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**COMMISSION CONFERENCE MEETING****1:41 P.M.****JUNE 7, 2005**

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

Absent: None

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

**I-A -- Separation Requirements for Sexual Predators Residing in Fort Lauderdale**

The City Attorney said the purpose of this exercise is to see whether or not there is any interest in this regulation. The State adopted such a regulation in 2004 prohibiting individuals convicted of specific crimes against 16 year olds or less not to reside within 1,000 feet of schools or parks. Many jurisdictions are enacting similar ordinances. The question is if the Commission wants to consider such an ordinance. Samples of such ordinances have been distributed to the Commission, but there are some infirmities that need to be addressed before putting together administrative remedies. The draft ordinance includes the same crimes addressed by the State. He asked for direction from the Commission.

In response to Commissioner Moore, Mayor Naugle said he requested the ordinance be drafted. Commissioner Moore said that when issues arise in the future, the Commission needs to be given an idea of where they are going and why. He felt this will be an evaluation of the Commission as an elected body without any indication of where this came from. He did not think this City should “jump into the water” simply because everyone else does. He did not know if this City has a problem, and if this ordinance would be to the City’s benefit.

Mayor Naugle said that he wanted to see if there was an interest from the Commission regarding this issue before any work was done. His feeling was that many cities are adopting such restrictions and possibly this should be done out of self-defense so to speak.

Vice Mayor Teel felt this should be looked at and discussed.

Commissioner Hutchinson said a question arose at her pre-agenda meeting regarding whether this ordinance should mirror the State’s ordinance relating to the 1,000 feet, and if the City used 1,200 feet, could such an ordinance be enacted. She asked if clarification could be provided regarding the definitions of sexual predator and sexual offender. She asked why the ordinance addresses only offenders.

The City Attorney said that in the State Statute the definition of sexual predator is very broad, and covers a larger number of individuals than what this ordinance would cover. The proposed ordinance would cover someone convicted of a sexual crime. The crime

would be specified in the ordinance. In many crimes one could be a sexual predator against an adult. This ordinance was designed to protect children.

Commissioner Hutchinson asked if the City's ordinance has to mirror the State Statute regarding the number of feet or could they be harsher. The City Attorney said the State in their legislation has not pre-empted the area, and therefore, the City could not be less restrictive, but could be more restrictive.

Commissioner Moore asked if there could be different standards for a predator and an offender. The City Attorney said the ordinance only addresses offenders. Commissioner Moore reiterated his concern with how this is being presented. The headline of the document says predator, but the body of the document says offender. He asked if there could be a difference distance requirement for predators and offenders,

Mayor Naugle said he requested this matter be presented to the Commission to see if there was support for such an ordinance.

Commissioner Moore said he is not saying he would not support such an ordinance, but is questioning how the document is being structured. He is asking for clarity of the terms and language being used.

The City Attorney said they are proposing to target individuals convicted of crimes involving children. Sexual predator covers a larger area than just children, and therefore such term would not be used. For example, in the composite schools are listed, but they would need to be defined. The city would not want to prohibit such individuals from living next to Florida Atlantic University because there is no one 16 years or younger attending that school. Also, they will provide an administrative remedy or a remedy for individuals pardoned or who have had their civil rights reinstated in order to protect the constitutionality of the ordinance. They did not want to do all the research necessary unless the Commission desired to move forward. If the Commission wants to rely on the 1,000 feet requirement provided by the State, then nothing further needs to be done.

Commissioner Trantalis asked if the City enacts a local ordinance, would they be enhancing the Police Department's ability to enforce the State law. The City Attorney said the answer is no. Commissioner Trantalis asked if any of the four statutes that have been distributed relate to the type of ordinance presently being discussed for this City. The City Attorney said they are the offenses. The proposed ordinance would stand alone regarding sexual offenders. Commissioner Trantalis asked if the local ordinance is adopted, how are they assisting the Police Department in enforcing the existing State law. The City Attorney said the State law provides for a distance of 1,000 feet. If the City wants to increase the distance, they could do so. Otherwise it would be redundant.

