interpretation, would there be liability to this board?

MR. NEWTON: There certainly would be, that's why we want to try to get a definitive answer. There would potentially be some liability to the county from the standpoint of a constitutional challenge as well as I think you could expect a protest within the procurement process itself.

MS. BILLINGSLEY: And, Mayor, I need to offer clarification on the information I provided regarding the two firms. This is an interim contract. So the existing RLI would be in place and we'd be able to consider the two firms for additional time. I just wanted to make sure we got that on the record.

MAYOR EGGELETON: Correct. That's what I thought. That's why I said if you extend, if you acquiesce to Senator Geller, they will still be eligible. You don't have to go out for a new RLI. They're still eligible and you can still assign them trips.

Vice Mayor Wexler.

VICE MAYOR WEXLER: Mayor, I really would like to hear from Ms. Warren regarding the statements that were made. I have not -- I am not up to speed as some of my colleagues.

COMMISSIONER LIEBERMAN: It's in the backup.

VICE MAYOR WEXLER: It's in the backup?

COMMISSIONER LIEBERMAN: She sent a memo out --

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MAYOR EGGELLETON: That's all right. She's here.

VICE MAYOR WEXLER: I didn't see it. I'm sorry, I don't know if you all saw it or not, but as long as she's here, Mayor, could she respond to the --

MAYOR EGGELLETON: Yeah. Mrs. Warren, I guess the question was, what was the efforts that you feel that was made and why you feel that those efforts were not good-faith efforts? I'm assuming, is that the question?

VICE MAYOR WEXLER: Yes, it is.

MAYOR EGGELLETON: Okay. Should she answer that, Mr. Newton?

MR. NEWTON: Well, what I was going to say is she could certainly tell you what her position is, but understand that Mr. Geller has requested and this issue is going to be before an S/NC at some point in time, so...

MAYOR EGGELLETON: I clearly understand that.

MR. NEWTON: Okay.

MAYOR EGGELLETON: Yes. Go ahead.

MS. WARREN: Yes, Gwendolyn Warren. The review by the staff, my staff or myself was an issue of whether or not they made a good -- the firms made a good-faith effort. The information that was provided to us represented less than 12 percent of the scope of work, goal, or contract amount. We verified, again, with the department the information provided by the two firms was that the work in question would represent 10 to 12 percent of the work. We went to the operating department, asked them what the proposal represented. They said 8 to 10 percent of the work, which was less than 10 percent. So our ruling was that it wasn't a good-faith effort because the materials that we received did not represent 10 percent of the value -- 12 percent of the value of the contract.

At no time did I have a discussion with anyone regarding who they would choose as a subcontractor or enter into a contract with. I, myself, have prohibited staff from ever discussing the selection of a sub or a partner in a firm -- with a firm.

(COMMISSIONER LIEBERMAN LEFT THE ROOM.)

MS. WARREN: So that was why we wrote it was less than the value that was indicated by the Commission as well as when we looked at the effort to contact firms, there was serious contradiction between what the firms represented they offered and who they contact --

(COMMISSIONER KEETCHL RETURNED TO THE ROOM.)

MS. WARREN: -- and when we contacted the DBE's that they had provided, they provided contradictory information as to whether they were interested and/or had been contacted. So in the sum of that, we said that we did not believe it was a good-faith effort.

MAYOR EGGELLETON: Vice Mayor Wexler.

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VICE MAYOR WEXLER: Yes, Mayor.

The only correspondence that I have regarding Item 44 is Commissioner Lieberman's question that seem to address the preferential trips or some kind of select trips that may or may not be going to the DBE, but what I heard Ms. Warren say, and I want to be real clear, is I'm not aware that your shop makes a determination to that finite manner as far as the type of trips or the type of assignment, but that it's a percentage of the whole, and that's what I heard you say, but that's not what I see in -- is the vendor required to assign its more profitable trips, and that's what I'm hearing regarding this and reading this regarding this particular question.

MS. WARREN: I agree with Commissioner Lieberman, no one is required to or should be directed to provide greater value than they, themselves, get out of a contract. That's not something we --

VICE MAYOR WEXLER: And I'm going to make an assumption, Ms. Warren.

MS. WARREN: Absolutely.

VICE MAYOR WEXLER: -- and you tell me if I'm right or wrong here. Does your shop put a value on a percent or they have to reach a percent of the whole or show a good-faith effort and that's what you look for to comply?

MS. WARREN: We look to the percentage of the whole. We look at the goal that has been set and approved, and we measure the information provided to us against the percentage that has been designated and authorized by the Commission. The other -- just one thing, our recommendation was three-fold, that the Commission send it back to staff because you believe that we need to continue to work with the firm, that once you reviewed the record, if you believed that a good-faith effort has been provided, again, ours is a recommendation, and the final approval rests with this body. It's not subject to staff. This is a staff recommendation to this body, which has greater authority. Those were our two recommendations, send it back or accept it or direct -- give us other direction, but it is not an end-all, be-all that you accept staff recommendation but that you consider what we did.

VICE MAYOR WEXLER: See, I didn't agree last time with the majority of the members of the selection committee when Mayor Eggelation led a particular charge, and you were absolutely right, Mayor, and I was wrong, and they came to the table. People came to the table. The next thing we knew, we had signed contracts in front of us, and even though I had said ten minutes ago that I was going to support this item, listening to you, because I didn't know that there would be any support up here to say: Okay. You know, let's call it a day. You want to call it a day, let's call it a day. Fine, let's move on. I'm going to take my lead from you this time because you were right last time, and it is time for us to play hardball.

I did and I was looking forward to it going to the selection committee prior to break, prior to break, but since that is not something that we can do or we'd be prohibited to do that because of a provision in the statute, how long should this continue to go on? I mean either there's closure or there's not closure, and right now, I'm not seeing closure. So that's why I seconded the motion. Thank you.

MAYOR EGGELLETON: Okay. Commissioner Lieberman, and I need to add for everybody's viewpoint, Commissioner, I have to go to Washington on business, and --

COMMISSIONER LIEBERMAN: On county business.

MAYOR EGGELLETON: On county business, and she needs to make her comment, and then if she needs to further, she'll call in by phone.

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Commissioner Lieberman.

COMMISSIONER LIEBERMAN: I will do that. We would have a contract with these vendors but for Ms. Warren's interpretation. I urge you to read the memo that she sent. You were all copied. It's in our e-mail where she said the reason they didn't make a good-faith effort was because she disagreed with the portion of their trips they were assigning to the disadvantaged business enterprise. I know that Mr. Newton has had discussions with the Florida Department of Transportation with their counsel who wrote the statute and has not fully had the opportunity to check whether Ms. Warren can make that determination that there's not good faith because in her opinion she believes that they should be assigning prime trips or other trips and that -- it's not a percentage issue. It's that she disagrees that the part that they want to put out that they've chosen to assign is not their most desirable and none of the vendors they spoke to are willing to do those trips. Otherwise, we'd have a contract today.

I'm not willing to accept Ms. Warren's legal interpretation. I prefer that I get my legal interpretation from Mr. Newton because if we get sued, Ms. Warren doesn't go into court to defend the Board of County Commissioners. Mr. Newton and his office goes into court to defend the Board of County Commissioners. You heard Mr. Newton say today that if Ms. Warren is wrong, and he can't tell you that she's right, and you vote to terminate that, that you could have liability. So, you know, it's real simple for me. I'm frustrated. We're all frustrated. But the problem is, we have a staff member who has given a legal opinion and so far no one has been able to produce for me a single statute that supports her legal opinion. So I'll move the item that's presented as a substitute motion.

MAYOR EGGELLETON: Well, there are other persons on the queue.

COMMISSIONER LIEBERMAN: Okay. I'll call in.

MAYOR EGGELLETON: Commissioner Jacobs.

COMMISSIONER JACOBS: On May 2nd, Commissioner Lieberman, with this opinion -- or this question to the County Attorney, you had said earlier that you had yet to come up with a list of questions that would go to the state where the state would be able to weigh in.

(COMMISSIONER LIEBERMAN LEFT THE ROOM.)

COMMISSIONER JACOBS: My concern that's being raised by Commissioner Lieberman, I echo that concern and that is that if we're opening ourselves up to liability here but for the answer from the state, which is imminent, then what staff is recommending is this be given some time to September 30th. That's only a couple of months.

So my question to you is, when are those questions, those series of questions going to be developed? I kind of wonder why they're not done yet, but when are they going to be submitted to the state, and I know you can't answer for the state as to when they will respond, but what is a reasonable expectation, because if it goes beyond the September 30 date, then we're back here in the same quandary?

MR. NEWTON: Understand that this has been a conversation that's been going on for a number of weeks. I can't remember the exact date, but we just recently had another conversation with a representative for Handi-Van, Mr. Geller. I just went down to my staff and said: Those questions need to be developed and submitted tomorrow. We had just received an e-mail from Mr. Ashby at FTA that he would be willing to respond in writing to those questions, and so those questions should be developed and e-mailed tomorrow, and I was forewarned by Mr. Walton that it sometimes takes a great deal of time to get answers from those types of agencies, but I would hope that we would be able to get answers to the questions prior to the June 26th meeting.

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COMMISSIONER JACOBS: So, in your opinion, waiting -- the item as presented asks us to go in a month to month up until September 30th of this year, and in that amount of time, do you believe that we could have the answers to those questions?

MR. NEWTON: I believe we will have the answers to those questions.

COMMISSIONER JACOBS: All right. With that, Mayor, I will second the motion.

MAYOR EGGELLETON: Okay. Let me ask: Aaron, you said that you represent which one, because Senator --

MR. SCAVIM: Village Car.

MAYOR EGGELLETON: You represent Village Car?

MR. SCAVIM: Yes.

MAYOR EGGELLETON: So Senator Geller's memorandum only concerns itself with Handi-Van; is that correct?

MR. SCAVIM: The memorandum that Ms. Warren put out was very similar to both companies.

MAYOR EGGELLETON: No, I mean the ones where -- so you represent Village Car?

MR. SCAVIM: Right.

MAYOR EGGELLETON: So you're not asking for an extension?

MR. SCAVIM: I'm ready to sign right now.

MAYOR EGGELLETON: Okay. So that means that -- you know, we're not talking about both entities here. We're talking about one entity here now, not two. Yes.

COMMISSIONER GUNZBURGER: If he's going to come to terms. He's willing to sign, but we don't know what he's willing to sign.

MAYOR EGGELLETON: I don't know what he's willing to sign either. The only thing I do know in looking at this memorandum, there were several companies here that reached agreement with other entities. All of them did. And I can't understand -- why is it that -- well, answer me this, and I know both parties, and I think that they're good companies, but what was the issue involving y'all not being able to come to terms? And, by the way, I want y'all to know, my issue has nothing to do with the DBE in terms of letting the contract expire. That's not entering my mind whatsoever. What the deal is, is the contract expire June 30th, it just expire. Yes?

MR. SCAVIM: It was pretty simple actually. What we did and according to under the federal guidelines, which is what we believe we were supposed to follow, we offered 12 percent of our work. Now I know Ms. Warren came up here and threw out 8 to 10 or 10 to 12. The problem is we don't know how many rides there are going to be. The ride structure fluctuates. Nobody knows because we're going into this whole new structure with seven new vendors. How many rides, we've all been working on estimates and the estimates have changed throughout this entire year. So we believe we've offer 12 percent and we're

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not picking out this ride and this ride and that ride. It's nights and weekends. Big group of rides here, big group of rides there, and that's what we've offered.

We've offered 12 percent of our rides. We had four responses of people that were interested in talking to us about that. The first two came back, which are other vendors in this program, and said they don't feel like working nights and weekends. They only want to work during the day. We said okay. So we went back to the DBE office. They gave us a list of more vendors to solicit out to. We sent letters out to all those people. They came back. We got four more responses, and two of them after an initial phone call said: We're really not interested.

Two said: We'd like to talk to you more. We said, great. Come talk to us on Monday. We'll set up a meeting, we'll get the three of us together and we can talk about the contract. One of them called up and said: We can't make Monday. Can we come Tuesday? We said great. We'll move it to Tuesday. Well, come Tuesday, nobody showed up. Nobody called. We called them. We said: Hey, how come you're not here? We only got a voicemail. We couldn't get ahold of them. They didn't call us back. We called the DBE office and said: How can we document this, that we've tried to have these companies in, have them come meet with us about this work and they're not willing -- haven't even shown up or haven't even given us a courtesy call. They said: Well, you're not working hard enough with the companies to try to get them to come in.

So we've done as much as we think is humanly possible to put out this work. We've offered 12 percent of our contract. The work pays the same. There's no difference in pay rate between the day work and the night work, but I was very surprised to hear Ms. Warren say she didn't know what Commissioner Lieberman was talking about because it was very clear in the memo. She said: One of the reasons that we did not comply was that we offered them only the nights and weekends and that wasn't good. We talked to the attorneys in DC, they said: Is that part of the contract? Yes. Is it 12 percent of the contract? You offered them 12 percent of the contract and that's what's required under the guidelines. So that's where we are.

MAYOR EGGELLETON: Yeah, but it also could be said that you offered them something that you knew that they would refuse too, and if you do that, then you know they're not going to accept it, so, therefore, if that's what you offered and nobody accepted, then nobody is going to accept it, and so if you're not willing to modify your position, then what happens? I mean do we sit here and argue about this forever and ever?

MR. SCAVIM: Commissioner, I --

MAYOR EGGELLETON: I mean I don't want to do that.

MR. SCAVIM: I don't think it's our responsibility to give work that other vendors want out there to them.

MAYOR EGGELLETON: Well, let me ask you one question.

MR. SCAVIM: I think it's our responsibility to our (inaudible) contract.

MAYOR EGGELLETON: Let me ask you one question. Did you also want to charge an administration fee in addition to this? Did you or did you not?

MR. SCAVIM: Yes.

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MAYOR EGGELLETON: So now you can see why. So nights and weekends may be one thing, but now they wanted to charge an administration fee which then subtract from the amount of overall money that the companies would have received.

MR. SCAVIM: Commissioner, with all due respect, we tried to talk to these companies. None of them brought that up. In fact, it had nothing to do with anything.

MAYOR EGGELLETON: But one just called in and said that the reason why they didn't accept it is not because of nights and weekends, but in addition to that, you wanted to charge an administrative fee.

MR. SCAVIM: Is that one of the current vendors because I would say that's a violation of the cone of silence.

MAYOR EGGELLETON: So are you trying to tell me you didn't tell this vendor that you didn't want to charge them an administrative fee?

MR. SCAVIM: We wanted to charge an administration fee –

MAYOR EGGELLETON: Okay. All right.

MR. SCAVIM: – but that's not why any of the vendors -- we did not sit down with these people and said: Well, we can do this but we can't do the administration fee. We never got that far. None of them wanted to do the work, and the other companies --

MAYOR EGGELLETON: Wait a minute, wait a minute. Just wait a minute. I mean, you know, ladies and gentlemen, here's what I -- I mean there's a motion on the table. I mean we can go around with this forever. My -- you know, my concern here is I'm not making -- my concern is not with the DBE part. At some point, you have to draw negotiations to a close. You have to put a firm deadline on it and say you either sign by this date or else. That's the way it's done in the real business world. It's not done this way. The real business world, you put a firm deadline on it, and if you can't come to an agreement, guess what? You move on.

And that's -- now if y'all want to extend this forever, you get into September, guess what, you would have negotiated with these firms for one year, one year, and let me remind you that we had to bring these other vendors on because of the poor service. Okay. So now y'all want to keep playing this game, keep playing it.

Commissioner Rodstrom made the motion. It's been seconded.

COMMISSIONER JACOBS: I'm sorry, what was his motion?

MAYOR EGGELLETON: The motion was that we acquiesce to Senator Geller's request. You reconvene the S/NC on August 8th to discuss this issue. In the interim, the contract expires, the interim contract expires June 30th, and the contract has just expired, and you still convene the S/NC and deal with these issues, but the contract will have expired, period, end of ball game.

COMMISSIONER JACOBS: Okay. And, Mayor, may I make one point?

MAYOR EGGELLETON: Yes.

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COMMISSIONER JACOBS: This is a very frustrating conversation because I agree with everything that you're saying. However, the companies are saying they would sign, but we won't allow that signature because we don't believe they've met the good-faith goal. We can't determine whether or not they have because it's not about our determination. It's about the state's determination, and our county attorney is saying that because we don't have and are not the ones responsible for making that determination, it can be overridden and we are open to a lawsuit, that we wait and allow this to go forward to September 30th so that the state can give us that answer and we are no longer exposed.

Given the situation that we find ourselves in on the same issue, DBE issues that are determined by the county, it would seem to me the more prudent thing to do, even though I one hundred percent agree with you, is to err on the side of caution and go forward, let the state tell us whether they have met the good-faith effort or not. In many respects, we don't have a dog in this fight. This is about a determination by the state that is yet to be made. And not that I'm likely to defend the two companies, but our own attorney is telling us that they have yet to draw up the series of questions that we need to ask the state and even to field those questions, so that's my last pitch for my motion.

MAYOR EGGELETTION: You know, Commissioner, I'll bet you between now and next week you get that determination from the state. I'll bet you between now and next week there will be further conversation between our office and these companies, and I'll bet you between our next meeting --

COMMISSIONER JACOBS: Then can we modify the motion?

MAYOR EGGELETTION: -- we'll have an answer and you'll have this issue back in front of you next Tuesday with a signed agreement moving forward, but if you don't set a deadline, Commissioner, you're never going to get there. Trust me, you're never just going to get there.

COMMISSIONER JACOBS: Then I think you make a very good point, Mayor, and I think maybe the motion needs to be modified, the item needs to be modified that upon receipt of an answer from the state, at the very next commission meeting following receipt of these answers, this issue shall be taken up and decided then and there.

VICE MAYOR WEXLER: That's open-ended.

MAYOR EGGELETTION: That's open-ended.

COMMISSIONER JACOBS: Until --

MAYOR EGGELETTION: You don't have a deadline, Commissioner.

COMMISSIONER JACOBS: Well, then the deadline would stand as it is in the agenda item, which is September 30th.

MAYOR EGGELETTION: So suppose the state doesn't get in touch with you until December?

COMMISSIONER JACOBS: No, then your September 30th date kicks in, up until then. It would just make it happen sooner.

MAYOR EGGELETTION: You know what, y'all can vote for that, but I think y'all have got to set a deadline. If you let this contract expire, you'll reach an agreement. You'll reach an agreement.

MR. NEWTON: It's FTA.

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MAYOR EGGELETTION: The motion from Commissioner Rodstrom was that we acquiesce to Senator Geller. The S/NC reconvene to re -- to consider the DBE question on August 8th. In the interim, the contract expires on June 30th. Okay. That's the motion that's in front of you. All right. So it -- so that's the motion. All right?

Are you ready to call the question?

COMMISSIONER GUNZBURGER: I have one question.

MAYOR EGGELETTION: Yes.

