

COMMISSION CONFERENCE**DECEMBER 2, 2003**

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Present: Mayor Naugle
Commissioners Hutchinson, Teel, Moore and Trantalis

Also Present: Acting City Manager
City Attorney
City Clerk
Sergeant At Arms – Sergeants Raabe and Jacques

I-A -- Annexation by Referendum

State Representative Ken Gottlieb, Chair of Broward Delegation, stated that he had met with other cities surrounding unincorporated areas in the County. He further stated that he had previously met with the City Manager and other staff members, but due to changes taking place in the City, he felt it might be important to let everyone know what was occurring.

Representative Gottlieb explained that this year they had been pushing Florida Statute 171 which addressed taking certain properties or having a vote in certain unincorporated areas in November, and there were local bills going around which were similar arguments held every year. He further stated that other cities were interested in some of the same areas Fort Lauderdale was interested in, and mentioned that they would be pushing for those areas this year. He explained that if this was done next year, the earliest opportunity for annexation would be September 15, 2005, but if it was done prior to the end of this year's session, then it could be done September 15, 2004. He stated that the 171 hearings were regulated pursuant to the Statute, and there was no deal making like with the special acts. He stated that Oakland Park and Lauderdale Lakes were planning on doing this, and the areas involved are near Fort Lauderdale and possibly this City would have some special interest.

Representative Gottlieb stated that Sandy Harris was the Executive Director of the Broward Delegation and was also present today to answer any questions the Commission might have.

Commissioner Trantalis stated that he had noticed the Referendum referred to the area in question being given the prerogative of agreeing or not agreeing to annexation through a referendum. He further asked about the annexing municipality.

Representative Gottlieb stated that pursuant to Chapter 171, it would not get to that point until the Commission passed it. He explained the City would have to pass an ordinance requesting a vote in the unincorporated area, along with defining the area for the vote and the date the vote would be taken. Commissioner Trantalis asked if the new legislation was not anticipating that the annexing municipality would do it by way of referendum. Representative Gottlieb explained that under Statute 171, if the City wanted to annex an area, they would have to pass an ordinance, including the date. Commissioner Trantalis asked if this legislation anticipated this City voting by referendum to annex another area. Representative Gottlieb replied no, and stated that the residents could be asked if they wanted to vote on such things, but the law did not require the municipality having a vote within their boundaries. He stated that item would be up to the City Commission.

Mayor Naugle stated it was not forced because it would require a vote of the City Commission to allow it to be voted on. Representative Gottlieb confirmed, and stated further that under Statute 171, the unique difference of how it was being done this year put the burden on the City to make up their mind whether they wanted to do it or not, as opposed to the legislature forcing them to do something they may or may not want to do. He explained further that it could be done through a special act which was how it had been done in the past, but they were trying to accomplish things this year and were reaching out to the cities to see what they wanted. He added they would not have to go to Tallahassee to do it.

Mayor Naugle asked what would occur if a member of the delegation had an objection to this. Representative Gottlieb explained they needed the delegation for the public hearing and in the hearing the bill was not voted on. Once it became a public hearing, it was done. One member objecting would not matter, unless it was the Chair.

Commissioner Moore stated he was proud of the fact that Representative Gottlieb had found a way to make this work. He further stated that the concepts tried in the past had been a lot of brick throwing, but he had found a compromise. He stated that dual referendum had been changed through the special meetings of the advisory board, and two task forces had dealt with annexation. The first year it was done, the dual referendum requirement had been removed so the municipal entities were joining the unincorporated pockets. He stated they appreciated the fact that this was being brought to the local entity, rather than the State in the manner which it was being proposed.

Representative Gottlieb stated that he had to give the credit to the staff delegation who came up with the ideas and helped to push it through. He further stated that in 1995 the dual referendum was removed, and stated it had not been the greatest idea. He added that the areas of Rock Island, North Andrews Gardens and Oakland Park had displayed some interest this year, along with Lauderdale Lakes.

Mayor Naugle asked if there were any other issues going on in the Legislature that they should be advised of at this time. He stated that yesterday the Urban Partnership had a conference call regarding agendas and one thing that had been mentioned was an attempt to revive the partial year assessment.

Commissioner Moore left the meeting at approximately 1:45 p.m.

Mayor Naugle continued stating that the partial year assessment was unfair that buildings could be occupied for 11 months out of the year, and other property owners were subsidizing their operating expenses. Representative Gottlieb stated this issue came up every year, but never sees daylight. He expected nothing would happen this year either especially since most of the revenue generated would be the City's, and the Legislature did not pay much attention to the municipalities. He further stated that in making such a remark, he wanted to clarify that he felt that was wrong. Mayor Naugle stated most went to schools and counties, but some trickled to the cities.

Representative Gottlieb stated that the City's budget was so reliant on property taxes which was a problem. If they did not rely so much on that, annexation could be done quicker in some areas throughout the County, but they could not afford to take areas in based on property taxes. He stated that the State needed to revise how they did their taxes so there could be flexibility to keep the property taxes lower and look to some

alternate sources of revenue which might be more beneficial for the City. He felt that would make the difference between a good and bad City Commission. He stated now people were trapped in the millage rate, and there were other issues to look at when it came to taxes, other than income and sales taxes which the Legislature tends to focus on. He added that possibly experts should revise the system and provide some options.

Commissioner Trantalis stated that one of the focuses they should consider would be to try to push the tax burden less on the property owners, and shift it more towards tourists who benefited from the services, but did not pay anything to the municipality. He asked if the State Legislature would consider either allowing a municipality to add to the gas tax, or to the sales tax so they could extract income from the tourist dollars.

Representative Gottlieb stated he wanted to give the cities more flexibility, whether it would be based on charging tourists or smokers, it could be left up to the communities. He advised that he had sponsored legislature year after year in regard to creating a task force to study the issue with economists. He advised further that a big issue was coming up regarding a reduction in the amount of monies paid to providers for the disabled, and he stated some were finding it hard to stay opened. He stated if such facilities were closed down, it could cause problems throughout the State. He added there was no CRA legislation coming through the delegation.

