

**COMMISSION CONFERENCE****JANUARY 4, 2005**

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**COMMISSION CONFERENCE****1:34 P.M.****JANUARY 4, 2005**

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

Also Present: City Manager – George Gretsas  
City Attorney - Harry A. Stewart  
City Clerk - Jonda K. Joseph  
Sergeant At Arms – Sergeant Frank Sebregandio

**I-A – Broward County Boat Facility Siting Plan**

The City Manager removed this item from the agenda.

**I-B – Water Customer Hardship Cases**

The City Manager said this item is on the agenda due to the request of Commissioner Moore,. Options have been provided to the Commission.

Commissioner Moore said he did not agree with Option No. 4, Budget for direct assistance within the General Fund. Option No. 1 should be revised to meet Option Nos. 2, Extend the payback period to 24 months from 12 months, 3, Support an Outside Agency that provides assistance, and 5, Establish a “care to share” program.

Commissioner Teel thought Option No. 2, Extend the payback period to 24 months from 12 months, is a problem due to the number of months involved. Commissioner Moore said it could be extended to 24 months, but should be used on a discretionary basis for hardship cases.

Commissioner Hutchinson read from the Agenda Memorandum No. 04-1718 as follows: “Bond Counsel is comfortable with the current 12-month payback rate, and would advise against extending to 24 months.”

Commissioner Teel did not believe it would be advisable because once the door is opened, everyone would become a hardship case.

Commissioner Moore asked how many individuals are working under the 24-month program. Mayor Naugle said that 25 individuals are involved. He further said that anything done could possibly increase the number of people asking for assistance.

Vice Mayor Trantalis asked about the accounts receivable for the 25 individuals.

Terry Sharp, Director of Finance, said that about \$20,000 is outstanding for 9 residential properties, and a total of \$63,000 for all 25 properties. The largest are commercial properties. \$20,000 is the average outstanding amount for the residential.

Commissioner Teel asked if the individuals are paying off the amount in 12-months. Mr. Sharp said the residents are required to pay their current bill, and to pay off the past due amount in 12 months.

Mayor Naugle said the City appears to have a good system in place and they should continue with it.

Commissioner Moore disagreed because some individuals are having a hardship in paying their bills, and he felt greater discretion should be given to staff in these cases.

Vice Mayor Trantalis asked if the problems resulted from leaks. Mr. Sharp indicated yes.

Mayor Naugle said he is in agreement with Option No. 1, Continue the Status Quo.

Commissioner Teel also supported Option No. 1, Continue the Status Quo, with additional effort made to connect individuals with organizations that would assist them with such problems.

Commissioner Hutchinson said that she is in agreement with Option Nos. 1, Continue the Status Quo, 3, Support an Outside Agency that provides assistance, and 5, Establish a "care to share" program.

Commissioner Moore said restraint should be placed on Option No. 4, Budget for direct assistance within the General Fund. He felt there could be a compromise regarding the 24 months.

Commissioner Teel said giving discretion to staff would not be beneficial to either staff or the City. She asked if anyone was concerned about the 9 individuals with outstanding bills since they appear to be meeting the requirements over the 12-month period.

Commissioner Moore asked if the Commission is approving Option Nos. 1 Continue the Status Quo, 3, Support an Outside Agency that provides assistance, and 5, Establish a "care to share" program. Mayor Naugle said Option No. 3 involves the General Fund. Commissioner Teel said it is not necessary to bring in another organization if there is something already in place.

The City Manager said the intent was to enter into an arrangement, and if the Commission chose this option, then the City would work with the organizations and see what type of agreement could be decided upon. He said staff is looking for direction in this matter. The intent was that monies would come from the General Fund, and a recommendation would be made later on regarding the amount.

Mayor Naugle was not interested in raising taxes further.

Commissioner Teel wanted to keep Option No. 1, Continue the Status Quo, with the condition that effort be made to place individuals in touch with agencies that could assist them.

Commissioner Moore said many individuals are having trouble paying their water bills and this involves a life safety matter. Possibly putting these individuals into a social service program is more costly to the taxpayers, than assisting them in paying their water bills.

Mayor Naugle said the County is the level of government that collects more money than the City, and administers social services. He felt they should just do their job.

Commissioner Moore said with the great need in the county, they run out of such dollars in the first quarter of every year.