COMMISSIONER GUNZBURGER: Mr. Walton, if we don't have an answer and these two firms don't come to the table by next week or by June 30th, other than taxicabs, will we be able to give service to those that need it who have been relying on paratransit, another unfunded mandate but this time from the federal government to the tune of \$24,000,000 of Broward County's taxpayers. Just thought I'd put that in.

MR. WALTON: Twenty-six million.

COMMISSIONER GUNZBURGER: Twenty-six million next year. I know, I want an answer to the question.

MAYOR EGGELETTION: Her question was, she wanted to know other than taxicab drivers, will you be able to provide the service to the --

COMMISSIONER GUNZBURGER: Paratransit.

MAYOR EGGELETTION: -- paratransit persons that need it?

MR. WALTON: Honestly, it's going to be difficult. Currently those two providers are doing about 40 percent of the work. You know, the other vendors that we have on contract would like to know definitively whether they could ramp up, but it wouldn't happen that quickly.

COMMISSIONER GUNZBURGER: And if we have to turn to taxicabs rather than doing what you have suggested which is to go to September 30th, would the cost remain the same if these providers would continue to provide service?

MR. WALTON: What the agenda items proposes, and there is a scrivener's error. It says September 30th. It should have said November 30th. I think that was on the Monday night memo.

COMMISSIONER GUNZBURGER: What?

MAYOR EGGELETTION: November 30th. They wanted to go five months.

COMMISSIONER GUNZBURGER: What? Yeah, but if I'm willing to go to September 30th, I ask another -- I'm not interested in the scrivener's error. I told you before I did not want five months. If we go to September 30th, which gives us time to reconvene the S/NC, to maybe have a decision, et cetera, would the cost of providing paratransit service via taxis as opposed to continuing the contract to September 30th be greater, equal, or less than the current providers?

MR. WALTON: Just one moment.

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MAYOR EGGELETTION: We're waiting on an answer.

MR. WALTON: Our information indicates that the average taxicab trip is less expensive than the average trip on paratransit.

(COMMISSIONER LIEBERMAN RETURNED TO THE ROOM.)

COMMISSIONER GUNZBURGER: Well, then why are we --

MAYOR EGGELETTION: All right. Now you have the answer to your question.

COMMISSIONER GUNZBURGER: Oh, my. Now that was really important.

MAYOR EGGELETTION: You see why I want to do what I want to do.

Commissioner Ritter.

What he said is providing the same transit, transportation for paratransit using taxicab that have wheelchair lifts and whatnot is less expensive than we provide by paratransit.

Commissioner Ritter.

COMMISSIONER RITTER: Thank you, Mr. Mayor, I've sat very quietly while we've debated this and decided that I was just going to take off my harness and let myself go here. First of all -- and do something is completely foreign to me, and that is speak my mind. I dealt with this issue as chair of Management & Efficient Study in October of '05 when Hurricane Wilma hit. We actually brought our paratransit and transportation staff in to talk to us because that was when the newspaper articles started to come forward on the front page about people waiting for four hours, and the reason was not because the companies could not or did not want to provide the business. The reason was because Hurricane Wilma hit and everybody lost electricity and at the same time or thereabouts, the county purchased new computer software which was not working and the information wasn't being received by the dispatcher on where to go and when to go. So that's why the whole thing came about and it opened it to all of these new smaller companies to come forward. That's why the county brought these new smaller companies forward, which was to fill a gap which was happening during this computer software glitch.

I've been told that glitch has now been correct order at least in the is in the process of being corrected and certainly the newspapers are not writing front-page stories anymore about paratransit and people being left on the roadside for three hours.

As to the point about the companies offering nights and weekends and that being business that we know DBE's don't want, I don't know that that's true. If I'm a small startup company looking to get into the business, I may very well take nights and weekends and the truth of the matter is that these companies have offered legitimate DBE's an opportunity to participate in this contract and they have been either rejected by the DBE's. They've been -- the DBE's they've contacted have not contacted them back. They've written letters. They've made phone calls. I'm a lawyer. I'm not a lawyer in this case, but in my opinion, they've made a good-faith effort to comply with the contract.

I am very uncomfortable relying on a non-lawyer to tell me whether or not these companies have complied in good faith. That makes me very uncomfortable, to rely on an opinion from someone who is not an attorney who is basically making it up as she goes along in my opinion. She's also decided that rather than 12 percent of the entire contract being DBE, each vendor needs to supply a 12 percent DBE

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component. I don't know where that one came from either. I don't know if that's a federal mandate. I don't know if it's made up. I don't know if it's pulled out of thin air. I don't know if it's drafted by our attorney, drafted by any attorney, or drafted by Ms. Warren. I don't know. I suspect that that is something that Ms. Warren has decided should be part of this contract which, by the way is not part of the RLI at all.

There's nothing in the RLI that indicates that each company needs to supply a 12 percent DBE. The contract says 12 percent DBE, period. Now my interpretation of that may be different than Ms. Warren's interpretation of that, and, quite frankly, neither one of our interpretations matters in this case. The only interpretation that matters is that our attorney which we do not have. As a result, I am willing to support the agenda item as written because I don't think that there's any harm in giving these companies till September 30th. I don't think we need a hammer, and I don't believe that it's as a result of the companies that we aren't here until June of 2007 deciding on this. It's not only the companies. There is enough blame to go around in this case, starting from October of 2005 when Hurricane Wilma hit which is nobody's fault until today.

The ramifications of this contract, the iterations, and that's one of your favorite words, the iterations of this negotiation that has been going on for the past year and a half comes to a head today. I believe we need to support this agenda item as written. It's only three months, and the problem with it is, and I'm going to close with this. You know, in my time in the legislature, I never had to deal with protests. Everything that we did was pretty much, we could do whatever we wanted. It didn't matter whether it was constitutional or not. We weren't worried about -- we didn't, you know.

Commissioner Lieberman used to tell us all the time what we're doing is unconstitutional. Our response used to be: So. Yeah, so? And it's a whole different dynamic sitting on the County Commission looking at the possibilities of protests and lawsuits and costs to the taxpayer that can be avoided if we simply say: We'll come back after our break and we'll decide this once and for all after we get a legal opinion on which we can all feel comfortable relying. So I'm going to support -- I don't actually know where we are in the procedural part of this meeting. Yeah, but somebody else made a motion after you, I think. But I'm going to support Commissioner Lieberman's original motion.

MAYOR EGGELETTION: Okay. There is a motion and there's a substitute motion. I think Commissioner Lieberman made her motion first. So her motion would be voted on only if -- only if the substitute that Commissioner Rodstrom made fails. Okay. Does everybody understand both motions? Okay. So if everybody understands both motions, then the substitute motion of Commissioner Rodstrom is on the table.

All those in favor of the substitute motion, raise your hand. That's your motion, Commissioner.

One, two, three, four hands.

Seeing four hands, the motion fails.

VOTE FAILS 4 TO 5 WITH COMMISSIONERS LIEBERMAN, GUNZBURGER, WASSERMAN-RUBIN, JACOBS AND RITTER VOTING NO.

MAYOR EGGELETTION: So we're now back on the main motion, or the motion made by Commissioner Lieberman.

All those, which is the staff recommendation, all those in favor of the staff recommendation, raise your hand.

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Okay. So let the record reflect that the motion pass 7 to 2 with Commissioner Keechl and Eggelletion voting in the negative.

VOTE PASSES 7 TO 2 WITH MAYOR EGGELLETION AND COMMISSIONER KEECHL VOTING NO.

MAYOR EGGELLETION: Okay. Okay. Now that is Item --

COMMISSIONER LIEBERMAN: Forty-four.

MAYOR EGGELLETION: Forty-four. Okay. Now we're getting to the really tough part. Okay. So let's go to 42 -- no, wait a minute, let's go to -- we've got 38 -- we've got 39 and 40. That's where we are. 39 and 40, well, that moves to Item 50. So that brings us to item --

COMMISSIONER LIEBERMAN: Can we do 49?

MAYOR EGGELLETION: Forty-nine? No, no, no. We're going to 42 -- no, we've done 42 and 43. That brings us to Item --

AGENDA ITEM 46

VICE MAYOR WEXLER: Forty-six is easy, I promise.

COMMISSIONER LIEBERMAN: Forty-six.

MAYOR EGGELLETION: Forty-six? Okay. Let's go to Item 46 then.

COMMISSIONER LIEBERMAN: We did 46 already.

MAYOR EGGELLETION: We did 46 already. So we're on Item 45.

COMMISSIONER GUNZBURGER: No, we did not.

MAYOR EGGELLETION: I thought we did 46.

COMMISSIONER LIEBERMAN: Yeah, we did.

COMMISSIONER GUNZBURGER: No.

MAYOR EGGELLETION: Okay. Somebody had a question. So let's go to Item 46 then. 46, is there a motion on 46?

COMMISSIONER GUNZBURGER: I move -- second, and I'd like to be on it.

MAYOR EGGELLETION: Okay.

VICE MAYOR WEXLER: Question.

MAYOR EGGELLETION: Forty-six been moved.

Question, Vice Mayor.

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VICE MAYOR WEXLER: I have a question, please, and I had discussed this with the administrator as well as Mr. Allen. Since this is an RLI that has the potential of -- I don't even know what bigger than quadrupling is, but Phase I is a \$4.6 million expansion, but Phase II has the potential of being an additional \$30,000,000 of construction for this project. I wanted to make sure that the language in the RLI was very, very clear to whoever it is that's responding to it that there's a potential for a Phase II which is significantly higher.

(COMMISSIONER JACOBS LEFT THE ROOM.)

VICE MAYOR WEXLER: Because I think it is -- the level of interest is going to increase significantly, oh, you bet. If this is not just a \$4.6 million job but a \$34.6 million job, I think that the level of interest is going to be significantly higher out there. So I wanted to make sure that it was very clear in the document what it was about.

(COMMISSIONER RODSTROM LEFT THE ROOM.)

MAYOR EGGELLETON: Okay. You need an answer? Are you done?

VICE MAYOR WEXLER: I have been assured by Ms. Brangaccio that: Please bring that up today. I asked Mr. Allen privately. Unless you, for the record to hear him say, yes, we will do that, is the appropriate answer.

MS. HENRY: Mr. Allen.

MR. ALLEN: Certainly that will be incorporated in the RLI.

VICE MAYOR WEXLER: Thank you, Mr. Allen.

I think it had already been moved.

MAYOR EGGELLETON: Okay. So did you get your answer you need?

VICE MAYOR WEXLER: Yes, I'll be happy to second it.

MAYOR EGGELLETON: So would you move the item?

VICE MAYOR WEXLER: Yes.

MAYOR EGGELLETON: Vice Mayor moves the item. It's been seconded by Commissioner Keechl.

Any objection?

Any objection?

Without objection, show the item pass, and that is Item 46.

VOTE PASSES UNANIMOUSLY.

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MAYOR EGGELLETON: Are there members on the dais that wish to serve on the S/NC? Members of the S/NC are Commissioner Keechl, Commissioner Gunzburger, Commissioner Wexler and Commissioner Rodstrom is the liaison so he'll be serving on that as well. Okay? All right.

(COMMISSIONER RODSTROM RETURNED TO THE ROOM.)

AGENDA ITEM 25B, 37

MAYOR EGGELLETON: That brings us to Item 45. Wait a minute. Did we do the taxi issue?

COMMISSIONER GUNZBURGER: No.

MAYOR EGGELLETON: That's the issue we've got to deal with the. We've going back to that issue. Item 37. I'm sorry. Item 37, and remember we moved Item 25 with Item 37. I'm sorry. Okay.

COMMISSIONER GUNZBURGER: Wouldn't 45 be fast?

MAYOR EGGELLETON: No. Item 37 -- we have quite a few people that have been waiting on that, and we have a speaker on that item, and that person is speaking to 25B that we combined with Item 37. Okay. And Mr. McCarthy, is he here? Mr. McCarthy, Daniel McCarthy, you're recognized on your item, sir. You have three minutes.

MR. McCARTHY: Thank you, Mr. Mayor, Madam Vice Mayor, Commissioners, I think if we look at 25B and if it's adopted as we would recommend, that would obviate the need for discussion on discussion on 37B, C, D, and down to 37E. Okay. And that basically, first of all, we would like to compliment the County Auditor and his staff. They were extremely courteous to us. They were very, very professional. They were very thorough. Five stars compared to the Sharpton Brunson report which had error after error after error. If you have the County Auditor's report in front of you -- we didn't get everything we asked for. You've got to dig for it a little bit. But if you look on Page 6 at the bottom, there is a diagram number one and you see a dispatch ratio 7 to 1?

COMMISSIONER GUNZBURGER: Yep.

MR. McCARTHY: And then let's go to Page 7, the next page. Taxicab dispatch process at FLL and go down to the fifth sentence, the lot dispatcher releases taxicabs from the hold lot in a ratio of eight Yellow Cabs to one independent cabs. Eight to 1, not 7 to 1. My eyewitness is the County Auditor. In this case of civil theft. Using Mr. Gaddis's own figures of 1,500 trips a day, 547,500 a year, the disparity between 7:1 to 8:1 amounts to 1.388 percent which amounts to 7,600 taxi rides per year, and at his figures, \$125,400 per year that he is stealing from the independent cab drivers. I give you my eyewitness.

And I should ask that you follow his recommendations. The RLI on 37E does not do that. It attempts to spell out guard shacks at ticket spitters and other things like that, the 175,000 minimum capital requirement. No, what the Auditor said was: Leave it wide-open and entertain any intelligent suggestions in that area, because how do you know you want a ticket spitter in the holding area or a guard shack? There may be another way. So we urge you to adopt 25B and to reject the RLI on 37E.

MAYOR EGGELLETON: Your time is up, sir. Thank you very much. Is there anyone else from the audience -- do I have any other appearance cards on this item? Seeing that there is no other appearance card on 25, we're now on 37. There are several appearance cards on --

COMMISSIONER GUNZBURGER: No, we have to vote.

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MAYOR EGGELETTION: – 37B, D, and E or whatever, but Item 37. Mr. Cadet, Item 37.

(COMMISSIONER RODSTROM LEFT THE ROOM.)

MR. CADET: Mayor, Vice Mayor, the County Commissioner, thank you for the opportunity. Thanks a million to speak on this critical issue. On Item 37B, the hybrid system is the same as the current system. It's the same as the cruises system. There's no difference. And on the system where we find that BNL Yellow Cabs as a concession management, it's manipulate, the Yellow Cab dispatcher also the share ride dispatcher for the benefits of the share ride. It's like drivers versus drivers. There's about 11,000,000 people who have -- who arrive at Fort Lauderdale Airport. There's about 500,000 -- there's about 5,000,000 of them taking cabs. Yellow Cab pass on this to all of them.

There's about 60,000 rides on the independent taxi drivers. All of them get to pass the same Yellow Cabs that on the return back to the airport, they only can call Yellow Cabs. Why? Because Yellow Cab can be manipulate the system on its own benefits. And your staff at the airport is aware of that. There's many different ways -- if you go to the airport by seconds, you can see the conflict of interest, and the system is nothing but the conflict of interest.

And we have about more than 300 signatures as a petition from all the drivers in the county, which includes Yellow Cab drivers. Most of them, they request for an open system, an open system which is not discriminated anyone. Open system is better for the rider, is better for the drivers, and most importantly, the county, and I am asking the -- this community for vote an open system. An open system that --

MAYOR EGGELETTION: Mr. Cadet, your time has expired.

MR. CADET: And most importantly --

MAYOR EGGELETTION: I understand. Mr. Cadet, your time has expired, and let me remind you that I was late at even starting it.

MR. CADET: Thank you.

MAYOR EGGELETTION: So your time has expired.

I do have another speaker, Mr., this looks like Haim. Can you pronounce your last name for me, sir? I can't make your writing out.

MR. SIAMA: My name is Haim Siama.

MAYOR EGGELETTION: Siama. Okay, Mr. Siama, you're recognized.

MR. SIAMA: I just want to point one thing over here on Item 37E(A), I see an error over here. They're talking about Section 2616E, which is not in excess of five years. It should have been 2616B, eligibility requirements. So I see an error. They have to change the E to the B. That's all. Thank you.

MAYOR EGGELETTION: Okay. Is there anyone else from the audience wishing to speak on the item? Okay.

So the Commission will deliberate. Is there anyone wishing to make a motion?

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Yes, Vice Mayor.

VICE MAYOR WEXLER: Thank you. I kind of went over there and asked the County Auditor because according to our matrix, and, Mr. McCarthy, thank you for praising his ability. We'd like to keep him around a while also. According to the matrix, Item 37E most resembles what your recommendation is in Item 25, and that's not what the member of the audience indicated. So I would ask, Mr. Mayor, the County Auditor to reflect upon 37E because it seemed to me after reading his audit and speaking to staff, and I didn't speak to you, Mr. Lukic, but I did speak to Ms. Bowers yesterday and recognize that what you would like to see us do is put an RLI out that casts the widest net with the least amount of restrictions.

And when I went over there, you asked me -- you said you hadn't found the ticket splitter location piece. It's on Page 10 of that particular -- of that particular 37E, which I'm calling the unrestricted RLI, and I would ask you to reflect on what else we might be able to do that would make it more congruent, congruent with your recommendation in the audit.

MR. LUKIC: Actually, I looked at the RLI. I think the RLI as presented, 37E, Option 37E is consistent with the intent of my recommendation. My recommendation really dealt with not trying to manipulate the business model, dictating how the business should be run. That should be the responsibility of the concessionaire to come forward to propose a model that suits our needs. I think this model actually does that.

These issues relative to a ticket splitter and other things like that are simply capital items that the airport wants to incorporate into the RLI, and they could be recovered through the concession operation, but the ticket splitter itself actually is an existing ticket splitter. They're talking really about installing a guard booth near the ticket splitter -- splitter, I'm sorry.

So I do believe that 37E is fine. It is consistent with my recommendation and I would recommend that the Board move on that item.

VICE MAYOR WEXLER: Well, I'm not going to move it yet. I think that we need to have discussion, but at the appropriate time, I am prepared to move that item because what that does for me at least is it gives the current system the opportunity to respond if they wish to.

COMMISSIONER GUNZBURGER: Right.

VICE MAYOR WEXLER: It allows for a dispatch, a purely dispatch system to respond. The only thing that it doesn't do, because there would be no need for an RLI, would be a purely airport operated system, which you did also verify the cost, the expense of that as well in your audit, because I, for one, was having concern when it had first come to us regarding the cost.

(COMMISSIONER RODSTROM RETURNED TO THE ROOM.)

VICE MAYOR WEXLER: And not that that cost couldn't be recouped. It could be recouped, but I just -- you know, for me, I'm almost taking a baby step here, and the baby step cautiously is to support Item 37E, which allows for two choices out there, and I'm comfortable with that, or more if people are more creative. I don't know what's out there. Thank you.