I-B – Parking Division – Capital Project Funding

Bruce Larkin, Director Administrative Services, stated that this item was intended as an FYI for the Commission, and was a timely one since there was another item on the agenda which dealt with the City Park Garage. He stated that on the CRA agenda, there was another item related to the CRA bonds regarding the possible pledge.

Mayor Naugle stated that item was deleted, and no further action was going to be taken at this time.

Mr. Larkin stated that he had stressed in his memorandum that the Parking System was strong and healthy on an operating basis. In looking at operating expenses versus operating revenue, there was a healthy net operating income. For this year, they were projecting about \$2.8 Million, and historically their net operating income had been strong. However, over the past couple of years they had to digest some hefty one-time/short term expenditures in the parking system which caused them to “eat into” the working capital. He stated they would be referred to as retained earnings or reserved funds. He proceeded to show a history and provided an explanation of their working capital balances per year with a projection for where they would be when fiscal year 2003 ended.

Commissioner Moore returned to the meeting at approximately 1:55 p.m.

Mr. Larkin stated further that once the projects were done and the debt service was gone, they could rebuild the reserves from their strong yearly operating income.

The Acting City Manager asked if any of the dips were due to transfers to the General Fund. Mr. Larkin replied that there was a \$500,000 transfer being made this fiscal year and was not shown on the chart. He stated they might have made such a transfer in previous years, and explained they made transfers each year to share in revenues from

the South Beach lot and the Las Olas lot. He stated those were planned and budgeted for.

Mr. Larkin proceeded to show a chart stating as they chose from the various options for the City Park Garage, other necessary changes such as some ADA compliances that had to be met over the next couple years, replacing elevators in the City Park Garage, fund reserves for future transit needs, and the refurbishment of parking lots, in looking at the required funding versus the available funding there was a gap shown by the red figures on the chart. He added that some projects could be staged over a few years in order to mitigate the situation. He explained how they made up that gap could be done in various ways such as not funding the reserve funds for one or two years, or not putting money away for transit needs for the Beach. He explained some projects could be staged, or they could borrow. He advised they had between \$17 Million and \$20 Million of bonding capacity in the parking system. He stated he would defer to the Finance Department regarding those matters.

Mayor Naugle stated that if one went back in history, the City borrowed money and there was a bond issue when building the 2200 space garage, and the debt service was \$1.6 Million per year for a period of time. At the beginning, he stated the garage had not paid for itself and the garage had been subsidized with revenue from the Beach, but over time they were able to raise the rates and the usage of the garage increased. It then broke even and began making money. He explained there used to be bond covenants which stated that they could not use the revenue for anything but paying off the garage. He added that the Parking System was now debt free.

Commissioner Trantalis stated that fiscal year 2003/2004 showed operating expenses of \$8 Million and income of \$10 Million, and asked if \$.80 on every \$1.00 went towards operating. Mr. Larkin confirmed. Commissioner Trantalis asked if that appeared high.

Mayor Naugle stated that if they did not charge anything for the parking lots, they would still have to maintain them, and meantime it covered the expense on the parking system which provided economic subsidy for businesses in town who would not have to build their own parking systems.

Commissioner Trantalis stated he believed in having sufficient parking, but asked in normal circumstances if 80% of administrative costs was a little high. Mr. Larkin stated that historically for the last 5 years, it had been consistent. He stated he did not have any comparative data from other cities, but over the years they had improved the system.

The Acting City Manager asked if fines were included as part of the revenue. Mr. Larkin confirmed and stated that they were bringing in about \$7.5 Million from the meters and permits, and about \$3 Million from citations. He added that they had to consider the operating costs which generated the fines.

Mayor Naugle stated that over the life of the system, the revenues were broken down as stated above.

Commissioner Moore stated that in reading the report he had been both pleased and dismayed. He continued stating that he was proud of the Enterprise Fund and remarked that it operated well with good profits. He stated there was a philosophy followed by the

department that he felt might need to be changed. He felt there should be a maintenance appropriation which would maintain such properties so a large investment would have to be made such as the one being contemplated for the garage. He stated he did not know if it was management's decision or the Commission's to delay the maintenance of such facilities, but he hoped it would not be done in the future. He also stated that the philosophy in regard to bonding such projects should be changed. He felt that maybe they could deal with bonding in the future. He stated further that possibly it was not a smart move to pay off the bond quickly, and maybe it would be better to have money in the bank and pay the interest supplying them with a "rainy day" fund. He felt this was an asset which was being under utilized, as well as the Enterprise Fund of the Airport.

Commissioner Moore stated on December 16th, the Commission was going to discuss bonding possibilities regarding the CRA, and stated that a history could be given of what this parking fund had done for the Downtown by having such investment.

Commissioner Moore asked how much had been spent in connection with the rehabilitation of both City garages, not including the planters which were still up for discussion.

Mr. Larkin replied they had spent \$3.2 Million, and another \$1.5 Million would be needed to repair the barrier walls.

Commissioner Moore continued stating that some rehabilitation was due to the lack of maintenance causing such expenditure. Commissioner Hutchinson stated they did that in regard to all the buildings in the City. Commissioner Moore stated that the General Fund had many needs to deal with, and they were always considering what project could take the lead in using such monies for capital projects. He stated the parking fund was a Special Enterprise Fund, and he felt that was why it existed and should take care of capital outlay so it would never get to the point where such a need would be on hand. Commissioner Hutchinson suggested that a plan be prepared by the department, and why should the Commission have to discuss this. She felt it should be part of their job description. Commissioner Moore agreed.

Mayor Naugle stated this was not the first time they had spent money on the garage. He stated the big expense this time was that they had uncovered either incompetence or a crime being committed several years ago with the omission of steel in the garage, which had not been caught by the architect, inspectors, and a builder not constructing the garage according to the plan. He stated that he still did not have the names of the individuals involved which he had repeatedly requested. He stated that the lack of maintenance was part of the problem, but the other part was how it had been built.

Commissioner Moore stated that he agreed with the Mayor, but there had also been an inadequate amount of money spent to maintain the properties which were public properties that had a special fund that could use for maintenance. He stated they could also be innovative in paying its debt. He stated bonding could be done and revenues set aside for "rainy days." He stated they chose to take it "from the fund," rather than using other monies and allowing over time for the fund to build up.

