

**COMMISSION CONFERENCE****JANUARY 7, 2003**

<u>Agenda</u> <u>Item</u>	<u>Page</u>
I-A            Citizen Review Board Interview	1
I-B            Street Name Addition - Add Name of "Mediterranean Village Drive" to a Portion of S.E. 10 Avenue	1
II-A            Citizen General Satisfaction Survey	2
II-B            Public Services Customer Satisfaction Survey	3
III-B            Advisory Board Appointments	4
1. Beach Redevelopment Advisory Board	(Deferred)
2. Budget Advisory Board	(Deferred)
3. Cemeteries Board of Trustees	(Deferred)
4. Citizen Review Board	4
5. Community Appearance Board	4
6. Community Services Board	4
7. Downtown Development Authority	4
8. Education Advisory Board	(Deferred)
9. Northwest-Progresso-Flagler Heights Redevelopment Advisory Board	5
10. Urban Design Core Steering Committee	(Deferred)
IV              City Commission Reports:	5
1. Economic Development and Other Updates	5
2. Creation of a Board for Bicyclists, Walkers and Runners	5
3. Informal ULDR Committee	5
4. Residential Burglaries	7
5. DDA Joint Meeting	7
6. Underground Electricity	8
7. Hyde Park Market/Stranahan Park Proposal	9
8. Neighborhood Recognition Issue	12
9. The Waverly and Summit Developments - Use of Cranes	13
10. Harbor Isles	13
11. School Board Advisory Committee	13
12. Grant Writer for Fire-Rescue	14
13. Agreements for Use of School Facilities	14
V                City Manager Reports	15
1. Status Reports Owed to City Commission	15
2. School Board	15
3. Citizen Reports on Agenda	15
4. Land Preservation Board	16

**COMMISSION CONFERENCE**

**2:35 P.M.**

**JANUARY 7, 2003**

Present: Mayor Naugle  
Commissioners Hutchinson, Katz, Moore, and Smith

Also Present: City Manager, City Attorney, and City Clerk  
Sgt. Sebergandio

**I-A – Citizen Review Board Interview**

Ted Fling thanked the Commission for their invitation to attend today's meeting. He stated he had previously been a police officer and a Marine. He explained that he had always believed in listening to both sides of every story, and to be fair and open-minded. He stated that he would like to be a member of the Citizen Review Board and offered the Commission his services.

Mayor Naugle stated that Mr. Fling was well qualified for the position.

Commissioner Smith thanked Mr. Fling for all his past volunteer efforts in the City.

**Action:** Formal action to be taken at Regular Meeting.

**I-B – Street Name Addition - Add Name of "Mediterranean Village Drive" to a Portion of S.E. 10 Avenue**

The City Manager stated that the back-up material was self-explanatory and that the Vice-Mayor had encouraged them to find a way to deal with this situation and yet not be in violation of any ordinances. He further stated that the recommendation stood as is, and that it had the approval of the City Attorney.

Commissioner Moore left the meeting at approximately 2:39 p.m. and returned at 2:40 p.m.

Gene Ingles, past President of Harbordale Civic Association, stated that the Association was unaware of what was happening in regard to this matter. He stated that they had asked Jack Loos to join their association, but he had refused. Mr. Ingles also stated that they had asked him to assist them, and he gave them a check but then took it back.

Mayor Naugle asked Mr. Ingles if he presently lived in that neighborhood. Mr. Ingles replied that he did not. Mr. Ingles stated that previously they had asked for a street name change on Miami Road, but the request had been refused.

Commissioner Hutchinson stated that she was going to their Association meeting tomorrow and would bring up this matter for discussion. She further stated that she desired this matter to move forward, and if there was a problem in the community she would stop everything.

Commissioner Smith suggested that this matter be tabled until the next meeting since the community wanted to discuss it.

Jack Loos, developer, stated that they were never asked to join the Association. He stated that he had worked closely with Ray Dettman, President of the Association. He further explained that their property was managed by a corporate property manager out of Boca Raton and they had committed to donate to the entryway. The plans were presented and they had received funding, so they were not able to make a donation which would have sat in the Association's funds and used for something else. They did, in fact, make a donation and the check had been cashed and used. He pointed out that the road was built without public funding. He explained that the roadway did not interface with any of the surrounding residential districts and was a dead-end road which serviced about 500 residents.

Mr. Loos stated they had been working with the City in an attempt to come up with a way to direct people

into the area. He further stated that it was Commissioner Hutchinson's solution that dealt with this issue. Commissioner Hutchinson explained it would keep them from having to appear before the Board of Adjustment. She further stated that the last paragraph in the back-up material stated that if they agreed with the proposal, it would still have to be put into a resolution.

Commissioner Moore stated that this was not something they voted on, but there was a consensus to move forward.

The City Manager stated that this would be brought back to the Commission on January 22, 2003.

Gene Ingles reiterated that several people had asked Mr. Loos to join the Association, including the secretary.

**Action:** Resolution to be brought before the Commission on January 22, 2003.

### **II-A – Citizen General Satisfaction Survey**

The City Manager stated that this had been conducted through a contract which had been administered by Terry Sharp, Assistant Finance Director.