Commissioner Teel asked if commercial businesses could be on a 6-month payback, thereby freeing up monies to help with residential customers. She was not in favor of waiting 12 months for businesses to pay their bills, but families need water in their homes for daily use. She said she would be happy to help in getting these individuals assistance.

Commissioner Moore asked what is the impact on shortening commercial paybacks, and lengthening residential paybacks to 18 months.

Mr. Sharp said the commercial properties have larger amounts due than the residential properties, but this could be evaluated with bond counsel. He said they are concerned about establishing a policy that could jeopardize the revenues to pay off the bonds.

Commissioner Moore favored a "care to share" program, Option No. 5.

Mayor Naugle summarized the consensus as Option No. 1 with modifications and Option No. 5, Establish a "care to share" program.

The City Manager said that if Option No. 5 is adopted, than staff needs to work on this.

Commissioner Teel said that some individuals pay the amount of their water bills rounded off to the next dollar and that money could assist the hardship cases.

**Action:** There was consensus for Options Nos. 1, Continue the Status Quo and 5, Establish a "care to share" program. The City Manager will present an action plan concerning Option No. 5, including consultation with bond counsel.

### **I-C – Commission Office Staffing**

Mayor Naugle asked if the Commissioners knew who they wanted to designate as their staff assistant. Commissioner Moore said he was using a selection process. Vice Mayor Trantalis felt that things keep changing and there is no resolution regarding this issue.

Mayor Naugle said he was ready to designate his assistant, but believed they should discuss compensation.

Commissioner Moore said that they need to decide how they will select the Coordinator and what compensation would be involved, including compensation for the staff assistants. Commissioner Hutchinson said that compensation would fall in the amounts included in the budget. Commissioner Moore suggested that the assistants be named at the next Commission meeting.

Commissioner Moore felt that the Human Resources Director should meet with each Commissioner and set out the criteria to be followed in their interviews for such positions.

Commissioner Hutchinson said her current assistant is interested in the Coordinator position, and until that position is filled, she would not be able to choose her assistant. She asked if they were going to promote from within.

Commissioner Teel said the Coordinator position should be filled from within because it is a challenge and someone is needed that is acquainted with the office.

Commissioner Moore said the others were selected from outside, and to select someone from within concerns him. He felt they should review all candidates.

Mayor Naugle said if the process is opened, they would have to advertise and delays could be encountered. He was comfortable selecting Commissioner Hutchinson's assistant, who is interested.

Commissioner Hutchinson said if someone from the outside is chosen, there would be a huge learning curve. Continuity is important.

Commissioner Moore said there are candidates who are City employees, and it would give them a level playing field. He felt it should be an open process.

Commissioner Hutchinson wanted Maxine Singh appointed for the Coordinator position, and Najib Nader as her assistant. Vice Mayor Trantalis had no objection to such appointments.

Stephen Scott said the issue of salary needs to be addressed; salary ranges are provided in the pay plan. Commissioner Hutchinson asked if such information could be provided prior to the next meeting. Mr. Scott replied yes.

**Action:** This item will be scheduled for the January 18, 2005 meeting with respect to the appointment process. The City Manager was requested to provide existing salary range information. Commissioner Moore asked the Human Resources Director to meet with each Commissioner to provide interviewing guidance.

#### **II-A – Monthly Financial Report for November, 2004**

Vice Mayor Trantalis said the City is 16.7% into the fiscal year, and therefore asked what portion of the budget has already been expended.

Mayor Naugle said the percentage is thrown off by paying the police and fire pensions upfront.

Vice Mayor Trantalis wanted such information supplied in future reports.

Steven Chapman, Assistant Budget Director, said 20.13% includes upfront pension costs and all one-time front loaded expenses.

Vice Mayor Trantalis said such expenses could be pro-rated over a 12-month period of time.

Commissioner Teel asked about utility taxes and property tax revenues.

Terry Sharp, Director of Finance, said it is a timing matter as to when some of the revenues are received.

Mr. Chapman said the City needs to monitor other trends, such as the communications services tax which has been going down, along with the trend of the Value Adjustment Board making changes to the property evaluations that will impact taxes.

**Action:** None taken.

**II-B – Emergency Purchase – Fort Lauderdale Aquatic Complex Geo-Thermal Heating/Chilling Units**

**Action:** None taken.

**IV- Commission Reports**

**Annexation Issues: Twin Lakes South**

Commissioner Teel said the Twin Lakes annexation issue would be on the March 8, 2005 ballot. There was an article in the Sun-Sentinel on this matter. This was part of Twin Lakes North, who voted to come into Fort Lauderdale. Prospect Road is the dividing line.

