

MINUTES

PARKLAND CITY COMMISSION MEETING

AUGUST 23, 2006

7:00 P.M.

I CALL TO ORDER 7:05 p.m.

PLEDGE OF ALLEGIANCE

Mayor Udine commented on the recent opening of the JCC at the Heron Lakes Shoppes, and he invited students Jade and Taylor Dicuia, Charlie Goodman, and Sammy Muster, escorted by Broward County Federation director Sherry Surriago, to lead the Pledge.

ROLL CALL

Present:

Commissioner Jared E. Moskowitz
Commissioner Tracey McGilvray
Commissioner Jay D. Smith
Mayor Michael Udine

Also Present:

Mark Lauzier, City Manager
Caryn Gardner-Young, Assistant City Manager
Andrew Maurodis, City Attorney
Roberta Moore, Planning Director
Scott Davidoff, Leisure Services Director
Jim Berkman, Public Services Director
Charles DaBrusco, City Engineer
Dave Carry, BSO Chief
Sandra Couzzo, City Clerk

With the Commission's agreement, Mayor Udine moved ahead the FRDAP Ceremonial Check presentation, and he introduced Representative Susan Goldstein.

**2. PRESENTATION: FRDAP CEREMONIAL CHECK
REPRESENTATIVE SUSAN GOLDSTEIN**

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Representative Susan Goldstein stated it was her honor to serve as the City's voice in Tallahassee. She presented two \$200,000 ceremonial checks from the Florida Recreational Development Assistance Program for the advancement and enhancement of Pine Trails Park facilities. This process, through FRDAP and the Department of Environmental Protection, gave legislators an opportunity to work with the City, and she thanked the Mayor, City Manager Mark Lauzier, and grant writer Stan Hemphill. Photographs with the entire Commission were taken.

Representative Goldstein commented that she had seen the deannexation legislation. She noted that it was unprecedented and that it would be important for the City to have strong sponsors. She offered her support, if she is fortunate enough to be reelected, and also recommended the sponsorship of Senator Atwater in the Senate. For the record, the Representative suggested that the City should retain a strong lobbying firm, with a large organizational infrastructure and the ability to open doors, that would make this issue their top priority.

II APPROVAL OF MINUTES

June 13, 2006: New Public Officials Orientation Minutes

Mayor Udine asked that the record be checked of those in attendance.

MOTION made by Commissioner Smith to approve the June 13, 2006, New Public Officials Orientation Minutes. Seconded by Commissioner Moskowitz.

MOTION passed unanimously.

July 11, 2006: Special City Commission Meeting Minutes

MOTION made by Commissioner McGilvray to approve the July 11, 2006, Special City Commission Meeting Minutes. Seconded by Commissioner Smith.

MOTION passed unanimously.

July 24, 2006: Special City Commission Meeting Minutes

MOTION made by Commissioner Smith to approve the July 24, 2006, Special City Commission Meeting Minutes. Seconded by Commissioner Moskowitz.

MOTION passed unanimously.

August 9, 2006: Regular City Commission Meeting Minutes

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MOTION made by Commissioner Smith to approve the August 9, 2006, Regular City Commission Meeting Minutes. Seconded by Commissioner McGilvray.

MOTION passed unanimously.

III PUBLIC INPUT

Peter Torocsik, of Snack Time, Inc., addressed the Commission concerning his concession agreement with the City. He recalled that he had asked the Commission for financial relief due to Hurricane Wilma and given a generous break. He had heard, however, that his contract had been terminated October 1, 2006, and noted that his original contract was to have expired February 2007.

Mayor Udine suggested that Mr. Torocsik work with the Parks and Recreation Department and the City Manager's Office, and it would be brought back to the Commission if necessary.

Stuart Krantz, 6348 N.W. 62nd Terrace, commended the Mayor for his remarks about becoming the best City in Broward County. He recalled that he had asked for a sidewalk and bicycle lane connection between east Parkside Drive and Hillsboro Boulevard, and he amended his request to a six-foot sidewalk against the right-of-way with a retaining wall at Ternbridge Estates so there would be enough green space, room for parking, and a bicycle lane. Mr. Krantz wanted the City to become a "bicycle-friendly city," calling the Commission's attention to his handout. He spoke regarding Resolution No. 2005-53, the master plan resolution, and indicated his desire to make Parkside Drive safer for the City's children. He also spoke regarding overflow parking at Riverglades Elementary.

Dean Fulton of the Ranches spoke regarding the feasibility of adding a right-turn lane onto N.W. 87th Avenue, which he indicated had previously been discussed with Public Works, and he thanked the Commission for taking an interest in the Ranches and their issues. Mr. Lauzier offered that Ms. Gardner-Young had spoken with FPL to request a cost estimate about relocating a pole, and he anticipated bringing it back to the Commission.

Mayor Harold Bockhold, representing the Historical Society of Parkland, thanked the City for its support of the Society. He noted that the first City-owned park had been sold by an ill-advised administration and the Society's Board had recently become aware that the City is considering demolition of Old City Hall at 6500 Parkside Drive. As the first City-owned building, he believed that Old City Hall qualifies as an historic site, and he believed the property large enough to accommodate additional buildings without its destruction. Mayor Bockhold and the Society hoped for a future dedication of Old City Hall as a museum.

Mayor Udine closed to the public.

IV COMMENTS BY MAYOR AND COMMISSION

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Comments by Commissioner Moskowitz:

- Apologized for his absence at the last meeting, which was due to a vacation scheduled months before.
- Asked when the City planned to begin sweeping the new paved roads in Pinetree.
- Asked for an update on the traffic signal at University Drive.
- Parkland Golf and Country Club residents had brought to his attention that no further Certificates of Occupancy (COs) would be issued until WCI completed certain projects. As a result, 10 families are renting, unable to close on their homes; WCI is blaming the City, and he believed the City was punishing itself. He suggested instead levying a hefty daily fine.
- Regarding the Ranches and further discussion on the ordinances, he proposed a Rural Lifestyle Advisory Board for Country Acres, the Ranches, and Pinetree Estates, which could facilitate the issues in those areas without homeowners' associations. He believed it would be beneficial to the residents as well as to the City. He asked that the City Attorney research and draft a proposal to create this Board, envisioning five direct appointments and two at-large appointments for a total of seven members, review of Planning and Zoning matters affecting their areas, and a consensus or no less than two-thirds of the Board in their recommendations to the Commission.