Terry Sharp explained that this was the 7<sup>th</sup> annual citizens survey. He explained further that 400 residents had been surveyed to provide statistically significant results. He stated they were continuing with the same high satisfaction levels in terms of satisfaction within the city limits and the neighborhoods. Code Enforcement priorities of the respondents centered around abandoned cars and houses, and bulk trash on the swale. The least was work done without permits. Mr. Sharp stated that some areas where they had questions about in the past had to do with concerns, and those were changed to satisfaction questions. In making those changes, it showed there was general satisfaction with the City's approach to traffic related neighborhood issues, and the managing of disasters. He explained that they had polled in regard to public and private schools and the results were about the same.

Commissioner Smith asked if the percentage of people dissatisfied with the schools was about 40%. Mr. Sharp stated that when the question had been asked in the past, the figures were fairly low. He explained that the highest satisfaction level was in regard to City delivered services. He continued stating that the questions had been slightly changed so it was hard to make a comparison to previous years, but clearly there was a concern in the community about the quality of education both public and private.

Mayor Naugle felt that some of the dissatisfaction came from the media. He suggested that the question could have been phrased as follows: "Do you have children in the school system, public or private?" Then ask the people with children in the system if they were satisfied.

The City Manager stated that in regard to the kinds of questions, the number asked, and how they were asked, he suggested that people be asked not only if they had children in the school system, but if they were aware of the efforts of this Commission in regard to the positive changes being made in the school system. He felt the City was unique because it did have an active Education Advisory Board.

Commissioner Hutchinson asked how they arrived at the 400 figure to be used for the survey.

Mr. Sharp explained it was a statistical measurement made according to the size of the City's population and was statistically valid.

Commissioner Katz asked what if the number of people surveyed was expanded. Mr. Sharp stated that from a statistical standpoint it could narrow the margin of error slightly. Commissioner Katz felt that some areas gave false readings because when she spoke to her constituents, she received the opposite remarks.

Commissioner Smith remarked that possibly they were only hearing from the people who were dissatisfied. Mayor Naugle remarked that he had recently done a similar survey, and the results were about the same, and yet it had been done by a completely different organization.

Mr. Sharp stated that he would explore with next year's consultants, how big an additional group would be needed to narrow it significantly from the error range they had right now.

Commissioner Katz suggested that possibly they could survey a certain amount of people from each zip code.

Mayor Naugle remarked that the departments that had been involved in the survey had done a great job. He felt there was an improvement in the permitting process.

Commissioner Moore stated the he was happy to hear that the Mayor had received similar results in his survey. He continued stating that 350 people were satisfied with the height of buildings in the downtown area. Mayor Naugle remarked that people were more concerned about density. Another point he mentioned was that a question was asked if people would be willing to pay additional dollars for fire services, but they did not ask them about the police department. He felt both departments should have been included in the questions. Mayor Naugle stated that questions had been asked about the police department on pages 7 and 8 and 50% of the people were unwilling to contribute additional monies. Mayor Naugle remarked that those figures were increasing.

Commissioner Moore also stated that they needed to utilize the committee they were about to embark on regarding code enforcement. He felt the citizens were very concerned about this, and the Commission needed to define this as a priority. He continued stating that in regard to the number of people questioned in the survey, he felt Commissioner Katz had raised an important observation which was how could they go about determining who to speak with in these surveys. Commissioner Smith stated that he thought they specifically had wanted the 33311 area to be included in the survey.

Commissioner Moore stated he was very surprised in the number of people who used mass transit which was 21%.

The City Manager stated that a couple of years ago this Commission insisted they get a sampling of ethnicity which was reflected in the mass transit ridership. Mayor Naugle remarked that mass transit now included the water taxi.

Commissioner Smith stated he was happy to see that 60% of the respondents had met their local police officers which was up from the last survey. He continued stating that 88% of the people stated they had no problems with the Building Department. He suggested that possibly next year the question could be restructured to ask if they had used the Building Department, and if so, were their experiences positive or negative.

Commissioner Smith stated that out of 60 respondents, 35 asked for more programs to be provided by the City.

**Action:** None taken.

## **II-B – Public Services Customer Satisfaction Survey**

Mayor Naugle congratulated the City on the water matter, and stated that it appeared that everything had gone up.

**EXECUTIVE CLOSED DOOR SESSION  
(3:00 P.M. )**

**CITY COMMISSION RECONVENED AT 3:07 P.M.**

**III-B – Advisory Board and Committee Vacancies**

1. Beach Redevelopment Advisory Board

**Action:** Deferred

2. Budget Advisory Board

**Action:** Deferred

3. Cemeteries Board of Trustees

**Action:** Deferred

4. Citizen Review Board

Commissioner Smith asked how the Commission was going to vote on this since Ted Fling had been the only candidate. The Commission had a consensus regarding this candidate.

