

COMMISSION CONFERENCE MEETING AGENDA

OCTOBER 17, 2006

Agenda Item

Page

I-A	Broward County Convention Center and Hotel Master Plan Planning Program and Process	1
I-B	Workforce Housing Update	3
I-C	Seabreeze Boulevard Widening Project	9
I-D	Amendments to Unified Land Development Regulations – Historic Buildings Preserved on a Site as a Detached Unit in Conjunction With New and, or Existing Development – Recommendation of Historic Preservation Advisory Board	10
I-E	Extension of Employment Contract – City Manager	11
I-F	Ground Breaking Ceremonies – Fire Rescue Stations and Appearance	11
I-G	Conversion of Temporary Road Closures to Permanent Closures – Progresso Village	13
II-A	Drain Valve Repair – Lohmeyer Wastewater Treatment Plant - Emergency Purchase	13
III-B	Advisory Board and Committee Vacancies	13
	1. Audit Committee	(Deferred)
	2. Cemeteries Advisory Board	(Deferred)
	3. Charter Revision Board	(Deferred)
	4. Citizens Committee of Recognition	(Deferred)
	5. Community Appearance Advisory Board	(Deferred)
	6. Community Services Advisory Board	(Deferred)
	7. Education Advisory Board	(Deferred)
	8. Fire Rescue Facilities Blue Ribbon Committee	(Deferred)
	9. Historic Preservation Advisory Board	(Deferred)
	10. Northwest Progresso Advisory Board	(Deferred)
	11. Nuisance Abatement Board	(Deferred)
	12. Parks and Recreation and Beaches Advisory Board	14
	13. Planning and Zoning Advisory Board	15
III-C	Advisory Board Appointment Process	16
IV-A	Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases	15
IV	Commission Reports	15
	1. Bill Keith Preserve	15
	2. Development on the Beach	15
	3. Lincoln Park Halloween Event	15
	4. City Auditor Recommendations On Areas to Evaluate	16
	5. Broward League of Cities Executive Board;	18
	Vote on One Cent Sales Tax	
V	City Manager's Report	16

COMMISSION CONFERENCE MEETING 1:30 P.M. October 17, 2006

Present: Mayor Naugle
Vice Mayor Hutchinson, Commissioners Rodstrom and Teel

Absent: Commissioner Moore

Also Present: City Manager – George Gretsas
City Auditor - John Herbst
City Clerk - Jonda K. Joseph
City Attorney - Harry A. Stewart
Sergeant At Arms – Rosalind Wilson

I-A – Broward County Convention Center and Hotel Master Plan – Planning Program and Process

Pam Brangaccio, Broward County Administrator, said this is phase I of the project. A number of preliminary issues have been discussed with City staff. She will be meeting with the City Manager and the Broward Sheriff's Office and Port security personnel. Additional information would be provided.

Christopher Eseman, LMN Architects, said this is the first phase of a four-phase process. The first phase will consist of a site selection and regulatory overview. Phase II will be the Master Plan which will start early next year. Phase III will be the selection of a hotel developer. The slide presentation is attached hereto as a part of these minutes.

Mr. Eseman said that the team is a unique combination of national consultants who are focused on the building type, and local consultants who will focus on the process. LMN is the prime consultant leading the effort. They will be working with Architectural Alliance who is a local architect and will serve as a liaison. He reviewed the presentation slide provided to the Commission, noting each of the firms selected for various aspects of this project. They want to have as much local participation as possible; 42% local consultant participation.

In response to Commissioner Moore as to whether there is an ordinance that meets the minority and women business enterprises' (M/WBE) goals, Ms. Brangaccio said that there is an ordinance that backs up the M/WBE goals.

Mr. Eseman showed the presentation slide for Phase I schedule. A copy of the presentation is attached as part of these minutes and available in the Clerk's Office. The airport, port and convention center are all in the process of master plans. It is imperative that they are integrated. He displayed slides having to do with site analysis, security points, hotel sites. The site will include 180,000 square foot exhibit hall, 20,000 square feet of meeting rooms, 50,000 square feet of ballroom, support areas, 750 room hotel and parking. He discussed access. If the security issue could be solved and have the convention center outside of the security line, they could take better advantage of Marriott Drive.

Mayor Naugle pointed out that the Convention Center, when built, is technically not in compliance with the original DRI due to requirements after September 11th. This will be a traffic challenge.

Mr. Eseman showed various traffic circulation configurations being considered.

Mr. Eseman indicated that they meet monthly as a team and it would be a good time for the City to begin to be involved. Phase I will be completed around mid-January, and then they will begin the DRI process.

Commissioner Moore asked if any feasibility studies, showing necessity for the expansion. Mr. Eseman confirmed yes. Nicki Grossman, President, Greater Fort Lauderdale Convention and Visitors Bureau, said the range in the feasibility study was between 750 to 850 hotel rooms.

Commissioner Moore asked if they would be able to obtain a different size convention audience based on the increase in the square footage and hotel rooms.

Ms. Grossman said they would be able to grow with their biggest clients, while also opening the door to a 30% larger audience. With the additional hotel rooms and no addition to the convention center, it would mean a 32% increase in business. One of their biggest issues is that they are having difficulty obtaining room blocks from some of the hotels in the area at rates that are negotiable. The feasibility study shows that after the first five years of a successful operation, they would be able to discuss expanding the convention center up to 200,000 square foot.