Mr. Lauzier suggested this topic should be discussed at a Commission workshop, mentioning that scheduled for September 14th.

Mayor Udine agreed that Commissioner Moskowitz' suggestion should be discussed, and there was Commission consensus.

- Asked that the City Attorney also draft a "grandfather clause" ordinance to protect existing businesses.

At Mayor Udine's suggestion that this could be a first issue discussed by the Rural Lifestyle Board, Commissioner Moskowitz responded that he would prefer to speed up the process because of occupational license renewals. Mr. Lauzier added that the City Attorney, staff, and/or special counsel would confer as the City would renew occupational licenses as of October 1st. He suggested discussion on September 6th.

- Indicated he would support Commissioner McGilvray in the election of Vice Mayor. He commented, however, about discussions that the position would be held for one year and rotated among the Commission.

Mayor Udine believed the Commission would agree on this, and he suggested it be brought up again at the nomination.

- Spoke regarding the choice of lobbyist. He believed the "Wedge" the most important issue of the decade as it had incredible potential for the City but even greater pitfalls. He believed the City must be absolutely certain in this critical choice. He offered that he would move to table the decision to the next meeting.

Comments by Commissioner Smith:

- Congratulated Commissioner Moskowitz, who had been honored on Sunday by the Young Democrats of Broward County.

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- Noted he had received a number of phone calls about Park Trails Elementary parking and traffic flow. He asked if the City might help alleviate the problems there.

Comments by Commissioner McGilvray:

- The Educational Summit with School Board member Stephanie Kraft went very well, estimating that about 160 parents had attended and had voiced some new concerns. She thanked the School Board, as well as Coral Springs and the City for hosting it.
- Thanked the Planning and Zoning Board for their work in examining the Ranches issues. It had been painstaking, but very much appreciated.
- Noted the recent news article about Margate instituting a web-based meeting. She recalled she had discussed this about two years ago, and the TV version had perhaps waylaid it. She believed the web-based offered a different ability for residents and may alleviate some of the work in the City Clerk's Office. She believed it should again be investigated, and she asked that Margate be contacted.

Comments by Mayor Udine:

- Noted a forum of State Senate and House candidates would be held at Aston Gardens next Tuesday at 10:00 a.m., which would be open to the public. He had been invited to be the moderator.
- The groundbreaking for Pine Trails Park Phase II would take place on August 30th at 6:00 p.m. Accompanying the traditional ceremony would be a carnival-like celebration for the family.
- Attended the League of Cities' conference the previous weekend. Seminars were interesting. The portability of homestead exemption, Save Our Homes, and property insurance premiums were topics of discussion. He noted there had been talk of a special session in October to discuss property insurance.
- Had also received many calls about parking and traffic at schools. He believed the bigger issue at Park Trails was the intersection of Trails End and Pine Island. He had spoken with Mayor Graber's office, as well as Broward County Traffic Engineering; with studies done in 2002 and 2004, another will be conducted in 2006. While there is money for traffic control, it does not "kick in" until the warrants of Broward County are met. He hoped for help from the School Board and asked the City Manager to stay on top of the issue.

V APPROVAL OF AGENDA

MOTION made by Commissioner McGilvray to approve the agenda, as amended. Seconded by Commissioner Smith.

MOTION passed unanimously.

REGULAR AGENDA

1. NOMINATION AND ELECTION OF VICE MAYOR BY COMMISSION

Mayor Udine asked, in follow up to Commissioner Moskowitz' remarks, that the City Attorney draft a resolution concerning a rotation of the Vice Mayor position, similar to that used in other cities.

Commissioner McGilvray noted that passage of the proposed Charter amendments may complicate the procedure, particularly with the change in term lengths, and she asked if that had been considered.

Commissioner Moskowitz suggested a one-year term, starting at the time of the individual's election. Commissioner Smith believed that the Vice Mayor should serve for one year – from the first meeting of January through the calendar year, plus the remainder of this calendar year.

Mayor Udine believed the neatest and easiest way would be to elect the Vice Mayor every November or March, dependent upon the Charter change vote in November.

Commissioner Moskowitz asked, should the Charter change pass, whether there should then be another Vice Mayor election in November. He believed the term should first be decided.

Mayor Udine suggested these points could be debated after the Resolution is drafted, and Mr. Maurodis commented that the term of the Vice Mayor elected this evening should be made subject to the term later determined by Resolution. The Mayor acknowledged that, until the Charter amendments were voted upon, some issues would remain in limbo.

Commissioner Moskowitz favored a one-year term, and he asked about term completion in the event of resignation. Mayor Udine believed that the Resolution could include such a stipulation, and Mr. Maurodis agreed.

Commissioner Smith nominated Commissioner Tracey McGilvray for Vice Mayor. Seconded by Commissioner Moskowitz.

Commissioner McGilvray accepted the nomination.

ROLL CALL VOTE:

Commissioner Moskowitz	Yes
Commissioner McGilvray	Yes
Commissioner Smith	Yes
Mayor Udine	Yes

Vice Mayor McGilvray was congratulated by the Mayor and the Commissioners.

**2. PRESENTATION: FRDAP CEREMONIAL CHECK
REPRESENTATIVE SUSAN GOLDSTEIN**

This item was moved ahead in the agenda.

3. CONSIDERATION: LOBBYIST APPOINTMENT

Commissioner Moskowitz stated he would make a motion to table following the comments of other Commission members.

Commissioner Smith indicated he had read both proposals. He acknowledged that the "Wedge" would be a major issue for the City and offered his willingness to move forward with the appointment.

Vice Mayor McGilvray stated that she did not wish to table. With no "cone of silence," she believed there had been ample opportunity to discuss the issue and interview the applicants. She suggested that the extension of University Drive should also be included in the contract for the lobbyist as she was concerned about its future use as a bargaining chip with the "Wedge." Mr. Maurodis noted that the contract could be customized once approved.