**Action:** Formal action to be taken at Regular Meeting.

5. Community Appearance Board

Commissioner Smith stated that he wanted to reappoint all his representatives to this Board (Miranda Lopez, George Henderson, Dan Remy and Sally L. Ketcham). Commissioner Moore stated that he wanted to reappoint his representatives to this Board (Ayisha Gordon and Barbara Erickson). Commissioner Hutchinson stated she also wanted to reappoint her representatives to this Board (Chuck Radkowski, Shirley Chatham, Chuck Burchett, and Ron Trebbi). Mayor Naugle reappointed his representatives for this Board (Steve Hillberg, Marni Canavan, and John Barranco). Commissioner Katz also reappointed her representatives to this Board (Deirdre Hardy).

**Action:** Formal action to be taken at Regular Meeting.

6. Community Services Board

Mayor Naugle wanted to appoint Ben Guenther to this Board.

**Action:** Formal action to be taken at Regular Meeting.

7. Downtown Development Authority

**Action:** Formal action to be taken at Regular Meeting.

8. Education Advisory Board

Commissioner Moore stated that he wanted to make an appointment to this Board on January 22, 2003.

**Action:** Deferred

9. Northwest-Progresso-Flagler Heights Redevelopment Advisory Board

Commissioner Katz stated she wanted to appoint Jay Flinn and Albert Fils.

**Action:** Formal action to be taken at Regular Meeting.

10. Urban Design Core Steering Committee

**Action:** Deferred

**IV - City Commission Reports**

Economic Development and Other Updates

Commissioner Katz requested that an update be given on the Economic Development matter, the ULI Report, the Police and Fire Department Capital Funding, Climate Survey, and Discrimination Training.

**Action:** Updates to be provided.

Creation of a Board For Bicyclists, Walkers and Runners

Commissioner Katz stated that she had been approached about creating a board for bicyclists, walkers, and runners. Commissioner Smith stated they could advertise such a possibility and see what happened.

Mayor Naugle suggested they see what organizations were already in existence and how they operated. He felt it was a good idea and Commissioner Hutchinson also agreed.

Commissioner Moore stated he was concerned about the cost of doing the advisory boards, and he did not see a budget being generated for that purpose. He suggested that someone could focus on this from the Parks and Recreation Department since the e-mails indicated a desire for such an organization.

Mayor Naugle stated that Planning and Zoning could also be involved since some matters related to land use.

Commissioner Hutchison suggested they contact the County and see what their existing boards for these activities did, and if they were beneficial to the community.

**Action:** Agenda for Parks, Beaches and Recreation Board discussion.

Informal ULDR Committee

Commissioner Katz stated that there had been an informal ULDR committee made up of interested parties who reviewed the ULDR's inconsistencies. She asked if the Commission felt this informal group should continue to meet.

Bruce Chatterton, Planning and Zoning Services Manager, stated this group had been meeting for about a year every two months. He explained there was a full range of issues which had originally been laid out

by the Broward Chapter of the American Institute of Architects.

Mayor Naugle asked who was on the committee. Mr. Chatterton replied that it was chaired by Don Zimmer, and other members were Fred Stresau, Robert Lochrie, Gus Carbonell, Emmett McTigue and several others.

Commissioner Smith stated that they had identified several glitches in the ULDR and asked if they had been brought forward.

Mr. Chatterton explained they were going before the Planning and Zoning Board in January, and then they would come before the Commission. Mr. Chatterton further explained that the subject matter covered fences, walls, and hedges, and then they wanted to move on to accessory structures within the setbacks.

Commissioner Smith asked if Commissioner Katz objected to this group meeting. Commissioner Katz stated she had no objections, and proceeded to ask the Commission if they agreed. She also stated that another issue that was going to be discussed was swing sets.

Mayor Naugle asked if staff was also participating in this group. Mr. Chatterton replied they were and that the group was actually helping them to write the Code. He explained that many of the members were designers who had been "miffed" with parts of the Code, and this was a way of reconciling some of the inconsistencies or further explaining them so there could be a better understanding of the Code. He also stated that there were informal minutes of the meetings.

Commissioner Moore asked if the meetings for this group were advertised. Mr. Chatterton replied they were not advertised. Commissioner Moore emphasized that it was wrong then, and no meetings should be held to discuss the policies and procedures of the City without it being opened to the public. He stated that these meetings should be stopped immediately. Mr. Chatterton stated that notices would be posted from now on advertising these meetings.

Mayor Naugle stated these meetings fell into a gray area, minutes were maintained, the group was influencing public policy, and staff was meeting with them. He further stated that he also had a problem with this matter, and wanted to see the minutes of those meetings.

Commissioner Smith stated that it was his understanding that it was a group of citizens who got together to discuss the problem. Commissioner Katz remarked that this group was similar to the one who met to discuss the Code. Commissioner Moore explained that group met during a District III meeting which was publicized every month.

The City Manager reminded the Commission that they had encouraged staff to seek input from people in the community in order to work through these problems and other similar ones. He emphasized that there was no intent on the part of staff or the citizens who volunteered for this group to circumvent that intent.

Commissioner Smith stated that this type of discussion could deter this group. Commissioner Katz reminded everyone that this was a group who was concerned and wanted things better for the communities. Commissioner Smith remarked that they also understood the problems and could give their expertise.