Commissioner Moore asked if the Hotel/Motel Association has provided any input. Ms. Grossman said there is no longer a Hotel/Motel Association in Broward County, but through the Chamber of Commerce, there is an acknowledgement that a convention center/hotel would create compression to other hotels in the immediate area and beyond. It would relieve pressure concerning requests for room blocks.

Commissioner Moore asked about the transportation component for bringing individuals from hotels to the center. Molly Hughes, Broward County Traffic Consultant, said this would be addressed in the DRI. Eventually the City would issue a development order for site plan changes and staff would have influence. She believed that a shuttle service would be part of the recommendation. Commissioner Moore asked who would operate the shuttle service. Ms. Hughes said they are in the process of formulating that, but her best guess is that the County would fund additional service to be operated by the present operators.

Ms. Grossman said there is a City/County and TMA run convention shuttle at this time. They will work to get the hotels and meeting planners to consider it as an affordable alternative to private transportation.

Commissioner Moore asked if there has been any input from the beach community and hoteliers. Ina Lee, Chair, Beach Redevelopment Advisory Board, said the hotels are now welcoming this project since they cannot give out room blocks any more. She noted that they just passed the 1 millionth visitor for the City in connection with convention destination. In order to attract larger conventions that will provide a higher

level of people coming to the City and spending money throughout the City, the hoteliers believe this is what is needed next.

Vice Mayor Hutchinson appreciated that the presentation is being made at phase one. She said that she looks forward to working on this project, and to reviewing both DRIs (convention center and airport) as to how they could come into compliance.

The City Manager thanked the new Broward County Administrator for the great working relationship being established. City staff was invited and will send a representative to the County monthly meetings.

Mayor Naugle asked if there is anything missing from the list of uses planned to be added. Ms. Grossman said that parking is still being considered. Mr. Eseman said that possibly a small amount of retail could be added. Ms. Grossman mentioned that possibly a public presentation facility, a 3,000 seat, could be part of the expansion of the convention center. It would become a public facility. A sign on the site would be helpful. No other uses are being considered at this time.

Commissioner Rodstrom asked if Terminal One would be eliminated. Ms. Grossman confirmed that is correct. The Port and the County Commission will decide whether it will be relocated.

Mayor Naugle commented that there is a question whether the small cruise ships with casinos may not be viable in the future. If some went to Pompano and Dania, some of the traffic could be relieved.

Ray Dettman, President of Harbordale, said traffic is one of their highest concerns. He asked if they would make a presentation to their group. Ms. Grossman confirmed they would be happy to do so.

I-B – Workforce Housing Update

(OB)

Marc LaFerrier, Director of Planning and Zoning, said the last time this item was before the Commission was June 6th. He provided a brief history on this item. A draft ordinance was prepared in April which laid out a workforce housing strategy, including a 15% inclusionary requirement in the Downtown RAC, and 10% elsewhere in the City a fee in lieu of fee. A history of the work product has been provided in the back-up material, as well as a summary of what other jurisdictions in South Florida have done recently regarding this issue.

Mayor Naugle referred to the position paper provided by the Downtown Development Authority, saying they had a 3-2 vote. Then, one of their members rescinded it because he had to leave early and wanted to vote against it. Therefore, it appears there was a 3-3 vote. Commissioner Moore said if an individual does not attend the meeting, they cannot vote. Mayor Naugle said the Commission normally accommodates someone who misses a meeting.

Commissioner Moore said that there have been attempts by the Commission to take a position on attainable - workforce - affordable housing. During the last two years public meetings have been held, and input received. He appreciated that the Commission decided there would be a date certain for this topic. Broward County took the position

several months ago, stating that the Urban Planning and Redevelopment Department would decide on the implementation of a land use policy and prior to that policy, cities must have an ordinance dealing with attainable housing. On October 5th the Planning Council for Broward County took a position on attainable and affordable housing. There are 3,000 units available for the City to receive based on their land use adjustments with the County. The City was to make an adjustment of meeting the Planning Division's position on the ordinance that the County will discuss today. The County is suggesting that the applicant agree to 15% of additional units proposed by a plan be set aside for affordable housing. Affordability is to mean very low or very low to moderate income housing as defined by the Broward County Housing Land Use Plan.

Commissioner Moore understood the County's policy to be that of the 3,000 units available, there has to be at least 450 units set aside for affordability. It does not require those 450 units to be built, only set aside. It is important for this Commission to take a position on this today. The window of time has changed and the affordable issue does not appear to be a high concern due to the fact that the interest rates and construction costs have changed.

Commissioner Moore said the Downtown Development Authority, appointed by this Commission, feels there is not enough desire by anyone that a position of meaning take place regarding affordability. They are proposing that all residential developments consisting of 10 or more units offer 10% of the units through a construction in pay of lieu of fee for a period of not less than 30 years. The Commission was told in the first public presentation that 70% of America's wealth is built on home ownership. Therefore, this DDA does not want wealth to be built through home ownership by those who get an affordable house, but rather they only want the particular unit to be in the marketplace. There has not been a year that members of the DDA did not come to this Commission to help their projects get developed with some sort of incentive from government. He gave examples, including one project before the CRA where there will be a \$1.9 million incentive, and the request has been made for 15% toward attainable housing. He cited other examples involving the DDA where they will benefit from government incentives, noting New River Village, Mediterranean and Harbor Shops, New River Village, 200 Brickell Avenue, Sun Sentinel Building, East Las Olas 200 Building, Stiles Headquarters, Bank of America Building, 350 Las Olas Building, Sunrise Harbor, Victoria Shoppes, 300 3rd Avenue Building.

