

**COMMISSION CONFERENCE MEETING AGENDA
NOVEMBER 7, 2006**

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COMMISSION CONFERENCE MEETING 1:30 P.M. November 7, 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 – Ivory Nelson

Mayor Naugle announced an amber alert for an eight-year-old was announced on the civil defense radio station for the first time by interrupting regular programming. He hoped there would be a good conclusion.

I-A – New Family - Civil Courthouse – Broward County Bond Referendum

Pete Corwin, Assistant Broward County Administrator, provided an update of their plans should the \$450 million bond issue be successful today. He distributed a rendering for the courthouse project. Part of the courthouse dates back to the '50's and has reached the end of its useful life. In the last legislative session, six judges were appointed which put pressure on the County to locate chambers for them. They are out of space. The facility needs to be demolished.

From north to south, Mr. Corwin said the first building on the river is not part of the bond issue. Next is the existing jail and north wing where the criminal courts are located. The first project that would be part of the bond issue would be the new north wing addition of 10 courtrooms at a cost of approximately \$35 million. The intent is to keep the criminal courts near the jail to minimize transport. The future building shown in the middle is not part of the bond issue. It could be a federal court site. It will become green space once the existing building is demolished.

Mr. Corwin further said the biggest part of the project is the new civil courthouse, located between the existing 110 Tower to the west and the School Board across the street, that would cost approximately \$350 million. Land is being acquired for the parking and civil courthouse, but the parking will be funded separately. In addition, there would be three satellite courthouses renovated at an approximately cost of \$20 million.

In response to Commissioner Moore, Mr. Corwin guessed approximately \$200,000 per year would be removed from the tax base, but he would need to double-check that figure.

In response to Mayor Naugle, Mr. Corwin said the County has not yet discussed the issue of swapping properties and situating the federal courthouse on this site with the federal government.

In response to Commissioner Rodstrom, Mr. Corwin confirmed the project would result in more employees.

Vice Mayor Hutchinson asked if any funds have been appropriated for the federal courthouse. Mr. Corwin said no.

Mayor Naugle said he discussed a potential conflict with the City Attorney with regard to property his family owns and that his wife works at the courthouse. The City Attorney confirmed that he does believe there is a conflict. In response to Commissioner Moore, the City Attorney said that the Mayor is not promoting the project; it is a County project promoted by them. The Mayor's family owns property adjacent to the project that may or may not be benefited by the expansion. The likelihood that uses of the property would change in the near future is very diminuous.

Commissioner Rodstrom asked if the Commission did not have a consensus on this, could other cities pursue moving the entire legal system to their community. Mr. Corwin said that one city has indicated an interest, but the County has not responded or sought property in other cities. If the courts were divided, which the judges argue is not a good idea, the civil and family courts could be relocated, but the criminal court is tied to the jail at this location.

In response to Commissioner Moore, Mr. Corwin advised that Sistrunk Boulevard was considered for the family courts, but they have settled on this site.

Commissioner Moore said there are other parts of the City that feel that establishing a court system in their community would also have an economic benefit and increase the tax base with development.

Mayor Naugle hoped the City would endorse the proposed courthouse district and work with the County to make the project happen. There may be the idea of adding to the federal courthouses in Palm Beach of Dade, but he felt having a federal court located in this city as part of a centralized judicial system would be helpful to citizens and smart growth.

Commissioner Moore wanted to look at a way to establish economic development throughout the city. He felt the City should advocate the family court being located elsewhere in the city. There is a tremendous economic base. It would be more advantageous to spread that benefit rather than only one sector benefiting. Commissioner Rodstrom felt the County is trying to establish an anchor type situation with a governmental complex, and the family court would mesh nicely.

Mayor Naugle said that often times individuals have to go from one court to another. Having one centralized complex would be advantageous.

Commissioner Teel favored the project.

Commissioner Moore was opposed.

Action: There was consensus for a resolution of support to be considered at the regular meeting.