The City Manager reiterated that the meetings would be posted and a master schedule could be prepared. Commissioner Moore suggested that they also send a letter to people who had worked on projects within the last year in the City so possibly their input could also be received.

Mayor Naugle remarked that the meetings should be kept in the open and following all legal procedures.

The City Manager asked how this would affect the "to do list" and "pending items list."

Cecelia Hollar, Director of Construction Services, stated that the discussions they had with the group regarding Code issues was part of their work plan. She implored the Commission to have patience because it was difficult getting a group of people to agree. She stated that they wanted to continue with the accessory use discussions, such as swing sets and fountains. She continued stating that these matters appeared simple, but when you began discussing the issues, they were not as simple as they appeared.

**Action:** Notices to be posted advertising informal meetings and minutes provided to the Commission of past meetings.

#### Residential Burglaries

Commissioner Smith stated that he had a discussion with the Police Department regarding residential burglaries. He further stated that there had been a reduction in crime, and one of the reasons this happened was due to the education of the community.

**Action:** Homeowners to be educated regarding prevention of burglaries.

#### DDA Joint Meeting

Commissioner Smith asked if the joint meeting with the DDA was still being scheduled for January 22, 2003 for the discussion of trolleys.

The City Manager stated that Commissioner Smith's memo had been received and he had discussed the matter with the Director of the DDA. He stated that he was not sure if the subject matter was at the same level of discussion with the DDA as it stood with the Commission regarding the purpose of the joint meeting.

Commissioner Smith stated that he and Commissioner Hutchinson had attended the meeting and discussions were held regarding the type of trolleys to be used. He further stated there was the situation with the burned-out buses, and this was an opportunity to move forward, and they had agreed. He continued stating that they had requested input regarding the trolleys, and a joint meeting had been suggested. Commissioner Hutchinson agreed. Therefore, Commissioner Smith suggested that the joint meeting be held on January 22, 2003.

Bud Bentley, Assistant City Manager, stated that the DDA had said they were going to secure the services of a consultant. He still had not heard back from them regarding their ability to make such arrangements.

Mayor Naugle suggested that this be on the agenda for January 22, 2003 and if they were not prepared for that meeting, then it could be on the agenda for February 4, 2003.

Commissioner Smith stated that he wanted to make sure that the current service was meeting their contractual obligations, and asked proceeded to ask if there would be a problem meeting after January 22, 2003. He further explained that the County's funds were mass transit service and they had received dates from the County as to their willingness to extend this service. He continued to ask if there would be a problem and could the County's funding be lost.

Horace McHugh, City Manager's Office, stated that at the last Commission meeting deadlines were set for the service provider, and those dates were January 15, 2003 and January 5, 2003. He further stated that as of this date, the provider was not in compliance with one of the areas involved, but was working toward compliance for the area due January 15, 2003. He explained there were two specific areas which was training and putting the HUV in service which was scheduled for next week. He further stated that the ADA compliance was met, but the 20-passenger vehicle requirement was not met. He explained that



the vehicles being used were 12-passenger vehicles, plus a wheelchair and a big discrepancy existed.

Commissioner Moore asked if this was a concern of the County's or the City's. Mr. McHugh explained it was not a requirement of the County, but it did impact the provision of the service. He further stated they were informing the Commission, as the policymakers since they had agreed to extend the deadline, that there was an area of non-compliance.

Mr. McHugh continued stating that by January 15, 2003, the operator had to have the training completed and begin operating the hybrid electric vehicles. He explained that the training had begun and they were on schedule to begin operating.

Commissioner Smith clarified that they were being asked to determine if the 12-passenger vehicle, plus wheelchair, would suffice in the interim instead of the 20-passenger vehicle. Mr. McHugh confirmed. Commissioner Katz asked if the County was in agreement. Mr. McHugh confirmed and stated they had been informed.

Commissioner Smith reiterated that he did not think that the operator was going to have the 20-passenger vehicles up and running because everyone was waiting for the joint discussion with the DDA to see if trolleys were going to be purchased in the future.

Mayor Naugle asked how many times had the vehicle been operating and did not provide enough seats for the passengers.

Bryan Williams, LLS Ground Transport, stated they currently put the lower passenger vehicles on the routes which had less than 10 passengers, and so far they had plenty of room for all passengers. He explained the vehicles were wheelchair accessible with at least two spaces available. He further explained that the 12 passenger vehicles were actually for 16 passengers. He stated their contract required a 16-passenger vehicle with two wheelchair spaces, and the company was going to put into operation a 20-passenger vehicle with two wheelchair spaces available.

Commissioner Katz stated that it was her understanding that a separate vehicle was available for the handicapped. Mr. Williams stated they did have one before. He then proceeded to show photographs of the current vehicles being used.

Commissioner Hutchinson reiterated that the meeting with the DDA should be held either January 22, 2003 or February 4, 2003.

The City Manager reiterated that the dates mentioned would be subject to the availability of the consultant which the DDA wanted to attend.

Commissioner Moore reminded everyone that the agenda for January 22, 2003 appeared to be very long, and felt a manageable agenda should be prepared.