Mayor Udine recalled that the strategic planning of two years before had included annexation issues as a top priority. There had been talk of professional help at that time, which had not occurred. He noted that, through lobbyists, the Hendrix property was removed from the bill that annexed Country Acres, and he believed the City would have fared better had it had professional help. In this year's strategic planning, the Mayor noted that the top three priorities were the "Wedge," middle school siting, and the Hendrix annexation. He recalled that former Vice Mayor Ribotsky had suggested that the City retain a lobbyist and the Commission consensus to do so. Mayor Udine agreed the "Wedge" would be by far the biggest issue to affect the City.

Mayor Udine briefly reviewed the City Manager's efforts to solicit lobbyists, noting that conflicts in representation had precluded the submission of other firms. While he believed that both were quality proposals, he would not object to Commissioner Moskowitz' proposal to wait. He would follow the will of the Commission.

Mr. Lauzier observed that the lobbying firms had not been asked to make presentations at this meeting, and he did not know whether that should be added to the process.

Vice Mayor McGilvray recalled that Commissioner Moskowitz had previously stated that the Commission should not drag its feet in decision-making. She felt the Commission should discuss the qualifications and in what direction they wished to go, and move forward.

Mayor Udine commented regarding adding the issue of University Drive. He noted that, along with the City's two Resolutions, Palm Beach County also opposed its extension. He believed there would be

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significant legal issues in Tallahassee to have both issues included in a general bill. While the Mayor agreed that it was important, he did not think it should be tied into the lobbyist contract.

Mr. Maurodis noted the City would hire a lobbyist to do as directed and whose tasks may be formulated later. He believed there would be flexibility.

Vice Mayor McGilvray stated, for the record, that her direction – and she hoped there would be consensus – would be that the University Drive extension never be used as a bargaining chip when negotiating for the “Wedge.”

MOTION made by Commissioner Moskowitz to table the lobbyist appointment to the next meeting on September 6th, allowing supplemental submittals by the two applicants by next Wednesday at 5:00 p.m.

Mayor Udine added that he had spoken with the City Manager about this process, and he noted there could be no direction given to the lobbyist until later, when the issue would be discussed at the workshop. Mr. Lauzier added that he and the City Attorney had discussed whether or not the lobbyist should be contracted to give advice before the Commission provided that direction. While moving forward as quickly as possible was recommended, he indicated that delay of two weeks would not make or break the City.

MOTION withdrawn by Commissioner Moskowitz to allow public comment.

Mayor Udine opened to the public.

Jim McGilvray, 6115 N.W. 88th Avenue, questioned the motivation of the delay and he believed the decision could be moved ahead. He stated that he could understand giving more time to allow further candidates, but he thought it ridiculous to allow the two candidates to resubmit their proposals. He offered the alternative of debating the two proposals submitted and eliminating one.

Commissioner Moskowitz commented that his motivation was that he was not personally prepared to vote on the lobbyist and wanted an additional two weeks to study the proposals.

Belinda Keiser, 6069 N.W. 87th Avenue, agreed this was one of the most significant issues the City would face. She had been surprised by the proposed delay because the issue was not new and many residents were concerned. As a frequent visitor to Tallahassee, she commended the Commission for seeking representation there as she believed a lobbyist critical to the needs of the community. She suggested the City should find someone with ties to legislative leadership and well known to the Republican Party.

Larry Litow of Grand Cypress noted that the Ranches issues would also be heard at the meeting of September 6th. He believed this was a huge issue for the City’s future, and he was fully in favor of hiring a lobbyist at even greater costs per month.

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Christine Hunschofsky, 9976 N.W. 64th Court, believed it important that the City have a lobbyist and expressed concern about tabling the vote. She commented that potential applicants had been given inadequate time to submit letters of interest, and yet the two applicants would be given extra time to amend their proposals.

There were no further comments or questions, and Mayor Udine closed to the public.

Commissioner Moskowitz asked if he would be supported in his motion to table.

Commissioner Smith questioned if the Commissioner had something specific to examine that he had missed in his review of the submissions. Commissioner Moskowitz responded that he felt it was a huge and important issue that should be carefully considered. He would like to see both teams of lobbyists involve more people in the coming week, but he acknowledged that it may cost the City even more per month.

Commissioner Smith also asked if the contract would contain a termination clause, and Mayor Udine responded in the affirmative. He explained that the Commission's action at this meeting would give the City Attorney direction to come up with an acceptable contract. Mr. Maurodis added that any contract would be terminable on 30 days' notice as he would not draft a contract with a long-term commitment.

Commissioner Smith recounted a conversation with one of his clients and noted that the "players" may change in November. Mayor Udine agreed, noting that both the Broward County and Palm Beach County Commissions would be involved and must support the position.

Vice Mayor McGilvray commented that this may be a two-year situation and the time may come when the City must hire someone else. She suggested that the applicants should be asked about the time needed.

Mayor Udine asked Commissioner Moskowitz whether his issues would be alleviated since the action would direct the City Attorney to draft the contract. Commissioner Moskowitz admitted that he was unfamiliar with lobbying contracts, but he presumed the specific firm would be selected, along with a certain dollar amount. Mr. Maurodis confirmed the contract would be with either firm A or B, at a set fee, and be able to terminate at-will. It would provide the ability to amend the contract to retain additional parties, subject to negotiation, and would be a flexible document to allow the City to respond to the exigencies of the moment.

Mayor Udine summarized that Proposal A, from Russ Klenet & Associates and Jack Tobin & Associates, indicates an assessment of the situation in Tallahassee and, should a Republican be needed, the payment would not change. Proposal B, from Tew Cardenas LLP, was comprised entirely of staff. Mr. Maurodis noted that both proposals were \$10,000 per month; however, he believed the City should have some say bringing in an additional party.

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Mayor Udine acknowledged that the issue deserved careful consideration, but there did not appear support to table. Assuming the Commission would move forward, he asked whether safeguards in the contract made by the City Attorney would satisfy Commissioner Moskowitz.