MAYOR EGGELLETION: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah, I'm going to support the Auditor's recommendation. When you read his audit report, it's clear that we are in a different position than some of the other airports that have

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had open systems and that the type of system he's recommending is the one that causes the least financial impact to the airport. The issues raised, I think are management issues. If it's supposed to be one in seven, then it needs to be one in seven and not one in eight, and that's an issue that the County Administrator needs to be involved in. That clearly needs to be fixed. This won't preclude anyone from coming back with innovative suggestions. It just is the best for us financially.

MAYOR EGGELLETON: Okay. Anyone else wishing to speak on the item? Let me ask you something, Mr. Lukic, under your item -- under your recommendation, and I apologize, and I'll let you know now that I didn't vet it fully, because I'm really just getting back. Monday was my first day really back at work, and I've read other items, and I didn't have a chance to get through this one fully, but under your recommendation, would your recommendation allow the continuance of the current system where you have one to seven or one to eight ratio?

MR. LUKIC: My recommendation is to solicit from the marketplace their proposals of how to run the concessionaire. The issue of the ratio that you might use or might not use and how you enforce that is really like Commissioner Lieberman indicated, is a management issue. Once you have a contract and you tell folks that it's going to be one to seven, then you need to do some contract administration to ensure that the provisions of your contract are being maintained.

(COMMISSIONER JACOBS RETURNED TO THE ROOM.)

MR. LUKIC: But if you go out in the marketplace and you ask for the varying alternatives that might be available and who might do this, you get the options and then you decide which is the best option for the airport and then you just enforce the provisions of the contract after that.

MAYOR EGGELLETON: Well, if that be the case, how is that any different from what we have today that we constantly get complaints about and have been getting complaints about since we did this whole contract?

MR. LUKIC: Well, there's several things. First of all, there was in discussing this with BNL representatives, there was an error made on their part on the 8:1 ratio. But I would clarify that it's not always an 8:1 ratio. For instance, in the early mornings, often the nonYellow Cab taxi drivers are there in more numbers than BNL and, therefore, that 8:1 ratio is not maintained then either. So it is an issue in terms of fairness and the perception of fairness that the county should be monitoring the compliance with the agreement, and why I didn't go into a compliance issue on this report, I would suggest that whatever contract we take with whomever we enter an agreement with, we ensure that the provisions of that contract are complied with and we should have a means to have participants in any program the ability to communicate with us what their concerns are and address those, but the purpose of this report was a bit different, simply saying how to go forward and look for an appropriate dispatch system that's in the best interest of the county.

MAYOR EGGELLETON: Okay.

Commissioner Keechl, did you have your hand up?

COMMISSIONER KEECHL: Yeah, I just have a quick question. Well, first of all, I agree with the Vice Mayor. I think we need to put the widest net we can with regard to this. But I was under the impression that the current one basically is 37B; isn't that correct? I mean it's the current system?

MR. LUKIC: Yes, that's correct.

COMMISSIONER KEECHL: And what are the ratios under the current system?

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MR. LUKIC: The current system in the contract is seven to one. That's what the ratio is supposed to be. In practice, it was often eight to one and sometimes it was often other ratios based on the cabs and inventory. So that was part of the issue that people were complaining about.

COMMISSIONER KEECHL: The proposed RLI that mimics what's going on now has a first in, first out, doesn't it?

MR. LUKIC: Well --

COMMISSIONER KEECHL: So that's different than the ratio?

MR. LUKIC: Well, what happened was because of the complaints, the RLI that was proposed was to address that to go to a first in, first out. The current company, BNL was troubled by that, and it was my understanding they did attempt to do it and I think they might still be doing first in, first out to see what impact it might have on their operations.

COMMISSIONER GUNZBURGER: Are they?

MR. LUKIC: But needless to say, it was under contract. It was seven to one. The airport modified it a bit and said they would like to see first in, first out. My proposal is that we don't dictate how they run the cabs, just find out what concessionaires and people that would come forward to do that.

COMMISSIONER KEECHL: So my question is, if this commission picks 37E, thus the wide net, we might come back with a proposal that's seven to one or eight to one as opposed to first in, first out. We might have a proposal that says credit cards as opposed to no credit cards, and some of the issues we've already discussed?

MR. LUKIC: That's correct.

COMMISSIONER KEECHL: Okay. I just want to make sure I understand. Thank you.

MAYOR EGGELLETON: Vice Mayor Wexler.

VICE MAYOR WEXLER: You might also have a proposal that's just a dispatch company, an independent dispatch company and not a taxicab company that's also a dispatch company. Okay? I mean that's what I refer to as the wide net because 37D is the open dispatch management system. I like that, but I also want to see what's in the marketplace, and I want to hear what they say, that the responders say, which is -- it's up to management and whoever is selected to negotiate, I would think what the ratios are and what the parameters are, first in, first out, credit cards, no credit cards, whatever that may be.

MAYOR EGGELLETON: Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Well, one of the things that I think we had talked about allowing and, in fact, having an option was to include credit cards in the taxicabs. So that's something that we want as a convenience to the people who use the taxis. So that's -- to me, that's a nonnegotiable item.

COMMISSIONER KEECHL: Mayor.

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COMMISSIONER GUNZBURGER: Secondly, if we let everyone know that this is wide-open, that it's made for everyone to bid on it, I hope the public will believe us.

MAYOR EGGELETTION: Okay.

Commissioner Keechl.

COMMISSIONER KEECHL: Thanks, Mayor. Just quickly, the reason I like 37E to be blunt is that it allows any kind of proposal except for us, and I have no desire to see BCAD do this job, to be totally blunt.

With regard to the credit card issue, Commissioner Gunzburger, there are some issues, because we've got independent taxicab drivers who can't afford to have the credit card machines, notwithstanding the fact that some of us may believe that it doesn't cost very much. So what we had said last time was it's discretionary as to whether the taxicab driver has the credit card machines. If he or she doesn't, he or she gets the next fare. But we'll see -- if we adopt 37E, we'll see what comes back. So I just wanted to remind you that there was some issue that the Mayor and I expressed with regard to mandatory requirements for credit cards in these taxicabs.

MAYOR EGGELETTION: Thank you.

You know, the only thing that troubles me about 19E is simply this, and that is -- 37E, I'm sorry, and that is, you know, I could support 37E except that I do want to see a system that have first in and first out because I think that's fair. It just levels the playing field. Everybody is fair, and, you know -- and let me just ask this question, and I don't know whether to ask this of you, Mr. Lukic, or whether I ask it of Mr. Bielek, the seven to one or eight to one ratio, whatever number you want to utilize, what is that based on?

MR. LUKIC: This is where you can get into a philosophical discussion about whether it's fair or not. Based on BNL's records, their accounting records, the ratio is related to the amount of money that the nonYellow Cab companies contribute versus what the Yellow Cab companies contribute. So each Yellow Cab, although it's not billed in the same manner, if you look at BNL's cost, BNL is paying seven-eighths of the total cost of the dispatch system and the independents, as we've been using them as independents, but the nonYellow Cabs are in essence paying one-eighth. So the concept was that in order to be fair, those that pay the most have more opportunity so that it doesn't become a race to the gate. And since I put in one-eighth or twelve and a half percent of the cost of system that my racing back to the gate gives me better access to the system than just being -- taking every eighth ticket. So that's the concept. But you can argue whether that's fair or not, but that's the basis for it.

MAYOR EGGELETTION: Well, the reason why I ask that, if it's based on the number of Yellow Cabs, you know, fact is, so it's based on, Mr. Bielek, or Mr. Lukic, either one, I think there are, what, 500 and some odd Yellow Cabs; is that right?

MR. LUKIC: Well, let me clarify.

MAYOR EGGELETTION: I just want to -- yes.

MR. LUKIC: The way that this works is all the Yellow Cabs under BNL are participating.

MAYOR EGGELETTION: Okay.

MR. LUKIC: And that's how they determine what the fare --

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MAYOR EGGELLETON: What the ratio is, right?

MR. LUKIC: Yeah, what the concession fee for the other folks are.

MAYOR EGGELLETON: So there's 500 and some odd Yellow Cabs; is that right? I just need to know.

MR. BIELEK: 561.

MAYOR EGGELLETON: Okay. Five hundred sixty-one Yellow Cabs. Of those 561 Yellow Cabs, how many are owned by Yellow Cab and how many are leased to Yellow Cab?

MS. BRANGACCIO: It's 368. You got about 368 ownership --

MAYOR EGGELLETON: Three sixty-eight are owned or leased?

MS. BRANGACCIO: -- and 193 are franchise agreements or the way it's broken out.

MAYOR EGGELLETON: Okay. So 193 are franchise agreements. So you really don't have 561 Yellow Cabs. You have Yellow Cabs that are -- that someone else holds the license for that are leasing those. And so those are thrown into the mix to inflate the number, and that's why I don't like the concept of eight to one, seven to one, because the number is inflated. I mean I could go with 37E, but I think to have a level playing field and to stop this argument, you need first in and first out. You know, I personally don't think it will ever hurt Yellow Cab business at all. I don't think that.

MR. LUKIC: Please understand one other aspect of this business. BNL in some instances owns the cab, sometimes owns the certificate, but all the drivers are independent contractors. There are no employees of BNL who drive cabs. The cab business is all driven by independents. They all pay a fee either for certificates or for the cab or for whatever, and that's how it works. So each one of -- all the people, whether you're in a Yellow Cab or not, is really an independent driver, and they pay a fee for the use of the permit and the cab and there's different scenarios because some people own a permit and some people own a permit and a cab and they lease these to these drivers who pay typically a weekly rate. So all the cab drivers are independents. So there's really no advantage per se for BNL to take their cabs in more because they don't collect the fares. The fares are collected by the cab driver who is independent from them.

MAYOR EGGELLETON: You make my point. That's why you need first in, first out. I mean you make my -- I mean you make my point for me. That's exactly what why you need first in, first out, because they all are independent, and, therefore, you know this about -- you know, it hurts me more than the other guy, they're all independent. So that's why I can go with 37E, but I just believe at the end of the day, the only thing you need to add to it is -- and I don't care who operates the system, by the way. It doesn't bother me. What I just want is a system that at the end of the day that if I'm standing in line, that someone don't get an opportunity to cut in front of me, that I get an opportunity to go and pick up my fare and the next guy can pick up his and the next guy and the next guy and the next guy. That's fair. I mean that is as fair as it gets to me.

Commissioner Rodstrom.

COMMISSIONER RODSTROM: Then maybe to do that -- I mean because I think what I've been hung up on is BNL has to pay the county a privilege fee, and so, you know, if that privilege fee were adjusted, then, you know, I could feel better about it. I mean the privilege fee was arrived at based on this percentage that everybody is paying, was it not?

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MR. LUKIC: No, the privilege fee that the airport collects is actually based on enplaned passengers and it's a rate per enplaned passengers. It's independent of the cab activity.

(COMMISSIONER LIEBERMAN LEFT THE ROOM.)

COMMISSIONER RODSTROM: Well, maybe I confused it with the cost that BNL -- I mean the cost that BNL -- I mean it's a \$2,000,000 deal, right, or it's 2.1 or something?

MR. LUKIC: Well, 2.1 million is the cost that the airport would incur.

COMMISSIONER RODSTROM: Would incur if we took it over.

MR. LUKIC: BNL's costs are more around \$1.6 million because --

COMMISSIONER RODSTROM: And of that, they pay a privilege fee of 500 and some thousand dollars?

MR. LUKIC: That's correct.

COMMISSIONER RODSTROM: Right. So I guess what -- maybe I wasn't artful in the way I stated it, but it would just seem to me if there's an issue of inequity because, frankly, BNL is paying us for the privilege of being there and it's also their cabs that they're trying to protect, then some accommodation might be made on the privilege fee to get you closer to where you want to be. I'm just sort of thinking out loud. That's all I was trying to do.

MAYOR EGGELETTION: But you got to understand, you have to understand that BNL only owns 300 and some of those cabs. They only own 300 and some of those cabs, and, by the way, each of these cab drivers, it doesn't matter who they are, they have to pay that 40-something dollars a week, all of them, even the ones that lease their cabs of BNL pay BNL 40-some dollars a week. So.

COMMISSIONER RODSTROM: But those folks may not be calling at the airport though. That was testified to here last time.

MAYOR EGGELETTION: But you don't know whose calling at the airport.

COMMISSIONER RODSTROM: That's part of the fee they charge them when they take the car. They have the right to call on the airport.

MAYOR EGGELETTION: I agree with you, Commissioner, on that, but by the same token, we don't know how many of the 300 and some odd -- 348 of BNL cabs are at the airport either. So they could be anywhere. So we don't know that number. That's why I said the fairest way to do it is go with -- go with what the Auditor is recommending, but you add to that first in, first out. I just think that that's fundamentally fair because, you know, if you go by a ratio, you've got to go by the actual number of cabs that's owned, not the number of cabs -- because those persons that put their cabs in BNL fleet for dispatching purposes, there the ones that are paying those 40-something dollars a month.

MR. LUKIC: On Page 6 of our report, we indicate the budget amount that the dispatch cost is currently based, on BNL's records of 1.652 million. How they arrive at the annual fee for each independent is they divide the numbers of cabs that have permits by that total amount, which is 2,575 per permit. Seventy-eight of those were the independent cabs. Independent cabs that are not Yellow Cabs. The balance of the money, the million four to run the system is borne by BNL. He -- in his system, in the BNL system, what they do is they offer franchises to different people. They don't specifically identify the

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individual charges. But BNL, through its operations, recovers that cost through their business. So many of the cabs -- you're not going to find 700 cabs at the airport servicing the airport all the time.

MAYOR EGGELETTION: Correct, you'll find about 150. In fact, that's all the yard will hold. At the most what I'm told during the peak wintertime is about 200.

MR. LUKIC: Each independent cab driver, whether they're a Yellow Cab driver or an independent makes the determination whether it's in their own best interest to go to the airport to pick up fares.

MAYOR EGGELETTION: Right.

MR. LUKIC: Many use the BNL dispatch system and don't go to the airport. In fact, one of the cab companies we interviewed, they only have -- they have 141 cabs. Only 12 of their cabs actually have permits for the airport because they leave it up to the drivers. Some of the drivers think it's worthwhile to have a permit with the airport and they pay the extra fee to do that. Some don't.

MAYOR EGGELETTION: Yeah but, you know what? See, here's the deal, if you were to open the system up first in, first out, a lot of those cabs would come in. Nobody wants to sit there and wait 8:1, 7:1, and that's what the problem is.

Secondly, if the ratio is based on 561 cabs and we know that not at any given day do you have 561 cabs at the airport, that, in itself, makes it unfair. The holding pen at the airport only holds about 150 cabs, at max 200 cabs. So how can you come up with a ratio that's based on 561 since 561 cabs are never at the airport?

MR. LUKIC: It's because the ratio is based on the cost that each of the cabs paid.

MAYOR EGGELETTION: But 561 cabs are not paying that ratio.

MR. LUKIC: All --

MAYOR EGGELETTION: That's my point.

MR. LUKIC: The cost that's not borne by the 78 independents, the 2,575 that's not borne by them, is borne by BNL, which means the equivalent thing is that every one of the Yellow Cabs pays a proportionate share of the cost of the dispatch whether they use it or not. One of the dangers is, is if you reduce the number of cabs that are contributing to the costs, you will increase the cost per cab and it will become unprofitable for many independents to actually serve the airport.

MAYOR EGGELETTION: But that's not my problem. That's their problem. If they want a first in, first out system, that's their problem. They have to bear the cost of that system, and I'm saying that if they understand that, then they have to do that. But what I believe will happen is when you open the system up, say, first in, first out, many of those companies that choose not to go will wind up at the airport because they know that they're now going to come when they're called as opposed to having to wait for seven or eight to one, and during the wintertime that's good because they're moving so fast, but during the summertime, you might sit out there and get two calls all day, and that's the problem, and that's why the others don't want to be out there.

MR. LUKIC: The basic reason for coming forward with an RLI that's open is that I did not want to recommend a prescriptive approach to how to operate a dispatch business and a taxi business. That's not really something that the county has expertise in. Therefore, you should look to the marketplace and let them tell you what's the best approach. If someone comes forward with a first in, first out and you find

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out what the cost is going to be, you can compare that to what a ratio base would be and you just evaluate the proposal. If you want them after you select the best proposal, if you want to negotiate some other aspects to it, I think that's when that should take place.

I'd be very careful though if we become too prescriptive, because it's a complicated business. It's unique to communities too. We found that in certain jurisdictions, I'll give you the extreme example. In New York City, one of the reasons that they actually don't charge any fees to go to the airport is that if you think about it in New York City, you can pick a fare of as a cab driver at any street corner. There's no value in you taking dead head time to go to the airport. So you almost have to lure cab drivers to go to the airport to pick fares up. In New York, that's -- that's different here. So you have to be careful. It's a complicated business, and that's why I'm saying, let the people that know the business make the proposals to the county and let the county in its wisdom choose from those proposals.

(Applause.)

MAYOR EGGELETION: I mean that's fine with me. If that's the wishes of the Board, the only thing that I want to say is at the end of the day, I just think that you need to have in your proposal at least first in, first out. I mean I agree with everything that you have said a hundred percent. And New York is a very unique example, Chicago and other major cities because everybody live in a downtown area so it's easier for them to work downtown because no one hardly own cars, but here everybody own their own cars, so it's a little bit different.

Is there a motion?

VICE MAYOR WEXLER: Yes, I said at the appropriate time, I would move 37E in its entirety.

MAYOR EGGELETION: Okay. All right. Is there a second?

COMMISSIONER KEECHL: Second.

MAYOR EGGELETION: It's been seconded.

COMMISSIONER JACOBS: (Inaudible).

VICE MAYOR WEXLER: E as in Edgar.

MAYOR EGGELETION: E as in egg.

COMMISSIONER GUNZBURGER: Egg.

MAYOR EGGELETION: E as in egg, as in Eggelation. All right.

Vice Mayor Wexler, it's getting a little late. Vice Mayor Wexler has moved the item. It's been seconded by Commissioner Keechl, 37E.

Are there any objections?

Any objections?

Without objections, show 37E approved without objection.

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VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 25

VICE MAYOR WEXLER: Mayor, I'd also like to move acceptance of Item 25.

MAYOR EGGELLETON: Okay. Item 25 has been moved by the Vice Mayor.

COMMISSIONER GUNZBURGER: Second.

MAYOR EGGELLETON: Seconded by Commissioner Gunzburger.

Any objection?

Without objection, show Item 25, the Auditor's report accepted without objection.

VOTE PASSES UNANIMOUSLY.

MAYOR EGGELLETON: That brings us to Item 39, 40, and Item 50, or would y'all prefer Item 49 first?

Commissioner Rodstrom, it's your call. Would you prefer us to take Item 49 and then take 50 and 39 and 40?

COMMISSIONER RODSTROM: I appreciate you giving me the opportunity to do that, but you can take them in the order that's on the agenda, thank you.