Commissioner Moore wanted it to be clear that the Commission makes the rules and they should look out for the citizens they represent. The 15% will not cause any loss or reengineer development to another municipal entity.

Commissioner Moore pointed out that the City's ordinance was not included in his back-up materials, but the Coral Springs ordinance was included, which is what the DDA had indicated they wanted to be done. He questioned if the DDA has more influence over the Commission than the Commission itself. He was opposed to offering incentives to someone who will not give back to the citizens.

Commissioner Moore had no problem with considering Coral Springs' second mortgage concept. He thought it is a great idea. The idea of sharing the unit for 30 years is not wealth building and it is not home ownership. It does not create what this process is all about.

In response to Commissioner Moore, Mr. Gray said that the 15% would only capture a very small percentage of the potential need. It is one tool.

Mayor Naugle said that the Sun-Sentinel listed hundreds of thousands of dollars due to the City for a traffic impact fee, and asked the City to forgive it so they could build Riverhouse.

Mayor Naugle noted that the 30-year issue means that particular unit has its price controlled for a long period of time. Commissioner Moore said he could be convinced of a 30 year requirement on a rental unit as to validity, but not on a for sale unit after the first ten years. There should be a condition if the unit is sold that any value of growth during the first five years should be put back into the pool and given to another person for an opportunity of ownership. For years 6 through 10, it should be graduated downward 20% per year.

Mayor Naugle asked if the 30-year period was suggested by the County. Commissioner Moore confirmed that is correct. Mayor Naugle said that perhaps the DDA suggested 30 years because it had been suggested by the County. Commissioner Moore said that the City gives the DDA a great deal of incentive, and the City is asking for others to receive the same opportunity. He suggested 10 years on the home ownership units with nothing being shared in the first five years, and the percentage be gradually reduced in years 6 through 10.

Mayor Naugle said historically throughout the nation and in history any time government has attempted to affect the marketplace and control prices, supply would shrink making the price go up, and the purpose is defeated. His opposition to rent and price control is because he has the knowledge that wherever government attempts to artificially control the market, the opposite occurs. This is very similar. A well-meaning government is trying to develop a method to affect pricing. The result is that less units would be built and in the end prices will rise. He is most offended by the fact that what is proposed in the Coral Springs ordinance and the County ordinance is that the units have to be rent and price controlled for 30 years which would establish an under class, sharecropping. There are things that can be done to provide affordable housing, but it is not by having the government control prices or rent. The City could encourage developers to build smaller units along with large ones. They would be naturally affordable because they will be less costly to build. He referred to New York City who has rent control and it is one of the most expensive places to live because a well-meaning government attempted to control prices and affect the marketplace. California has an inclusionary zoning ordinance, but this is also rent and price control. Wherever it is done, supply has shrunk.

Commissioner Teel said she asked to see the Coral Springs ordinance because it helps to see what other surrounding communities have done. She felt there has been some movement by the County Commission. She believed they are very close to a resolution. She agreed about wealth-building and that such opportunities should be available.

Commissioner Moore said this issue appears to be the only one the Commission wants to be perfect before proceeding. He wanted to lead this process. He talked about the desirability of a Fort Lauderdale address. More developers are coming to Fort Lauderdale than other communities. The reason for the outpace of need in this city is because there was no need for anyone to fill the void. If not required, most will not do it.

Ray Dettman referred to the community area planning report that was accepted by the Commission in July, 2004. In 2003 there was a workshop. One of the goals was attainable workforce housing. Most of the jobs in the City are service oriented, nurses, police officers. If nothing is done, workers will continue commuting and traffic congestion will worsen. They must think for the future. It takes too long to get things done. He wanted to live in a city which is all inclusive.

Suzanne Weiss, Executive Director, Fort Lauderdale Community Development Corporation, said this is a non-profit organization whose target area is the northwest quadrant of the City. The County approved 50-year deed restrictions in June for anyone who got a nickel from the County, along with a CPI cap, and a limit as to who they could sell the house; they had to be in the same income bracket. She said she along with other non-profits belongs to BAND, Broward Alliance for Neighborhood Development. they wrote a letter to the County, saying this is onerous. The County feels if money and time is being spent to create affordable housing, they need to preserve it. They are now considering a 30-year deed restriction and lifting the CPI caps. Rental housing has a 50-year affordability period because it is mandated by the State. Affordable housing will not take care of itself. The market will not take care of itself. Cycles come and go and people who work here need to be able to afford to live here. Government help is needed. If a government can zone and restrict height, for example, they can address this issue.