Commissioner Moore reiterated that the City had inspected the garages when they were being built, and possibly there could be corporal issues with individuals who had been

contracted with at the time. He suggested that they look at the assets of the City because they could help remedy the City's fiscal problems. In many cases they had directed the fund as they had done on a "pay as you go" basis. He asked that they have an opportunity to discuss their philosophy to show how things could be brought to the table to help in future years. He reiterated that he was not attacking the department.

Mr. Larkin stated that he agreed that these were assets and needed to be properly maintained and it would be foolish not to keep them in good working order since they did provide revenue for the City. He stated since he had been responsible for the Parking Fund which was about 1996, he became aware that there had not been adequate care given to these garages in the past, and they commissioned an engineering consulting firm to do a structural analysis of the garages. A report was given to the Commission and a commitment made to proceed forward. He felt they had done due diligence as to what was needed for the garages, and prepared a program to bring them back up to prime condition. He assured the Commission that they would maintain this program so they would not be allowed to deteriorate as in the past.

Mr. Larkin further stated that in regard to "pay as you go" versus debt, he felt historically they had tried to operate on that basis, but it did make good sense to invest in borrowing.

Commissioner Trantalis left the meeting at 2:18 p.m. and returned at 2:20 p.m.

Commissioner Moore asked how soon could the discussion take place regarding the Enterprise Funds.

Bud Bentley, Assistant City Manager, stated they could be on the agenda for the second meeting in January, 2004.

Commissioner Moore stated that it was important they understand these funds so they could give the new manager more direction regarding their philosophy as to how such funds should be used in the future, and the opportunities available.

Mayor Naugle asked if Docks and Waterways should be included. Commissioner Moore confirmed.

Commissioner Trantalis stated he understood that they were saying that the Enterprise Funds should be pledged so they could borrow monies, and the long term income expectations could be used to fund the bonding, and the monies should be used for things that were deficit. He stated he was concerned that the bond monies were to be used for operating expenses, or would it be used for capital improvements.

Commissioner Moore stated it would have to be used for capital improvements, but suggested that he was not saying that be done. He was saying that they investigate the soundness of each Enterprise Fund, their availability, bonding capability, and the possibility of what could be put into the "bow" for use. He stated he only wanted them to gain greater knowledge of the opportunity available for such funds.

The Acting City Manager stated that on an annual basis, they reviewed the General Fund during the budget cycle, and one of the things that appeared to have short-tripped was the other funds during the year. He felt it might be worth their while this year to go

through each Enterprise Fund monthly to see what was occurring. Then, on an annual basis go into more depth on an on-going basis.

Mayor Naugle stated they could do various ones each month. Commissioner Moore stated it was his preference to do all of them at the same time.

The Acting City Manager stated that Water and Sewer was a large fund to review. Commissioner Moore agreed that that could be done separately.

Greg Kisela, Assistant City Manager, stated that Water and Sewer would dominate. Mayor Naugle reiterated they would do various funds at separate times. Commissioner Moore asked if there was not an advantage to having them receive the information all at one time.

The Acting City Manager suggested that two be done at a time, and reminded the Commission that there were more than 3 Enterprise Funds, including Cemeteries. He further stated they would come back with a schedule regarding the funds.

Mr. Larkin stated that in answer to Commissioner Trantalis's question regarding the spread between expenses and revenue, he had been reminded that the revenue figure shown was revenue which was retained in the Parking Fund and did not include the revenue shared with the General Fund from various lots, citations, and the school crossing guard program. He stated those items added another \$750,000 or more into revenue. He stated they were actually understating the revenue.

Commissioner Moore left the meeting at approximately 2:25 p.m. and returned at 2:26 p.m.

Commissioner Trantalis stated they had shown some expenses which helped to generate income, but yet had eliminated other expenses. Mr. Larkin stated that all expenses had been included, but he stated they were not showing all the revenue which had been generated. He advised they had netted out of the revenue transfers of revenue to the General Fund.

Action: Schedule various Enterprise Funds on agenda starting in January, 2004.

I-C – Historic Surveys

Mayor Naugle stated this was only a report and an outline of the presentation had been provided. He stated the presentation was not yet complete and would be forthcoming.

Michael Ciesielski, Planning and Zoning, stated that in the Spring of 2002 a motion had been approved by the Commission to transfer monies from the General Fund to Construction Services for the purpose of retaining a consultant to update the historical surveys. He stated that the reason they had been requested to be updated was that the current surveys ranged from 1977 to 1993 and several properties had either been demolished or substantially renovated, and the State Bureau of Historic Preservation had expressed concern about the quality of the surveys, especially the ones done in the '80's and '90's. They felt they might have been inadequately researched, vague, and might have omitted properties which otherwise might have met historic standards.

Commissioner Moore left the meeting at approximately 2:27 p.m.

Mr. Ciesielski stated that an RFP had been done and they had retained the services of the archaeological and historical services of Bob Carr and Greg Saldano. He stated they would be giving a report and explaining their findings.

Mayor Naugle asked if the presentation was being given today. Mr. Ciesielski confirmed. Mayor Naugle stated the memorandum did not make it appear as if the report was in its final format, and was only an outline being submitted. Mr. Ciesielski stated that the outline provided was for the Commission to follow during the presentation. He stated the information he had was what had been shown to the Historic Preservation Board at their previous meeting. Mayor Naugle stated that normally copies of the presentation were provided to the Commission.

Mr. Ciesielski explained that the map being shown encompassed the boundaries of the 6 areas that had been surveyed and only comprised about 50% of the City. He explained that one of the points that were going to be made by the consultants was that the survey area be expanded in the future. In addition to updating the properties, they were asked to make recommendations in regard to the City's historic element of the Comprehensive Plan in order to possibly revise the ordinances, and to help identify the archaeological significance found within the City.

Mayor Naugle suggested that this matter be rescheduled after the Commission would have time to study the materials which had not yet been given to them.