I-B - New Family – Civil Courthouse – Broward County Bond Referendum - \$25,000 – Donation Request by Downtown Development Authority

Chris Wren, Executive Director of Downtown Development Authority, said in October, the Authority adopted a resolution to contribute \$25,000 for the courthouse and transit project educational campaigns. They also adopted a resolution asking the City to contribute the same amount for this purpose.

Commissioner Moore did not see a need to make such a contribution.

Commissioner Rodstrom believed the City should support this project.

Commissioner Teel thought the timing is a little strange. Roger Dejarlais, Chair of Justice on Time, a political committee that will be conducting the educational campaign. There is a question whether this issue will pass today. They are hopeful that the County Commission would commit to putting this initiative on the ballot in the next election cycle which is when the monies would be used to educate the voters. If the issue passes today, all monies would be refunded to donors.

Vice Mayor Hutchinson supported the courthouse, but the County has not provided funds for the educational campaign for today's vote. This is a day late and a dollar short. She would support a resolution and would want to participate if it passes. There is only \$69,000 available in contingencies, and therefore, she does not support contributing \$25,000.

Mayor Naugle said a good point has been raised as to timeliness. The City could revisit if necessary. Vice Mayor Hutchinson said if a plan was presented wherein the County would be heavily endorsing this financially, then the City could discuss what they could do to assist, possibly in-kind services could be provided. Commissioner Moore felt that property owners in the area would be willing to contribute to promote the bond issue.

In response to Mayor Naugle, Mr. Dejarlais indicated that a little over \$100,000 has been raised thus far.

Action: There was consensus if the item does not pass in today's election and it is put back on a future ballot, it could be revisited.

I-C -- Trial Residential Parking Permit Program – Colee Hammock

John Hoelzle, Director of Parking and Fleet Services, said that on September 18, 2006 the City's first residential parking permit trial program was implemented on Birch Park Beach Birch Finger Streets, and now Colee Hammock is presenting a more complicated program.

Mr. Hoelzle displayed a map. The shading of the green streets indicates where parking would be available. Those streets not shaded are too small for on-street parking, however individuals could purchase a permit to park in other areas. The proposal is for a six-month trial, \$25 for first permit which includes one free guest permit, and \$75 for the second permit. Permits would be renewed annually and only two permits per household allowed. Purchasing a permit would require a photo ID and proof of residency. Permits could be purchased at Parking Services' Office, faxed, mailed, or online. The hours of enforcement would be 24/7. Two-hour parking without a permit would be allowed every 24 hours. Thirty-day visitor pass available to residents for \$10,

along with a guest coupon book of 25 coupons for \$25. Service and repair vehicles would be able to utilize the two-hour parking. If longer period of time is needed, a guest permit would be necessary. Construction vehicles could obtain a work permit when presenting a building permit which would be valid for the same length of time as the building permit.

Mr. Hoelzle said that some things could not be done. When purchasing permits, the City could not accept faxed, mailed or registered online applications. Photo ID and proof of residency would have to be verified, and therefore, permits would have to be obtained in person. Staff would set a time and place to allow residents to obtain permits onsite. With respect to 24/7 enforcement and two-hour parking without permit, the study justified 7 a.m. to 12 a.m., not 24/7. The City Attorney's Office has indicated it is not appropriate if it cannot be justified. During the trial program additional data could be collected that might justify extending hours. With respect to a \$10 guest pass, current ordinance sets a minimum fee of \$35.

Mr. Hoelzle said that Diana Alarcon, Assistant Parking Manager, said that staff based many prices on actual numbers from the Birch Finger Streets' experience. She noted the cost for various materials like decals, permits and hang-tags and how they arrived at the number to purchase; estimated equipment and vehicle cost for the two-hour parking enforcement, ongoing costs for supervision and management, and the addition of 3.33 parking enforcement specialists and one customer service representative along with a workstation, uniforms, maintenance of vehicles and gasoline. Revenue is based on Colee Hammock's proposal of 50% of the homeowners purchasing permits. The bottom line cost would be \$250,625.39 for six months.