**Action:** Scheduled meeting with the DDA to be either January 22, 2003 or February 4, 2003.

#### Underground Electricity

Commissioner Smith stated that the community of Coconut Isle had been meeting to discuss paying for their underground utilities. He further stated that a "glitch" existed and that was that a median divided the road. He explained that FPL wanted to run the lines on the people's private property which meant they would have to dig up their driveways and lawns. Therefore, they decided to put the lines in the median. FPL agreed but stated they needed a special easement for the lines to be in the right-of-way, but the Code stated that no one could get perpetual easement for utilities in the right-of-way and if this was done, they would have to be ready to move them if directed to do so at the City's cost. Commissioner Smith

continued stating that Hector Castro felt there would never be an occasion where they would ask FPL to move the underground utilities. He explained that the Code would have to be changed to say that if the City required them to move the electricity, that the City would bear the cost.

Mayor Naugle stated that this should be placed on the agenda for a Conference Meeting so the City Attorney could have time to research the matter.

Greg Kisela, Assistant City Manager, clarified that they could not dedicate an easement because the City only had a right-of-way interest, and did not have a fee simple which was where the easement issue conflicted. He explained that they could sign a relocation agreement with FPL and the City would give them a license to use that portion of the right-of-way. The City would then agree, and ask the Commission to agree as policymakers, that if the lines had to ever be relocated, the City would do so at their cost.

Commissioner Smith stated that he had been informed by the residents that they were told the possibility of such an agreement did not exist, and therefore, the idea was nixed. Mr. Kisela stated that unless something had changed during the last couple weeks, it was his understanding that FPL had drafted an agreement and submitted it to the City Attorney's office for review.

The City Attorney stated that as of this time, he had not seen such an agreement.

Commissioner Moore asked for some clarification of the situation. He then proceeded to ask who would determine the necessity for moving the lines. Mr. Kisela explained normally it would be the City and further clarified the issue. Commissioner Moore stated that possibly in the future the work would not have to be done underground. Mr. Kisela reiterated that these would be policy discussions that would have to be held when the occasion arose.

Commissioner Smith stated this was the first case involving citizens wanting to underground their own utilities, and the City needed to help and make it easier for them to do so. Mr. Kisela stated that the Association had been working with the Citizens Advisory Committee, and this could be the model the City would use in the future.

Commissioner Smith asked if all information could be supplied to the Commission by the January 22, 2003 meeting. The City Attorney confirmed.

**Action:** Information to be provided for Conference Meeting, January 22, 2003.

#### Hyde Park Market/Stranahan Park Proposal

Commissioner Moore stated the voters had passed to pay \$8 Million for the open green space. Mayor Naugle asked if this discussion would affect the ongoing litigation that was taking place. Commissioner Moore stated that he was suggesting they go into mediation to end the legal battle. Mayor Naugle stated that a lot of people in the community were interested in this item, and asked if this should be scheduled for discussion so the public would be aware of it.

The City Attorney stated that he had spoken with Commissioner Moore and advised him to make his presentation, and his recommendation was that he would have a closed-door session with the Mayor regarding the status of Hyde Park. He felt the impetus of this proposal was to give the Commission an option. He stated if this was the case it could be discussed on January 22, 2003 to provide the option, which would require a referendum. He further explained that this could be on the ballot for January 24, 2003.

Mayor Naugle felt that this was an item of great importance and should not be mentioned during Commission reports. He further stated that normally the procedure was that the Commissioner would request an item be placed on the agenda for discussion giving people the opportunity to attend the

meeting and give input.

Commissioner Moore explained that the reason he brought this issue up in this fashion was due to the urgency of the matter in his opinion, and so that litigation could be discontinued because he felt the taxpayers would not be happy with the outcome. He also stated that if it became necessary to put this on the referendum, they needed to discuss it. Then, it could be placed on the agenda for the January 22, 2003 meeting and they could receive public input.

Commissioner Hutchinson stated that she was curious and would like to see the alternative. Mayor Naugle remarked that if the District Commissioner did not have a problem, they could proceed. Commissioner Moore stated that he was only attempting to offer an opportunity that he felt made sense, which was to look at an alternative. Commissioner Hutchinson reiterated that this was just an informational presentation and no votes would be taken.

Mayor Naugle reiterated that when something of public policy was being brought forth, it normally was placed on the agenda so the public could have a chance to discuss it.

Commissioner Hutchinson asked if this presentation was made today, would there be an opportunity to have it placed on the Conference Agenda for January 22, 2003.

The City Attorney stated he had made that suggestion to Commissioner Moore before the start of today's meeting, and Commissioner Moore agreed. The City Attorney further stated that there be a closed door session regarding the Hype Park litigation matter on January 22, 2003. He reiterated that his recommendation today was that if the Commission was going to discuss this, it should be done on January 22, 2003. Mayor Naugle agreed.

Commissioner Moore stated that on January 22, 2003, he wanted the public to know that an alternative was available that might work. He explained that he had an architectural landscape firm draw this plan for him. He proceeded to explain the location of the buildings on the drawing which he presented.