In response to Mayor Naugle, the City Manager said an analysis was done on both Twin Lakes North and South as one. An analysis was not done just on the one section, but could be obtained. He said a timing issue is involved. The deadline for a resolution to be adopted by the Commission to place this item on the upcoming ballot is January 18, 2005 at 5:00 p.m. He said a special meeting would have to be held by the Commission.

Mayor Naugle said the next Commission meeting is January 18<sup>th</sup>. A resolution should be ready and they could advertise it for the January 18<sup>th</sup> meeting.

The City Manager asked if the criteria established by the Commission regarding annexations remains the same. Commissioner Hutchinson said any potential annexation needs to be revenue neutral.

Commissioner Moore said they already made an exception to the rule by taking part of a parcel, and their assumptions were based on the entire neighborhood. Mayor Naugle said old data should not be used.

Commissioner Teel said the two areas are mirrored images. The south has slightly more untaxable land. She felt new data is needed.

The City Manager said he met with the Annexation Team today and a lot of history needs to be reviewed. The reality is that certain decisions were made, involving the increasing or adding of positions based on the analysis done at the time. He said that he asked what the analysis stated for each community annexed in terms of adding positions, and if such positions were included in the budget. If so, had they been funded and were they in effect. The City is in a rebuilding phase, and in his opinion, expansion is not first on his list. If the Commission wants to go further with Twin Lakes, information would be provided, but staff needs to know everyone's expectations.

Mayor Naugle said it is good to move forward with such an exercise in order to prepare for other communities in the future.

Commissioner Moore said, based on the legislative position taken by the County Commission, annexation of Broward County would take place before the end of 2005. Studies were done regarding impacts of properties on State Road 441, and it was the consensus of the Commission that opportunities would be available to annex properties on 441 if they were revenue neutral, and they could opt out of any ballot question.

Mayor Naugle said the previous analysis showed some areas are not revenue neutral.

Commissioner Moore said the analysis showed some communities were not to be annexed unless adjacent to another neighborhood. He said staff's evaluation of the implementation of services was based on revenue to be generated, and the personnel required to maintain the level of services provided by the City. He realized the City is reorganizing, but he did not want the City to miss the opportunity of considering its future without participating in annexation, especially if other municipal entities are gathering land that would benefit Fort Lauderdale.

The City Manager said services have to be delivered. The annexed communities have a level of expectation. The question is whether such positions could be provided.

Vice Mayor Trantalis asked for such information to be provided regarding Twin Lakes at the next Commission meeting.

The City Manager said the analysis regarding general annexation should be provided in the next two weeks.

#### Sideyard Setbacks/Bermuda Riviera Neighborhood

Commissioner Teel said that on December 21, 2004, there was a first reading ordinance regarding sideyard setbacks for Bermuda Riviera, but the item was left off today's agenda. The City Attorney confirmed the item was advertised. At Commissioner Teel's request, the City Attorney advised this could be done as a walk-on item at the regular meeting this evening.

#### Palazzo Site

Vice Mayor Trantalis said last November this Commission agreed not to proceed with the Palazzo project, but the trailer is still on the property, adding to the blight in the area. He said the City Attorney has indicated that the developer threatened if the trailer was moved, it would add to their damage claim which presently exists at \$5 million. He asked the Commission to do something about the situation.

Commissioner Moore said if it is on City property, then it should be removed.

The City Attorney said the structure was placed on the property in accordance with a lease, which was to be in accordance with the approval of the project. The damages are about \$40 million and their claim for the cost to put the trailer at the site is about

\$500,000. If litigation is lost by the City, the damages would be about another \$500,000. The lease agreement has expired.

Commissioner Moore asked if the developer could be given a 30-day notice to remove the structure, and if not, then it would be considered abandoned property. The City Attorney said notice was already provided. Commissioner Hutchinson suggested that the structure be removed by the City. The City Attorney said the developer would claim damages and the question would be whether they were treated fairly when the project was denied.

Vice Mayor Trantalis said this could drag on and he felt this should not be held up.

Commissioner Moore asked if the problem could be addressed through Code. Mayor Naugle said the violations are on City property.

The City Attorney said the hesitation on the part of his staff is that everything is wrapped into one issue in connection with the agreement responding to the RFP for permission to place a trailer at the site. This is in litigation.