Commissioner Moskowitz indicated he would accede if the Commission wished to proceed. However, he believed his intentions were being misinterpreted and wished more time to consider the proposals, discuss it, and perhaps get the firms to give better proposals.

Vice Mayor McGilvray hoped questions could be asked of the applicants. Mayor Udine commented that he had researched the proposals and had decided his vote, but would be happy to accept presentations if desired by the Commission.

Vice Mayor McGilvray stated that she appreciated the confidence of the applicants and the recommendations received, but commented that she had done her "homework." She indicated she had concerns about Mr. Klenet and his representation of Coconut Creek, a city that takes the opposing view to Parkland regarding the extension of University Drive.

Jack Tobin, of Jack Tobin & Associates, offered that Mr. Klenet represents several cities, but no longer represents the Broward League of Cities. Should their team be hired, he indicated they were prepared to follow the direction of Parkland in Tallahassee without conflict. He offered to answer the Vice Mayor's further questions about Mr. Klenet, which she declined. Mr. Tobin reiterated there would be no legal conflict, and he further commented about his extensive experience and ties to both county and state legislative leadership that crossed party boundaries. A Republican firm to supplement their team would be selected later, should it be necessary.

Vice Mayor McGilvray commented that, despite partisanship, it may be better to hire a Republican firm because the City already has strong Democratic ties.

Mayor Udine agreed the City must be represented on both sides of the aisle, but he did not view it as a partisan issue. It was an annexation issue, and the City needed experts in annexation.

Mr. Tobin noted that he had been the resident expert in the Broward Delegation on annexation and had chaired the Broward Annexation Ad Hoc Committee. The process had been started without consensus in Broward County, and the existing bill in Tallahassee, as well as the Broward Delegation policy, was as a result of his efforts. Additionally, he had instituted some of the existing municipal boundaries of Coral Springs, Coconut Creek, and Margate.

Mayor Udine commented that the change in boundary would require a general bill in Tallahassee, which must be supported by the Broward County and Palm Beach Commissions. He believed the City should move on should its support be lost.

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Commissioner Moskowitz spoke regarding the need for both Republican and Democratic ties, and he believed that both firms should bring in more people: locally for Tew Cardenas and in Tallahassee for Klenet and Tobin. He also commented that the Vice Mayor's questions were valid, and he suggested that a delay would ensure her responses.

Vice Mayor McGilvray asked Mr. Cardenas what ties his firm may have to the Palm Beach and Broward Delegations.

Al Cardenas of Tew Cardenas L.L.P. offered a brief background of his professional career. He considered himself a land use specialist and had handled many municipal annexations in legal, lobbying, and strategic processes. He described his personal Broward County roots and experience in Palm Beach County representing the Scripps project, and he noted his firm was one of the top lobbying firms in Tallahassee. While he agreed that local assistance would be helpful, Mr. Cardenas suggested there may not be unanimity among the delegations and having the power of legislative leadership would be critical to "muscling" it through. He acknowledged that the political makeup may well be altered in the November elections, and he would rather wait until November to recommend local help. He suggested, however, that the Commission could also accompany them to Tallahassee. Mr. Cardenas noted that they did not represent the major developers in the impacted area, nor did they represent any nearby municipality.

Mayor Udine commented that considerable land was owned by the South Florida Water Management District, and he asked whether Tew Cardenas might have a conflict. Mr. Cardenas responded negatively.

Mayor Udine offered his idea that the City negotiate with both firms to represent the City as a team.

Vice Mayor McGilvray indicated that she would not be opposed to Mr. Cardenas working with Mr. Tobin, but she had significant concerns with Mr. Klenet that she wished to share with the Commission. While she acknowledged that Mr. Klenet was not present to defend himself, she suggested Mr. Klenet could respond later – either by appearance or in writing. The Vice Mayor believed it a question of integrity, and she objected to giving \$120,000 of taxpayers' money to someone she did not trust. She noted the irony in the earlier-approved Minutes that a Commissioner was not appointed because both Mayor Udine and Commissioner Moskowitz had not wanted to jeopardize the integrity of the government due to involvement in their campaigns or contributions received.

For the record, Mayor Udine stated that Russ Klenet had contributed to his campaign, and Commissioner Moskowitz offered that Mr. Klenet resided one block away from him.

Vice Mayor McGilvray continued that Mr. Klenet was a lobbyist and that his wife was running for County Commission.

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For the record, Mayor Udine offered that he had contributed to Stacy Ritter's campaign and noted many people had from the Parkland area as it was Parkland's district.

Commissioner Moskowitz commented it was a totally fair point. Using a hypothetical, the Commissioner asked, if the best lobbyist in South Florida was his personal friend, whether that would then mean the City could not hire that person and instead employ the second choice – thereby making personal relationships automatically ineligible for opportunities.

Vice Mayor McGilvray noted that the endorsements of both Mayor Udine and Commissioner Moskowitz were listed on Stacy Ritter's website, which she acknowledged was not illegal. Commissioner Moskowitz added that it certainly would not "hurt" the City to have Ms. Ritter on the County Commission.

Vice Mayor McGilvray commented there were other issues with Mr. Klenet regarding public trust. She presented information that Commissioner Moskowitz' father had represented Mr. Klenet at an SEC deposition regarding lobbying for Mutual Benefits Corporation, and she noted that one lawsuit for defrauding thousands of investors had recently been settled for \$10 million. She offered the deposition should anyone wish to read the details, and she also wished to make it part of the Minutes.

Commissioner Moskowitz indicated this was the first he had heard of this matter, and he asked the origin of the information. He commented that his father did not discuss his clients due to attorney-client privilege.

Vice Mayor McGilvray suggested that the Commission should know its candidates better and indicated she had done her homework. The 200-page deposition in a plain envelope was deposited on her doorstep less than a week ago; she did not know where it came from.

Mr. Tobin stated that he had spoken with Mr. Cardenas, who was willing to join with them should the City be willing to hire all three firms. He suggested that, with the \$150,000 allocated, \$50,000 be paid each firm. Both sides of the aisle would then be equally worked in Tallahassee and in Palm Beach and Broward counties.