Commissioner Moore stated that the voters wanted accessibility to the Riverwalk and an open green space. He stated that millions of dollars were being spent in litigation, and he wanted to see if there was some other way to give the public what they wanted. He explained that he had asked the firm to go across Las Olas Boulevard, where the SunTrust Drive-Thru presently existed, which faced the present Hyde Park and Stranahan sites, and make it an open green pedestrian friendly area. He explained that this would connect all the new developments to an open space that would bring the public down into Las Olas Boulevard to the river, and give the Stranahan House visibility which it did not have at this time. Commissioner Moore remarked that the Summit and other areas had parking which could be utilized for special events that would take place in the new green space. Commissioner Moore further stated that if a pedestrian bridge would be constructed as previously discussed, this area could then be tied to the south side of the River. He stated that a greenway would be provided then throughout the downtown of the City connecting to Las Olas Boulevard and the new developments going up. He felt the cost of the land would probably be less than the \$8 Million which was presently on the table. He reiterated that he felt the litigation did not look positive and this could be an alternative.

He emphasized that he was not recommending eminent domain. He further stated that he had not shared this information with anyone except the landscape architect who had done the rendering.

Commissioner Moore proceeded to read the resolution that had been put on the table by the voters. He felt this proposal met the requests put forth by the voters, and felt this was the vision that could bring the litigation to closure.

Mayor Naugle stated it was a noble goal to increase green space, but one of the problems with the development being proposed was that someone might want to develop the remaining portion of the site,

and how would that future development affect the Stranahan House. He explained it was zoned historic and there were laws on how buildings were regulated next to historic properties. He hoped that a concept such as this would not circumvent the laws and the reviews normally held regarding projects next to historic properties.

Commissioner Moore stated that he almost agreed 100% with the Mayor, but due to the fact what this matter could cost the taxpayers of the City more money, this was the time to deal with compromise. If this proposal was approved, the developer would have to give up a certain amount of land in order to give the public the accessibility to the Riverwalk. They would not be able to build as proposed in the past, and the building would have to be further from the Stranahan House in order to have pedestrian accessibility to the Riverwalk. During the discussions with the Stranahan House, Commissioner Moore stated they had not given an "open-hand" for the accessibility to the river. This way accessibility would be provided to pedestrians.

Mayor Naugle reiterated that he was concerned about the height and design of a building next to the historic property. Commissioner Moore stated that he agreed and was not saying that this proposal was a "cure-all," but a recommendation to be considered because it could settle an expensive lawsuit. He mentioned that the heights were not an issue with the public in the downtown area according to his survey.

Commissioner Smith stated that creative thought was needed about this problem. He continued stating that they did what the voters asked for, and attempted to take away the property, and the Judges repeatedly said no. He continued stating that he wanted to compliment Commissioner Moore in showing some leadership to get past this situation.

He stated that someone had to get the discussion opened as to what should be done about this matter because the City was losing the battle. He did not know if this was right and everyone would have to review the matter, but he was glad that he had started this discussion rolling.

Commissioner Smith continued stating that the discussion today might give the City Manager the ability to make some preliminary inquiries of the property owners. Commissioner Moore stated that the Historic Preservation Board could be invited to the meeting on January 22, 2003 if this item was brought up for public discussion.

The City Attorney stated that the ability to have alternatives would not hurt the City's position in regard to the lawsuit. It would not enhance it, but would not hurt it. He continued stating that the City would know within the next few months if they should continue with the lawsuit or back away from it.

Commissioner Moore stated that the resolution which had been voted on stated that an exhibit had been attached describing the property that was being proposed for purchase. He emphasized that it stated "contiguous" to the Stranahan House, so he was not sure if it was a necessity that this be brought back to the voters, but he had no objection with doing so. He reiterated that even though he had disagreed with the Hyde Park site being the open green space, he never differed with having open green space in the downtown area, and one that would be more compatible with cost that this City could afford. He felt this proposal offered that alternative. He reiterated that he welcomed any further review so people could give input, thereby giving them a chance to have it placed on the March ballot.

Mayor Naugle stated that in regard to placing this on the ballot, there were a series of laws and procedures, and he did not know if anyone would agree to sell a portion of their land unless they knew what could be built next to it, and this was something which had not yet been determined.

Commissioner Smith stated that Commissioner Moore was just offering an option for consideration. Commissioner Moore asked if the City Attorney could draft something in the interim that would give them a way to deal with an item to be placed on the ballot.

The City Attorney stated if this was to provide an alternative, the City Attorney's office would draft a resolution which would amend the resolution question. He explained that resolution would have two goals. One was to provide flexibility, if not for this plan some other plan, and to protect the prior approval. Litigation was still ongoing, and the City was still moving forward in an attempt to acquire the target property which was the subject of the original resolution. He stated the question was whether the same \$8 Million could be used because it could not be bonded without voter approval unless you identified another source of revenue. He emphasized they did not want to do anything that would abrogate the original approval.

Mayor Naugle asked if this concept would enable another tower to be built next to the Stranahan House. Commissioner Moore stated he was not sure, but did not know where it could be built because there was nothing left to develop. Mayor Naugle remarked that a lot of objection had been raised by the citizens regarding the height of a building next to this historic property.