Linda Taylor, Urban League of Broward County, indicated that HUD came to them, the non-profits, and said there is a housing crunch in Broward County, and asked that they all unite and work through the issue. They suggested that a coalition be created which is known as the Broward Wealth Building Coalition. This Coalition is represented by United Way, Children's Services Council, Hispanic Unity, and many other non-profits, for-profits and quasi-government. Broward County is the applicant for a federal grant which has brought more than \$700,000 into the county for poor families, those who live below or at the poverty level, which, for a family of four is about \$35,000 annually. There is a federal \$2 match for every \$1 that these families save. Local businesses have matched the match money, who realize that they have to step out of the box and help these families, so they do not move out of the area. She asked the City to stand in line with what the federal government and Broward County have already said is the right thing to do. She asked the Commission to represent these poor families also.

Helen Surovek, CDC and Broward Partnership for the Homeless, said they help poor people get housing. She attended yesterday's workshop, and she believed that Broward County will take second position which is a big step. She did not think many lenders will participate, if the County wants first position. She encouraged the City to do the right thing.

Jacqueline Tutts, CDC and New Vision, said they represent the very low and low income individuals. It is hard for them to become homeowners in this day and time. It is becoming even harder because there is no set aside, nothing left. She asked the City to help them.

Brandon Biederman, South Florida Builders Association, recalled at the June workshop staff was asked to provide an update. He questioned the process.

Mayor Naugle said that the decision today is whether to move forward with an ordinance or wait or not go forward with an ordinance. An ordinance requires two readings; there has to be a public advertisement, and it would occur at a 6 pm meeting.

Mr. Biederman felt everyone understands that there is a housing shortage. This is a community-wide problem requiring community-wide solutions. The Broward Housing Partnership report indicates that 50% of the population in Broward County makes less than \$25,000 a year, which makes it very difficult to buy a home. The question is how the problem should be attacked. Realtors, bankers and employers need to sit at the table and discuss this matter and arrive at a solution. The Broward County Planning Council on June 27, 2006 adopted Policy 1.0707 which asks cities, who have a land use change, adding 100 units or changing the designation of such units, to comply with a menu of options to address affordable housing. Options listed are set-asides, pay in lieu of fee, streamlining, land development regulations that promote affordability, reduced lot size, and set forth.

Mayor Naugle indicated that the Commission has this list. Mr. Biederman clarified that Broward County has not come out with a policy requiring inclusionary zoning or a pay in lieu of fee.

Winston Brown, Citibank, said Citibank does most of these mortgages for low income families. More subsidies are needed. He referred to policemen and firefighters and the need that exists. He asked the City to provide assistance.

Courtney Crush, lobbyist, said it appears the Commission is choosing the direction to take 10% of the units and designate them as affordable. She did not think it is known whether that would work financially. She did not think the City wants to harm a good project to the extent that it would not get off the ground. Broward County Planning Council has a policy that if one wants to do a for-profit project not at the workforce level, one could propose a workforce or affordable project within half-a-mile of the site and possibly partner with someone else and get units built. Everyone's goal is to actually get affordable units built. She agreed that 30 years does not supply homeowners an incentive and they are basically putting someone in the position of a renter. However, there has to be a certain time period. The individual should be able to share in the upside. In Broward County, their deed restrictions primarily relate to land given by the County. If the City or County is giving money for that purpose, they may want it to be forwarded in perpetuity. If 10% of the units are included in a project, then they may be able to find a user or owner that can afford the purchase price. Maintenance costs, condo fees and many other issues have to be addressed and perhaps should be escrowed upfront.

Mayor Naugle said that so much has occurred in the marketplace since the Commission last met on this issue. A year ago there were 3,500 condominium units for sale in the City, and last month the inventory rose to 13,000. This City, other than Miami, is really the only city that has a majority of multi-family units. Most cities have single-unit family units. There is simply not enough land for everyone to own a single-family house. Of the units available in this City, the median price of condominiums sold has dropped to \$205,000. With the median household income level of \$60,000, it is pretty much a match for the multi-family. He is amazed at the power of the marketplace. Two projects proposed during the boom which the Commission approved as luxury condominiums are now coming back with some form of affordable units and the units are smaller in size.

One project is seeking government financing to provide low-income units, along with some market units. With prices going down, putting additional restrictions on developers at this time would further shrink the amount of product available. He believed they should adopt the policy as far as the County goes to have developers come in for 15% affordable units or for market units. There are things the City could do to help the affordability process, which might be using CRA funds, first-time homebuyer program, and other similar options. He believed that the City should also work on credit counseling for some buyers. Education and counseling can help. He felt establishing rent and price controls on new construction at this time will work against us.

Commissioner Moore hoped that the Commission would vote today as to whether the City should move forward with the ordinance. He pointed out that there are projects that have been approved but they have not yet pulled permits. Those same people will seek extensions. They are keeping others away from those units. The City's 3,000 units are already gone. By having an ordinance, the City would have individuals who are saying they are ready to move forward, and in order to proceed, they understand the cost of doing business, just as in the case of a parks open space allocation. When it comes to all of the issues that government places on the table, it is a cost of doing business and they either do business with the City or they do not. If they do not do business for the well being of the entire community, he preferred they not do business with the City. He referred to the Mayor's example of the marketplace when the developer found they could not make the kind of profit they originally thought was possible, they gave the development opportunity to another.

Commissioner Moore felt if it is good to get incentive, to get the government to create an opportunity of prosperity, and then they say no to others, the City should say no. If the profitability is not acceptable for one in this City, they should change their business or go elsewhere. The 13,000 units available are available because they are unaffordable. There is not a glutton of property, but rather the gluttony of the property price tag.