MAYOR EGGELLETON: All right. So then it would be 39, 40, and we're going to -- well, we can combine those with 50. So let's take 49 -- we did 45. Oh we didn't do 45? Okay. Forty-five then. Forty-five.

FROM THE FLOOR: (Inaudible).

MAYOR EGGELLETON: Oh, yeah, on the previous item, on the taxicab S/NC, let me see the hands of those wishing to serve on the S/NC. Okay. It's been moved with Commissioner Ritter, Keechl, Vice Mayor Wexler, and I'll serve on it. Okay.

AGENDA ITEM 45

MAYOR EGGELLETON: All right. Okay. Now that gets us to Item 45. Item 45, this is a selection -- this is a selection committee to select the most qualified firm to provide developer and operational (operator) services for the Broward County Convention Center Hotel. Okay.

Mrs. Grossman -- yes.

COMMISSIONER GUNZBURGER: I'd like to move it and I'd like to serve on it.

MAYOR EGGELLETON: Okay. It's been moved. Is there a second?

COMMISSIONER RODSTROM: I'd like a comment.

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MAYOR EGGELLETON: Okay. All right. We're going to take all the comments.

COMMISSIONER RODSTROM: (Inaudible.)

MAYOR EGGELLETON: Okay. We'll take all the comments. All right.

COMMISSIONER RODSTROM: I'll serve on it.

MAYOR EGGELLETON: Everybody wants to speak.

MS. GROSSMAN: Mr. Mayor.

MAYOR EGGELLETON: I'm going to start from here and go around. Is that all right?

MS. GROSSMAN: We're not requesting approval of the RLI today. Today – well, for obvious reasons. Today we'd like you to give us some you know, any additional input or questions that you might have on what you've got. You've got kind of a Swiss cheese RLI with a lot of holes in it, but the holes are being filled by Mr. Tobin. Even hourly, we're receiving information, and we'll be sliding that in, and you'll have it with transmittal with your agenda Thursday.

MAYOR EGGELLETON: Yeah, this is coming back next week; is that right?

MS. GROSSMAN: Absolutely.

MAYOR EGGELLETON: All right.

MS. GROSSMAN: But you can put the committee together.

MAYOR EGGELLETON: So this is just -- that's it.

So Commissioner Keechl.

COMMISSIONER KEECHL: I was raising my hand to vote for it and to serve on it. I have no questions.

MAYOR EGGELLETON: Okay. Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Same, and I moved it.

COMMISSIONER KEECHL: I seconded it.

MAYOR EGGELLETON: Commissioner Rodstrom.

COMMISSIONER RODSTROM: I wanted to comment on the makeup of the committee.

MAYOR EGGELLETON: Okay.

COMMISSIONER RODSTROM: I don't know how to say this, but let me just say what I think. You know, Commissioner Gunzburger, you and I sat on a committee many years ago and you and I voted along with Phil Allen, the Finance Director, for the only company that had any money in the deal, if you remember. I mean one of the issues was whether you had the financial wherewithal to do the deal.

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COMMISSIONER GUNZBURGER: Right.

COMMISSIONER RODSTROM: And the company that was selected at least according to the records they presented to us did not have the financial wherewithal to do the deal. And so based on that, I believe that this deal is the County Commission's deal.

I mean, you know, we're going to be remembered for this deal no matter what happens, and it's a very high profile deal. There's been fits and starts and so frankly, you know, I was -- I just think that given the fact that it's our deal that to have four persons from staff serving in this capacity, normally we have three, but I just couldn't understand why there would be four, but I don't want to do four. This is our deal, and I think, you know, it's certainly appropriate to have Ms. Grossman on there, but I just think that the most it should be is three. It certainly should not change with our protocol and throw an extra person on there because it's just not right.

COMMISSIONER GUNZBURGER: I want --

COMMISSIONER RODSTROM: So I would say that we limit it to three, but I'd do two, but I don't want to do four.

COMMISSIONER GUNZBURGER: I'll do three.

COMMISSIONER JACOBS: Mayor?

MAYOR EGGELLETON: Okay. Very good. I'm going right around the horn. Okay. All right. Vice Mayor Wexler.

VICE MAYOR WEXLER: Yeah, I'm -- I've got lots of questions. I actually read this last evening and I think this is the time to get the questions out so that next week the document comes through somewhat in a ready state, and quite frankly, if it's not ready, I'm not ready to send it out if it's not ready.

MS. GROSSMAN: You mean next week?

VICE MAYOR WEXLER: Next week.

MS. GROSSMAN: Okay.

VICE MAYOR WEXLER: Right? I'd rather do it right.

MS. GROSSMAN: Absolutely.

VICE MAYOR WEXLER: And I think that's even more important than sending it out broken, and what I read last night was very broken, and I'm going to give you a few examples and the pages. I'm trying to make sense truly of a document that was so foreign in the way that it was presented and certainly it didn't go through purchasing because the format of it is nothing that I've ever seen before, but I'm going to pull out a few things here and ask for what you we're all thinking. I remember, colleagues, that you all wanted -- when you came before us, Ms. Grossman, we had our private meetings with you and then we had something that came before us with a list of choices of options.

MS. GROSSMAN: Correct.

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VICE MAYOR WEXLER: I think it was at that juncture and I'm going to throw out my comment about that about site. When I went through this book, I saw two specific sites, but I'm pretty sure that the direction that the Commission had given was two, yes -- and I thought there were three sites that you presented to us at the workshop, and that the direction was, yes, these three sites work, but if there's anything else in the mix, like that private piece of property, well, then you're not restricted --

MS. GROSSMAN: Correct.

VICE MAYOR WEXLER: -- to not bring that forward. Help me see if that flexibility is in here, because I don't see it if it is.

MS. GROSSMAN: One of the things that we did change from the presentation is there was a third site. It was the western site on the western side of the convention center.

VICE MAYOR WEXLER: Right. I didn't like that one at all.

MS. GROSSMAN: And you made a very, very strong point about not just water view, but waterfront. What we attempted to do, who the consultants, LMN attempted to do was to give you two really waterfront sites, and actually it's a third -- there's a third in there. One of them is east/west at what we call the notch. The other is north/south at what we call the notch and then the other is -- those are the two. There is still an option available. It hadn't been, -- the language hasn't been crafted specifically because we're waiting for the appropriate word crafting on how to allow the proposers to pick any other combination of acreage on the site to offer that as a potential hotel site. It's still there. It just hasn't made it to there.

VICE MAYOR WEXLER: Well, it's not there yet.

MS. GROSSMAN: Not there yet.

VICE MAYOR WEXLER: Okay. Because I mean I'm going to tell you, I read this last night.

MS. GROSSMAN: And we wrote it last night.

VICE MAYOR WEXLER: I don't see it in there yet.

MS. GROSSMAN: No, it's not.

VICE MAYOR WEXLER: But it will be there next week?

MS. GROSSMAN: The western site will not be there.

VICE MAYOR WEXLER: That's fine.

(COMMISSIONER KEECHL RETURNED TO THE ROOM.)

MS. GROSSMAN: But the additional -- any accumulation of appropriate acreage by a proposed developer, it will be there.

VICE MAYOR WEXLER: Do you remember that I had asked for some kind of a financial -- I'm not sure it's financial, a real estate analysis regarding location, location, location?

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MS. GROSSMAN: Correct.

VICE MAYOR WEXLER: And the cockamamie answer that I got?

MS. GROSSMAN: Correct.

VICE MAYOR WEXLER: And the answer was: You can see water from all these sites, so it really doesn't matter where it's located. Amazing how -- okay. I'll leave that alone.

MS. GROSSMAN: No, your point was well taken.

VICE MAYOR WEXLER: All I'm asking for is that next week when we see this that there is the flexibility that we're not locking them in to just these two sites.

MS. GROSSMAN: No, ma'am.

COMMISSIONER RODSTROM: If there's a desire by any of the responders?

MS. GROSSMAN: We are offering those two at the county's preferred sites.

VICE MAYOR WEXLER: Okay.

MS. GROSSMAN: But allowing the development teams to offer an additional site within the footprint of the north port area, a DRI area.

VICE MAYOR WEXLER: I will look at that when it comes.

MS. GROSSMAN: Okay.

VICE MAYOR WEXLER: Secondly, within this document, and I guess I'm in Section 2. I didn't realize when we met that we were going to be so definitive in this that we were going to pretty much lay out -- and I'm looking at pictures of the lobby and the foyer and the this and the that. Is that what we want in an RLI or do we want to tell them the lobby must be such and such a size and the rooms must be such and such and size and it must have this component and it must have that component? This -- but are we designing this on the front end?

MS. GROSSMAN: No, actually what those photos really depict are just considered to be potential elevations. They are not recommended. They're not in any way tied to development of the site. It's just an opportunity to see how you could lay the site out. That was all. And it usually accompanies those kinds of RLI's. They say: And here's a pretty picture with a green roof.

VICE MAYOR WEXLER: Will you be clear in the RLI?

MS. GROSSMAN: We'll make it more clear if -- absolutely.

VICE MAYOR WEXLER: This does not inhibit creativity?

MS. GROSSMAN: No, that's correct. We'll do that.

VICE MAYOR WEXLER: There's more. As I say, it was a very strange RLI experience.

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COMMISSIONER JACOBS: Yeah, (Inaudible.)

VICE MAYOR WEXLER: There were three sites originally and I had asked the location about water and they told me water on the water didn't matter as long as you could see it --

MS. GROSSMAN: There is a proposer --

VICE MAYOR WEXLER: And now they've changed their mind. Water does have value.

COMMISSIONER GUNZBURGER: (Inaudible.)

MS. GROSSMAN: Right. There is a proposer who just says as long as I can see water, I'm fine. But we did not -- and we said -- again: You have options. If you want that site west of the convention center, offer it, propose it, and let's take a look at it.

VICE MAYOR WEXLER: Fine. Okay. I just have a couple of more here.

MS. GROSSMAN: That's okay.

VICE MAYOR WEXLER: Section Number 3 and Section Number 4.

MS. GROSSMAN: Yes.

VICE MAYOR WEXLER: The difference between those two sections was that one was a private developer and the other was public financing, right?

MS. GROSSMAN: Correct. Yes.

VICE MAYOR WEXLER: I didn't see a difference.

MS. GROSSMAN: There isn't much difference. The only difference is in terms of a difference is --

UNIDENTIFIED SPEAKER: Page 16.

MS. GROSSMAN: Page 16, where the elective elements, if this is a public tax-exempt deal, the elective elements are not quite so elective.

VICE MAYOR WEXLER: Ah, okay.

MS. GROSSMAN: If it's a private-financed deal, the elective elements are.

VICE MAYOR WEXLER: Okay.

MS. GROSSMAN: Other than that, except for some of the information that will be coming back in responses, not going out in the RLI, the pro formas are going to be different, and we'll review those carefully.

VICE MAYOR WEXLER: So in a publicly-financed deal, the menu of choices --

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MS. GROSSMAN: Yes.

VICE MAYOR WEXLER: Will every element would be required?

MS. GROSSMAN: No. There are --

UNIDENTIFIED SPEAKER: County ordinance.

MS. GROSSMAN: We worked with the County Attorney on determining what of those elements in fact, truly are elective if it's a county funded -- or a public tax-exempt finance funded deal, and the CDBE goals would continue to be elective. The living wage ordinance would be elective to this specific project.

VICE MAYOR WEXLER: But some of them, like art in public places, would be required because it's ordinance driven?

MS. GROSSMAN: Would be required, correct. Correct.

VICE MAYOR WEXLER: Okay. I got that. Pricing. I'm just going to be in Section 3.

MS. GROSSMAN: Okay.

VICE MAYOR WEXLER: Under Page 2, and under pricing, you have that X in that square.

MS. GROSSMAN: Correct.

VICE MAYOR WEXLER: Now help me understand in an RLI how come this is -- do we want this to be an RFP maybe?

MS. GROSSMAN: No. The board made it very clear that they want this to be an RLI.

VICE MAYOR WEXLER: It has all the elements of an RFP.

MS. GROSSMAN: The only reason pricing is in here at all is because the total cost -- ultimately the total cost of the project is something that you will want to consider in your evaluation. It was kind of directed -- we were told that if you want to consider pricing at all, you have to at least announce that at this phase of the RLI.

VICE MAYOR WEXLER: Okay. Fair enough. One last question for you, under Page 12, which is under 5.0, Development Plan.

MS. GROSSMAN: Okay.

VICE MAYOR WEXLER: I had -- the very last sentence in bold, provision for the future expansion of the convention center by the county, help me -- do we expect the hotel responder to address future convention center expansion?

MS. GROSSMAN: No, we are hoping that by commenting at this point in the RLI any hotel proposer will know that the potential expansion of the convention center is something that the county is going to be considering as they evaluate the proposals. If any proposal made expansion of the convention center and possible, we don't believe that there's a site that would do that, but if somebody did --

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VICE MAYOR WEXLER: Well, it says here that in the development plan, you want them -- the plan may be conceptual in format, but the plan should accurately reflect the response team's envisioned quality, orientation, and integration of required elements as well as provision for the future expansion of the convention center by the County.

MS. GROSSMAN: The definition of that is to just leave behind a footprint for expansion, but we'll fix those words to make that more clear.

VICE MAYOR WEXLER: Would you be clear as to what you want?

MS. GROSSMAN: Yes.

VICE MAYOR WEXLER: Okay. Because I don't want it being confused that there is married --

MS. GROSSMAN: (Inaudible) to the expansion. Exactly.

UNIDENTIFIED SPEAKER: No, that's not the intent. No.

MS. GROSSMAN: We'll make sure that that's clarified, and it won't be bold.

VICE MAYOR WEXLER: And to the best of my ability in a short period of time, that was just a quick review of this. Could I ask, is it possible that we have a copy at least by the close of business on Friday?

MS. GROSSMAN: Oh, absolutely. As I said -- in fact, we're working for Thursday. We're going to try to send this along with the agenda on Thursday only because it may require -- this is a gigantic file and we're having some difficulty in getting it drafted in some legible form. It may be Friday, but it would be Friday early.

VICE MAYOR WEXLER: I had one more and it's really a lawyer question. Have you worked with them, with legal regarding the MWBE requirement?

MS. GROSSMAN: Yes, we changed the language in the RLI to reflect the county attorney's preference.

VICE MAYOR WEXLER: I didn't see that in here. What page is that?

UNIDENTIFIED SPEAKER: It's under elective requirements.

MS. GROSSMAN: It's under elective requirements.

COMMISSIONER JACOBS: It's on Page 16.

UNIDENTIFIED SPEAKER: Page 16.

MS. GROSSMAN: Sixteen, in Section 4.

COMMISSIONER JACOBS: In Section 3.

MS. GROSSMAN: Well, Section 3 and 4, I'm sorry.

COMMISSIONER JACOBS: Three or four.

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UNIDENTIFIED SPEAKER: Section 3 or 4.

MS. GROSSMAN: Section 3 and 4. I went to 4 first, but it's 3 and 4. And it says that the county disadvantaged business enterprise goals, which --

VICE MAYOR WEXLER: So from MWBE we've changed it to DBE?

MS. GROSSMAN: That's what we're told. We were directed.

VICE MAYOR WEXLER: I respect you tremendously, Ms. Henry, but Mr. Newton is who I need the answer from really regarding the -- how this would work to be a DBE. I have a little bit of conversation that we've had, I know that you're working towards moving in a certain direction. I don't know if it's cooked yet.

MR. NEWTON: It's certainly not cooked yet, but the language is there in anticipation.

MS. GROSSMAN: Madam Mayor, may I also point out to you that on Section 3 or 4, Page 4, Item Number 3 is Broward County disadvantaged business enterprise information, it says forthcoming, and when the appropriate county staff give us the language that belongs in there, it will be there.

VICE MAYOR WEXLER: All right. So we won't have that for next week or this week?

MS. GROSSMAN: There will be something in there that is appropriate that's enough to put in the RLI so that it can go out. As soon as that language is ready it will be slipped into the RLI. It will either be done as an addendum, which we may have to do depending on how long it takes for the language to be drafted or it could be ready by July 6th which is when we think we're going on line.

VICE MAYOR WEXLER: Well, the language needs to be drafted and then it needs to be approved, I would think, by the Commission in some form.

MS. GROSSMAN: Then it will be an addendum.

VICE MAYOR WEXLER: I think that at some point in time, maybe next week, I'd like to know further from staff how far along they are in that.

MS. GROSSMAN: When they tell us, we'll put it in.

VICE MAYOR WEXLER: Thank you.

MS. GROSSMAN: Thank you.

MAYOR EGGELLETION: Okay. Moving right along around the point, Commissioner Lieberman.

COMMISSIONER LIEBERMAN: First of all, I just want to ditto some of Commissioner Wexler's comments about this is very rigid and it needs to be more open-ended to allow proposers to perhaps give us better site layouts that will work better for the industry and I was very concerned that only two layouts were in here. On Page 1 behind Tab Number 3 under the section that says short listing, I don't know that this board ever said that everyone who conforms to the submission requirements will be short listed. That's what this language --

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MS. GROSSMAN: Do you believe it says that?

COMMISSIONER LIEBERMAN: It says right there: All respondents meeting this compliance criteria will be short listed. I've underlined it. I believe it says that because that's what it says. I just read it.

MS. GROSSMAN: Okay. I was looking at the first sentence which said, SC will meet to create a short list. That sentence is out.

COMMISSIONER LIEBERMAN: Short listing, Page 1, second paragraph under short listing, third sentence starting with: All respondents meeting these compliance criteria will be short listed.

MS. GROSSMAN: It's straight out of the county's RLI. It's out. It's not here. It's no longer here.

COMMISSIONER LIEBERMAN: Right.

MS. GROSSMAN: Thank you.

COMMISSIONER LIEBERMAN: I think it's up to the Board to decide how many people -- I'm sorry, I think it's up to the selection committee to decide how many people will be short listed, and by the way --

MS. GROSSMAN: And the first sentence --

COMMISSIONER LIEBERMAN: -- behind Tab Number 4, the same place it says the same language that isn't there.

MS. GROSSMAN: Okay.

COMMISSIONER LIEBERMAN: It says: The second round review will involve an evaluation of technical and financial merits of the short list respondents. That really needs to happen as a part of pre-evaluation by staff. Before I'm going to short list anyone, if, in fact, someone doesn't have the financial wherewithal or is in -- hasn't thoroughly thought out the technical aspects, then when we short list them, I don't want to waste my time and get to presentations with the top three short listed and find out that they haven't figured out the financials.

MS. GROSSMAN: And, again, that's word crafting. We'll fix that. It is anticipated that the matrix that you get from the staff before you ever do anything --

COMMISSIONER LIEBERMAN: Right. We'll have all this stuff.

MS. GROSSMAN: -- will weed out anyone who comes in short.