Commissioner Moore emphasized he was not attempting to deal with that issue. He was saying that the voters wanted open green space, and if they voted for the open green space in an attempt to deter the height of the building, maybe they voted for that reason, but that would not make it legally binding to the City to stop the height of a building. They agreed to build an open green space, and he did not want to mix the two issues. He reiterated that he was attempting to deal with the opportunity of trying to end a costly lawsuit and still give the people what they voted for, and the developer possibly might even contribute to the space by sharing some of the retail space to businesses existing in the area.

Commissioner Smith clarified that this proposal did not give the developer approval to build a tower in the area. Commissioner Moore agreed and stated it only presented an alternative. Commissioner Smith stated that the only way the developer would ever get an approval to build was to go through the process which he had never done so far.

Commissioner Hutchinson stated her only concern was the property owners who would be subjected to this finding out about the proposal in the newspapers the following day, and therefore suggested that the City call those property owners and make them aware of this proposal. The City Manager stated that if they had tuned-in to this Conference Meeting they might now be aware of what was being proposed.

Mayor Naugle suggested this presentation be given to the Historic Preservation Board at their meeting on January 13, 2003. The City Manager agreed.

Cecelia Hollar, Director of Construction Services, asked if they needed to advise the property owners about the meeting. The City Attorney stated that this was for informational purposes only, and he did not feel the public had to be noticed.

**Action:** Presentation to be made to the Historic Preservation Board on January 13, 2003.

#### Neighborhood Recognition Issue

Commissioner Hutchinson stated that the neighborhoods were asked to submit their paperwork regarding neighborhood recognition by August, and nothing further had been done. She asked for an update on this matter.

Commissioner Katz remarked that two homeowner associations had problems which might have been worked out.

The City Manager stated there had been some change in leadership at the associations. Commissioner Hutchinson reiterated that procedures had been followed regarding the submission of the paperwork, but nothing was being done at this time.

**Action:** Update to be provided.

#### The Waverly and Summit Developments - Use of Cranes

Commissioner Hutchinson stated that the problem with the cranes at the Waverly and Summit were that they were operating all night and complaints had been made by the surrounding residents. The crane operators were stating they had permission to run them, and she asked what could be done about the matter.

Cecelia Hollar, Director of Construction Services, stated that they had been in contact with the general contractor and according to the rules, they could continue working as long as they did not exceed a certain level of noise. She explained that the noise was being monitored and from the meter readings, they were not exceeding the noise decibels allowed. She further stated that she would get in touch with them and had been working with Suffolk Construction in the past.

**Action:** Report to be provided.

#### Harbor Isles

Commissioner Hutchinson stated that Harbor Isles was going through an assessment project, and on South Ocean Drive there were newsracks in deplorable condition. Therefore, this group wanted to replace and pay for modular racks for the area, but the City would not let them because it was not a newsrack enhancement area which meant the City had to approve it. She asked what could be done. Commissioner Smith remarked he had a similar problem in Dolphin Isles. Commissioner Hutchinson stated she wanted this taken care of and asked if they could amend the Ordinance.

The City Attorney stated they had responded to the residents, and told them they could do it on their own if so desired, but it would require cooperation from the newspapers. In order for this to be enforced, the City would have to amend the Ordinance and identify the area. Commissioner Hutchinson stated that she wanted to do that and take the responsibility off of the neighborhood since they were going to pay for it, and she wanted the Commission to do it.

The City Attorney further stated that they would draft the Ordinance and it could be brought back to the Commission for discussion on January 22, 2003. He continued stating it would also have to go before Planning and Zoning for approval. Commissioner Hutchinson stated she did not know if it was necessary to bring this back to the Commission for discussion, and instead preferred it be sent on to Planning and Zoning. The City Attorney stated they would get it on the agenda for Planning and Zoning as early as possible, and thereafter it could be established for a first reading. Commissioner Hutchinson asked that she be kept informed of the situation.

Commissioner Smith complimented the City Manager on taking care of the newsracks at the beach.

**Action:** Ordinance to be drafted and sent on to Planning and Zoning for approval.

#### School Board Advisory Committee

Commissioner Hutchinson stated that the School Board was putting together a group as it related to a district advisory committee, and she felt a representative from the City should be a member of that group. She also asked that an update be provided. She explained that it was to be a Broward County School Board Committee to explore challenges of persistent overcrowding in the schools. She stated that the City had an Education Advisory Board and she felt they needed to participate on this committee, and she suggested that a letter be sent from the City Manager's office requesting a seat at the table. The City Manager agreed.

The City Manager stated that according to the presentations given by Mary Fertig and Lu Deaner, they needed to emphasize the City's concern about the projections that were made regarding the schools, and therefore, requested representation on the committee. He asked if the Commission was in favor of having staff represented on the committee. Commissioner Hutchinson stated she preferred that someone from the Education Advisory Committee also be a member.

**Action:** City Manager to request a position on the School Board Committee.

#### Grant Writer for Fire-Rescue

Commissioner Hutchinson stated that they had discussed the matter of a grant writer at the Fire-Rescue workshop, and she believed the commitment was that there would be one provided by January, 2003. As of this date, none had been provided and she realized the money would not be forthcoming immediately, but they needed to get started. She reiterated that the Fire Department did a tremendous job as it related to public safety. She continued stating that the Police Department had brought in almost \$50 Million over the past 10 years.