Commissioner Moore referred to the attainable housing hearings and noted the first point was that it should be citywide, yet a number of developers have said that inclusionary is out of the question and voluntarily contributed \$1,000 per unit toward attainable housing in order to get approval. Something should be put on the table where everybody has a shot at units.

Vice Mayor Hutchison said this matter needs to move to the next level, an ordinance.

Commissioner Rodstrom was not ready to move it to an ordinance, when it has a lot to do with exemptions to the development community and costs to the taxpayers.

Commissioner Teel believed they need to see what the County is going to do and receive a report on it. This is not something that should be held off for a year. It takes more patience.

Mayor Naugle asked the City Manager to bring this item back to a Commission Conference meeting once the County has made their decision.

Action: There was not a majority in favor of moving forward at this time. The item will be presented at a future conference meeting when Broward County decides upon their policy.

I-C – Seabreeze Boulevard Widening Project

Albert Carbon, Director of Public Works, said staff reviewed this design and budget. The current preferred alignment maximizes the amount of City property that would be used to accommodate the additional lane, and minimizes the amount of private property acquisitions. Therefore, this would keep the cost as low as possible. Florida Department of Transportation sent a letter, reiterating the project needs to meet the original intent of the funding, which is substantially increasing the capacity within the project limits. Staff's review included that of a design consultant. They did not find any alternatives that would provide any significant cost decreases that would substantially increase the capacity.

Commissioner Rodstrom said FDOT gave a 30-day extension, but there was never a secondary roadway design engineer involved over the 16-year period, nor were there any negotiations by the City with the people that owned the businesses. It was criteria put in place by FDOT of the worst case scenario. There was no Commission consensus from the onset for any A-1-A roadway improvements. She believed some improvements will have to be made based on today's development. There is a wish list for use of the money granted under the joint participation agreement (JPA). The 3 + 2 identified one of the portions of the JPA for which the funds could be used, but there are other uses for which the monies could be used such as environmental studies to improve traffic circulation, level of service, roadway alignments, and conceptual improvement of the plans potentially widening and realigning. The JPA also includes other things that she did not think the City would have to reapply for, such as the integration of a transportation system including but not limited to bicycle facilities, a tram trolley system, County bus service, and water bus service.

Commissioner Rodstrom said the trolley system running in conjunction with the Transportation Management Association (TMA) came after this project began. She believed there is possible funding for alternatives, such as trolley stops. There is no funding today for trolley stops. She wanted to salvage some of the \$14 million for use on the beach and not lose the grant or have to reapply for other things. The City only needs a design for trolley stops submitted by the October 29th. A bikepath is another idea for these grant funds. The intersection by the south parking lot could be improved with monies from this grant. She was uncertain about sealing pavers or turtle fixtures on the list. She wanted to give the City Manager to move forward with other improvements such as the trolley stops. She wanted to see as much of the \$14 million as possible go to the beach.

Vice Mayor Hutchinson said that if FDOT will accept it, she would agree to move forward.

Mayor Naugle suggested if any of the monies could be shifted to alternate projects, then that should be done. The City would have to determine if FDOT would agree to any of those projects.

Commissioner Rodstrom wanted to attend any meetings on this and bring people who have been involved.

Commissioner Teel understood years ago there had been negotiations with Mr. Tumi to purchase the right-of-way, but that he would not sell. Commissioner Moore said he would sell, but at a very inflated price. The property owners on the beach made this project crumble.

Commissioner Rodstrom was concerned about the negotiations. If creative solutions were offered, the outcome might have been different. She felt some of the circumstances could have been mitigated.

Mayor Naugle was under the impression that FDOT has not accepted any of the alternatives. He wanted a meeting arranged with FDOT.

The City Manager agreed to do so, but FDOT has indicated that most of the projects on the list and what was mentioned they have indicated no.

Commissioner Rodstrom felt that FDOT had been focusing on the 3 + 2 plan.

Mayor Naugle asked for a meeting to be arranged with FDOT and that Commissioner Rodstrom be invited.

With respect to a formal submission, the City Manager asked if the complete wish list should be submitted or just suggestions mentioned by Commissioner Rodstrom.

Mayor Naugle felt there should be a first tier of item in the JPA, and then other alternatives could be offered. Vice Mayor Hutchinson agreed, if not in the JPA, everything should be considered.

Commissioner Rodstrom indicated if the City has to reapply for the other things, then that would have to be done.

Action: There was consensus for the City Manager to work with Florida Department of Transportation, including Commissioner Rodstrom, to preserve as much of the grant funds as possible within the 30-day extension (to Oct 27, 2006) as described in the existing joint participation agreement, and if that is not possible, on projects in Exhibit 4 of the Commission Agenda Report 06-1490.

The Commission recessed to convene as the Board of Directors of the Community Redevelopment Agency at 1:50 p.m. and reconvened at 1:59 p.m.

I-D – Amendments to Unified Land Development Regulations – Historic Buildings Preserved on a Site as a Detached Unit in Conjunction with New and, or Existing Development – Recommendation of Historic Preservation Advisory Board

Mayor Naugle referred to the Historic Preservation Advisory Board chair's letter, asking the Commission to consider moving forward with this.