Commissioner Trantalis posed an example of someone leaving the beach and relieving himself in a parking lot when children happen to be passing by. Mayor Naugle indicated the individual would be subject to the ordinance if he is arrested and convicted. Commissioner Trantalis questioned such an ordinance. The ordinance needs more work.

Commissioner Moore asked for further clarification as to the difference between predator and offender.

The City Attorney said that sexual predators include other crimes that do not involve children. Commissioner Moore asked if issues involving predators and offenders in relation to children could be addressed. The City Attorney said that is what they have done. Commissioner Moore concluded the Commission need only discuss the distance such individuals may reside in relation to schools and recreational areas. The City Attorney confirmed that as correct. Commissioner Moore indicated a willingness to discuss such an ordinance.

Commissioner Hutchinson was interested in such an ordinance.

Mayor Naugle asked if the Commission wants to consider an ordinance involving 2,500 feet.

Commissioner Moore asked what the standard would be for a distance requirement. The City Attorney said the further the distance, the higher the scrutiny. They would have to review the cases involving separation requirements or the prohibition against sexual offenders from being in certain areas, and arrive at a number. Then, they will take that number and find out what sites there are in the City from which they would have to be, and what part of the City is remaining in which for them to live. If there is no where, the ordinance would not be upheld.

Mayor Naugle said his sole purpose was to recognize that if this City did not address the situation, they would have more of such individuals as residents.

Commissioner Trantalis said the State has already enacted a law. Such laws are difficult to enforce. He asked if the City wants to subject themselves to lawsuits of this nature.

Commissioner Hutchinson said they will be able to see what areas remain for such individuals to live, and if they would have the basis to challenge the ordinance. Commissioner Moore felt the City will be challenged no matter what. The issue regarding the depth of the crime needs to be addressed. The City Attorney said an administrative remedy would be included in the ordinance. It could not be challenged unless all remedies are exhausted. Then, a determination could be made regarding the specific crime.

Commissioner Trantalis said the level of intent needs to be addressed because to include conduct that is not contemplated by the sexual predator laws is an infringement on an individual's rights. He is not comparing one law against another, but the City needs to be careful what type of law is enacted. State law appears to address such issues.

Commissioner Moore asked if they could expand on the distance specified by the State and apply that to drug sales near a school or recreational park. He asked if the Commission could also consider this issue, anything perpetrated on children.

The City Attorney said if the State Statute is violated, they consider the degree of the crime and apply punishment accordingly. He said if the City adopted an ordinance different from the State Statute and not add the State's penalty, it would be a misdemeanor second degree punishable by a \$500 fine or 60 days in jail for violation of a City ordinance.

Mayor Naugle wanted input from the Police Department as to the usefulness of such an ordinance.

Commissioner Hutchinson asked if a list could be provided of the cities enacting a more restrictive law than the State Statute.

**Action:** Mayor Naugle requested feedback from the Police Department. Commissioner Hutchinson requested a list of cities that have enacted something more stringent than the state. Commissioner Moore asked the City Attorney to investigate the feasibility of also more strongly addressing drug sales within a certain distance.

#### **I-B – Changes to Utility Fees – Capital Expansion Fees and Surcharge in Times of Water Shortage**

Albert Carbon, Director of Public Works, reviewed the slide presentation of information on three ordinances proposed. The draft ordinances will be advertised and will have two readings. There will be three separate ordinances and all public notifications will be done through the customer's water bill, the newspaper and the City's web site.

Commissioner Trantalis asked if a household uses more than 10,000 gallons per month, is there a higher charge per gallon. Mr. Carbon said the current water rates have a break in usage, and there is a tiered water rate structure. The sewer rate has a ceiling of 20,000 gallons.

**Action:** Ordinances will be presented on first reading on July 19, 2005.

#### **I-C – Sunday Warning Parking Citation Program Update**

The City Manager said a status report regarding the pilot program for Sunday Warning Parking Citations has been provided. The question is whether this program should continue.