Mayor Naugle remarked this was an excellent suggestion because with the Federal Government's emphasis on Homeland Security, there would be a lot of money available.

Commissioner Hutchinson announced that she had received some information regarding a Homeland Security Grant Workshop in Colorado in January. She emphasized that she wanted a grant writer for the Fire Department and felt it was important and necessary.

Commissioner Smith stated that the Parks grant writer received a "piece of the action" for whatever had been brought in. The City Manager stated that worked for a while, but then it was ruled that was not the appropriate procedure, and the process had been amended.

Commissioner Hutchinson stated that someone was working with Public Safety, and maybe they could utilize him in the interim, and let someone from Fire Rescue participate.

Mayor Naugle asked the City Manager to find a way to make this happen and then advise the Commission.

**Action:** Item to be placed on the agenda for January 22, 2003.

#### Agreement for Use of School Facilities

Mayor Naugle reiterated that the agreement in connection with the use of school facilities had not yet been signed.

Commissioner Smith stated that he had asked the City Manager to give an update on this matter at today's meeting.

The City Manager stated that as of this afternoon, the agreement which the Commission had approved would be considered at the Senior Management Meeting of the School Board on January 13, 2003. Normally, if an item did not get pulled from the agenda, it would be considered at their meeting on January 21, 2003. The City Manager stated they would call the School Board on January 14, 2003 and ask for the results of the January 13, 2003 meeting. If there would be any indication that they should be at that meeting on January 21, 2003, they would attend in order to support the matter.

The City Manager also stated that he was aware that some homeowners associations had encountered obstacles in connection with meeting at the schools, including Riverland Civic Association and

Lauderdale Manors. Mayor Naugle remarked that Lauderdale Manors had to pay \$147 to use the facility.

Commissioner Hutchinson stated that Riverside Park was going to lose the park due to construction and would move to Stranahan High School. She stated that they had a good rapport with the principal so things could be easier for them, but they did meet on Sunday afternoons.

Commissioner Moore stated that in regard to Lauderdale Manors, their cost was due to maintenance. He continued stating that when they did negotiations regarding these matters that possibly they request the janitorial staff to start at a later time so there would be some overlap.

Commissioner Katz stated that if there would be an agreement whereby the principal had input regarding the use and price for the building, the agreement should include the fact that it was based on matters set forth therein and not on individual principal input.

The City Manager stated that he realized the desirability of that, but did not know how realistic it would be.

**Action:** Status report to be given regarding the agreement.

## **V – City Manager Reports**

### Status Reports Owed to City Commission

The City Manager stated he was acutely aware of the reports that his office owed to the Commission, and continued stating that either through agenda items or Friday memos updates would be provided by January 22, 2003 on the following matters:

- ULI Report
- Economic Development Plan and Future Staffing
- Climate Survey
- Supervisory and Discrimination Training.

The City Manager reiterated that these updates would be provided, along with recommendations on reorganizational issues regarding grants, and a tightening of resources regarding personnel, equipment, and infrastructure.

Commissioner Hutchinson stated she did not want a Friday memo regarding the Climate Survey and wanted a presentation.

Commissioner Moore stated that he wanted a report on the waterline issue and the methodology of how it was handled.

The City Manager stated they wanted to have a peer review, and in order to give a greater degree of comfort to everyone regarding the water supply, they were doing whatever was necessary. Mayor Naugle remarked that it was optional and they needed to increase the people's confidence regarding the water supply.

### School Board

The City Manager stated that a report would be given on January 22, 2003.

### Citizen Reports on Agenda

Commissioner Smith suggested that the "citizen moments" held previously where issues could be raised



and discussed should be held once again. Commissioner Hutchinson agreed and stated it was an opportunity to talk to five people at one time instead of making five different appointments.

Commissioner Moore stated that he felt people did not take advantage of the process in the past, but he had no objections.

#### Land Preservation Board

Commissioner Katz remarked that the Land Preservation Board at the County level would be looking at the second string of projects, and it was suggested that the Parks and Recreation Department should have things in order and be ready to proceed.

Commissioner Smith suggested that the City Manager provide a Friday memo containing the strategies that would be used. Commissioner Katz suggested that priorities be included also in the report.

Greg Kisela, Assistant City Manager, stated that information would be provided. Commissioner Smith reiterated that it had been decided that the items not funded in Phase II would continue to Phase III, and some new items had been added to the list.

The City Manager stated that included in that was the issue of "matched money." Commissioner Smith remarked that he did not think that was a requirement, and you would only receive additional points if that was provided. He stated there was a requirement that you maintain the property. Mr. Kisela stated that the challenge was that the Phase II money required matches, and the City was struggling with some of those.

There being no further business to come before this Board, the meeting was adjourned at 4:26 p.m.

**Note: A mechanical recording has been made of the foregoing proceedings of which these minutes are a part, and is on file in the office of the City clerk for a period of two years.**