Commissioner Trantalis stated he was in support of identifying historic structures in the City and he understood that the Commission had agreed that a staff position should be taken in regard to these matters. He stated that buildings had been identified and he wanted to discuss the Shubert Hotel. He felt something needed to be done in regard to that property because it was presently under contract who wanted to demolish it and build a high-rise. He asked what precautions were being taken in the meantime to prevent the wholesale elimination of historic structures by the marketplace.

Greg Kisela, Assistant City Manager, stated that the surveys intended to be proactive versus reactive. He stated that once they had the information, they needed to decide how to proceed. He explained they had been requested to be the applicant on 4 or 5 parcels in the Rio Vista area, and those were going to be deferred until March, 2004. From a policy standpoint, it was one thing to identify the properties, but then they had to see how to provide incentives for preservation.

Commissioner Trantalis asked what did that all mean, and stated their hands were tied because a policy or program had not yet been developed to work with stakeholders who would be affected by the process. Mr. Kisela further stated that in early 2003, the Historic Preservation Board had met with the City Commission and had requested that additional resources be dedicated to help with such preservation. He stated they were not successful to fund that in the 2003/2004 budget, and eventually it would come down to resources. He stated these lists were helpful, but the heavy lifting would come in when deciding how to provide incentives for the preservation.

Commissioner Trantalis asked if in the process of formulating such maps that they also look to find ways to fund the position. He suggested that possibly a 10% premium be added to each code enforcement lien settlement to help fund such a position.

Mr. Kisela stated that the lack of funding had kept them from moving towards being proactive, and a dedicated funding source would be necessary. He stated that from a staff perspective, there were not enough resources dedicated for them to be proactive. He stated that the contracts the City had with the Historic Society was to the tune of about \$50,000 to \$60,000 per year that helped with the analyses regarding historic preservation, and they had about one-half of a planner who worked on these issues. He stated that was not enough resources for them to get a handle on the issue.

Mayor Naugle stated that the goal of the surveys was to stop the 11th hour wrecking ball. He stated that he did not see the City dedicating resources towards incentives or rebates to owners of the historic properties, and in many cases there were some programs available from the State and Federal levels. He stated if they did nothing, he reminded everyone of the recent success they had because of the ordinance. He added that the Certificate of Appropriateness did not necessarily prevent a demolition from taking place, but did provide a sort of stay of execution and gave the community time to get together and try and saving the buildings. Mayor Naugle cited several instances which had occurred due to the ordinance.

Commissioner Moore returned to the meeting at approximately 2:40 p.m.

Mayor Naugle reiterated that the map was an attempt to notify people of the historic properties, and their values should be considered.

Commissioner Trantalis asked if that would tip them off to unload the properties to developers or demolish them in an attempt to redevelop them. Mayor Naugle stated that if someone bought land with mangroves on it, no one had the responsibility to tell the individual they were there even though it affected a person's property rights. He stated they might have to develop around them. He felt the historic buildings were a similar situation which restricted the use of the property. He reiterated that historic preservation was profitable.

Commissioner Trantalis further stated that he wondered whether or not it would behoove the City to consider a funding source other than general revenues in order to attempt to fund this additional staff position. Mayor Naugle stated that they did need the position in order to be able to explain what resources were available and smooth the transition.

Commissioner Hutchinson agreed that a staff person was necessary, but in most cities across the Country, cities assisted historic trust groups, and they were the ones that bought the homes and saw to their rehabilitation. She further stated that the money paid to the Historical Society could possibly be used for the hiring of such an individual.

Mr. Kisela stated that they had looked at that matter in attempt to reshape the allocation of such funds. He explained the service provided by the Historical Society was basically research to make sure the properties met the criteria for designation. If someone was on staff, then they could use such funds. The in-house person they were presently using was processing the applications, staffing the agendas, and attempting to keep the historic items moving in the right directions. Some of the funds could be redirected and stated they were probably talking about \$125,000 to \$150,000. He explained that the outsourcing comprised about \$50,000 and in-house staff cost about \$75,000.

Commissioner Trantalis stated that if the person was hired, they could seek out grants that were available and the position would end up paying for itself within a short period of time. Mr. Kisela stated there might be a way to bring in State and other Federal funds to help offset some of the expense.

Commissioner Moore stated that he was glad to hear how other cities were handling these matters through their communities, but he stated that he would prefer that they review the historical contract and the work done and possibly upgrade it.

Cecelia Hollar, Director Construction Services, stated the Historical Society did not want it upgraded.

Commissioner Moore stated if they did not want it fine, but possibly it could be tried for a temporary period of time.

Mr. Kisela stated that they had several meetings with the Historical Society who stated they were more comfortable in doing the research, but were not good at the bureaucracy portion.

Commissioner Trantalis stated that two entities were involved, and they were the Broward Historical Society and the Broward Trust for Historic Preservation. He asked if there was a relationship with the later organization. Mr. Kisela replied they had no such relationship, but could expand it and if the position could be outsourced, then they would do it.

Commissioner Moore reiterated that a competitive process was always a necessity.

Commissioner Hutchinson left the meeting at approximately 2:48 p.m. and returned at 2:49 p.m.

Mr. Kisela proceeded to apologize for the presentation because he had been under the impression that the outline given to the Commission was to be the presentation, but he had now been informed there was additional information. Therefore, this matter would be placed on a future agenda.

Action: Item to be rescheduled for a future meeting agenda.

I-D – Redevelopment/Disposal of Various Infill Parcels

Faye Outlaw, Interim Director of Community and Economic Development, stated that this item was a discussion item regarding a number of options that they were bringing forward regarding redevelopment and the disposal of the in-fill parcels they had within the inventory of the Housing and Community Development Division.

Ms. Outlaw continued stating that they had about 159 parcels in the inventory, and of that number 145 were residential lots, and 14 were commercial parcels. She stated that the majority of the parcels fell within what was the northwest improvement district. She proceeded to show a map of the boundaries of the area. She stated this district was being used as the ownership entity to convey lots onto first time home buyers and proceeded to show a map of where such lots were located. She explained there were 139 lots within that area, and of those were 14 commercial lots, and 113 were buildable

lots. She further explained there were a number of substandard lots which were undersized, and houses could not be constructed on such lots. She stated further that there were about 20 parcels which fell outside of the boundary, but none were commercial lots.