Commissioner Trantalis was amused with the statistics used for this program. He said the purpose of this program was to provide free parking on Sundays. He said that 1,836 people benefited from the program, but he found it disconcerting that the program is couched in language stating they are starving the School Crossing Guard Program. He felt it is inappropriate to suggest that one has something to do with the other. The parking issue should not be tagged with school crossing guards. He felt the Las Olas area on Sundays is a desert, consequently they need to be more receptive of tourist dollars.

Commissioner Hutchinson said it is not her understanding that the children are being put at risk, but that the citations being written assist in paying the school crossing guards. If there is a way to assist the public and be friendly with individuals parking in the City, she would agree to it. This program costs money, and the City has to decide if parking is to be a big revenue maker for the City.

Commissioner Moore said he does not object to free parking on Sundays, but the meter parking should be increased during the remaining six days. The example shown is an impact on the City's budget, and therefore, he did not want the program to continue.

The City Manager said that money for the school crossing guards will be found. Staff did not mean to infer otherwise.

**Action:** No consensus to proceed with such a program on a permanent basis.

#### **I-D – Special Events Parking Fee Policy**

John Hoelzle, Parking and Fleet Services Director, said their instruction was to provide proposals on how to implement a uniform policy for special event parking; to eliminate the need for parking management, and the Commission to negotiate with promoters, requiring special event parking. The definition of special event parking is reserved parking requests not undertaken on the City's behalf. Based on Commission direction, the special parking event ordinance would be amended.

Commissioner Trantalis asked how much money will be lost from the regular meter rate, if special event rates are given. Mr. Hoelzle said the loss would be substantial; it is supplied as Exhibit 2. The cost per hour would be significantly below the normal hourly rates. The normal hourly rates vary per lot. The Intracoastal lot has a daytime rate of \$.75, and \$1.25 night time rate. The most expensive lot is the Oceanside lot with a rate of \$1.75. They are trying to provide the lowest of the options relative to cost. Darlene Pfeiffer of Parking and Fleet Services offered to supply the Commission with the amount of the difference between what would have been paid into the meters and the special event rate. Commissioner Trantalis said it is important to provide a discount for special events, but there appears to be a double standard. Individual tourists are not getting a special rate. The City should welcome everyone with open arms. Fort Lauderdale is a tourist destination.

In response to Commissioner Trantalis as a follow-up to the previous item I-C, Sunday Warning Parking Citation Program, Mr. Hoelzle said that the \$5 allocation goes to the Crossing Guard Program from citations, and monies from the various lots go to the General Fund.

Dane Graziano, Vice President of Yachting Promotions, said they are against the proposed change for special event parking. He said their event has an economic impact on the City. The formulae of \$10 per day, per spot and the half-month rental works. When the general public goes to these special events, they should receive a break in the parking fee. He did not approve of Option #3, or any of the options. He felt the rate should stay as it presently exists. It is consistent with surrounding cities. Some cities provide free parking for special events.

Mayor Naugle asked what fee is currently being paid. Mr. Hoelzle said they are currently paying Option #4; staff is recommending Option #3, but Mr. Graziano is requesting to continue with the flat fee rate which is Option #2. With Option #2, less money would be paid.

Commissioner Moore asked how long have the sponsors been paying the flat fee rate. Mr. Graziano said they have been paying the same rate for the last 10 years. Commissioner Moore said water rates are going to increase, and asked why it is in the best interest of the industry to pay the same rates. Mr. Graziano said a non-profit organization owns the show, and the consistency with other cities with the same rates

should be followed. Commissioner Moore said everything has increased. The group needs to find a way to generate revenues to cover the costs.

Vice Mayor Teel said the rates stay at a certain level for a long time, and when increases are proposed everyone objects. She believed increases should be done gradually. Rates need to be increased due to an increase in costs.

Commissioner Moore said the space leased for exhibits has probably increased in cost also.

Commissioner Trantalis said the sponsors of special events are being courted by other cities, and by leaving the parking rates as they now exist, it supplies the incentive for the events to come to Fort Lauderdale.

The City Manager said the benefit is uniformity, but the negative aspect is that the City's hands are tied during negotiations when an exception is requested.