Vice Mayor Hutchinson said that she would like this matter to move forward to the Planning and Zoning Board and then to the Commission. Mayor Naugle noted it would also go to the Historic Preservation Advisory Board and the neighborhood.

Action: There was consensus for this matter to proceed to the Planning & Zoning and the Historic Preservation boards as well as Sailboat Bend neighborhood.

I-E – Extension of Employment Contract – City Manager

Both Commissioner Moore and Vice Mayor Hutchinson favored a three-year contract.

Vice Mayor Hutchinson said other than the City Clerk, no other individual works for the Commission directly that under the word, term, it states at-will employment. She thinks it is unprofessional and disrespectful to do that because with three votes the City Attorney or the City Manager could be fired today, and therefore, technically, they are at-will employees. It does not have to be stated in their contracts. At her pre-agenda meeting, the citizens raised the issue of having a time certain when it will be discussed, not just a contract that automatically rolls over each year or three years. The public wants the ability to know that the individual will be reviewed and that the contract would then be renewed for a time certain date.

Mayor Naugle believed there is a performance review when an annual evaluation is done.

In response to Commissioner Rodstrom's question concerning a review process, the City Attorney said it provides that there is an annual review in order to grant them a raise. Commissioner Rodstrom asked if that was included in the contract. The City Manager referred to page 4, Section 6, which states: "The City may grant meritorious increases to such an extent as the City may determine it is desirable to do so on the basis of an annual performance review." This language is included in the first and second versions of the contract.

Mayor Naugle said that this would move forward at tonight's meeting for a vote.

Action: There was consensus for the City Manager's proposed contract providing for a 3-year term.

I-F – Groundbreaking Ceremonies – Fire Rescue Stations And Appearance

Albert Carbon, Director of Public Works, said that at the July meeting the Fire-Rescue Facilities Bond Issue Blue Ribbon Committee unanimously voted in favor of a formal groundbreaking ceremony for each fire station. A typical event runs between \$1,500 and \$2,000.

Vice Mayor Hutchinson said that bond monies cannot be used for parties. There are no contingencies. A party will be held when the stations open, which is the more appropriate time to showcase them at that time. She did not support this.

Commissioner Teel said she asked for this item to be placed on today's agenda. She agreed that the ribbon-cutting ceremony at the time of the opening should be the featured event. She did not think it is necessary to celebrate twice.

Mayor Naugle appreciated the view of the advisory board, but he too was not in favor of using money for groundbreaking ceremonies.

Commissioner Teel further said that a meeting was held with the neighborhood regarding Fire Station 29. Remarks were made that the facades should be customized. She favored the uniform branding for all of the stations, which will help when someone is urgently looking for a station. It will cost less and they will be built faster.

Vice Mayor Hutchinson said that everyone likes what has been built because it is identifiable. These health and safety facilities should not blend-in with the neighborhood.

Commissioner Rodstrom said the general consensus at the meeting was that they wanted to see two facades. The branding would be the red doors, a particular sign in the front, and possibly the City seal on the doorway. The neighborhoods were under the original impression that they would be able to have input. She recalled discussions at the Planning & Zoning Board level. It was precedent setting for neighborhood involvement and that may have stirred the concern by Victoria Park residents over this design.

In response to Mayor Naugle, Mr. Carbon said that the station design went through the Fire-Rescue Bond Committee. Commissioner Rodstrom said that the residents were not attempting to change the interior or the furnishings, only the outside façade. This station would be next to a very modern building and they do not go with each other. It is piecemeal looking. The request is to have two facades from which to choose for all stations. She agreed it should be standardized.

Vice Mayor Hutchinson said they now knows how long it takes to get to the point where dirt is being turned for a station. Now there are four neighborhoods that want to judge how one station looks. She felt they are stepping into a dangerous area. Her district wants the station built. Because of that station's location, she questioned if various neighborhoods would get involved. How many neighborhoods are going to be involved in any particular station that is situated in one neighborhood. She did not support this because she wanted to get them built. She was concerned about rising costs and delays.

Commissioner Teel said that people were consulted. The exterior of the buildings need to be consistent so people can identify them easily. To change the façade because of an adjacent contemporary building would mean all kinds of combinations throughout the City. The public needs a branding with which to identify. A child walking home from school should know it is a safe haven if they think they are being followed.

Commissioner Rodstrom wished the standard, policy and process were done from the beginning. Commissioner Teel said that it was.

In response to Commissioner Rodstrom's question concerning the financing, Mr. Carbon agreed to provide a report .

Action: There was consensus to not hold ground breaking ceremonies. There was also consensus to the appearance of all stations to be the same. Commissioner Rodstrom requested a financial status report.

I-G – Conversion of Temporary Road Closures to Permanent Closures – Progresso Village

Mayor Naugle advocated continuing to hold public hearings. Vice Mayor Hutchinson agreed.

Commissioner Moore said that all the streets that are temporarily closed should be listed and reviewed at one time.

Mayor Naugle said that the work might have to be done in phases. Commissioner Moore agreed. He pointed out that street closures, when maintained, make a significant difference in the communities. There are some that were previously in his district are the worst maintained; they are on the south side of Sunrise Boulevard in the CRA.

Commissioner Rodstrom said that there is documentation regarding this neighborhood going back as far as 2001 in trying to get the street closure. She was not sure whether neighborhoods in Commissioner Moore's district are in the spot in the process.