Commissioner Moore left the meeting at approximately 2:54 p.m. and returned at 2:55 p.m.

Ms. Outlaw stated they were recommending to the Commission that they transfer the commercial parcels to the Northwest-Progresso-Flagler Heights CRA for future commercial development opportunities. She stated they wanted to continue with the redevelopment of the buildable parcels within the NID for first time home buyers in accordance with the various initiatives which had previously come before the Commission. She explained that one of the initiatives were the Dorsey-Riverbend Redevelopment project which was being done in conjunction with the CRA. She explained further a portion would be market rate housing, and 5 lots would be affordable housing. Once the performance was demonstrated on the model row and the 5 lots, the remainder of the lots would be considered for Phase II of the development. She stated that 2 developers had been selected as the preferred developers, and they were DeAngelo and CCC Broward Barron.

Ms. Outlaw stated they had also received direction from the Commission regarding the Old Progresso redevelopment. She stated that Renee Lupine looked at utilizing those lots as part of his development, but there had been a number of title issues and were not able to convey them to him. He, therefore, moved on with other properties he had, and they had found first time buyers for those lots.

Ms. Outlaw proceeded stating that the third initiative which had come before the Commission was the redevelopment as part of the annual plan, and included a proposal to redevelop properties they had purchased consisting of about 2.6 acres of land. She stated the property was zoned industrial, but they had submitted a rezoning application which was scheduled to go before Planning and Zoning on January 22, 2004. She stated that their intent was to put out an RFP for a developer to redevelop the parcels.

Ms. Outlaw further stated that outside of those 3 initiatives, they had about 5 properties they were discussing with the Housing Authority as part of the Konover development, and the remainder of the properties within the boundary would become part of the regular infill housing program. She explained that due to the fact that they did not have a conveyance mechanism in place, they had not concentrated on the development of the lots outside of the NWID. She stated they were now getting requests for outside of the NWID area for lots. Subsequently, they had not responded to those requests and as part of today's recommendations, they were proposing that the buildable lots outside of the NWID be put on the market for sale because they were not a focus of priority within the division. She stated that the substandard lots outside of the NWID, as well as those within the NWID, due to their size and location, were being proposed to be placed on the market for sale. She explained it would provide an opportunity for the adjacent property owners to acquire those lots. She stated they were now spending between \$50,000 and \$65,000 per year out of the General Fund to maintain all of the infill parcels.

Commissioner Trantalis stated he was not totally familiar how the City had acquired such properties, but asked what was the reason they were not all going to be sold in the

marketplace. Ms. Outlaw stated that one of the initiatives under their 5-year plan was an infill housing program which was targeted specifically for low to moderate income individuals. She stated that in one respect they ran that program and had individuals who partnered with a builder or developer and were in a position to obtain their own financing, and then they could select a lot from the inventory. She stated that another strategy which they utilized was doing an RFP on a portion of the lots, such as was done on the Dorsey lots, and selecting a developer. In the past, she stated they had also done partnerships with the Housing Authority, CEC, and Habitat. She stated all of the parcels could not be put out on the market because some had to be affordable housing due to how they had been acquired.

Commissioner Trantalis stated if the substandard lots were not built on and the adjacent property owners did not want them, what would happen to those lots. Ms. Outlaw explained that they would maintain them and continue listing them on their inventory. She explained that another strategy they were looking at was to have the Right-of-Way Committee look at the undersized parcels and see if there was an opportunity to utilize them for an expansion of right-of-way.

The Acting City Manager asked how much money would the General Fund realize from these sales. Ms. Outlaw stated that the General Fund would not realize any revenue from the sale of any of the parcels, but if they proceeded forward with the sale of the buildable lots outside of the boundaries or inside, the purchase price would go into the CDBG account as program income.

Mayor Naugle reiterated that they would not have the expense of maintaining such lots, and they would go back on the taxrolls.

Doug Blevins, South Middle River Civic Association, stated that this neighborhood had benefited from some of the improvements in the last 4-5 years, and they hoped that would continue with the pending police cuts which they were very concerned about. He stated they wanted to urge the Commission to promote the 4 market rate parcels, and reiterated that they supported staff's recommendation.

Mark Corbin, South Middle River Civic Association, stated that he supported staff's recommendation as well. He stated their area was at a crucial point of their development, and they did not want to go backwards. He stated further that affordable housing had contributed to some of the blight in their area, and did not feel it would be a wise decision for the City, the neighborhood, or the taxpayers.

Pamela Adams urged the Commission to support this item so they could build the quality of homes wanted for the area.

Doug Willis, HomeCo, stated that they had 12 first time home buyers who had been given a list of properties to review, and he felt about 10 of those properties overlapped.

Mr. Willis further stated they were attempting to work out a process to convey to non-profits so they would not get pushed aside. He emphasized they were qualified for funding and income certified.

Mayor Naugle asked if they were in the NWID or were some in the market area. Ms. Outlaw stated that there was a combination. Mayor Naugle asked if such clients

could be redirected to the area who were eligible. Mr. Willis explained that many of them had their hopes up because they had been told they were available months ago. He stated they had provided them with a list and sites had been selected.

Commissioner Moore asked if they needed a non-profit to pass this through to a first time home buyer. Ms. Outlaw replied they did not. Commissioner Moore clarified there was no contractual obligation. Ms. Outlaw stated they did not. Commissioner Moore stated if there were 12 individuals wanting to buy homes, they had a program dealing with first time home buyers and they could purchase market rate homes. Ms. Outlaw confirmed.

Mr. Willis remarked that they were given a list by Keith Mizell in June and told to make their selections.

Ms. Outlaw stated that once they received direction from the Commission to proceed forward, then they would come back with a resolution establishing sale prices before they could go on the street with the sales.

Mayor Naugle stated if the non-profit group wanted to identify some of the parcels, he could contact the City and possibly some of the parcels would be available. Ms. Outlaw explained that their program was geared towards first time home buyers, and the 15 connected to the non-profit program had submitted applications, and the individuals interested in lots within the area had already targeted various parcels. She stated that half of the buyers had indicated they did not want to purchase within the area.