COMMISSIONER LIEBERMAN: So I have some concerns about language in here that seems to set what the grounds are at the second stage, which is when I guess I, as a Commissioner, and I want to be on the selection committee. I'm sure we all do or most of us do. When, in fact, what I want to hear from a vendor is their vision, what their plan is, how they're going to do this. How they envision it operating at the convention center within the port, not their technical and financial merits. So whoever did this wasn't really very familiar with our process and the language here needs to change.

The second part of this is nowhere in here does it talk about having the vendor tell us their flag relationships in terms of trade groups. Certain trade groups are affiliate or have built a relationship over time with flags and they move their conventions to different sites, but will always stay within a particular

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flag. So I want to know what groups they have relationships with so I can evaluate whether they bring in new business.

MS. GROSSMAN: Commissioner, you told us that at that workshop.

COMMISSIONER LIEBERMAN: But it's not here.

MS. GROSSMAN: It isn't. It's part of the business –

COMMISSIONER LIEBERMAN: Not here.

MS. GROSSMAN: No, it's not.

COMMISSIONER LIEBERMAN: The Mayor asked that we do this, so I'm just telling you what isn't here.

MS. GROSSMAN: No. You're correct, and it will be here also.

COMMISSIONER LIEBERMAN: Okay. Third issue, let me just find the page because I apologize, I ran out of yellow stickies, so I dog-eared. Page 3, and Tab Number 3 and 4, they are identical except for if it's a publicly-financed deal, ordinances apply. The bottom of Page 3, Cancellation of the Project, "the S/NC with the approval of the Purchasing Director may choose to cancel this project and recommend rejecting all letters of interest." I want to strike: With the approval of the purchasing director. It's never been with the approval of the Purchasing Director. It's solely within the discretion of the SC.

MS. GROSSMAN: This is boilerplate right out of the RLI from the county. We're happy to take it out.

COMMISSIONER LIEBERMAN: It's not right.

MS. GROSSMAN: It's gone.

COMMISSIONER LIEBERMAN: On Page Number 6, on Company Profile, we are not asking them to list for us of the projects they've been involved with how many times their initial estimate -- like Commissioner Gunzburger is fond of saying, on time and on budget. I want to know how many change orders in their last three jobs from the initial price to this one and what caused those change orders, if any, and if they asked for any extensions, why they asked for extensions, what were the issues.

On Page 13, there's an assumption made in this that whoever is the manager is going to manage the entire operation and not subcontract any portion of the operation. There are flags that subcontract to existing DBE's, for example, gift shops, laundry services. I want to know that. It's not here.

MS. GROSSMAN: You're correct, it's not here yet, but it is part of the additional information being drafted by Mr. Tobin.

COMMISSIONER LIEBERMAN: Okay. On Page 15, 8.0, Ground Lease Economic Terms, we've not had a discussion as a board as to whether we're going to ask for a long-term lease, at what price, nothing. So I don't know how this is being drafted without their being any evaluation of -- you know, last time what happened is it was the price for the lease and the financing and subordinating our lease to the financial company. So none of that's been -- I mean, this is all coming to our last meeting, Ms. Grossman.

MS. GROSSMAN: And you're going to have to be prepared at that meeting –

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COMMISSIONER LIEBERMAN: So I need to see what in the past, maybe ten deals that have been done, how they handle the ground lease. Was it a dollar a year? Was there a real amount? Because you heard Commissioner Rodstrom say this morning, and I heard him say very clearly he's not willing to subsidize a public financing, and if, in fact, everybody in a public financing gave their property away with no cost for the lease, that's a subsidy and we need to discuss that as a board so we don't spin our wheels when this goes out on the street.

On Page 13, can you tell me what authority these negative attributes come from?

MS. GROSSMAN: Thirteen in what section?

COMMISSIONER LIEBERMAN: I'm sorry, behind Tab Number 1, in this, there is some information to try and give a vendor an idea of what our market is. Then there's some negative attributes, and it says: The proposed subject hotel is not proximity to downtown Fort Lauderdale and the commercial district. Consequently, we're of the opinion the hotel may have difficulty attracting and capturing significant commercial demand.

MS. GROSSMAN: We had received a consultant's report within the feasibility study from CSL, John Kaatz. This was something that he brought to the attention --

COMMISSIONER LIEBERMAN: Can I make a suggestion? Negative attributes cause me to have a second thought about this entire document. Challenges, issues to be aware of --

MS. GROSSMAN: Okay.

COMMISSIONER LIEBERMAN: -- creative possibilities.

UNIDENTIFIED SPEAKER: Anything but negative.

MS. GROSSMAN: Okay. It needs to be in there, but we'll --

COMMISSIONER LIEBERMAN: And I think what I would say as opposed to: It's not subject, just say: Downtown business district is X miles from this location.

MS. GROSSMAN: Right, right.

COMMISSIONER LIEBERMAN: But you know what? But here's the issue, you say a report was prepared. It is available as a public record. Do your diligence. I don't know that in the RLI itself, I need to synthesize that, because I think if you're going to get a really topnotch person, they're going to read everything anyway, but I don't think I want to put the negatives under negatives -- they're challenges. They're challenges. I don't know that they don't have a bus or a shuttle to the downtown. Frankly, the way this community is growing, I'm not sure I agree that -- that where this is -- is that far from the downtown.

MS. GROSSMAN: What we're going to do if it's okay with you is your suggestion -- your point is well made, we'll take this section out. The previous section out with the positive attributes as well and make reference to --

COMMISSIONER LIEBERMAN: And the other point I was going to make, which Commissioner Rodstrom started on --

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MS. GROSSMAN: The feasibility study.

COMMISSIONER LIEBERMAN: -- is that somewhere in here it needs to say: Here's a list of all the reports that have been done. They're public records.

MS. GROSSMAN: That's exactly --

COMMISSIONER LIEBERMAN: They're available. Go read them.

UNIDENTIFIED SPEAKER: Exactly.

MS. GROSSMAN: We'll do it.

COMMISSIONER LIEBERMAN: Okay. And then if I had any doubt after this morning, when I read on Line 15, under Comparable Transactions, it says: Of the transactions we reviewed, we found no 100 percent private sector financing transactions for large scale. So why don't we tell them up front: Just give us a public sector offer.

MS. GROSSMAN: It's out.

COMMISSIONER LIEBERMAN: And on Franchise Components, Ms. Grossman, I can't stress enough that I'd love to see a section in here that says -- because I know flags that do this. I do, who franchise out their gift shop operations.

MS. GROSSMAN: It's in there. It will be in there.

COMMISSIONER LIEBERMAN: It's got to come in here.

MS. GROSSMAN: It will be in here.

COMMISSIONER LIEBERMAN: Because if we really mean, it's not just growing businesses, hotels have the ability. I know hotels that franchise restaurant operations --

UNIDENTIFIED SPEAKER: Your microphone.

COMMISSIONER LIEBERMAN: Hold on. I'm sorry. Oh, God, I'm sorry. I know hotels that franchise restaurant operations, gift shop operations, valet operations, and I could go on and on, and, boy, is that an opportunity for community buy-in.

And, Mayor, with all due respect, I keep getting pulled off because my flight got canceled, to work some details out. I know you all voted on 37E. I want to go be shown as voting in the affirmative and I'd like to be on the S/NC.

MAYOR EGGELLETION: Let the record so reflect.

Commissioner Wasserman-Rubin, any comments?

Commissioner Jacobs?

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COMMISSIONER JACOBS: Many of the comments that have already been made, I'm fine with and agree with. There's just a couple of things that I need some clarification on. The first is an earlier comment, and I'm a little confused by the answer, particularly having discussed it with Mr. Newton, even now more confused, and that was, I believe it was Commissioner Wexler that asked the question about elective elements, and what I didn't understand, the answer I thought was that the art in public places was not elective, but that the living wage was elective.

COMMISSIONER LIEBERMAN: No.

COMMISSIONER JACOBS: And what I did not -- so if you could explain to me the answer. I believe that everything on Page 16 was elective.

UNIDENTIFIED SPEAKER: There are two 16's.

COMMISSIONER JACOBS: Section -- under Tab 3, Page 16.

MS. GROSSMAN: In Tab 3, all of those, under public financing -- I'm sorry. I need to go to Tab 4.

COMMISSIONER JACOBS: Private financing.

MS. GROSSMAN: Okay. In all of those elements -- okay. That's Page 16, Tab 3.

COMMISSIONER JACOBS: Right.

MS. GROSSMAN: The private financing model, all of those elements that are listed there are elective.

COMMISSIONER JACOBS: Okay. I thought that the question was raised under Private that some of these were, and I thought I specifically heard you say that art in public places --

MS. GROSSMAN: No, art in public places is required under the public finance project.

COMMISSIONER JACOBS: Right, but no, we were speaking of private under tab -- on Page 16, Tab 3, is speaking to private and I thought that I heard earlier the reference that art in public places was not elective. So I misheard.

MS. GROSSMAN: No, it's elective under the private financing model. It's not elective under the public tax-exempt finance model.

COMMISSIONER JACOBS: Right, I got the public end.

MS. GROSSMAN: Okay.

COMMISSIONER JACOBS: Okay. Good.

Vice Mayor Wexler, you made a really important point that I think we need to pay attention to, and that is the issue of concepts and what comes before us, because while I certainly don't want to limit creativity and I don't want them to think that anything they draw up for us in their concept is something that their feet are cast in cement. However, the idea of what is presented to you often is what you're about to see when it comes to the next iteration if they are chosen.

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That has happened to me with a library project where we thought we were getting a more traditional design, and it was when the project came forward and it was ultra modern and I had a concern about it, they said: Well, this is what this guy, what this architectural firm is known for. Well, I would never have known that, and their answer was: Well, didn't you see their renderings. Well the renderings to me was just a rendering of work that they proposed, not that it was specific to this project. So to me, renderings and concepts are really important so I have an idea of what these -- what their ultimate vision for this project is --

MS. GROSSMAN: In round two --

COMMISSIONER JACOBS: -- and the elements of that, and I don't know where in here we're capturing --

MS. GROSSMAN: In the short listing section. In round two of short listing, the proposers will be required to give you an elevation for the project.

COMMISSIONER JACOBS: I understand that.

MS. GROSSMAN: Renderings.

COMMISSIONER JACOBS: The Vice Mayor's question was, I think an important one, about really locking them into that vision or that they show that we don't want to lock them in, but at the same time, I want to make sure that these rendering have some basis in reality that while some aspects of it may change, that this is some -- I'm getting some idea of what it is they're thinking of.

MS. GROSSMAN: Well, what you'll have again next week in the completed RLI, HREC is doing a design narrative that pretty much describes, again, not by elevation but by -- well, by element and by -- we had been directed to have the consultants try to draft something that would create somewhat of an iconic vision at the site.

COMMISSIONER JACOBS: Right.

MS. GROSSMAN: And that's the narrative that HREC is doing.

COMMISSIONER JACOBS: And I want to understand what they see as iconic. Okay.

There is an issue that I found last night and cannot find in here today. I swear it was under Tab 3 and I've combed it four or five times. I was too lazy to get up and find a pen, and now I can't find it. So forgive me. But it was -- the issue that concerned me was an issue that I raised before that I can't seem to find in here, and that was that if you say that you are -- if you check that you want to do lead certification, I want you to have to demonstrate, A, that you've ever done it, and, B, when you did it, what it looked like. If you haven't done it, but you still feel as a developer that you could do it, I want to understand why and maybe under some un -- maybe it wasn't a hotel. Maybe it was some other project. So I want them to be able to justify if they answer that question that they -- under the list of electives, if they elect to say: Yeah, we're interested in xeriscape landscape -- and by the way, we need to fix that. Xeriscape is the wrong word.

MS. GROSSMAN: I know it was NatureScape, it was the last time I looked.

COMMISSIONER JACOBS: Or Florida friendly is the Florida term.

MS. GROSSMAN: Florida friendly now?

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COMMISSIONER JACOBS: Is usually Florida friendly.

MS. GROSSMAN: Okay.

COMMISSIONER JACOBS: Because it's not just native and it's definitely not cactus and people think that when you use xeriscape. But at any rate, if they check that their proposal is this, I want to understand where they may or may not have done it. If they say, for example, they are not going to do a labor peace agreement. I would like to know have they done one anywhere else. So these – and I don't see and I was assured on two different occasions that those questions would be in there and they would be made to understand that. I didn't see where it was in here.

And then finally, my last concern is the issue that Commissioner Rodstrom raised over staff, and to me, staff participation on a signature procurement, as I said, a generational procurement for this county is I think really important. I consider their expertise to be essential in wading through the unbelievable amount of information that we're going to be handed in all these proposals, and when I look at -- I certainly would never want to see us go down to two, but even getting to three, we have Phil Allen who is port, recommend it. I think port ought to be there. Nikki Grossman, convention center hotel. I don't think there's anyone in the county who knows more about that business than Nikki. I would want to see her. Dick Brossard is the guy we rely on for construction expertise, and finally Mike Geoghegan who is our financial guy who we rely on and in particularly these cases, we're going to need his input as well.

So while normally I might agree that having four might be at an issue, on a procurement of this size and the importance to the future of this county and the myriad ways in which a project could be skewed or presented that may ring hollow that these certain different staff members with their different levels of expertise recognized as some of the best in the business nationwide ought to be voting members of this S/NC. We have not not allowed them to use their expertise in many other S/NC's, and I really don't see why we would want to dilute their expertise as voting members at a procurement that is as important as this one. So if it is the will of the Board that we go to three -- well, let me just say, I would love to see us support four. Four is what has been recommended to us in the agenda item as it stands and that's the item I would like to support.

MAYOR EGGELLETON: Okay.

Commissioner Ritter, any comments? Okay. Let me go back around and Commissioner Rodstrom was first, followed by Vice Mayor and then I need to give my comments and then we'll vote it up or down.

COMMISSIONER RODSTROM: I just want to touch, Mr. Geoghegan, on the financial – there's a financial page, Number 14, and I just want to ask a couple --

COMMISSIONER GUNZBURGER: (Inaudible.)

COMMISSIONER RODSTROM: It's in Tab 1, and Ms. Grossman, what happens if you have to sell these rooms for \$300 a night?

MS. GROSSMAN: If I have to sell them for \$300 a night by the time the hotel is built?

COMMISSIONER RODSTROM: Yeah.

MS. GROSSMAN: It's, you know – one of the ways that you determine the value, the room rate for that hotel is by taking the average of the rates along that 17th Street corridor and into the beach.

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COMMISSIONER RODSTROM: What happens if you have to sell for \$350 a night? Are you still going to be able to attract – I mean, what's your breakpoint for when your convention's – 300, 3, 400, what's the number?

MS. GROSSMAN: Right now, the number is -- and it's not with the Headquarters Hotel. Right now, I think it caps out at about 215, 220.

COMMISSIONER RODSTROM: That's the number you'd like to see it capped out at?

MS. GROSSMAN: That's a number that would make it very easy to sell. It would be a bigger challenge but certainly –

COMMISSIONER RODSTROM: Okay. And how many rooms, you said 750, and how much a room do you think to build it?

MS. GROSSMAN: Well, it's going to be a thousand rooms.

COMMISSIONER RODSTROM: A thousand rooms. Okay.

MS. GROSSMAN: They figure –

COMMISSIONER RODSTROM: And how much a room?

MS. GROSSMAN: About \$300,000 a key.

COMMISSIONER RODSTROM: Three hundred thousand a key, okay, because I was led it was \$400,000 a key. But let's just, Mr. Geoghegan, let's just work with those numbers. Come on up here for a moment. See what I'm trying to work with so I can compare apples to apples is you have a financial forecast, five-year forecast so that's all I know. If you if you have other numbers, show them to me, but these are the numbers that are in this RLI and this is what I'm working off of right now. It says number of rooms, 750.

MR. GEOGHEGAN: Right. That's going to be up to –

MS. GROSSMAN: Again, these are pages that are being updated by each --

COMMISSIONER RODSTROM: Again, just hear me out. Just stay with me for a second. Let's say 750 rooms. You have a profit and a financial -- this is your cash flow model that you put on this page.

MR. GEOGHEGAN: Right.

COMMISSIONER RODSTROM: Okay? And, Mr. Geoghegan, if you were to spend, you know, \$750 -- 750 rooms. Now I thought it was going to be \$400 a key. I guess we could argue how much that is, but I thought reasonably that would be about the number, at least the folks that I've spoken with told me it was going to be more, but I wanted to be conservative, give everybody the benefit of the doubt so I figured \$400 a key. If that's the number, then you're looking at somewhere about \$300,000,000 to the construction fund because that's pretty easy math for me. Right?

MR. GEOGHEGAN: We had projected 325.

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COMMISSIONER RODSTROM: 750, right? It's 300,000,000, \$300,000,000. Okay. And then if you're going to have capitalized interest because you're under construction. So you've got to sell a revenue bond and you've got to have capitalized interest, so that's two years, 24 months cap, and so that's going to be two years of principal and interest. So let's just take a ballpark figure right now and work with \$70,000,000. So that's \$370,000,000.

Then you're going to have a debt service reserve fund which could be up to ten percent of the issue size, but let's just be conservative and say it's \$35,000,000. All right? So where are we at now?

MR. GEOGHEGAN: A little over 400.

MS. GROSSMAN: You're about 405.

COMMISSIONER RODSTROM: We're at 405. Now we talk about expenses. We would have -- we're going to pay our consultant. Let's say we pay the underwriters to sell the bonds, all end gross spread, say, \$5 a bond. Is that reasonable for a project like this?

MR. GEOGHEGAN: For the underwriter, I think so.

COMMISSIONER RODSTROM: For the all end gross spread?

MR. GEOGHEGAN: I think so.

COMMISSIONER RODSTROM: Five dollars. Okay. So \$5 a bond times 400,000,000 is going to come to \$20,000,000?

MR. GEOGHEGAN: Not 20.

COMMISSIONER RODSTROM: Twenty million, right.

MR. GEOGHEGAN: Five dollars --

COMMISSIONER RODSTROM: Five dollars a bond times four is \$20,000,000.

MS. GROSSMAN: For a thousand dollars, right, isn't it?

COMMISSIONER RODSTROM: I'm sorry.

MR. GEOGHEGAN: Per thousand. Five dollars per thousand dollar bond is --

COMMISSIONER RODSTROM: Two million.

MR. GEOGHEGAN: -- two million dollars.

COMMISSIONER RODSTROM: Two million dollars. Right. I'm sorry. And then we have -- what's his name? His cost is --

MR. GEOGHEGAN: Two point two million.

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COMMISSIONER RODSTROM: Two point two million. Okay. So that brings us to about let's just say \$410,000,000. All right. Now the debt service on \$410,000,000, what, 37,000,000 a year?

MR. GEOGHEGAN: At today's rates, approximately.