Mayor Naugle said they are missing the opportunity for revenue while the structure is at the site. He suggested that a notice providing an additional 30 days be given to the developer.

The City Attorney said another notice should be given, and another option would be for them to begin paying rent which would pay for the parking places being used.

Commissioner Hutchinson asked if the developer would pay or would the City have to lien the property.

Vice Mayor Trantalis said the developer did not maintain the property and has "snubbed their nose" at the City.

Commissioner Moore asked if a lease payment could be proposed, as well as the option for having the structure removed.

The City Attorney said the property was maintained in the past and cars were being parked at the site.

Mayor Naugle said a lease agreement might imply that the structure could continue to be used as a sales office. Vice Mayor Trantalis said the structure was totally empty.

Commissioner Moore said if the structure is being used for storage, then the City could receive rent. He suggested the developer be given the options and see what he chooses.

Vice Mayor Trantalis said that under landlord/tenant law, if rent was accepted, it would give the developer more opportunity to defend themselves, but if the relationship was terminated, the developer has no choice but to move out.



Roundabout - 8<sup>th</sup> Street and 15<sup>th</sup> Avenue

Vice Mayor Trantalis said there is a roundabout at the corner of 18<sup>th</sup> Street and 15<sup>th</sup> Avenue that has been the scene of many accidents recently. The individual living at the southeast corner almost had a truck go into his house on two occasions. The City needs to warn drivers about the oncoming roundabout to prevent further accidents.

The City Manager said he would look into the matter.

Funding Source - Street Improvements

Vice Mayor Trantalis said one of his constituents continues to e-mail him regarding a \$3 million funding source not being used by the City for street improvements.

The City Manager said that Albert Carbon, Director of Public Works, is interacting with the individual. There is a difference of opinion.

Albert Carbon, Director of Public Works, said there is a \$300 million fund, and there is a list of projects for those funds, such as greenways, bikeways, and other transportation projects. This individual wants more funding for bicycle lanes and pedestrians east of Highway 1. He met with the individual and asked him to identify projects that he wants.

Mayor Naugle asked who would determine where the funding would go. Mr. Carbon said the ultimate decision would be made by Broward County. Mayor Naugle asked if projects are being advocated through the Metropolitan Planning Organization (MPO). Mr. Carbon confirmed that as correct, and said the City has identified projects.

The City Manager said that is where the difference of opinion lies. If other projects are added, it would be at the expense of the projects already prioritized by the City.

Mr. Carbon said the City and County both have a list of prioritized projects that are intertwined. Only certain funds are available. The list could be reviewed again and then submitted to the MPO.

Vice Mayor Trantalis said the impression given to him was that monies are available in excess of the applications submitted by the various cities. Mr. Carbon said he discussed the matter with the individual and that was not his impression.

Christmas Distribution

Commissioner Moore thanked Commissioner Teel and her husband for assisting in distributing toys on Christmas morning. He said that two families were supplied with full sets of computers, and Internet service would be supplied for one year, along with training courses. He said the group visited the Housing Authority properties within the district, along with two areas in the community where families needed assistance. He said it was a very rewarding experience.

Joseph C. Carter Park Update

Commissioner Moore said the park is progressing and a grand opening is scheduled for January 17, 2005, in conjunction with a celebration for Dr. Martin Luther King, Jr.

Affordable Housing Roundtable

Commissioner Moore said that on January 22, 2005 the Affordable Housing Roundtable would take place and Charlie Lyons would be present. He asked for the Commissioners who would be available to dine with Mr. Lyons on Friday night.

Housing Availability in Sweeting Estates

Commissioner Moore said that many individuals called him regarding two articles that appeared in the newspapers. One dealt with affordable housing in Sweeting Estates and gave misinformation regarding the owners of the units. The media did a terrible job stating the facts. The community was pleased with the housing in Sweeting Estates, and the owners of the units were not as described in the article.

NEAT Program

Commissioner Moore said there were two articles on the NEAT Program. He realized there are differences of opinions, but the program was supported by the community and they were pleased with the results. He said the individuals who had to make adjustments regarding maintenance of their properties were not pleased, but the community as a whole thought the program was done in a compassionate manner. He congratulated staff on their efforts.