Vivian Dempsey, South Middle River Civic Association, asked when the homes were going to be sold and asked if they were sold at an auction. Ms. Outlaw explained that they sell the lots and they were advertised, and bids would then be accepted. She further stated that they had never done a market-rate sale, but they intended to put a "For Sale" sign on the lot.

Mayor Naugle stated they did not need to decide how things would be done at this time and suggested they return with a recommendation as to how the sale would be done.

Ms. Dempsey asked if the lots would be rezoned for multi-family. Mayor Naugle stated that any individual could request a rezoning, but it would be unlikely that it would be approved if the neighborhood opposed it. He further stated it depended on what the Land Use Plan stated. He added that they had not yet decided how these would be sold.

Mr. Bentley stated that they would follow the Charter provision, and a list would be presented to the Commission along with a resolution. If the Commission approved the resolution, then a 30-day period would be established to accept bids. Mr. Willis stated that he was concerned that they might not be affordable.

David DeBellis, Former Vice President of South Middle River Civic Association, stated they did not want any more low income persons in the area.

Commissioner Moore asked what made a low income person that they did not want in their neighborhood. Mr. DeBellis stated he was a low income person. He further stated that they already had more than the average number of Section 8 and low income housing occupants in their area. He stated they realized that everyone needed a place to

live, but their area was not the dumping ground for low income individuals. However, it would inevitably become the dumping ground for trash and yard debris in the near future since the transfer station was to be closed. He stated that Venice Cove had been rammed down their throats and dubbed the politically term "affordable housing." He further stated that the project created hundreds of units of housing around the corner from the newly proposed area for low income housing. He stated that it had increased traffic in the area, and people aimlessly walking the streets looking to create problems, and suspicious activity around Venice Cove which undoubtedly was drug related in nature. He asked the Commission to let the property be sold at fair market prices. Therefore, people would be attracted to the neighborhood who cared about its well being and the surrounding environment. Also, he stated the City would benefit from property taxes.

Mr. Blevins stated he was offended that there appeared to be some sort of collusion going on with certain parts of the City who were talking with not-for-profit developers months in advance of the property being disposed of. He felt that matter needed to be addressed. He stated it was not fair to bring in such developers when the matter was not even brought out into the open, and he felt someone was doing something wrong. He felt it needed to be noted on the record.

Ryan Rand, Equity Max, stated that two developers had been worked with and asked if they had been given the lots or had they bid for them. Ms. Outlaw explained that as part of the development, they had put out an RFP and from that developers had responded and a selection process was instituted. The Commission then selected two preferred developers for this development.

Commissioner Moore stated that he was a little upset in regard to the comments made about low income individuals. He stated they were not criminals, and walked to places because they could not always afford cars. He further stated that he had called staff after reading the back-up material asking what was actually being proposed regarding the fair market value. He explained that fair market value was an opportunity for a first time home buyer, and did not mean that a person could not be limited in their income in order to purchase a home. He stated that many times the Commission had stated that affordability could refer to the size of the house. He felt there should be affordable units throughout the City, and always stated that Habitat should be considered in some instances thereby giving a person with limited income a chance at the "American Dream."

Commissioner Moore stated that he was very offended by the remarks made by Mr. DeBellis regarding a person's income making them appear to be inappropriate to live in his neighborhood. He hoped the Commission did not agree with such comments. He reiterated that everyone had a right to their opinion, but he hoped the Commission understood that they valued people, and people were the reason they had a City. He reiterated that people were of different income levels, and City-owned property should be made available for people. He stated that maybe their incomes were low today, but given the same opportunities everyone was given, that income could increase.

Mayor Naugle stated if there had been some form of miscommunication from staff regarding the lots which were available, he apologized and hoped that the first time homebuyers would select a lot.

Action: Approved as recommended.

Commissioner Moore left the meeting at approximately 3:22 p.m.

I-E – Audit Committee

Mayor Naugle announced that everyone should submit a name at the next meeting, and suggested that City residents be chosen and have certain qualifications.

Action: Item to be placed on the December 16, 2003 meeting agenda.

OB – Fort Lauderdale/Hollywood International Airport Runway Expansion Meeting

Mr. McClosky announced that the County Commission would meet next Tuesday at 6:00 p.m. in the County Commission Chambers for the final hearing regarding the Airport's south runway.

CLOSED DOOR SESSION

MEETING RECESSED AT 3:23 P.M.

MEETING RECONVENED AT 4:38 P.M.

MEETING RECESSED AT 4:38 P.M.

MEETING RECONVENED AT 4:43 P.M.

Commissioner Moore announced that he was in support of the Konover amendment.

I-F – City Park Mall Garage Rehabilitation – Planter/Barrier Wall Rehabilitation and Façade Alternative

Peter Partington, Acting Assistant City Engineer, proceeded to show pictures of the garage. He stated that they had bid repair work for the planters and barrier walls in the City Park Garage. He explained that the planters were the external walls and acted as barriers, along with the single internal barrier walls. He stated they needed rehabilitation work to both elements of the garage. He explained there was a base bid which would restore the planters structurally so they would be effective barriers, but would not have any type of plants in them.

Commissioner Moore left the meeting at approximately 4:48 p.m.

Mr. Partington stated the base bid for the work described was \$1.5 Million. He proceeded to show the garage from the Second Street frontage. He stated there was an option in the bid to do a steam cleaning of the entire building.

Commissioner Moore returned to the meeting at approximately 4:49 p.m.

Mr. Partington proceeded to show a rendering of the building with plants in place and the cost of that work would be slightly over \$1.8 Million. He stated this option would have an

increase in maintenance costs. He reiterated that the Commission needed to look at life cycle costs, in addition to looking at the repair costs.

Commissioner Moore asked if they had included in the life cycle costs the possible increases of rents for the individuals who were tenants in the garage. Mr. Partington replied they had not included such increases. Commissioner Moore suggested those figures be included before final discussions regarding this matter were held.