COMMISSIONER RODSTROM: Thirty-seven million a year. Okay. So now we look at the cash flow projections, and in 2010 which is when they're stabilized, they have cash flow projections of house property of 21,000,000 and net income, and I'm assuming that's in addition to the house profit. If it's not, you're really in big trouble, but I'm assuming you take those two numbers and put them together and that gets you to \$37,000,000 which shows you have one time's coverage. One time's coverage. So with the numbers that you're planning to charge there at \$194 average room rate, you can't sell, Mr. Geoghegan, can you sell a bond deal at one time's coverage this risky type of bond issue?

MR. GEOGHEGAN: We probably would have to -- no.

COMMISSIONER RODSTROM: You would not be able to do that. And the minimum coverage, you'd probably be 125, but they'd like to see it higher than that, but that would be the minimum coverage that they'd like to see. So the problem is that these numbers are all wrong.

(COMMISSIONER LIEBERMAN LEFT THE ROOM.)

COMMISSIONER RODSTROM: So anybody who looks at this is going to be saying: Geemaneez, this deal doesn't fly, and this is our report. And then you add to it that language that Commissioner Lieberman mentioned on the previous page, you know, and you're going to send this out to everybody, I think you'll get a lot of responses.

MS. GROSSMAN: We're updating often.

COMMISSIONER RODSTROM: Yeah, but this is what you hand me so I don't know this. I just know --

MS. GROSSMAN: I understand that.

COMMISSIONER RODSTROM: Where are you getting those numbers from?

MS. GROSSMAN: Those are the numbers that were done by the consultants originally. We're updating them to go to 2012. This is two years later that this stuff --

COMMISSIONER RODSTROM: Right, but construction costs -- everything -- again, it's based on a room rate of \$194. So if you're going to get 215, you're still way off the mark. I mean you probably can do it at \$300 a night, but I mean I just think you've got to be realistic here.

Again, I want everybody's eyes to be wide-open as you're going into this process, because, again, as I had mentioned earlier, what I'm going to be telling you is, I'm not going to be putting our pledge on this, and this is not -- this is looking like a pretty risky deal at a very high cost, and, you know, your whole pro forma is based on attracting conventions at a certain price point that you may not be able to do with this new convention center hotel. So I just want everybody to bear in mind. So I guess my thought is if you're going to send this out like this, I would have some problems with it, but that's not -- I didn't know that, that you were saying you weren't going to send it out because I would only assume based on what you gave me this is what you were sending out. Now I'm hearing you're going to send something else out different than this so I would like to see that before it goes out.

MS. GROSSMAN: Absolutely. You will. Well, you're going to have to approve it before it goes out.

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COMMISSIONER RODSTROM: Okay.

MS. GROSSMAN: But you're going to see it next Thursday with the agenda. This would have been a blank book. It was a placeholder.

COMMISSIONER GUNZBURGER: This Thursday.

COMMISSIONER RODSTROM: Well, these numbers look like more than a placeholder to me. They look very specific.

MS. GROSSMAN: They were done, they were done. They need to be updated. And again, we had to wait for activity by this particular consultant that's doing the work updating those numbers. They will be in front of you on Thursday with the agenda.

COMMISSIONER RODSTROM: The rev. par actually drops. So, so, I mean, yeah. Well.

MS. GROSSMAN: Well, rev. par is significantly better in the destination today than it was two years ago.

MAYOR EGGELETTION: I agree with that.

Vice Mayor Wexler.

VICE MAYOR WEXLER: I just want to -- thank you, Mayor.

I just wanted to speak to some of the -- a couple of my colleagues had actually asked about the four versus three. What I was a little bit taken back by is staff's response regarding the expertise of the staff that's participating and the two in particular were Mr. Geoghegan and the need for his financial expertise as a member of the SC. I beg to differ, not that he's not very good at what he does --

COMMISSIONER RODSTROM: (Inaudible).

VICE MAYOR WEXLER: Exactly. Then if that's the case, I want him outside of the S/NC so he can meet with me and consult and give advice. And the same thing holds true, the same thing holds true, that same thought as far as Mr. Brossard and his construction expertise. It's a sunshine violation for me to meet and talk and get the input of a member of the selection committee. So the thought process -- and I was just stunned by it. It just doesn't make sense because all the other SC's that I serve on, the staff people that sit there never sit there as the expert. It's always a staff person, and so I didn't understand that logic at all.

COMMISSIONER GUNZBURGER: (Inaudible).

COMMISSIONER LIEBERMAN: But you don't have also Karen Ruh (Inaudible).

VICE MAYOR WEXLER: Right, she's not a voting member.

COMMISSIONER RODSTROM: You have to have somebody who can give you advice that's not a voting member.

VICE MAYOR WEXLER: So I didn't understand that logic. As a matter of fact, I was pained by it. So I wanted to make that statement, and I think that three people on it staffwise are more than enough and for them to pick who it is, and we now have our expert, our consultant, our financial expert. It was confirmed

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this morning by a vote of this commission, and that's who I'm going to turn to for financial advice, and I hope Mr. Geoghegan, but if he's a member of the committee, I won't be doing that.

MAYOR EGGELETTION: Okay. All right. You know, here's where I get a little heartburn. When I met, I mean I looked at, and a couple of sites was presented to me, Mrs. Grossman, and I thought that was what coming to us was something that two, three, maybe even four sites, that we were going to leave it open and let the proposals tell us, you know, based on their proposal and we would select what's the best site. So I would like to see in the RLI that comes back to me is that -- I don't care whether it's behind the current center where the management property is. I want it all over the place. This is an RLI, and I want them to come back to me with the best design and proposal and let me make that decision. I don't want to see this --

MS. GROSSMAN: Do you want us to however just offer sites that are within the county's control?

MAYOR EGGELETTION: Yeah.

MS. GROSSMAN: Okay.

MAYOR EGGELETTION: Yeah, whatever is there, let them come back and tell me whatever it is. Whether it's in our control or not, I don't care. The bottom line, it's an RLI.

MS. GROSSMAN: We can certainly add the western site.

MAYOR EGGELETTION: Yeah, it's pretty wide-open in an RLI.

Secondly, you know, I'm concerned. I looked at the time line. Let me look at this. I looked at the time line and --

COMMISSIONER GUNZBURGER: It's tight.

MAYOR EGGELETTION: -- you indicated to us earlier, Mrs. Grossman, that you know for sure that there are three firms that are -- or three hoteliers, that is names that usually deal with conventions that are already going to propose. I'll tell you, I had a visit in my office yesterday by a local person who is now wanting in on this because the word is sort of out on the street. So we know that there are going to be proposals, right?

MS. GROSSMAN: Yes, sir.

MAYOR EGGELETTION: We know that people are coming in. They have talked to all of us so we know that they're coming in. I guess my concern is, this is an RLI. In my experience with an RLI is that it's a pretty open situation where people respond to the RLI. We use about 30 days, usually no more than 60 to evaluate the responses to the RLI, and then at that time you know, you into the selection committee and they come in and they make their proposals, and then we make a choice, and then you start to negotiate, and that's where the real nuts and bolts of the deal, I guess will be put together. Is that the way you normally see an RLI?

MS. GROSSMAN: That's the way that we envision this.

MAYOR EGGELETTION: Right.

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MS. GROSSMAN: We were just kind of advised by the potential proposers that they might like 90 days to have a chance to respond. That's the only difference that we did here. You know, 60 for us was good. It sounded like they wanted a little more.

MAYOR EGGELLETON: If teams are already out there, Mrs. Grossman, I can tell you right now, these teams are already together. They know who their people are. They're ready to ready to go, and I'm just concerned because this takes us to the very last meeting in December, and I do not --

(COMMISSIONER RODSTROM LEFT THE ROOM.)

COMMISSIONER LIEBERMAN: We're going to approve this at the last meeting?

MAYOR EGGELLETON: See, and so that's why I don't want to get into that situation because we've been in that situation too often. I think personally, this is just my opinion, and I hope that the Commission agree with me on this. I'm tired of waiting until the last minute, and I can tell you this deal is going to be complicated enough that you may need several meetings after the presentation to try to come to some sort of an agreement.

And here's the other thing I'm worried about. Everything I hear from folk on Wall Street is that the closer you get to the end of year, the market may get a little scary, and I don't want to get locked in to any one, be it publicly financed, be it private. I mean, Palm Beach just went through this a few weeks ago trying to do a bond deal. The market changed, as you well know, Mr. Geoghegan, and they can't get the deal done.

So I just think that since we all know -- and let me tell you something, everybody in the industry has been watching this for a long period of time and I think you all will agree with me on that. They're ready for this to come out. I've heard from Intercon, Hilton, Marriot and Sofitel, have all visited my office and a person came in individuals that was branding a name of not a major name of a hotelier. We know that some of those are going to be locked out because, like Hyatt may be locked out because of --

MS. GROSSMAN: Distance.

MAYOR EGGELLETON: -- distance restriction and whatnot, but I guess what I'm trying to get across to the members, look, everybody know who is coming in on this deal. They already know. Their teams are ready. They're just waiting on the RLI to hit the street. Okay? I want to see some of this time shortened. I don't think you need until October 5th for a response to be due. I really don't. I think at the -- normally we have 30 days, but I'm willing to go, say, 50 days, but 75 days is way too long, because I want to shorten this period of time down. I want to ratchet this down. I think 50 days for the response is due. I think you need no more than 30 days to evaluate it, and then you have the S/NC. So I'd like to see this time come down to give the commission at least two or three meetings, you know, to deal with this item.

MS. GROSSMAN: Can I just suggest instead of 50 that we make it, just so that we're assured we can have at least one pre-bid conference in the process --

MAYOR EGGELLETON: Yeah, I agree with you.

MS. GROSSMAN: -- make it 60 days from the day that it hits the -- used to say hits the street, but now it's hits the Internet, and go from July to September 6th.

MAYOR EGGELLETON: So 60 days would take you, let's see -- it's going to hit the street when now?

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MS. GROSSMAN: July 6th.

MAYOR EGGELETTION: July 6, so 60 days would take you to what? September 6th.

MS. GROSSMAN: September 6, right.

MAYOR EGGELETTION: That still brings us to October 6th.

MS. GROSSMAN: And we can move the short listing --

MR. GEOGHEGAN: October 6.

MS. GROSSMAN: Move the short listing to October 6th and move the presentations to the first or second week in November.

MAYOR EGGELETTION: Yeah, I would prefer somewhere around the first, no later than the second week in November, because when you start going beyond that, we get into Thanksgiving. We get into all these holidays. If something started to happen, I want us to have at least two to three -- I know what we went through the last time on this, and I'm just telling y'all, you need two to three or more meetings in case something start to happen to give yourself the wiggle room so that the financial markets don't box you in, because the proposals are ready to go. The people who are going to propose on this, they're ready, trust me. They've got their teams together. They are ready. They're just waiting on this to come out. So I don't think it's going to take them that long.

MS. GROSSMAN: So 60 days from July 6 for RLI responses due, 30 days after that, we'll be prepared to set, based on y'all's calendars, a short listing meeting, and 30 days after that a presentation and selection.

MAYOR EGGELETTION: So that means presentation and selection would be when?

MS. GROSSMAN: It will be, you said the first week of November. It will be the first week of November.

MAYOR EGGELETTION: Fine. I'd prefer that, because if you start going beyond that, we've got Thanksgiving holidays. You've got several holidays in here.

COMMISSIONER GUNZBURGER: The 19th is the week of Thanksgiving.

MAYOR EGGELETTION: Well, that's what I'm saying. You've got to do it somewhere around the 1st of November, otherwise, you've got the holidays. Okay?

Commissioner Jacobs.

COMMISSIONER JACOBS: Mayor, I completely agree with what you're saying, and the only caveat I'd like to throw out there to all this time line in keeping it tight is we have to be ready next week, we have to have an RLI that we can approve and get out the door next week.

MAYOR EGGELETTION: Yeah.

COMMISSIONER JACOBS: If we're not happy with it next week, our only option is to kick it out until summer break. So this time line works, but we have to be serious when we get this on Friday to do our homework, have our changes ready so that we can actually vote and get it out the door next Tuesday.

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MS. GROSSMAN: And we can accommodate any changes that you make on the 26th, that you all vote to change from the RLI in front of you. We'll just make the changes before it hits the Internet site and the street. So you can vote on it and then we'll just make whatever changes you've required.

MAYOR EGGELETTION: All right.

COMMISSIONER GUNZBURGER: Mr. Mayor?

MAYOR EGGELETTION: Yes.

COMMISSIONER GUNZBURGER: I have a question. On experience that you've asked for under Section 3 on Page 8, you said the hotel operator must currently manage a minimum of five 750-room hotels. Would 400 suffice, five 400? I mean when you make it 750, you may be locking out a lot of other --

MS. GROSSMAN: That's right. We had asked for a tight --

COMMISSIONER GUNZBURGER: You know, one may be 750 --

MS. GROSSMAN: Right.

COMMISSIONER GUNZBURGER: -- but others may be smaller and by doing that, you're going to lock out competition.

MS. GROSSMAN: You tell us what numbers you want. What we tried to do was to make it tight enough that we got very, very experienced operators in here.

COMMISSIONER GUNZBURGER: Well let's they say a minimum of five hotels from 400 to 750 or 1,000.

MS. GROSSMAN: With a minimum of five 400-room hotels. Is that what you'd like?

COMMISSIONER JACOBS: (Inaudible.)

MS. GROSSMAN: I'm just writing. You tell me when to stop.

COMMISSIONER LIEBERMAN: No, I wanted somebody who is a -- I want someone who is a flag who has significant experience in the building and operating of convention center hotels.

COMMISSIONER JACOBS: Ditto.

COMMISSIONER LIEBERMAN: The more that you reduce their prior experience, you get back to the same situation we had before. I don't want to do deja vu all over again.

COMMISSIONER JACOBS: No, and just -- if I might, Vice Mayor?

VICE MAYOR WEXLER: Commissioner.

COMMISSIONER JACOBS: Managing a staff of employees to get rooms cleaned and ready to go and a convention center and all of the issues that are coming along is significantly different from a 400- to a

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750- or a 1,000-room hotel. The demands are so exponential at that point that I just wouldn't want to see us ratchet that number down at all. If anything, I'd like to see it ratchet a little closer to what it is we're actually building than to go the other direction.

VICE MAYOR WEXLER: Okay.

MS. GROSSMAN: No, I've got – there are two places that this issue should be discussed right now if you all are going to make any changes or recommend changes. The other is we've got the development experience where they'd have to have done 2,000 keys in five years and must have developed at least one 750-room hotel.

VICE MAYOR WEXLER: I didn't hear anybody really agree with Commissioner Gunzburger on her request.

MS. GROSSMAN: I'm just throwing them out. You hit them back.

VICE MAYOR WEXLER: Okay. No offense, Commissioner.

MS. GROSSMAN: So leave it as is?

COMMISSIONER JACOBS: Leave it as is.

MS. GROSSMAN: That's what that means.

COMMISSIONER GUNZBURGER: (Inaudible) operating five 750-room hotels?

VICE MAYOR WEXLER: Well you know, between now and next time we see this document, maybe you can meet with, certainly Mr. Tobin and find out the rationale behind it.

MS. GROSSMAN: Or if that number was purposely done to be --

VICE MAYOR WEXLER: Correct. Correct, to raise your comfort level.

MS. GROSSMAN: And what we'll do is we'll leave this in and bring you back some of his suggested alternatives, and he'll stay home and we'll be here.

VICE MAYOR WEXLER: No, no, no. Please.

MS. GROSSMAN: In here?

VICE MAYOR WEXLER: Yes. This is his expertise. I have no doubt about it.

MS. GROSSMAN: He'll be here to either rationalize them or to recommend a change?

VICE MAYOR WEXLER: Correct.

MS. GROSSMAN: Okay.

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VICE MAYOR WEXLER: Commissioner Gunzburger, if you have other insight or need further information, maybe they can meet with you. Okay. We'll deal with that next week, but right now I'm not hearing anybody ask for it to be changed.

MS. GROSSMAN: And we did overstate it.

VICE MAYOR WEXLER: One person – I'm sorry.

MS. GROSSMAN: And we did overstate it in the document.

VICE MAYOR WEXLER: Yes, you are a person and -- very special. Thank you. Could would we either vote or any further comments on this, Mayor? I'm sorry.

MAYOR EGGELLETON: I apologize. I was on the phone with my wife. This is my wedding anniversary, and I'm still here. So I'm trying to cancel my dinner reservations, but that's okay.

MS. GROSSMAN: We can help you. If I can help you take care of your dinner reservations, just let me know where.

MAYOR EGGELLETON: But it's okay. I understand.

VICE MAYOR WEXLER: I think we're ready to vote.

MAYOR EGGELLETON: Mrs. Grossman, do you have all the points?

MS. GROSSMAN: We have all the points. We will have Mr. Tobin here to respond to questions about the minimum standards, and we'll have the architect here to talk about any site issues you might have, and the only thing you need to do today then is to appoint your SC or you could do that next week too.

MAYOR EGGELLETON: No, we're going to do the SC today. Does anyone else have anything you want to add to the RLI? Is there anything else? Okay. Yes.

VICE MAYOR WEXLER: The only thing is, is that I thought I had heard a motion about -- from four to three members.

MAYOR EGGELLETON: Three.

COMMISSIONER RODSTROM: Three.

MAYOR EGGELLETON: Well, I'll take that as a separate motion. Okay? Are you okay with three?

UNIDENTIFIED SPEAKER: Yes.

MAYOR EGGELLETON: Okay. If everybody is okay with three, then we don't have to worry about that. Three staff is on the S/NC. Everybody is okay with that. There's consensus.

COMMISSIONER RODSTROM: (Inaudible.)

MS. GROSSMAN: I'm sorry, you want Geoghegan off?

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VICE MAYOR WEXLER: Well, I don't think we should –

COMMISSIONER RODSTROM: We want Mr. Geoghegan on our side –

MS. GROSSMAN: You want him available as a resource as opposed to on the SC?

MAYOR EGGELETTION: Right.

MS. GROSSMAN: Okay.

COMMISSIONER RODSTROM: So it's three.

MAYOR EGGELETTION: All right. So is everybody okay? All right.

So the RLI is moved by Vice Mayor Wexler, seconded by Commissioner Gunzburger. Are there any objections to the RLI as amended?

COMMISSIONER LIEBERMAN: We're not approving the RLI. That's not in front of us.

MS. GROSSMAN: We're not approving it today.

MAYOR EGGELETTION: I understand.

MS. GROSSMAN: It's just the new directions.

MAYOR EGGELETTION: Okay.

Any objection to the directions that you have given Mrs. Grossman?

Any objection?

MAYOR EGGELETTION: Okay. All right. Mrs. Grossman, you have it. So go forth and do good work.

COMMISSIONER JACOBS: Every Commissioner is serving, correct? We didn't ask.

MAYOR EGGELETTION: Well, I'm assuming. How many commissioners do not want to serve? Let me just say do not want to serve. Okay. There you have it. Every Commissioner.

COMMISSIONER JACOBS: For the record, just making sure.

MAYOR EGGELETTION: All right. Okay. That brings us then to -- thank you, Ms. Grossman.