Web Site – Meeting Agendas & Minutes

Commissioner Hutchinson said discussion was held at her pre-agenda meeting regarding the City's web site, and the fact that minutes from the Commission and various boards are not being posted. She wanted the matter addressed as soon as possible.

Mayor Naugle asked if anyone complained regarding the fact that the Commission agendas were not being posted. Commissioner Hutchinson said the complaints involved all documents.

The City Manager said that he would take care of the matter.

Annexation Issues; Twin Lakes SouthCont'd from Page 6

Commissioner Moore wanted to comment regarding the timeline. He said the Delegation and the County agreed on the timeline for adopting the areas and to what municipality they would go to, but the information does not state what year the services would begin. Rock Island was annexed to the City of Fort Lauderdale, and services were to begin in October, 2005. The vote was last year. In dealing with restructuring, the City needs to know when services would begin for the newly annexed areas in order to make their calculations because services may not start the day after the vote or even in the same year as the vote.

Beach Renourishment

Mayor Naugle said he received a letter from Senator Ron Klein regarding a program for beach renourishment that is tied to hurricane funds. There will be \$64 million in the General Revenue Fund for purposes of implementing beaches and dunes in Florida, but he did not know if Fort Lauderdale would qualify for such funds.

Commissioner Teel said there is a bad erosion problem in front of the Gallion on Galt Ocean Mile.

Mayor Naugle said the County is presently working on the beaches in Hollywood, and he believed Fort Lauderdale is next on the list. Commissioner Moore thought the County is addressing Pompano Beach before Fort Lauderdale. Mayor Naugle said that Fort Lauderdale was included in the second phase of the project, along with Pompano Beach. Commissioner Teel said it was her understanding that Fort Lauderdale would be done in 2007.

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

Commissioner Teel reappointed Harry Sweeney to the Audit Advisory Board.

Mayor Naugle appointed Mark Burnam to the Audit Advisory Board.

Commissioner Hutchinson reappointed Norman Thabit to the Audit Advisory Board.

Commissioner Moore reappointed Kevin Blair to the Audit Advisory Board.

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

Aviation Advisory Board

**Action:** Deferred.

Board of Adjustment

Mayor Naugle said that Scott Strawbridge could serve as a full member of the Board of Adjustment due to the resignation of Stephen Buckley. Mr. Strawbridge would no longer be an alternate.

**Action:** Formal Action to Be Taken at Regular Meeting.

Code Advisory Committee

**Action:** Deferred

Code Enforcement Board

Code Enforcement Board Members Patricia Hale, John Phillips, Rixon Rafter, and Jan Sheppard were reappointed to the Board. Sam Mitchell would no longer be an alternate, but serve as a full member.

**Action:** Formal Action to be Taken at Regular Meeting.

Community Appearance Board

**Action:** Deferred.

Community Services Board

**Action:** Deferred

Downtown Development Authority

Consensus appointments were made of Gale Butler and Jack Loos to the Downtown Development Authority.

**Action:** Formal Action to be Taken at Regular Meeting.

Economic Development Board

**Action:** Deferred.

Education Advisory Board

**Action:** Deferred.

Fire-Rescue Facilities Bond Issue Blue Ribbon Committee

Mayor Naugle appointed Patrick McTigue and Doug Ruth to the Fire-Rescue Facilities Bond Issue Blue Ribbon Committee.

Commissioner Teel appointed Mary Graham and Don Bastedo to the Fire-Rescue Facilities Bond Issue Blue Ribbon Committee.

Commissioner Moore appointed Diane MaGee Shula and Lydia Manning to the Fire-Rescue Facilities Bond Issue Blue Ribbon Committee.

Commissioner Hutchinson appointed Allan A. Kozich to the Fire-Rescue Facilities Bond Issue Blue Ribbon Committee.

**Action:** Formal Action to be Taken at Regular Meeting.

Insurance Advisory Board

Insurance Advisory Board Members Christopher Pretera, Randall Swenson, Ted Hess, Mark Schwartz, and Joseph Cobo were reappointed to the Board as a consensus action.

**Action:** Formal Action to be Taken at Regular Meeting.

Marine Advisory Board

**Action:** Deferred.

Parks, Recreation and Beaches Advisory Board

**Action:** Deferred.

Unsafe Structures and Housing Appeals Board

**Action:** Deferred

Utility Advisory Committee

**Action:** Deferred

**V – City Manager Reports**

None given.

There being no further business to come before the Commission, the meeting was adjourned at approximately 2:41 p.m.