The City Attorney said that historically the Commission has granted certain parking waivers.

Kitty McGowan, Executive Director of the Fort Lauderdale Billfish Tournament, referred to a letter sent to the Commission yesterday. She understood that a uniform policy makes things easier. She said discussions always seem to center around lost revenue to the City, but they have not taken into effect the fact that the lots are normally empty when such events are not taking place. A parking rate is being paid, and they are also bringing individuals to the area, along with providing year-round exposure for the City. If rates increase, there is the possibility of events going elsewhere. She said there are not many events affected by these parking rates.

Mayor Naugle said the boat show attendance has gone from 72,600 to 77,000, and the billfish tournament attendance is projected to go from 2,500 to 10,000 people. The ordinance to be adopted has to have the goal of obtaining additional revenue for the City. He did not want to adopt something where the City would be losing money.

Commissioner Moore was frustrated with how they run this government because they look at things in a different way depending on who is affected. Last year he asked the Commission to support a non-profit entity to purchase school supplies for underprivileged children, but the proposal was not supported. This is an opportunity to provide a level playing field for everyone involved. The City does not make money from these events, it is the hotels and restaurants that benefit. Option #3 would provide the maximum opportunity for revenue as suggested by staff. He did not believe that some of these events would leave the City over a small increase in rates because they want to be in this City due to the quality areas being offered for their events.

Mayor Naugle said if the market will bear the 400% increase and the events stay, then the City will benefit.

Commissioner Moore wanted this ordinance to move forward.

Vice Mayor Teel agreed. She felt it is important to be consistent. She supported staff's recommendation regarding Option #3.

Commissioners Hutchinson and Trantalis supported Option #3.

Commissioner Moore complimented staff in preparation of this item.

**Action:** There was consensus to implement Option #3, actual meter rate with discount phased to 10% over three years.

#### **I-E – Executive Search Firm – City Auditor**

Commissioner Hutchinson assumed that Procurement staff has ensured that the RFP has been met with respect to Option #1, and therefore, the Commission can decide on the short list. Kirk Buffington, Director of Procurement Services advised yes.

Mr. Buffington said there are two options regarding the selection of the search firm for choosing a City Auditor. One is to have staff complete the entire selection and review process, and then provide a ranking and recommendation. The other option is to bring forward the top three. Five responses have been received and a preliminary review has been done, and the minimum criteria have been met. He said that staff could also bring forward an alternate recommendation.

Vice Mayor Teel suggested they possibly use the services of the Audit Advisory Board because it is another way to look at this. She said further that there is a lot of expertise on that board.

Commissioner Hutchinson suggested that the board could be part of the search firm selection committee.

Mayor Naugle suggested that a member of the Audit Advisory Board be part of the search firm selection committee.

Commissioner Moore agreed that the Audit Advisory Board should be involved.

Mayor Naugle said that a member of the Audit Advisory Board would be part of the Selection Committee in relation to Option #1.

Commissioner Moore said he felt the entire Audit Advisory Board should be involved.

Vice Mayor Teel did not feel the City Manager and staff should part of that selection.

Commissioner Moore said the appointees of the advisory board would be able to better discuss the matter with the Commission.

Vice Mayor Teel said that Kirk Buffington and the City Attorney should serve as non-voting, ex-officio members.

**Action:** The Audit Advisory Board as well as the Director of Procurement Services and City Attorney as non-voting ex-officio members, will make a recommendation on selection of the executive search firm.



**II-A – Special Magistrate and Code Enforcement Board Cases - Proposed Lien Settlements**

No discussion.

**II-B – April 2005 Monthly Financial Report**

No discussion.

**II-C – City Park Garage Rehabilitation Progress Report**

No discussion.

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

Audit Advisory Board

**Action:** Deferred.

Aviation Advisory Board

**Action:** Deferred.

Board of Adjustment

The Commission reappointed Al Massey as alternate to the Board of Adjustment, and reappointed Scott Strawbridge and Binni Sweeney to the Board of Adjustment.

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

Budget Advisory Board

Vice Mayor Teel appointed Joseph P. Welsch to the Budget Advisory Board.