MS. GROSSMAN: Thank you, Mr. Mayor.

AGENDA ITEMS 39, 40, 50

MAYOR EGGELETTION: That brings us to Item 39, 40, and 50. Okay? 39, 40 and 50, Commissioner Rodstrom, you're recognized. I've combined 39, 40, and 50.

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COMMISSIONER RODSTROM: Oh, okay.

MAYOR EGGELLETON: Okay? To take all as one.

COMMISSIONER RODSTROM: I had placed Item Number 50 on the agenda, and a number of Commissioners were not here in 2003 when we dealt with this runway issue, but after that -- well, first of all, during that period, Mr. Martin was very helpful to us, gained a lot of trust with all the members of the Commission, regardless of which way you voted, Mr. Martin stood tall in that process. And after that time, we hired Jacobs Consulting, and I remember I think it was at the S/NC, it may have even been in these chambers, we said: Mr. Martin, we really trust you. We want you to be part of this. You know, we want you to always be available. He said: Don't worry, I'll always be available, and so on and so forth. And to that end, I felt pretty comfortable.

And so I had placed this item on the agenda because I was kind of upset that night if you recall that Jacobs Consulting, Mr. Martin wasn't there and it was just surprising to me that after all those testaments that we make the biggest decision, largest financial decision ever in this county's history that evening that Mr. Martin is nowhere to be found. But I will tell you now I have a different opinion about it all because I received a letter from you folks, and it's pretty clear to me the context of the letter that they were told they weren't needed to be there.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER RODSTROM: But it didn't stop there. I was able to check around, and I spoke to some other folks, and I want to pass out a memo that I received. Let me just -- this is what happens when you have a long day. I have it here. This is a letter that I received from Landrum & Brown, and what it says in so many words is that Landrum & Brown was told -- make sure I don't give my copy away. All right. I have some more. Okay. Landrum & Brown was told that they were not to attend the meeting. As a matter of fact, instructed by BCAD that they were not to be at the meeting, and furthermore, BCAD instructed the FAA not to be at the meeting, because, as was stated in here, they didn't want to be subject to cross-examination. I mean can you imagine some Commissioner cross-examining one of our consultants. That would be very embarrassing, particularly if they said something that the administration didn't want them to say.

You know, all I ever want in this business is to have someone always be able to give me all the facts. I want to be shot at straight. I want to always know what's going on. I want to make the best decision, and you know what, I knew I was going to lose that airport vote that night. There was no doubt what was going to happen, but I would at least expect that when we make the biggest decision of this county's history that all of our consultants are there and they're not instructed by staff not to be there. I find that reprehensible. I don't know who did this, but to me, it's reprehensible.

Now I also remember that evening that Mr. Perryman, I engaged him in some conversation, in some dialogue, and I also remember that not long after that, there was kind of a discussion with the County Administrator and Mr. Perryman, and I don't think it went very well but my guess is, if I had to guess, is that Mr. Perryman was -- there was comments about Mr. Perryman being there in the first place because he was instructed not to be there. That's supposition on my part. I'll take it like that.

But you know what happened then in the series of events is they had also planned on having Landrum & Brown's contract amendment on the next agenda, and if you recall what happen was is that immediately that agenda item was pulled, and so now Mr. Perryman is thinking: You know what, this is the pay back. Now they're not going to deal with my agenda item. So then he sends a letter out, and his letter says that he is stopping all work on the EIS because he hasn't been paid on bills going back to December. So he sends a letter out and says: As of today, Landrum & Brown has outstanding invoices of a million three and we are stopping work immediately on this as of today.

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Now that opens up a whole nother set of things in my mind. Why weren't those invoices paid? Why was BCAD so late in paying them? Did they have the money to pay them? Because I was under the impression maybe funds were a little low, but I don't know. But why aren't we paying our bills, why isn't Landrum & Brown being paid? Is this retribution? What is going on, but certainly something in my mind is amiss when you're owing these vendors and they're having to carry the subs -- I think he says the subs were carried to the tune of \$270,000, he owed the subs. So that begs the question. I mean because one of the thing this commission has always insisted upon is prompt payment of our bills, always. As a matter of fact, we have a prompt payment ordinance that says 30 days and for the very reason we have it is so our subs can be compensated in a timely fashion.

Well, none of that was done here. We'd been carrying Landrum & Brown since December. So now they send this letter. Staff remarkably in 24 hours sends them the money just like magic, and so they get paid, and -- you know, because I guess it would be pretty embarrassing, you know, if they stopped work on the EIS. That wouldn't look very good. But you know, I don't know what's going on, but something just doesn't feel right to me. I feel like there is -- that we are not in control of our destiny, that we're being kept from having all the information. I don't think -- I think we should have all the information all the time and why would you be afraid to have our consultants that we pay being at a meeting? Why would you ever instruct them not to be there because any Commissioner asked a question, particularly of something so vital and so important to this?

And you know that I've been cynical because I believe when back in 2003 our instructions were that we would have a master plan, that we would have an EIS, that we would have a financial feasibility study all given to us at the same time, and somehow that got delinked. So, in essence, we made a decision on one piece of the puzzle but not knowing what the rest of the pieces of the puzzle are going to be at the end, and that I believe was deliberate, but you know what, maybe that's just my overreacting and maybe I'm just opinionated. That could well be, but make no mistake about it, so I don't blame you all anymore. I loved seeing Mr. Martin. I have a great deal of trust and faith in him. He will tell me like it is whether I agree with him or not, but I do have faith in him.

But what I don't have faith in, frankly, is the way we're being treated. I feel like I've been had. I feel like I'm being played, and I want it to stop, and I don't know what to do about it to stop it, but I'm going to tell you, Commissioners, that, you know, win or lose here on a given day, look, I've lost as many votes as probably as I've won over the years, but one thing we've had over the last 15 years was a great reputation as a County Commission. We have enjoyed a great reputation compared to other governmental entities. We're highly respected and well thought of in the community, and the last thing I want to do is see this project -- because we're going to have a project. We're going to have a big project.

The last thing I want to do is see this project get away from us. I want to know that this project is being done right, that it's delivered on time and on budget and that we know all of the facts of all of the decisions that we're making, good or bad, I want it all on the table and I want it for our consumption, and I feel like in this case we didn't get the facts. I said it that night, but I had no idea that our consultants were told not to be there and that's very troubling to me.

There are other things, Mayor, that I have in my possession that call into question a lot of management practices, violations of procurement. I have a multitude of things, but that's not what this agenda item is about, and we can deal with that at a later date. But I have the e-mails. We can copy them. But there are things going on at that airport that I'm not happy about and that needs to be fixed, and I don't know why it got like this. I don't know how it got like this or how long it's been like this, and it's not just about the pedestrian bridges. I have a file on that and the whole sequence of events and better e-mails on that, but this is about procurement, how folks are being hired there, why they're being hired, and who is orchestrating it, and it's not the members of this county commission, and I find that all very troubling.

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And the Auditor and I spoke about it earlier. He's looking into these things. He's found out that there are violations of procurement code. He's already said there are but he is going deeper to see how broad the violations are and he will be getting back to us with a report. And he finally said to me today that they are cooperating with you which is a good thing because we had statements from him previously that said they were not as cooperative as he would have liked them to be as maybe they could have been in other departments. So I'm glad there's an investigation going on. I hope it's not as bad as at least the stuff in my possession. I hope it's not any worse than that, but I'm afraid it's endemic, and I'm afraid that it's something that been going on for a long time.

The Dynergy site, we were told we had to buy it in an hour and make a decision, and we still don't have plans on what to do with the Dynergy site. You know, I don't know what we're going to do with it. One minute it's a garage. The next minute it's an administration building for BCAD. We've got to get our house in order. We've got to get it together, and we do not have it in order now. So I will withdraw my motion. I'll leave it out there for discussion purposes, but --

COMMISSIONER LIEBERMAN: Move the agenda.

MAYOR EGGELETTION: Okay. You want to just move the agenda, but let me just say this, Ms. Brangaccio, I believe we are planning or you are planning to have -- you looked at a date. As you well know, I've asked for a pretty open meeting on this airport so we can just get everything aired out so we know exactly what we're going.

MS. BRANGACCIO: August 23rd all day.

MAYOR EGGELETTION: August 23rd, we're planning an all-day meeting.

COMMISSIONER RODSTROM: It can't wait that long, Mayor. As a matter of fact, we have an item coming up on Mr. Bielek on extending his --

MAYOR EGGELETTION: Your mike.

COMMISSIONER RODSTROM: And I think that's probably a good time to have this discussion because I plan to discuss at that meeting some of the shortcomings of BCAD and what changes needing to be made there, and so that could lead to a discussion --

MAYOR EGGELETTION: That's when, next week?

COMMISSIONER RODSTROM: I think the time runs out next week.

MAYOR EGGELETTION: Was that next week?

MS. BRANGACCIO: His time runs out, but we're also hoping to have an airport appointment next Tuesday.

MAYOR EGGELETTION: Right.

MS. BRANGACCIO: And that individual is available.

COMMISSIONER RODSTROM: Well, then that may solve the problem. So we'll know more --

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MAYOR EGGELLETON: So the only thing I'm telling everybody is be prepared for a long meeting next week. There may be some items coming in front of you.

COMMISSIONER RODSTROM: And if the staff has a response, why they told the consultants not to be there, I'm all ears.

MS. BRANGACCIO: Oh, we have a response, but I don't this is particularly the place or time since we've just seen this letter because this is not what happened. I heard personally Ms. Henry on the phone numerous times --

COMMISSIONER RODSTROM: Well it's obviously there's been a break down of communications between you and some of the consultants or at least this consultant.

MS. BRANGACCIO: And believe me, there were no cross words with Mark Perryman either that night or any other time you've seen me talking to him, so. This is not what was going on the two weeks before the hearing in terms of trying to get FAA to attend and have FAA approval for Landrum & Brown to be there, and we can give you a full written report and response to this now that we have it.

COMMISSIONER RODSTROM: I also have another letter in my possession of another consultant that was told not to be there, so it wasn't just -- again, you were told not to be there because you weren't needed, it was said. But other consultants were told not to be there as well as the FAA according to Mr. Perryman, as well as Landrum & Brown.

COMMISSIONER GUNZBURGER: I'd like to move Item Number 39A and B.

MAYOR EGGELLETON: 39A and B.

COMMISSIONER LIEBERMAN: Second.

MAYOR EGGELLETON: Has been moved by Commissioner Gunzburger -- is there a -- oh, I'm sorry. You're right. This is 39 -- where is it? Here it is.

COMMISSIONER GUNZBURGER: I'm trying to get him home for his wife.

MAYOR EGGELLETON: Ms. Chalifour, I don't have one for you for 39, but you can fill it out.

MS. CHALIFOUR: I have one for 39 and 40. I have the receipt if you want the receipt.

MAYOR EGGELLETON: What I'm saying, Ms. Chalifour is --

MS. CHALIFOUR: Maybe you didn't get it.

MAYOR EGGELLETON: I don't have one. Okay? So I have one for 40, 49.

MS. CHALIFOUR: I'll give you the receipt when I'm done.

MAYOR EGGELLETON: Well, that's what I said.

MS. CHALIFOUR: Okay. When I'm done.

MAYOR EGGELLETON: It's no big deal. Thank you.

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MS. CHALIFOUR: Okay. Agenda Items 39 and 40, I'll cover them both, to try and get the Mayor out of here. Actually he can go anyway, but clarification on the source of funds -- yeah, God bless your wife. She gets to spend the time with you. Clarification on the source of funds, the backup once again simply indicates reserve funds. If it's enterprise reserve funds, can't we just put that in there?

As a matter of fact, regarding the enterprise reserve funds, just today you have spent over \$1.6 million in reserve funds. If it's all the same fund, it seemed like the enterprise zone is cash rich with a reserve fund. Maybe it's time to sunset this enterprise zone, provide for more oversight and accountability and a source of income for sorely needed programs coming under the ax given general revenue shortfalls, but of course I digress. What a great idea, sunset the dang thing. Items Number 39 and 40, again, please clarify where the funds are coming from.

Secondly, I hesitate to rise in favor of two items, updating our master plan and finalizing our Part 150 Noise Compatibility and Mitigation Study. I hesitate to rise in favor because this board generally does the opposite of what I suggest. However, these reports are long overdue. As Commissioner Rodstrom reminded you, December 9, 2003, this board with three different members present at the time directed staff to get these reports done posthaste, concurrently, simultaneously with the EIS.

It has taken since December 9, 2003 to the present, three and a half years to get where we are today. We don't have these critical reports which defined what kind of airport we want to be, what we're willing to give up to get it, what it will actually cost using full cost accounting principles, how we're going to pay for it, how will we mitigate for negative impacts and so on. So many critical items coming out of those reports, and we still do not have them.

In the same time since December 9, 2003, we have received the draft EIS, but not these two critical reports. Why not? Why couldn't or didn't Jacobs Consultancy deliver what we asked for on December 9, 2003? Did they drag their feet to force a decision for the behemoth boondoggle south runway? Why are we so far behind with the update of our master plan and Part 150 study? I really would like to know the answer to that question. Thank you so much.

MAYOR EGGELLETON: Thank you. Thank you very much. So there's a motion to move Item 39A and B. It's been moved and seconded.

Any objection?

Any objection?

Without objection, show 39A and B pass without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 40

MAYOR EGGELLETON: Item 40, Mrs. Chalifour, you're recognized to speak on Item 40.

MS. CHALIFOUR: I covered it.

MAYOR EGGELLETON: Oh, you did?

MS. CHALIFOUR: Yes.

COMMISSION MINUTES

MAYOR EGGELETTION: Okay. So Item 40 has been moved by Commissioner Lieberman, seconded by Commissioner Jacobs.

Any objection?

Any objection?

Without objection, show Item 40 pass without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 49

MAYOR EGGELETTION: That brings us to Item 49.

Commissioner Rodstrom, you're recognized on Item 49. Item 49 is a motion to direct the staff to prepare an expedited Request for Letter of Interest.

COMMISSIONER RODSTROM: Oh, the night of the meeting where we voted on the runway, there was a letter from the tower chief. I believe I attached it to your backup, and it was supposed to be attached to your backup if it's not. But the tower chief had some very critical comments about the runway and how it operates. And I just think in the abundance of caution we should do a little value engineering just to make sure that -- you know, I'm not troubled by the two pilots who live in the 65 DNL. I mean maybe that's because they don't want to see the runway get built. They may be right. I don't know. But certainly the tower chief lends credence to the fact that something may be missing the design, and I think we want to do everything we can. Maybe we can have some expedited procurement process to bring in some third party that's not working for us now that can just give us a review, an engineering review of the design of that runway and its operations, and that's why I placed it on the agenda.

MAYOR EGGELETTION: What would be your pleasure, Commissioner? Are you saying that you want us to appoint a separate RLI here?

COMMISSIONER RODSTROM: I just want -- you know, not an expensive look. I just want another outside opinion from a respectable engineering firm who looks at runways and can just tell us, is there any problem at all given the tower chief's comments and what can be done to mollify those comments and make sure that we take those comments into consideration and not have a runway that when it's built we're going to be regretful of because the tower chief says: I told you so, and we didn't listen to the tower chief. I just want to make sure --

MAYOR EGGELETTION: So you're looking for a peer review?

COMMISSIONER RODSTROM: I just want a peer review, value engineering, just something that just addresses those comments from someone that does not work for us.

COMMISSIONER LIEBERMAN: Second.

MAYOR EGGELETTION: So what you want -- let's be clear.

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COMMISSIONER RODSTROM: And I think we should have a process that the County Commission is involved in, not selected by BCAD but someone that we pick that's outside, someone new that's going to, you know.

MAYOR EGGELLETON: What you're looking for is a peer review of –

COMMISSIONER RODSTROM: Correct.

COMMISSIONER LIEBERMAN: From the issues of the tower chief.

COMMISSIONER RODSTROM: From the issues of the tower chief.

COMMISSIONER LIEBERMAN: Second.

COMMISSIONER RODSTROM: Regarding operations and safety.

MAYOR EGGELLETON: Okay. Commissioner Rodstrom has moved the item. There has been a second by Commissioner Lieberman. We have one speaker on the item, Ms. Brenda Lee Chalifour.

Mrs. Chalifour, you're recognized.

MS. CHALIFOUR: And I appreciate that and I hope this is voted on unanimously. Just for the record, Brenda Chalifour speaking for myself. This diagram that you're looking for in this peer review, quite frankly, and I think all your consultants will tell you this, should have been performed well beyond this point, certainly beyond the point you are with an EIS.

For the record, we requested with a public records request, we asked for the most specific design available. It doesn't show the tunnels. It doesn't show -- it shows elevation, but it doesn't necessarily show gradient. We had a heck of a time trying to build a cake to scale because those things just didn't exist, and I cannot believe that you are at this point with this decision, but for those who had already made up their mind no matter what was said, without that information.

How the heck could you possibly price it out if you don't know about the tunnels that are required and what the detail specifications are as it relates to the Florida Department of Transportation and the fact that just maybe you can't even run CSX through there because they carry hazardous waste. You people have been taken down a path and taken down a path and God love you three of you who just said: Heck no, no more. I certainly hope that you can show your colleagues the path, because this is unbelievable to be at this point in the game without these design specifications. I'm appalled. I'm actually embarrassed. I'm actually embarrassed for the six-pack that sold out. God bless you.

MAYOR EGGELLETON: Thank you. Thank you, Ms. Chalifour.

COMMISSIONER LIEBERMAN: I'm still going to support the motion though Ms. Chalifour would make me change my opinion.

MS. CHALIFOUR: It doesn't matter.

MAYOR EGGELLETON: The item has been moved by Commissioner Rodstrom; seconded by Commissioner Lieberman.

All those in favor of the item, raise your hand.

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COMMISSIONER LIEBERMAN: Aye.

MAYOR EGGELETTION: Aye. Okay. Let the record reflect the item pass unanimously without objection.

VOTE PASSES UNANIMOUSLY.

MAYOR EGGELETTION: Okay. I think that brings us to the end; is that correct? Okay.

(COMMISSIONER LIEBERMAN LEFT THE ROOM.)

AGENDA ITEM 51

MAYOR EGGELETTION: And that brings us to the county administrator's report. Mrs. Brangaccio, you're recognized.

MS. BRANGACCIO: No, sir, just to confirm that we have scheduled both the recruiter for the airport director position and Mr. Walsh to be here at the end of your budget meeting on Thursday.

MAYOR EGGELETTION: And everyone will receive those whom I've selected in your boxes probably not tonight, but tomorrow morning since it's late, you'll know exactly who you are and you'll be told the time.

MS. BRANGACCIO: And he will also be staying over on Thursday night so he would be available again on Friday morning if needed.