Mayor Naugle said the City's policy has been to initiate programs that break even. He asked what is the estimate for fine revenue and increase in revenue at City parking lots from the displacement of individuals getting free spaces. Mr. Hoelzle said when the trial program was implemented for the Birch Finger Streets, staff indicated they needed a trial program first in order to determine revenue. There will be revenue. However, he did not believe the program would break even. It is hard to project. The Birch Finger Streets are complying; very few citations have been issued. However, they have not reached peak season.

In response to Commissioner Rodstrom, Ms. Alacon indicated that staff is currently monitoring public metered spaces. Additional staff would be needed for the two-hour enforcement.

In response to Commissioner Rodstrom, Ms. Alacon indicated the permit fees charged to the Birch Finger Streets. There is no charge for guest passes. The homeowners association is administering that part.

Vice Mayor Hutchinson said this proposal is different from the Birch Finger Streets. There will be more revenue from citations or other parking meters from the Las Olas area. Restaurant employees will be forced to use another parking facility and most likely it will be a facility monitored by the City. Therefore, she believed there will be revenue. She questioned how staff could be hired for only six months if the program fails. She felt staff should just buckle down and do a six-month trial. The Birch Finger Streets are not revenue neutral; almost \$59,000 is spent by the City to implement the program.

Vice Mayor Hutchinson noted no new employees were hired for monitoring the Birch Finger Streets. The City Attorney's Office has indicated that chalking tires will stand up in court. It may be that someone parks for free for three hours. Different areas need different programs. It allows people to do business in the area without a concern. She realized the cost is high. The Las Olas Business Association is in favor of the program, but they want the City to look highly at the two-hour free parking. The program is not perfect; there will be problems, but it is an opportunity to work out issues and see what revenue could be obtained. It is a gamble, but she would like to move it to a public hearing.

Commissioner Moore felt if a community is suggesting this is a need, the City should spend the money to implement it in an attempt to enhance the community's life style. He was concerned about adding employees for six months. Another concern is the permit price differential in comparison with Birch Finger Streets. Before the public hearing, he asked that staff and Colee Hammock revisit the pricing.

Commissioner Teel agreed; residential permit costs should be consistent. She preferred chalking instead of purchasing equipment. She questioned whether it is realistic for existing staff to take on the work for six months. She did not favor the two-hour concept because public meters are available. It is confusing and labor intensive.

Veronica DePadro, Colee Hammock, said the two-hour concept is important to the residents because it would help cover every scenario. The concept is used in Washington, D.C. and Denver, Colorado. The prices are based on Hollywood's program. The prices charged to Birch Finger Streets are based on their choice of cost.

Art Seitz said that Lauderdale-By-The-Sea is considering eliminating their citation system. There are people who will not go somewhere if they think they could be cited. People would be excluded. He liked the idea of a two-hour system. He urged the City to think this through.

Barry Shapiro, Vice President of Birch Park Beach Finger Streets Homeowners Association, said they did not ask for a permit fee of \$140. They accepted that price suggested by the City in order to be revenue neutral.

Commissioners Teel and Rodstrom did not support the proposal in its present form.

Commissioner Moore wanted to set the public hearing date, but ask staff to present a different price schedule.

Mayor Naugle said that he would agreeable to moving forward if it could be estimated as revenue neutral by estimating fine and additional meter revenue, although the Commission would not hold staff to that. Perhaps permit fees could be raised and expenses cut.

Vice Mayor Hutchinson said it will not be revenue neutral going into the program, but possibly the gap could be closed more.

Commissioner Teel felt it has to be simplified in order to get the prices down. It is unfair to ask for \$250,000 in a new budget year because a neighborhood needs to park in a certain way.

Commissioner Moore felt that existing staff could be concentrated in this neighborhood on certain days.

Action: There was consensus to bring the matter back to the Commission if the program could be closer to revenue neutral. Commissioners Teel and Rodstrom were opposed.