Mr. Partington further stated that the other item they had looked at which was not out for bid was the addition of an aesthetic façade. He proceeded to show a rendering of the building and explained to do such a façade on the entire building would cost an additional \$1.5 Million to \$1.8 Million. He stated that the maintenance costs for such a façade had been explained in staff's memorandum. He stated that in following the Commission's direction, they had gone to the DDA and had discussed the facades with them, along with the planters, but they had basically stated that it was an "in vain" effort to attempt to disguise the building as anything other than a linear parking garage, and due to the City's budgetary situation that any discretionary dollars the City had should be concentrated on the Second Street frontage.

Commissioner Hutchinson added that they also had discussed lighting.

Mr. Partington continued stating that in the memorandum, staff had included a fourth option of a lesser aesthetic façade which did not go around the entire building and was concentrated on Second Street. The cost of such a façade would be about an extra \$500,000, including the signage from both directions on Second Street. He explained the reason they had to do the work on the planters was because the construction had been deficient when the building was constructed. Of the \$1.5 Million bid for minimum work to make the building safe, about \$500,000 of that would go towards the structural defects with the planter walls. However, such walls only had a life expectancy of about 40 years and they were now 20 years into that time period. He further stated that since 20 years had gone by, it would probably be difficult to pursue the contractor for bad construction.

Mayor Naugle stated that they did want some formalization as to who had done the work and who was responsible in reporting to the Commission. He stated they might not be able to collect, but they could prevent using them again.

Greg Kisela, Assistant City Manager, stated they had a list of all the individuals who had worked on the project. He explained it would be the contractor, along with the firm who provided services during the construction, and most likely in 1980 a City inspector had been used for inspections. He felt they might have outsourced it due to the special nature of the project.

Mayor Naugle stated that normally they hired the building contractor and the architect to do inspections in order to make sure the building was being constructed according to the plans. Possibly, an engineer was involved and a City inspector or one had been contracted out for the project. He asked for staff to find out who had signed off on the plans. Mr. Kisela agreed to supply the information.

Mr. Kisela further stated that the Commission had the name of the contractor who had actually constructed the building. It appeared the design was acceptable in 1980.

Mr. Partington stated they needed to bring the barrier walls up to current standards because they were seriously below code. He continued stating that they recommended that the planters be restored, and for the Commission to give staff direction as to how to proceed with either installing plants now or delaying that until the future, or due to life cycle costs, if they were going to consider the aesthetic façade. He stated there was a money saving option in the low bidder's bid on the base work which was a suggestion on how to save \$160,000. But if such suggestion was followed, then they could never put plants into the planters. He stated the other option involved the power washing of the entire garage at a cost of \$90,000.

Mayor Naugle stated that they needed to meet code and that the power washing should be done.

Commissioner Hutchinson stated that she was not sold on the plants due to the cost factor involved. She stated further that she liked the signs on both sides and felt it should be power washed. She also suggested that something needed to be done with the lighting on the bottom floor to encourage people to use it.

Mayor Naugle asked if they should save the \$160,000. Commissioner Hutchinson asked if they could just repair the barrier walls without doing the planters. Mr. Partington replied that they had to do the planters because they served as the barrier walls in those locations.

Commissioner Moore stated that he wanted the planters, and did not feel they were being informed of the full costs for maintenance. He felt that with the plants they would not have to keep steam cleaning the building. He stated that he agreed with the concept of it being a public parking space and some sort of identification should be provided at the top and at the bottom as recommended. He also felt that lighting was a safety issue and should be done. He stated he was concerned that they continued to be negligent in looking at revenue opportunity. He stated the heliport could pay for the improvements to the elevators because it was an Airport entity utilizing the public space. He stated the monies being used were only from the Parking Fund and he did not feel that was very innovative.

Commissioner Trantalis asked if instead of doing the façade work had they considered any form of artistic painting be done on the building. Mayor Naugle stated the problem with that was that they would then be committed to repaint all the time. Commissioner Moore stated he liked the idea, and possibly they could go to the County for Art in Public Spaces and obtain a grant.

Mayor Naugle asked if some time in the future, they should still put in the plants. Commissioner Trantalis stated that the change of heart regarding plants had to do with the cost. He stated this would never resemble the "Hanging Gardens of Babylon," and they would have some plants that might or might not survive. He felt putting in plants was probably not a good idea. Therefore, he was not in favor of the plants due to maintenance costs.

Mayor Naugle stated there appeared to be a consensus among the Commission for the option for saving \$160,000. He stated he preferred to keep the option for the plants opened, but there was a consensus otherwise.

Mr. Partington stated that in the bid process, they had received a third bid 5 minutes after the deadline. No special reason was given, other than just tardiness. Commissioner Moore stated they should open it. Mr. Partington stated it was his understanding that it was up to the Commission's discretion whether it be opened or not.

Mr. Kisela stated they had a long history of not opening bids after the fact.

Hector Castro, City Engineer, stated their policy was that once the bid opening meeting had started and bids were opened, they did not accept any sealed bids at that point. It was decided that the bid should not be opened.

Mayor Naugle reiterated that there was a consensus to have 2 signs placed on the garage, improve the lighting, pressure clean the building, and fill in the planters.

Commissioner Trantalis stated that possibly they could initiate attempts regarding art work being painted on the building. Commissioner Moore stated he was disappointed there was no recommendation to use the Airport funds.

Mr. Larkin stated that they had approached them in regard to the elevators, and they had agreed to fund one which was used for the heliport.

John Hoesle, Assistant Parking Systems Manager, stated he had been informed that they could only justify with the Federal Government one elevator to be repaired due to the heliport. He advised that they were talking about \$250,000.

Commissioner Moore asked if they could obtain some sort of appropriation in regard to the maintenance of the elevators. Mr. Kisela stated that when the heliport was constructed, the Airport had compensated the City due to their impacting some parking spaces. He stated they would ask the Airport regarding sharing maintenance costs.

The City Attorney stated that one of the problems was that the FAA looked at it as an after-the-fact manner.

Action: Two signs would be placed on the garage identifying the building, lighting would be improved at the ground level, the building would be pressure cleaned, and the planters would be filled in with pre-cast material.

I-G – Disposition of City-Owned Property – Sale of 2000 and 2002 N.E. 16 Street – Fire Station 29 and Fire Training Bureau

Mayor Naugle stated that he felt they needed to proceed with the rezoning. He stated that when he had trouble selling things, he just raised the price. He stated further they could take out the minimum or make it higher.