AGENDA ITEM 52

MAYOR EGGELETTION: All right. Okay. Now it's pretty late in the hour. I do have a report with respect to the trade mission. I'm going to submit a copy to everyone here of my comments on the trade mission, you know. And let me just say that Commissioner Wasserman-Rubin and I did lead the trade mission on behalf of the governor, and in the next few weeks we'll have the economic numbers, but, commissioner, would you concur that it was a fairly successful mission?

COMMISSIONER WASSERMAN-RUBIN: I believe it was a very successful mission. The business people who were traveling with us, every single one of them -- I can't find the button. Every single one of them made contacts that are going to have -- that have a lot of potential for doing business here and there, and the way that we structured it is we split ourselves. The Mayor went in one direction, and I went in another direction, and we made the contacts, and then we converged in the middle, and of all the missions I have been on, I think this is probably one of the most productive.

MAYOR EGGELETTION: And let me just say one remarkable thing did happen, because we were somewhat sort of in the middle of the changing of administrations, and we had the incoming Mayor as well as the outgoing Mayor wanted to meet with both of us, and the entire delegation, and they did, and something remarkable happened. The incoming governor who takes office August 1, I believe, requested, found that we were there, requested a meeting with us, met with us earlier, met with myself earlier, and then came back and moved her whole schedule and met with us that night about, what, 9:30, 10:00 o'clock in the evening and brought her staff, and let me tell you how remarkable this is for Mexico.

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She's the first woman governor in that state, in the state of Yucatan, and there's no question about it that she is very much in charge of what was going on. In fact, in the Mexican culture, when you find a woman walking in the room and saying: I'm in charge and all the men jumping to her beck and call, you know that she's -- and, by the way, she's 33 years old. Okay? She's 33 years old. Now let me explain this. What you have is -- what's the date on this, Cynthia? Okay.

On non-agenda, this is non-agenda, and would one of you hold that up. Cynthia, do you want to hold that up? Dump the Pump Day is going to be Thursday, Thursday, June 21st, and you can see it on the script. It says what? My other car is a bus, and we want you to dump the pump. So we're asking all members of the Board on Thursday when you come here to try to take the bus to work, okay, on Thursday. So we want you to take the bus. Commissioner, we know you might have to walk to the corner in Southwest Ranches. So we would like you to take the bus to work.

COMMISSIONER WASSERMAN-RUBIN: Mayor, I actually saw not one but two buses in a period of three months on Griffin and 192nd. They were our buses. No people, just a bus.

MAYOR EGGELLETON: Well, what we're giving you, you've got these windshield sun screens, and they came from the office of public transportation simply to remind you that Thursday, June 21st is Dump the Pump Day in Broward and we want everyone, not just you, but everyone in Broward County not to drive your car that day, but to take Broward County Transit, and I think that would be great if you sent a message to the oil industry. Okay?

I do have some other items but for the sake of time, I'm going to just bring them back next week, and let me get to commission agenda.

NONAGENDA

MAYOR EGGELLETON: Commissioner Ritter, any non-agenda item?

COMMISSIONER RITTER: No.

AGENDA ITEM 53

MAYOR EGGELLETON: Commissioner Jacobs?

COMMISSIONER JACOBS: Yes, I do have two. The first is I don't know if you are all copied on Dr. -- Dr. Jurado has been attending the Broward Soil and Water Conservation District meetings for quite some time, and I thought it was important. If you don't know, I will make sure to get the copy, her update from her last meeting that she attended on June 6th, but it appears that they are now moving forward through the legislature to and have passed a resolution to create -- to change from currently in order for them to become a taxing authority they have to change from a landowner that would vote for this to qualified elector and that is the path down which they are proceeding. So I thought you all might want to know that they're up to that.

AGENDA ITEM 54

COMMISSIONER JACOBS: The other issue is one, I'm sure you were all copied on, which I found very alarming the number of e-mails that came in. Apparently I didn't see the news show, but apparently there was a camera crew that went out to our shelter up in my district and took a look at animal control and the number of issues that were raised as far as the inability to weigh certain animals for euthanasia and so forth. I'm really concerned about this issue, Ms. Brangaccio, and the apparent indifference on

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camera, at least as it were, by the veterinarian that was on staff that day and would like a report back from you as to where we are with that issue, what we're doing.

I certainly need and I'm sure the rest of you would desire to be able to respond to our constituents that were outraged by that interview and some explanation as to what it is that's really going on out there. His inability to answer simple questions about whether or not we have scales and whether or not he knows what the proper dosage is and whether or not some animals have been in his – from what I'm reading here, stuck three and four times in order for euthanasia to proceed is just absolutely abhorrent and I would like to understand where we are in rectifying this situation. Thank you.

MAYOR EGGELETTION: Who is the vet?

COMMISSIONER JACOBS: Rick Richter.

MS. BRANGACCIO: It's actually our employee, and I've not seen the interview, but Bud Bentley has watched it a couple of times now and has a report coming from the department in terms of what is going on and what's being done.

MAYOR EGGELETTION: Rick is not a vet.

COMMISSIONER JACOBS: Okay then, I apologize if he's not a vet.

AGENDA ITEM 56

COMMISSIONER JACOBS: And then finally she stepped off the dais, but I wanted to congratulate Commissioner Lieberman for becoming the next in line or next-next in line for president of FAC as the new second vice president to the Florida Association of Counties. It's going to be fabulous to have Large Urban County representation, period, but to have Commissioner Lieberman there who does as we all know her homework so well, we will be very well-represented by her and we're proud of her landslide election. She was very well approved.

MAYOR EGGELETTION: Thank you. No, she's driving to the airport.

Commissioner Wasserman-Rubin, any non-agenda items?

COMMISSIONER WASSERMAN-RUBIN: No, although someday when we have time I'll tell you a little bit about how (inaudible).

MAYOR EGGELETTION: (Speaking foreign language.)Okay.

AGENDA ITEM 54

MAYOR EGGELETTION: Let me see, Commissioner Keechl?

COMMISSIONER KEECHL: Thank you, Mayor. I have two things. First of all, Commissioner Jacobs, you picked my first topic. I am livid about what apparently is going on. I've seen the interview. I've read the transcript. It's appalling what's happened there. Rick Richter who is going to be meeting with us and who is going to have to answer some questions actually said that the cats are being euthanized in the cat room in front of other cats, and this is absolutely, absolutely unacceptable. When he was told that the staff doesn't have stethoscopes so they can figure out whether or not the cats have quit breathing, he said: Well, then we need to get some for them. And he also seemed surprised according

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to the investigation not to know that they didn't have any scales. Well, guess what? You can't figure out the proper dosage if you don't have scales.

Our own employees were involved in uncovering this, and the interview ended with one of our workers saying, and hiding themselves, saying: Animals are definitely treated like second-class citizens. They're the lowest. They don't complain, and I believe that's why they're neglected by the Commissioners and by the public. Well, these commissioners are not going to neglect this, and I just find this absolutely not acceptable, and I promise anybody who is listening that this county commission is going to get to the bottom of this and we're going to put an end to it.

AGENDA ITEM 57

COMMISSIONER KEECHL: Now, the last thing, on a happier note, is I wanted to congratulate once again, our legal department doing a fantastic in Broward County versus Christian Romany Church Ministries and Securities Bank, NA. Fantastic job. That's it, Mayor. Thank you.

MAYOR EGGELETTION: Thank you very much.

AGENDA ITEM 58

MAYOR EGGELETTION: Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I agree with the congratulations, but now we have to find the 1.2 million to secure -- to put in trust to secure the property. And I agree with everything that's said before me, but I had one non-agenda item I passed out to everyone from Sally Hayman in Miami-Dade, and I would like this item added to our Washington Legislative agenda. I don't think there's anyone that would disagree that we don't want to start withholding money from all of the people that do business with us, and it's a very expensive proposition if we don't get our Congress people behind House of Representative Bill 1023 withholding Tax Relief Act of 2007.

Mr. Mayor, if there are no objectors, I'd like to make sure that this moves on expeditiously to our legislative agenda.

MAYOR EGGELETTION: Any objection?

Any objection?

Then there be no objection, it be a part of our agenda.

VOTE PASSES UNANIMOUSLY.

MAYOR EGGELETTION: And, Mr. Newton, perhaps there needs to be a resolution passed to -- or prepared for us. If you can get it for next week, I think it will be great where we can pass it and send it on to members of Congress.

COMMISSIONER GUNZBURGER: Thank you.

MAYOR EGGELETTION: In fact, I'm going to be in Washington, I believe in -- I see Mrs. Madison in the room now. Mrs. Madison, when is it, in July or June? July?

MS. MADISON: (Inaudible).

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COMMISSIONER GUNZBURGER: Okay. It's –

MAYOR EGGELETION: According to – yeah, according to Ms. Madison, it's already a part of our legislative program.

COMMISSIONER GUNZBURGER: All right. Thank you.

MAYOR EGGELETION: Okay?

AGENDA ITEM 59

COMMISSIONER GUNZBURGER: The good thing is -- I'd like staff, someone to look into the idea of putting LED lights on our traffic lights, that it might be a way to save money over the long-term. Okay. Great. Thank you. Never mind -- the next one would be solar. That's a whole nother story.

AGENDA ITEM 60

MAYOR EGGELETION: Okay. Commissioner Rodstrom.

COMMISSIONER RODSTROM: The Romany Church, just a comment on that, the City of Fort Lauderdale just reminded the Commissioners about a reso they had sent us saying they were not going to be – they didn't really want that church there -- excuse me, they wanted the church there and they didn't want an overabundance of the facilities. It's not that they don't want the BARC. It just that the neighborhood is concerned about over proliferating the neighborhood. So the City of Fort Lauderdale said: Look, you want to continue on this, we're not going to be real easy on you. So just remember, you won in court, but I don't know if this is the path you really want to take.

AGENDA ITEM 61

COMMISSIONER RODSTROM: The other thing was, Mayor, I was out of the room even though I voted in the affirmative on two items. One had to do with the City of Oakland Park. The other had to do with the affordable housing. Just a question because I don't think it needs to be reconsidered. But my question is: We spent a considerable amount of money on those items, \$13,000,000 on one and \$2,000,000 on the other. Is there any money left in that budget for Sistrunk?

MAYOR EGGELETION: Ms. Brangaccio.

MS. BRANGACCIO: I thought you were going to ask what was left in the redevelopment trust fund. I was ready to answer 1.4 million. Sound like Jeffrey, 1.4 million.

MAYOR EGGELETION: No, the 2,000,000 was already incorporated.

COMMISSIONER RODSTROM: Two and a half million is still set aside for Sistrunk?

MAYOR EGGELETION: Yes, yes.

COMMISSIONER RODSTROM: Okay.

MAYOR EGGELETION: And the 2,000,000 was already –

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COMMISSIONER RODSTROM: I wanted to ask that question and wasn't able to ask it. So I just wanted to make sure.

MAYOR EGGELETTION: And I knew you weren't here but I thought –

COMMISSIONER RODSTROM: Watch that money, you don't want to be the last one on the agenda.

MAYOR EGGELETTION: But with respect to splitting the 2,000,000 before the profit and not-for-profit, I thought you would like that one because at least you keep the not-for-profits in the loop. Okay.

Vice Mayor Wexler.

VICE MAYOR WEXLER: I would ask staff to please provide for the Commission what money is left in that fund and if money was set aside for conversations that we've had as a board without actually having a proposal come forward.

MS. BRANGACCIO: Redevelopment trust fund or affordable housing?

VICE MAYOR WEXLER: No, the redevelopment trust fund.

MS. BRANGACCIO: About 1.4 million. There was a couple of applications that are outstanding that are still moving through the process. And I just need to ask on Sistrunk, we need to check with Kayla Olsen on that because it's not in the Redevelopment Trust Fund dollars because that was the CRA monies but let's check Kayla. The capital budgets and the changes are going to be up on the Thursday workshop. So let's get a confirmation of dollars available.

VICE MAYOR WEXLER: Because I didn't remember it coming through the redevelopment trust fund either, but I thought it was capital. So that's why I wanted to make sure, but I would like to know then if there's \$1.4 million left in that fund what projects are in the pipeline.

MS. BRANGACCIO: Actually in the agenda letter, it was, and I'm sorry I don't remember the exact amount but there was another Lauderhill proposal in there for close to a million and then there was a request that came in from the DDA, the downtown DDA for Fort Lauderdale, but then we did send a letter back to them saying: The way it's set up, the requests need to come from a city.

VICE MAYOR WEXLER: And the other issue is about animal care and regulation, and you know that Mr. Lietzke has sent us all an e-mail offering to meet with the vet and the vet's name is Dr. Tim Johnston. So we did see that somewhere, along with Mr. Richter to discuss and answer any of our questions. I am going to take them up on that because I do have a lot of questions. I don't want to go into any specifics about the e-mail, but I never brought back something that I had put on for discussion, which was an animal care advisory care committee, okay, and I never brought it back for a reason. But I'm going to tell you something, I'm thinking long and hard that maybe I do want to have an appointment and have an official committee and something like that because I think there's an awful lot of questions regarding whatever may have gone on with the euthanasia, whatever is going on, the lack of a scale, the lack of a stethoscope, and whatever else we are not aware of, and that's just one issue that came to our attention.

So I'm really -- I'm really thinking about it because -- and I know that staff had wanted a formal advisory committee, and maybe we should discuss it in a workshop, because I happen to have two of my constituents that are on that informal committee, and they really don't want a formal something in place. So I justice just bought ready to bring it and then it's kind of sitting on my desk, and this might just be the catalyst for doing it.

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MAYOR EGGELLETON: Well, just get it prepared for us and we'll deal with it been you bring it, Vice Mayor. All right?

VICE MAYOR WEXLER: Okay. Thank you, Mayor.

MAYOR EGGELLETON: Anything else?

VICE MAYOR WEXLER: No.

AGENDA ITEM 55

COMMISSIONER JACOBS: Mayor?

MAYOR EGGELLETON: Yes.

COMMISSIONER JACOBS: I'm sorry, my aide brought something to me that I thought we should bring to the attention of administration, and that was I guess on ACT we're having -- there is a day being held for a potential airport retreat and that is the very same day that the Florida Association of County's board retreat is scheduled, and that would be August -- I believe it's August 23rd, so if that date could be freed up, our staff, because we have this joint calendar, that day needs to be changed.

MS. BRANGACCIO: That means the FAC retreat wasn't on the master calendar, but we'll work with the Board members again to find a date and we'll try to get it sooner than later obviously.

COMMISSIONER JACOBS: Okay. I don't know, my office --

MAYOR EGGELLETON: Is it a retreat for all the FAC members or just the board?

COMMISSIONER JACOBS: My staff gave me a note that it was the board retreat. It could be the Board of Directors, and many of us serve on the board of directors. I think there's four of us on the board of directors.

MAYOR EGGELLETON: Five.

COMMISSIONER JACOBS: Five.

MAYOR EGGELLETON: There's five. Well, we'll find another date, but let me just say this with respect to this date. You know, we all want this openness, but you're going to have to make some adjustments on your calendar in order for us to meet it, otherwise you can never have these --

COMMISSIONER JACOBS: We make adjustments on a routine basis, Mayor.

MAYOR EGGELLETON: Well, I'm just telling y'all, you're going to have to make some adjustments on your calendar. Ms. Brangaccio, here's what I suggest that you do --

COMMISSIONER JACOBS: I'm here Monday, Tuesday, Wednesday, Thursday, Friday.

MAYOR EGGELLETON: --is look for a date, you may want to do it sooner or later, whatever, but you've got to find a date and then you've got to go to each commissioner and get them to adjust their calendar, okay? I mean that's the only way you can do it because the way I look at it, nobody have any open dates on their calendar. I don't think anybody can be that busy, but we'll see.

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COMMISSIONER RODSTROM: (Inaudible).

MAYOR EGGELLETON: August 23rd. All right. So -- is that it, Commissioner?

COMMISSIONER JACOBS: Yes.

@AGENDA ITEM ??

MAYOR EGGELLETON: Okay. I have one item that I forgot. Some time ago in the Broward Estate Neighborhood for years we had a -- we had a waste treatment facility that sat on the North Fork of the New River. Some years ago we closed the facility down and some of the tanks were left there. I'm finding out that there was a vacant building. I did not know and I was just apprised by the City of Lauderhill that for some reason, I don't know how this was done or who did it, I'm being told that the county sold the building to a church right in the middle of a residential neighborhood, and I was told that the church have deeds to this from the county to them, and I was shocked because this is county owned property.

Now the neighborhood at its last community meeting has asked that the county buy that property and use it as green space since it's on the North Fork of the New River. This was a formal waste water treatment facility, and you actually can see it from Sunrise Boulevard. It's right across from the regional park where the ramp come down across Sunrise Boulevard across 441. So the address of it is 38th Avenue and 4th Street. So I would like somebody to determine whether or not that building there, whether or not we did, in fact, sell the building to a church, and when did we do it, and whether or not if we didn't do it, if there are just squatters in that particular facility, I would like to have the facility reclaimed by the county.

Perhaps, if there is any money available to somehow recoup that particular lot as green space, which is on the North Fork of the New River, and maybe we might even be able to work with the South Florida Management District since a portion of that is in their right of way, and I know that the North Fork of the New River is in the Everglades Forever plan. So we may be able to have some collaboration with them in terms of this particular site. Okay? Mrs. Henry, I'm going to tell you where this is. Broward Estates, Sunrise Boulevard, right, it's on the --

MS. BRANGACCIO: I remember a question coming up from Lauderhill in terms of cleanup on the site.

MAYOR EGGELLETON: Right.

MS. BRANGACCIO: But we'll look at it tomorrow.

MAYOR EGGELLETON: I don't think there's contamination on the site. The contaminants from the site was dumped into the river. Yes?

MS. HENRY: I think where the confusion is, if it's on 38th and 4th, that's quite a distance away from Sunrise. Sunrise is around 12th, thereabouts.

MAYOR EGGELLETON: Yeah.

MS. HENRY: So this is closer to Broward Boulevard and I'm not sure where the North Fork of the New River gets into this --

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MAYOR EGGELLETON: That's the address I was given, but if it's the site that I'm thinking about, you know -- you know the site, Mrs. Henry, if you're coming -- let's say you're headed north on State Road 7. You're making a right turn to get onto Sunrise Boulevard. Directly across from there was an old waste treatment facility, and some of the tanks was there. They were recently removed, and I think the site was tested for contaminants, but there were, I think very few contaminants, but I'll go back and check again on this address, but I think that's the address that I've been given, okay?

If there be no other information, Mr. Lukic, any non-agenda?

MR. LUKIC: Nothing, sir.

MAYOR EGGELLETON: Mr. Newton, any non-agenda?

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MR. NEWTON: No, just to say thank you for the congratulatory note and kudos to Tony Rodriguez who was the attorney who handled the case.

MAYOR EGGELLETON: Very good. Okay? So if there be no other agenda in front of the board, the meeting is now adjourned.

(THE MEETING ADJOURNED AT 7:15 P.M.)

(THIS IS NOT A VERBATIM TRANSCRIPTION OF THE MINUTES.)

(CD-07-66)