I-D – North Beach Study – Lifeguards and Addition of Metered Parking on A-1-A As Funding Source

John Hoelzle, Director of Parking and Fleet Services, said staff put together a study that anticipates metering north beach on A-1-A, north of Sunrise Boulevard to 18th Street. Approximately 25 multi-space meters would be needed. Revenue generated could be about \$1 million a year. Residents would park for free and non-residents would pay \$1.75 per hour. The revenue could then be used to purchase five lifeguard stands for north beach. Another question is whether to staff those stands with City or contracted lifeguards. Another part of the recommendation would be to change the entrance to south beach parking lot, making it free for residents and increase non-resident fee from \$6 to \$10. Free resident parking would be provided at the Birch Las Olas Intracoastal lot also.

Commissioner Moore felt the resident parking cards should also be sold at the beach parking lot as well. Mr. Hoelzle said there is an issue with residency proof documentation. Mayor Naugle asked how residency is documented now. Mr. Hoelzle said that residents must show two forms of ID such as a tax bill, utility bill, driver license, voter registration. Mayor Naugle suggested possibly a mobile unit could be placed on site at certain times, but was concerned about a backlog if it is done at the parking lot kiosk. Commissioner Moore was concerned that residents who are accustomed to using the parking will have a problem being directed to another location to secure a parking pass, particularly during business hours if they are a working family. He felt it could be offered at the parking lot kiosk.

Mr. Hoelzle offered to look into providing onsite resident permit sales.

Commissioner Teel felt it may be more difficult than it seems. She suggested advertising on water bills. For \$3 a year, she felt people will take advantage of it.

In response to Commissioner Moore, Mr. Hoelzle said that residents can presently purchase a discount card for \$1 to park at South Beach. Commissioner Moore did not think very many people take advantage of it because they do not want to make the trip to purchase it. He emphasized that the City needs to deliver service.

Vice Mayor Hutchinson hoped that staff could find a place on the beach to sell the resident parking passes, but did not agree with the parking lot location as it is heavily used. Also, there may be a problem with people having proper documentation with them. If money is raised at South Beach, then it should be spent for repairs to that parking lot. Otherwise, she would not support this.

The City Manager said the concept is that the extra revenue would go toward beach capital improvements. A list will be provided. This parking lot will be included. Vice Mayor Hutchinson said she would support this until she can review the list.

The City Manager said that a decision does not have to be made today regarding use of the revenue, but a consensus is needed on whether they should move forward with an ordinance on parking rates, and to move forward with an RFP to obtain an honest comparison of City versus private service because information provided at this time is only a projection.

Commissioner Rodstrom wanted to table metered parking of North Beach until after the Birch Finger Streets trial program is completed because there could be an overlap. She has an issue with eliminating the last free beach parking. She did not favor outsourcing lifeguard services.

The City Manager said that one option is free resident parking. A study conducted several years ago showed that 75% of users of that beach are non-residents. The RFP would provide the opportunity to run the clock out on the Birch Finger Streets program. Nothing would be implemented until that program is decided.

In response to Commissioner Rodstrom, the City Attorney said that signs are posted to swim at one's own risk.

In response to Vice Mayor Hutchinson's question about use of parking enterprise fund monies, the City Attorney said that as long as the monies are not earmarked for bonds, the City can use enterprise monies to the extent there is a profit and move them to the General Fund.

Vice Mayor Hutchinson agreed with meters on the beach. She would not support privatization of lifeguards.

Commissioner Teel felt everyone can learn from additional information, and then an informed decision can be made. Individuals would have to be certified. She was concerned about future employee pension costs. She agreed with having meters. Having one small area of free parking available is not really serving anything. Citizens pay big money to maintain the beach but some 75% are non-residents using it. She commented that up north individuals have to purchase a beach badge for some \$40 per season.