Vice Mayor Gilvray reiterated that she had a problem with Mr. Klenet personally. While she did not wish to embarrass him, she stated there was indication that Mr. Klenet had mismanaged his own funds. While she appreciated Mr. Tobin's compromise, she did not feel comfortable giving taxpayer funds to Mr. Klenet.

Commissioner Moskowitz believed he was being chastised for the relationships of his family and in which he was not personally involved. He suggested that the combination of Mr. Tobin and Mr. Klenet would be the best to handle Broward and Palm Beach counties, having excellent connections far beyond that of the other firm. He did not question the Tew Cardenas relationships in Tallahassee, but he would have serious concerns with their local ties. He offered that he would agree to some

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combination of the firms, but again suggested tabling of the matter until the Vice Mayor could question Mr. Klenet about her concerns.

Vice Mayor McGilvray indicated her willingness to hire Mr. Tobin and Mr. Cardenas at this meeting, but she indicated that she did not have that trust in Mr. Klenet.

Commissioner Moskowitz believed that Mr. Klenet should be given the opportunity to respond.

Vice Mayor McGilvray clarified that her issues were not with Commissioner Moskowitz' personal relationships with Mr. Klenet; it was a question of trust. She suggested that the Commission could move forward with Mr. Cardenas and Mr. Tobin, but speak with Mr. Klenet at the next meeting.

At Commissioner Moskowitz' criticism that the integrity of Mr. Klenet was at question, Vice Mayor McGilvray indicated she would provide copies of the deposition to the other members of the Commission.

Mayor Udine commented that the Commission was not approving or disproving someone's integrity, but awarding a contract. There were two separate proposals submitted by two different firms, which were now willing to mix-and-match, and he suggested the City Attorney could work with the firms as they were the only ones to apply. He did not believe anything sinister had occurred as there were probably many conflicts with other firms. The Mayor noted that lobbyist Ron Book had asked for a copy, but he represents Wayne Huizenga, a significant property owner in that area.

Mayor Udine hoped that the City Manager and City Attorney will work toward a combination of the two proposals. A motion to exclude Mr. Klenet would be valid. He stated that he would not apologize for supporting Stacey Ritter's candidacy, which he interpreted as a positive for the City.

Vice Mayor McGilvray commented that the Mayor had not taken that position during the time of the Commission appointment; she believed it a double standard. Commissioner Moskowitz disagreed and suggested they were totally different situations.

Mayor Udine believed nothing could be accomplished at this meeting. He suggested that the City Attorney should meet with the three applicants to work something out, and that the Vice Mayor make her point at the September 6th meeting.

MOTION made by Commissioner Moskowitz to table this matter to September 6th. Seconded by Commissioner Smith.

Mr. Cardenas commented that he and Mr. Tobin had understood that the selection process would occur at this meeting and that tabling would postpone that process.

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Mayor Udine agreed. He believed that the City Manager and City Attorney should work with the three applicants and the Commission would vote on the agreement at the next meeting, and he called for the vote.

ROLL CALL VOTE:

Commissioner Moskowitz	Yes
Vice Mayor McGilvray	No
Commissioner Smith	Yes
Mayor Udine	Yes

MOTION passed on a 3-1 vote.

MOTION to take a five minute recess passed unanimously.

Mayor Udine called the meeting back to order.

**4. DISCUSSION: FRIENDS OF THE LIBRARY
PATIO CONSTRUCTION PLANS**

Friends of the Library President Ken Cutler explained the plans for the patio expansion and the “Pave the Way to Reading” program. He noted that the expansion had been planned for several years and enough funds through the sale of engraved bricks had now been raised for that purpose.

Mr. Cutler indicated that the patio would be located outside the southeast corner exit of the Library, with the existing oak tree as its centerpiece and a garden area with appropriate lighting and seating where outside programs could be held. He assured that people would not be able to exit from the patio area; they had already entered into a process for six-foot fencing to fit with the ambiance of the area. Parkland Garden Club members and volunteers will be involved in the landscape design and planting process. Mr. Cutler noted that Brian Archer had approved the plan, and he thanked the individuals who had agreed to construction involvement. It was hoped that groundbreaking would occur in November, with completion anticipated for December or January.

Mayor Udine thanked Mr. Cutler for his presentation, and he asked about his personal brick purchase. Ms. Hayes acknowledged receipt.

The Mayor asked what the City might do to assist in the project. Mr. Cutler stated that the planning was done and information had been obtained from vendors. There were still issues in color selection but, for the most part, it was a relatively simple project and much help had already been received. He asked only that the City note that the deadline for receiving donations for engraved pavers was September 30th.

Ms. Hayes added that the City's website had carried the advertising on the pavers for a number of months, and it has been publicized in the Library newsletter and magazine media. Mayor Udine asked that it be posted on the main page of the website to make it more prominent.

Commissioner Smith commented that the plans were beautiful; however, he questioned the use of teak benches, which he believed would be high maintenance. Mr. Cutler offered that Ira Goldman had done extensive research, and it was believed that, by allowing the weathered look, the teak would hold up quite well. Ms. Hayes noted that the Library also had access to maintenance assistance through high school community service.

Ms. Hayes added that the patio could host a variety of events and programs for the City.

Mr. Cutler hoped to extend arts and culture through a performing orchestra for the patio grand opening.

5. DISCUSSION: WINNER'S CIRCLE

City Manager Mark Lauzier noted that Hurricane Wilma had seriously destroyed vegetation along the buffer between Winner's Circle and the Country Place community. He recalled a number of Commission discussions, with actions required of Winner's Circle and the City's later involvement. Winner's Circle was now mobilizing to install the buffer on the east side of the pathway, and he introduced Environmental Services Director Brian Archer to present options for the west side.

Commissioner Moskowitz asked if Winner's Circle residents had been informed of this discussion, and Mr. Archer indicated that Country Place residents were informed. Mr. Lauzier added that the Commission's prior direction had been to bring back plans; the Winner's Circle residents had not been specifically informed.

Vice Mayor McGilvray questioned when notice was appropriate and believed it was becoming an issue. Mayor Udine agreed, and he suggested a five minute discussion after the City Manager's comments.