Commissioner Moore indicated that the neighborhood associations have agreed to it.

Commissioner Teel wanted to see a comprehensive list, including any communities in opposition.

Commissioner Teel noted that if there are any temporary closures not being maintained in the CRA, then the City should address it.

Mayor Naugle did not want to hold a public hearing until the City is near a time of making the closure permanent.

In response to the City Manager as to whether a staff analysis should be provided, there was consensus for it to be prepared.

Action: There was consensus for the City Manager to provide a full comprehensive list with the date it was closed and who is responsible in each instance. A decision will be made as to holding a public hearing when the list is furnished. Commissioner Teel wanted to ensure that all closures in the CRA should be properly maintained.

II-A – Drain Valve Repair – Lohmeyer Wastewater Treatment Plant – Emergency Purchase.

No discussion.

III-B – Advisory Board and Committee Vacancies

Audit Committee

Action: Deferred.

Cemeteries Advisory Board

Action: Deferred.

Charter Revision

Action: Deferred.

Citizens Committee of Recognition

Action: Deferred.

Community Appearance Advisory Board

Action: Deferred.

Community Services Advisory Board

Action: Deferred.

Education Advisory Board

Action: Deferred.

Fire Rescue Facilities Blue Ribbon Committee

Action: Deferred.

Historic Preservation Advisory Board

Action: Deferred.

Northwest Progresso Advisory Board

Action: Deferred.

Nuisance Abatement Board

Action: Deferred.

Parks and Recreation Advisory Board

Mayor Naugle recommended that Curtiss Berry be appointed to the Parks and Recreation Advisory Board.

Commissioner Rodstrom recommended that Matthew Weiss be appointed to the Parks and Recreation Advisory Board.

Action: Formal Action To Be Taken at Regular Meeting.

Planning and Zoning Advisory Board

Vice Mayor Hutchinson recommended that Tom Welch be appointed to the Planning and Zoning Advisory Board.

Action: Formal Action To Be Taken at Regular Meeting.

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

No comments were made.

IV- Commission ReportsBill Keith Preserve

Vice Mayor Hutchinson said Bill Keith passed away the beginning of October. It was his steady hand that helped the City acquire Open Space 125, located at the New River on SW 17th Street and SW 18th Avenue. It would be a fitting tribute to name the park in his honor.

Mayor Naugle asked if the matter went before the Parks, Recreation and Beaches Advisory Board. Vice Mayor Hutchinson said that has not yet been done. Mayor Naugle felt it should go through the process. Vice Mayor Hutchinson requested and there was consensus to schedule it before the Commission at the November 7, 2006 meeting.

Development on the Beach

Commissioner Rodstrom was concerned about handling of the beach. She has met with the City Manager, City Attorney's Office and Planning & Zoning. She felt this is a good time to go forward. She felt a change in direction is needed. She wanted to amend some of the development regulations. She wanted to establish a zoning in progress for central beach from 5th Street to Vistamar Street to reduce the height, density, and mass of development. She also wanted to develop a master plan. Since the process may take up to a year, she proposed a moratorium for any development on the beach larger than 24 units and asked that an ordinance be presented to establish the moratorium.

Action: There was consensus for this item to be scheduled on the Nov 7, 2006 conference meeting.

Lincoln Park; Halloween Event

Commissioner Moore complimented the Parks and Recreation and Public Works departments for their work in connection with Lincoln Park. He asked if staff could request the contractor to complete work at the park before October 30th so a Halloween event could take place.

Albert Carbon, Director of Public Works, said that Lincoln Park one remaining gazebo still being built, but they will coordinate construction so the event could occur.

V – City Manager Reports

The City Manager thanked the Parks and Recreation and Public Works departments, for their assistance in the Lone Sailor ceremony.

Commissioner Teel said that the Parks and Recreation Department has been doing a great job in the areas being featured for grand openings.

City Auditor Recommendations on Areas to Evaluate

Commissioner Moore asked the City Auditor to provide a report at the November 7, 2006 meeting as to what he feels needs to be evaluated.

III – C – Advisory Board Appointment Process

Commissioner Moore was concerned that he has to go through the Commission to secure acceptance of an appointment that he recommends. He felt it is inappropriate. As long as the individual meets the requirements of the City, such as residency or business concern, they should be appointed to the designated board. Exceptions would be if they have been found to have done something illegal or an embarrassment, which happened with inappropriate comments made by an appointee a while ago.

Commissioner Moore pointed out that in each of his terms the individual who ran against him has been appointed to an advisory board by a member of the Commission.

Commissioner Moore did not think that any of his recommendations for appointments were inappropriate.

Mayor Naugle said board appointments are usually approved by the Commission, but a different policy could be established. He believed that Commissioner Moore has voted against people in the past who have not done anything illegal. Commissioner Moore said there has never been a person who was proposed for an appointment that he rejected. Every person who has ran against him has been appointed to an advisory board.

Mayor Naugle pointed out that Commissioner Moore voted against Mickey Hinton for the CRA advisory board. Commissioner Moore indicated that was after the Mayor voted against his nomination for the Charter board.

Mayor Naugle said that if an individual is disruptive and has been dishonest in their dealings with the public and in other offices and has done very questionable things and would bring embarrassment to the City, he could not vote for the person. He has been elected eight times because people know he is willing to take a stand.