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

Charter Revision Board

**Action:** Deferred

Community Appearance Board

Commissioner Hutchinson appointed Annette Ross to the Community Appearance Board.

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

Community Services Board

Vice Mayor Teel appointed Diane Shuster to the Community Services Board.

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

Fire-Rescue Facilities Bond Issue Blue Ribbon

**Action:** Deferred.

Historic Preservation Advisory Board

Commissioner Moore reappointed Edith Colden and Carolyn Dandy to the Historic Preservation Advisory Board.

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

Insurance Advisory Board

**Action:** Deferred.

Marine Advisory Board

**Action:** Deferred.

Northwest-Progresso-Flagler Heights Redevelopment Board

Commissioner Moore reappointed William James Cain to the Northwest-Progresso-Flagler Heights Redevelopment Board.

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

Nuisance Abatement Advisory Board

**Action:** Deferred.

Planning and Zoning Advisory Board

Vice Mayor Teel appointed Rochelle Golub to the Planning and Zoning Advisory Board.

Commissioner Trantalis appointed Catherine Maus to the Planning and Zoning Advisory Board.

Commissioner Hutchinson reappointed Mary C. Fertig to the Planning and Zoning Advisory Board.

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

Police & Firefighters Retirement Board

Mayor Naugle appointed Mark Burn to the Police & Firefighters Retirement Board.

The Commission appointed Tom Karl Topor as the consensus 7<sup>th</sup> member appointment to the Police & Firefighters Retirement Board.

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

Unsafe Structures Board

**Action:** Deferred.

Utility Advisory Committee

**Action:** Deferred.

**IV – City Commission Reports**

Charter Amendments Recommended by Charter Revision Board

Commissioner Hutchinson said she had requested a list of the proposed Charter revisions not brought forward at the last election for discussion by the Commission before 2006.

The City Attorney indicated the list of ones not acted upon would be on the agenda for the Commission's next Conference Meeting.

1<sup>st</sup> Meeting in July

Commissioner Moore said he would be absent from the July 5th meeting and asked if all controversial issues could be delayed to a future date.

Commissioner Trantalis said the meeting is moved to July 6, 2005 due to the holiday. Commissioner Moore said he would still be out of town at that time.

CVC Events

Vice Mayor Teel said there will be two events in June. One will be on June 11, 2005 at Palm Aire Village, 8:00 a.m. to 12:00 p.m. Then, on June 25, 2005, they will meet and spread mulch around the plants at City Hall.

Organization of American States (OAS) General Assembly

Commissioner Moore asked if the police force is being reduced at the event.

Bruce Roberts, Chief of Police, said they are reducing the forces. He was confident they will be under the original 5-day projection. A full report will be provided to the Commission.

Gold Coast Australia: Sister Cities

Mayor Naugle said the trip to Australia was successful; about 15 people from Fort Lauderdale attended. Their boat show was beautiful. They sent 54 people last year to Fort Lauderdale's Boat Show, and will be sending more this year. He said they have a Marina Precinct where marine businesses are co-located; it is a great idea. He said their newest condominium is 86 stories, and the average price of a home is \$320,000. The currency is worth about 20% less. It is a beautiful city.

**V – City Manager Reports**

Organization of American States (OAS) General Assembly

The City Manager thanked staff regarding their hard work and effort on the OAS event.

Director of Finance

The City Manager introduced Bernard Wray as the City's new Director of Finance.

Bernard Wray said he wanted to thank the City for this opportunity. He said he has been with the City of Richmond, Virginia, for the last 28 years. The last four years he served as the City's Deputy Manager and Chief Financial Officer.

Community Redevelopment Agency (CRA) Meetings

The City Manager said a list of the CRA meetings has been provided. The Commission is requested to attend the meetings scheduled for June 28th and July 26<sup>th</sup> at 5:30 p.m.

Mayor Naugle said if the Commission cannot attend those meetings, then they will possibly be incorporated into a Commission Conference Meeting nearest the date of the scheduled meetings.

There being no further business to come before the Commission, the meeting was adjourned at 3:08 p.m.