Mr. Archer made a brief presentation. He recalled that the Commission had provided staff direction to monitor the process regarding the existing vegetation. The final hurricane debris was cleaned up in June. He displayed photographs of the trail, before and after clean-up efforts, and he noted that remaining debris was within the water management district area and their responsibility. He clarified that the multi-use trail easement was 17 feet wide, containing the asphalt path and vegetation, on the western border of Winner's Circle. While he noted that vegetation was beginning to fill in, there were areas that were deficient. Winner's Circle had thus far completed about 200 linear feet of their 1,600 feet.

Mr. Archer reviewed the details of the three Enhancement Options and also suggested adding irrigation to the area for the dry season.

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Mayor Udine questioned if the Commission was being asked to take some action. Mr. Lauzier recalled that the Commission had asked for an update following the clean-up to see if any holes in the landscaping should be filled in, using funds from the Tree Replacement Program to supplement the Winner's Circle work. He preferred seeing the buffer finished so that the Commission could make a better judgment.

Mayor Udine agreed. He did not believe the City should starting filling in the holes until the Commission could see the overall buffer efforts. Mr. Lauzier noted that Pinetree Water Management had also begun clean-up efforts.

Mayor Udine asked that this be brought back to the Commission after hurricane season.

Commissioner Moskowitz recalled discussion about irrigation, and he asked that the Enhancement Options be offered with and without irrigation.

There was Commission consensus to rehear the matter in late October.

6. RESOLUTION NO. 2006-70: READOPTION OF EAR

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA TO APPROVE THE READOPTION OF THE EVALUATION AND APPRAISAL REPORT FOR THE CITY OF PARKLAND.

City Manager Mark Lauzier read the title of Resolution No. 2006-70.

Planning Director Roberta Moore gave a brief explanation. She noted that, due to the hurricane season of last year, DCA had been unable to provide the City written comments; they had been provided after the adoption date. Staff felt that all comments had been addressed.

Mayor Udine asked regarding the 6-1 vote at the Planning and Zoning Board. Ms. Moore believed that one individual was new to the Board and unaware of the previous EAR process. He was uncomfortable making the recommendation.

Mayor Udine opened to the public. There were no comments or questions, and the Mayor closed to the public.

MOTION made by Commissioner Smith to approve Resolution No. 2006-70, Readoption of EAR. Seconded by Vice Mayor McGilvray.

ROLL CALL VOTE:

Commissioner Moskowitz	Yes
Vice Mayor McGilvray	Yes
Commissioner Smith	Yes
Mayor Udine	Yes

MOTION passed unanimously.

7. RESOLUTION NO. 2006-86: EDSA CHANGE ORDER FOR DESIGN & CONSTRUCTION ADMINISTRATION COSTS

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$98,474.30 FOR DESIGN AND CONSTRUCTION ADMINISTRATION RELATED TO THE PINE TRAILS PARK PHASE II PROJECT, PROVIDING AN EFFECTIVE DATE.

City Manager Mark Lauzier read the title of Resolution No. 2006-86. He recalled that, at the time of design of the Master Plan for Pine Trails and in particular Phase 2, the City did not have the services of grant consultant Stan Hemphill. He publicly praised Mr. Hemphill for his assistance with the City's open FRDAP grants, two new \$200,000 FRDAP grants, and an additional Land and Water Conservation Fund grant for \$200,000. With these grants, additional amenities and facilities were possible, and EDSA had been asked to design these alterations to the plan. Mr. Lauzier recalled discussing these changes via memorandum several months before.

Mayor Udine recounted Mr. Hemphill's initial involvement for the benefit of Commissioners Moskowitz and Smith, but he recalled that Commission approval had already been given.

Mr. Lauzier indicated that the concept had been approved, but it was not specifically included in the agreement. He noted that the Phase II cost estimate was redone, and the bids were within .001 percent of what had been estimated by EDSA. Staff recommended approval.

Mayor Udine opened to the public. There were no comments or questions, and the Mayor closed to the public.

MOTION made by Commissioner Moskowitz to approve Resolution No. 2006-86, EDSA Change Order for Design and Construction Administration Costs. Seconded by Vice Mayor McGilvray.

ROLL CALL VOTE:

Commissioner Moskowitz	Yes
Vice Mayor McGilvray	Yes
Commissioner Smith	Yes
Mayor Udine	Yes

MOTION passed on unanimously.

8. RESOLUTION NO. 2006-87: AUTHORIZING CITY MANAGER TO APPROVE CHANGE ORDERS

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPROVE CONSTRUCTION AND DESIGN RELATED CHANGE ORDERS TO THE PINE TRAILS PARK PHASE II PROJECT, PROVIDING AN EFFECTIVE DATE.

City Manager Mark Lauzier read the title of Resolution No. 2006-87. He indicated that, within the Capital Improvement Program, there were budgeted amounts for construction and contingencies. Every contract, especially one with the magnitude of \$10.5 million, would have plusses and minuses. Past change orders included one for a roof repair and fireproofing, and they were examining the possibility of a generator for the Community Center. As long as the budget was not exceeded and more money was not being requested, he asked the authority to enter into and approve change orders with money from the contingency account.

Public Services Director Jim Berkman agreed about the inevitability of change orders, such as one recently caused by the South Florida Water Management District for a water study.

Vice Mayor McGilvray understood that the authority would be only up to the budget, but she suggested a monetary limitation.

Mayor Udine concurred, and theoretically did not have a problem with minor modifications that did not exceed the total budget. However, he agreed that the number should be limited.

Mr. Lauzier noted that most change orders were in the \$5,000 to \$10,000 range, and Mayor Udine suggested a figure of \$25,000. Mr. Maurodis suggested adding to Section 1: "...provided that it does not exceed the budget for the project and provided that no single change order shall be in excess of \$25,000."

Mayor Udine asked the Commission if it wished to make the Community Center emergency generator-capable, which he stated he would favor. Commissioner Moskowitz questioned if the generator would

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enable full operation, and Mr. Lauzier responded in the affirmative. Mr. Lauzier indicated he would bring the generator back to the Commission later as he anticipated that the overall costs may reach \$250,000 or more. He must first find the money, and it would be a policy decision to appropriate the additional dollars.