Horace McHugh, Assistant to the City Manager, stated that the zoning was now CF which was a more intense use than B-1. He stated that one of the concerns was that with CF, they could put in more intense uses such as institutions. He stated another concern was that the Commission had mandated or required an easement and environmental issues had been identified after the appraisals were done, but the Commission wanted to maintain the price.

Mayor Naugle asked what the front parcel was zoned at.

Cecelia Hollar, Director Construction Services, stated that she was not sure, but most likely it was CB which was the least intense commercial zoning.

Commissioner Teel stated that she did not believe it should be zoned CF. She added that she did not want to see a continuation of car lots.

Mayor Naugle suggested that they rezone the property and go out for bids without a minimum price.

Commissioner Moore stated if they changed the zoning, then it should be put out at a higher cost.

Norm Schwartz stated he was a potential bidder and stated further that he disagreed with the idea in regard to raising the price. He reiterated that the \$1.5 Million figure was fair, but the appraisal was done with the knowledge that it would be rezoned. He stated that 50' of frontage on Federal Highway would be unreasonable and unusable. He further stated that he had uncovered the environmental problems at the site, and felt that was the deal killer. When the bid was put out, the City had not made the disclosure required that the property was contaminated. He added that in 1988 the City had an underground storage tank removed from the site, and the City had applied and received entrance to the EDI Program which was a State program lasting for 5-10 years giving owners incentive not to hide contamination. He stated that he supported the rezoning.

Mayor Naugle stated that was not a big deal and he knew of a Publix being placed on top of an old tank farm on 17th Street. He reiterated there would be no minimum bid.

Mr. Schwartz felt it was wise to open it to a competitive bid, and felt another problem could be the cost of the clean up which had not yet been determined. He reiterated that the State would probably never do it.

Commissioner Moore left the meeting at approximately 5:23 p.m.

Commissioner Trantalis suggested that the neighborhood association also be contacted. Mr. McHugh stated they were not opposed to such a suggestion.

Commissioner Moore returned to the meeting at approximately 5:24 p.m.

Mr. Schwartz asked if the bidding would take place once the rezoning was complete, or would it take place subject to the rezoning. Mayor Naugle stated that the recommendation was for rezoning, and then it would be put out for bid.

Commissioner Moore felt that was not the way to do it, and felt they should advertise and then sell the property. Commissioner Trantalis felt that neighborhood input could be different from what staff had in mind regarding the zoning level.

Ms. Hollar stated that it would take about 4 months due to public hearing notice requirements.

Mr. McHugh asked if they would guarantee that the property would be rezoned to B-1 and then advertise accordingly. He was informed by the Commission that was not the case.

Mayor Naugle reiterated it was not the proper way to do it before obtaining public input, along with input from Planning and Zoning.

Action: Proceed forward and staff would bring back information from Planning and Zoning regarding the rezoning.

Commissioner Moore left the meeting at approximately 5:25 p.m. and returned at 5:26 p.m.

I-H – City Clerk Recruitment

Mayor Naugle announced there was a recommendation made regarding the City Clerk position. He stated they needed to select some members at the December 16, 2003 meeting for a panel. Mayor Naugle asked about the salary survey for the position.

The City Clerk announced there was a salary survey, but the range to be advertised would be up to the Commission.

Mayor Naugle asked if Personnel had any suggestions. He asked for a recommendation to be made on December 16, 2003 when the names would be selected for the panel.

The City Clerk stated that if the position was advertised a salary range would have to be supplied.

The Acting City Manager suggested they use the Hollywood range. Commissioner Trantalis suggested a range of \$70,000 to \$90,000.

The City Clerk asked if the Commission wanted them to survey people in the Tri-County area to see if they would be interested in serving on the panel, or did they prefer to submit names at the December 16, 2003 meeting. Mayor Naugle asked for the City Clerk to submit 3 names.

Commissioner Moore stated he wanted an assessment center done in this process.

Arlette Steinberger, Employment Manager, stated that assessment centers meant different things to different people. She stated they were proposing doing a training and experience evaluation. Then, they would invite individuals for an interview. She asked if there was something else the Commission had in mind.

Commissioner Moore stated that an assessment center involved an in-box/out-box. He thought it was normal terminology used daily. Ms. Steinberger stated it was not and some people thought only of interviews. Commissioner Moore reiterated that any operation dealing with fair hiring practices found an assessment center provided a fair opportunity in making an assessment of a person's professional skills, less sexual and racial bias. He urged this be used in their selection process.

Ms. Steinberger stated she would provide further information regarding an in-basket and normally it cost about \$250 per person. She did not recommend doing it for all individuals, but only for the finalists.

Action: Names to be submitted for the panel at the December 16, 2003 meeting and further information to be provided regarding an in-basket exercise.

Commission Reports

Colee Hammock/FPL 17th Avenue Project

Commissioner Hutchinson asked for a status report to be given on this matter.

Fort Lauderdale/Hollywood International Airport – Day-Night Average Sound Level Counter

Commissioner Hutchinson asked if a resolution could be walked-on this evening regarding noise mitigation with Broward County and the big Airport for 60 LDN's. She felt when they began to build, it would help all residents in the area. She stated there was money in the County's Airport Fund to do it.

Sunrise Intracoastal FPL Project

Commissioner Teel stated that Mr. Kisela and the Acting City Manager were going to Sunrise Intracoastal tomorrow regarding the FPL project. She stated they were drilling to midnight on Saturday but no one complained because they want the work to be completed as quickly as possible. She stated they had destroyed a driveway at one of the properties, destroyed new planting material, and cut sprinklers. She reiterated that it was a disaster. She stated they were patching the streets, but heavy equipment was going through the area. She emphasized that the neighborhood wanted, in writing, what FPL was going to do.

Mayor Naugle asked for a status report to be provided at the December 16, 2003 meeting and that a representative of FPL be invited.

City Manager Reports

The Acting City Manager stated that he would not ask for any reimbursements for the month of November or December.

There being no other business to come before the Commission, the meeting was adjourned at 5:33 p.m.