Commissioner Moore pointed out that the CRA appointee just mentioned does not have a civic association or an election in over fifteen years. He did not think the Mayor should have the right to vote on his recommended appointments; he should abstain if he is opposed. Mayor Naugle noted that Mr. Hinton is a contractor and the City has always wanted to get contractors on that board. Commissioner Moore indicated that he has been less than truthful on a number of matters.

Vice Mayor Hutchinson said that there are a lot of people appointed to boards that she may not necessarily like, but it does not mean they are not capable of doing the job. She does not vote against them because of personal preferences. They are not criminals. If it comes to her attention that an appointment has been convicted of something, she gets them off the board. She agreed with Commissioner Moore. It should be at the will of the district commissioner. If an appointee does something embarrassing, it should be brought to light at a conference meeting.

Commissioner Teel said that it is a consensus appointment, which is different than an individual appointment. With respect to the particular appointment, it was not because of how anyone else voted. She had observed certain things at other boards to which he was appointed and she attended. She had concerns. If a commissioner is going to vote against an individual, she asked if Commissioner Moore would like the commissioner to state their reason. With a consensus appointment, she felt commissioners have a right to vote no.

Commissioner Moore said he is attempting to deal with issues that impact his district. Especially on a consensus vote and on the Charter, he could be out-voted by the majority of the Commission and the Charter could be staged to the majority's wishes. He felt it is unfair. If he does not have someone who is knowledgeable of the Charter and able to keep a fair process on the table, and commissioners are not required to state a reason why an individual should not be appointed, it could further an agenda of a movement that could be clandestine.

Commissioner Moore felt that by the action of stating no to a person, the person's reputation is being impugning.

Mayor Naugle was not in favor of him because he is dishonest and corrupt. Commissioner Moore pointed out that is how the Mayor feels, and some people feel that he is dishonest and corrupt. It should not be that because a few people think that way, that an individual should not have the opportunity of being appointed.

Commissioner Moore did not feel it is appropriate, even if it is a consensus vote.

Commissioner Teel asked if there should be more stringent voting requirements on consensus appointments. There is something special about them since they are so classified.

In response to Vice Mayor Hutchinson, the City Attorney said a consensus appointment is made by the entire collegial body. The only instance that came to his mind where there is no say over the appointment is the Community Appearance Board. Each commissioner selects five people and they serve.

Vice Mayor Hutchinson asked what is the rationale of consensus appointments versus others where a commissioner gets two appointments, for example, and the Commission votes on both. The City Attorney said where the ordinance provides that each commissioner gets a specific number of appointments, each commissioner may make such appointments. He did not know the original intent of having such a distinction.

Commissioner Moore emphasized it is not adequate for a commissioner to just not like someone and deny him having someone who will address the issues that are important

to his community. Mayor Naugle felt it is to protect the City. Commissioner Moore felt it would apply if the individual did something illegal or the instance mentioned earlier where one individual was removed. Otherwise, he should not have to bring someone that "thinks like you" to serve on a consensus board.

Mayor Naugle referred to a letter the individual wrote that appeared in a magazine where there were dishonest statements. Commissioner Moore contended that if it is not illegal, it should not be addressed.

Mayor Naugle suggested that appointees be honest and of good moral character. Commissioner Moore asked how one would decide what is good moral character.

Commissioner Moore asked whether the Commission feels that there should be rules governing appointments.

In response to Vice Mayor Hutchinson, the City Attorney indicated that being convicted of a felony is just about the only criteria. There are no guidelines for judging one's moral character.

In making a decision, Mayor Naugle said that if he felt someone would be disruptive to the City and the board, he could vote against that individual. Commissioner Moore did not feel a commissioner has that right based on what they think. Commissioner Rodstrom pointed out that each member of the Commission casts their vote based on what they think.

Commissioner Teel concluded in such case, there should not be a vote. Commissioner Moore concurred. He suggested removing the Charter from the consensus category. He asked why it has to be in that category. He pointed out that the Charter is the Bible of the City. He would have to get a majority of the Commission to agree to his appointment.

Commissioner Teel asked the City Attorney to see how things are done in other cities. Commissioner Moore asked it be brought back at the November 7th meeting.

Action: There was consensus for the City Attorney to research how other cities handle the boards that Fort Lauderdale uses the consensus process for appointment and provide a report on November 7, 2006.

Broward League of Cities Executive Board; Vote on One Cent Sales Tax

Commissioner Rodstrom asked about the vote by the Broward League of Cities Executive Board taken regarding the one-cent sales tax. Commissioner Moore said that he voted against the one-cent sales tax. He felt the League of Cities had no appropriate reason to vote on it. Vice Mayor Hutchinson said she also voted no. Commissioner Moore said that he also suggested that if the League is going to be asked to vote on the matter, then the County Commission should also vote on the issue. He made a motion to that effect. It was decided that the League need not take a position because the MPO had taken a position.

Vice Mayor Hutchinson said anything of great importance raised at a League Executive Board meeting is brought back to the Commission. Commissioner Teel said that is why she raised it because she is a voting representative on the MPO.

**EXECUTIVE CLOSED DOOR SESSION 4:21 P.M.
MEETING RECONVENED AT 4:46 P.M.**

There being no further business to come before the Commission, the meeting was adjourned at approximately 4:47 p.m.