Mayor Udine reiterated the amendment to Section 1 stated previously by Mr. Maurodis.

Mayor Udine opened to the public. There were no comments or questions, and the Mayor closed to the public.

MOTION made by Commissioner Smith to approve Resolution No. 2006-87, Authorizing City Manager to Approve Change Orders, as amended. Seconded by Vice Mayor McGilvray.

ROLL CALL VOTE:

Commissioner Moskowitz	Yes
Vice Mayor McGilvray	Yes
Commissioner Smith	Yes
Mayor Udine	Yes

MOTION passed unanimously.

9. RESOLUTION NO. 2006-80: PBS & J CONTRACT MODIFICATION

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, APPROVING A CHANGE ORDER IN THE AMOUNT OF \$306,313 FOR THE WILMA DISASTER DEBRIS MONITORING CONTRACT WITH PBS & J; PROVIDING AN EFFECTIVE DATE.

City Manager Mark Lauzier read the title of Resolution No. 2006-80. He explained that the City had been in an unenviable position with Hurricane Wilma, having to worry about \$7 to \$8 million debris costs and the hiring of monitors. The City piggybacked on the County's contract with PBS&J to provide the monitoring, which was approved at an emergency meeting. Due to the devastation of the hurricane, their initial debris estimate was exceeded and the monitoring effort was greatly expanded to include additional programs. The total of approximately \$602,000 is a recoverable expense. Mr. Lauzier noted that excess costs had occurred in most of the cities associated with PBS&J. The City would pay the costs and then recoup the funds from FEMA; the resulting increase in costs to the City would be approximately \$75,000.

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Noting that no PBS&J representative was at the meeting, Mayor Udine questioned why the City should approve this.

City Engineer Charlie DaBrusco offered that, immediately after the hurricane, the Commission had authorized piggybacking the County's PBS&J contract. The curbside pickup within the communities had compounded the issue; until that time, FEMA rules had required that the debris be brought to a public right-of-way. As a result, far more material had been collected. With respect to the timing, Mr. DaBrusco offered that a change order had been sent the City in February that went from a not to exceed amount of \$289,000 to \$601,000. When the bills were subsequently received, the total went to \$900,000, and this difference had been worked out in the past month. New bills were issued to the total of \$601,000 and the back-up material. The City already has a work order with FEMA for the \$289,000 PBS&J portion of it and, with the back-up material, the excess may be added to the requisition.

Mayor Udine commented that the City had signed a contract with PBS&J. If the contract contained terms that addressed overages, then they should be paid, but he questioned why the City should pay more. He noted this was not debris removal, but the monitoring of that removal.

Discussion ensued.

MOTION made by Commissioner Moskowitz to table Resolution No. 2006-80, PBS&J Contract Modification, to the September 6th meeting. Seconded by Vice Mayor McGilvray.

ROLL CALL VOTE:

Commissioner Moskowitz	Yes
Vice Mayor McGilvray	Yes
Commissioner Smith	Yes
Mayor Udine	Yes

MOTION passed unanimously.

10. DISCUSSION: PUBLIC EDUCATION PROGRAM FOR CHARTER AMENDMENTS

City Manager Mark Lauzier called the Commission's attention to the agenda summary on the dais, and he thanked City Clerk Sandra Couzzo for obtaining some of the missing information about anticipated costs.

Mr. Lauzier outlined a strategy of: ads in Parkland magazines and local newspapers at an approximate cost of \$15,332.60; two direct-mail pieces, similar to the format of the City's newsletter, at a cost of approximately \$5,000 each; and blast e-mails, web site information, and "Vote November 7th" banners,

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which he believed would cost a few hundred dollars each. He suggested that the City could hire a firm to design and coordinate this effort, but contacts had not yet been made. He hoped for the Commission's ideas on budget and strategy so that staff may process, and he asked the City Attorney for advice on proceeding.

Mr. Maurodis noted that, as a result of a 1991 Supreme Court case and a 1998 Attorney General's Opinion, cities and counties were permitted to expend public funds to advocate the passage of public measures. He had prepared a Resolution that would provide for the fair and reasonable expenditure of funds, and he offered to provide further editorial guidance. The finding in the Resolution would be that the expenditure of the funds would help in educating the public and would inure to the public's benefit.

Mayor Udine asked what had been budgeted for the March election, and City Clerk Sandra Couzzo responded \$35,000.

Mayor Udine believed that, while everyone must be informed, money would be thrown away unless direct mail pieces were mailed to registered voters, and he suggested that full-page ads should be half-page ads instead. He believed \$25,000 too much to spend and that it should be done cheaper. Additionally, he believed that some sort of scrolled promotional or educational message on the Charter questions should also be devised for Channel 78, which should not cost much to do.

Mr. Lauzier indicated that he would investigate obtaining a registered voter list.

Commissioner Moskowitz believed that too much staff time would be spent to compile that information, and suggested the best and most effective way would be to outsource this educational campaign.

Vice Mayor McGilvray questioned whether funds may be limited based upon a monetary value to the public, and she asked what the norm might be. Mr. Maurodis responded there was no monetary value basis and reiterated that the expenditure had a very wide berth. He offered that the cities of Tamarac and Coral Springs were now involved in the process.

Vice Mayor McGilvray favored the use of one brochure that would explain everything. She did not favor spending money on ads, and she believed the blast e-mails and one complete brochure that could be taken by the voter with them to the polls would be the most effective. She did not want to spend \$25,000.

Commissioner Moskowitz disagreed that one pamphlet would be enough, and he believed that a variety of mediums should be used to disseminate the information.

Discussion ensued.

Mayor Udine commented that he would not be opposed to spending \$15,000 to educate the public.

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Mr. Lauzier admitted that, while he would confer further with the City Attorney, he liked the idea of outsourcing, and he would investigate the process that may be necessary. Mr. Maurodis suggested that verbal quotes may be obtained.

Commissioner Moskowitz suggested that, rather than decide the dollar amount, the Commission should decide that it will educate the public and let vendors bid to see what the charges might be for direct mailings and ad design.

Mr. Maurodis indicated that he would prefer the Commission to adopt the Resolution with the amount included, but he suggested that the Commission could motion to adopt the findings of the Resolution but consider the formal Resolution at the time the amount is known.

There was discussion concerning educating and advocating.

MOTION made by Commissioner Moskowitz to adopt the findings of the Resolution. Seconded by Commissioner Smith.

ROLL CALL VOTE:

Commissioner Moskowitz	Yes
Vice Mayor McGilvray	Yes
Commissioner Smith	Yes
Mayor Udine	Yes

MOTION passed unanimously.

Vice Mayor McGilvray suggested that Tamarac and Coral Springs be asked for information about their situations and their spending. Mayor Udine noted that these cities were much larger, as were their budgets.

Mayor Udine recalled the intent to discuss notice issues. He believed the City did the best job it could to notify residents, and even signs had been placed in certain areas. He perceived that the problem was that it could later be held against the City because some future issue may not be so posted, and suggested the Commission discuss it and give staff guidance.

Mr. Lauzier commented that rules about notice were contained within the Code and Florida statutes. While he was in favor of educating the public and involving them as much as possible, he was concerned about creating a future problem with consistency. He noted the recent request of the Planning and Zoning Board for signage about Ranches issues, which was outside the normal process but had followed an earlier posting requested by the Commission. He also noted the issue of using blast e-mail

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to distribute the Agenda, and whether it would be considered spam or wanted by the resident. Mr. Lauzier suggested the Commission may want to workshop this subject.

Commissioner Moskowitz believed there were sensitive issues as well as sensitive areas in the City where the residents wanted to be advised. He believed that the Commission should adopt a position of consistency for specific areas until the issues in that area were resolved. He acknowledged that more work would be created for staff.

Mayor Udine agreed that the public involvement was desired, but the use of signs for issues had raised questions from the business community. He was concerned that, once the floodgates were open, there would be a problem closing them.

Commissioner Moskowitz believed that the public should be educated and did not see the similarity between such educational signage and commercial signage. He agreed that the subject should be discussed so that a policy could be developed.

Mr. Lauzier commented that many issues might derive from just one thing that may have been overlooked. He offered, as an example, the softball fields planned for Pine Trails Park, and he noted that perhaps he should have informed the baseball people as well.

Mayor Udine asked that this subject be discussed at workshop. Commissioner Moskowitz asked that the discussion take place in conjunction with his recommendations for a Rural Lifestyle Advisory Board and the grandfather clause, suggesting these also dealt with the subject of notice.

Vice Mayor McGilvray commented that it was very subjective to decide what may be more important to each group. She believed it more important to be even-handed and across-the-board. Additionally, she noted that anything that would affect the livelihood of a community, neighborhood, or street should probably be addressed legally, and she questioned who would be given the designation of decision maker.

Mr. Maurodis offered that the amount of time when notice is required is surprisingly small. He offered that 90 percent of the items opened for public hearing by the City were not required.

Mayor Udine again asked that the subject be workshopped so that some rules may be devised. He stated that the Commission would be open to suggestions.

At a question from the audience, the Mayor stated that signage would be placed in the Ranches for the September 6th meeting and that an e-mail blast would be sent. With other inaudible comments from the audience, the Mayor suggested that residents could opt into a system of e-mail blasts for distribution of agendas each Monday.

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Commissioner Moskowitz noted that the ordinances were City-wide and would affect Pinetree and Country Acres as well. He believed the signage should be placed on Holmberg Road.

Marilyn Krantz of Pinetree Estates cautioned that the Code contained provisions for notice and anything over and above that opened the City to potential legal risk, which has been previously mentioned by Mr. Maurodis. While the Commission would make a policy decision, this should be taken into consideration.

Mayor Udine reiterated about discussion at the September 6th meeting. He asked that a City-wide e-mail blast be sent.

As to the signage, Assistant City Manager Caryn Gardner-Young indicated that the signs could be modified, but she had not planned to do so. Mayor Udine suggested that it should be done, since the City was in the middle of the process. It should be resolved at the workshop on the 24th, and he asked staff to furnish ideas about notification.

VI COMMENTS BY THE CITY MANAGER

Regarding Parkland Days, City Manager Mark Lauzier referred to his last update. Staff was leaning toward the Veterans theme and holding it on Sunday, November 5th. He noted that, in the past, the City had avoided holding public events before an election.

Ms. Gardner-Young added there were two options: November 5th, the first weekend in November and when it has historically been held, or wait until the first weekend in December, when it would be changed to a holiday theme.

While Commissioner Moskowitz stated he would be out-of-town on November 5th, the Commission agreed to that date.

Mr. Lauzier offered that, during the lobbyist discussion, he had failed to take an opportunity to end the discussion and solve the problem immediately by pushing the "easy" button, and he would bring it to the next meeting.

Regarding Pinetree, Mr. Lauzier stated that he would get back to the Commission regarding the sweeping and grass planting.

Concerning the traffic signal, Mr. Lauzier indicated that staff had attempted to pin down an installation date. He stated there was a mistake on installing a certain element of the project needed to get power to the pole. There was no commitment to a date, but staff was assured that they were moving ahead as quickly as possible. Ms. Gardner-Young offered that a change order had been placed during the past week, and her understanding was that they must go through a County inspection. Mr. Lauzier noted that WCI was coordinating the project and the City may be able to "turn up the heat."

VII COMMENTS BY THE CITY ATTORNEY

City Attorney Andrews Maurodis offered that he would send a memorandum with regard to e-mails and public records. There was now a requirement that there be a disclosure on the City's website, and he would recommend that the public record disclosure should also be included on individual e-mail messages. The website would include a reminder to visitors that their e-mail address would become a public record.

VIII ADJOURNMENT

MOTION made by Commissioner Moskowitz to adjourn the meeting at 10:52 p.m. Seconded by Commissioner Smith.

MOTION passed unanimously.

ATTEST:

SANDRA COUZZO, C.M.C.
City Clerk

sm