Commissioner Moore felt the real reason for the meters is for safety reasons because there are no lifeguards in that area. This recommendation provides a revenue source in order to provide safety at the beach. The area where parking is free has no lifeguards and it would probably attract families with more children. He supported the meters and to offer residents a discount. Most important is to have lifeguards. A private contract should be measured by the same standards of performance applied to the City's lifeguards and the same benefit structure. He felt it should be done now without having to wait for the RFP.

Commissioner Rodstrom said her concern is the funding source as it appears to be at the expense of the general public. Commissioner Teel pointed out that a family can go to the beach for \$1.75 per hour. Citizens are paying for maintaining the beach from taxes.

Vice Mayor Hutchinson said that many of the people who frequent that portion of the beach do so because it is free and not that they cannot afford to pay a parking fee.

Art Seitz said there are rip tides in that area and lifeguards are needed for safety. There are people that want to use the beach who cannot afford to pay high parking fees and their safety should be a priority. He felt that parking meters could be discussed when the Master Plan is considered. The cross-section design north of Sunrise Boulevard is appalling.

Kevin Songer, Galt Ocean Mile, said that \$1.75 per hour is a reasonable rate to charge, and he believed that residents and non-residents should pay the same.

Tim Schiavone, owner of Parrot Lounge, said there are approximately 150 parking spaces on A-1-A. He was not in favor of anyone receiving something for nothing. He believed it is necessary. He also asked the Commission to lift the 9 p.m. curfew which has an economic impact on local businesses.

Mayor Naugle said the matter would go forward in connection with metering the area, and a comparison could be presented regarding the lifeguards, but they should meet the same standards as the City's lifeguards.

Action: There was consensus to move forward with an ordinance for metered parking on A-1-A from Sunrise Boulevard to NE 18 St as detailed in the study. The non resident fee at South Beach parking lot is to be raised to \$10 during the day (& \$6 in the evening). An RFP would be sent out to consider private lifeguard service. Commissioner Moore wanted the resident parking passes to be sold at the beach parking lot. Vice Mayor Hutchinson wanted raised revenues to be spent on South Beach parking lot repairs. Commissioner Rodstrom wanted to defer north beach metered parking until the Birch Park Beach Finger Streets Trial Residential Permit Parking Plan is completed. She was opposed to charging for the last piece of free parking on the beach. She along with Vice Mayor Hutchinson wanted to keep lifeguard service inhouse.

I-E – Single-Space Parking Meters – Reinstallation at Previous Location – Almond Avenue, North of East Las Olas Boulevard

No discussion.

Action: Consensus approval as recommended.

I-F -- Development Moratorium – Beach Area

Commissioner Rodstrom thanked everyone for attending this meeting to show their concern about development on the beach. The Planning Department has been busy finalizing the Downtown Master Plan Update and affordable housing ordinance. They now have time to dedicate to the beach. Money is now available for a beach master plan. She showed pictures of the beach as it now exists; 50% developed and redeveloped and what she would like to see. Consensus on the beach is that they do not want it to resemble the Galt Ocean Mile. Development brings more traffic and safety issues. She asked the Planning & Zoning Director to comment.

Marc LaFerrier, Director of Planning and Zoning, said that discussion has occurred regarding zoning in progress or a moratorium. The reason is to provide a level playing field while planning is underway. Monies are available for a Master Plan for the beach. The difference between zoning in progress and a moratorium is that zoning in progress permits someone to make an application and proceed through the approval process in accordance with the current regulations provided the approval process is completed before the zoning in progress ends and before the recommendations from the study occurs. If an application is made during the zoning in progress, but does not make it through the approval process before recommendations and the zoning in progress is completed, then the application would have to comply with the recommendations of the master plan. During a moratorium, the City would not accept any applications.

Mr. LaFerrier said projects that are currently in progress would continue. Some of the subtleties of zoning in progress or a moratorium could include specifying what types of restoration, rehabilitation and even development activities that could occur during this time. A map was shown of the beach regional activity center boundaries consisting of approximately 425 acres, and the CRA is located in the central beach area. New boundaries being discussed could run from the Bonnet House to 5th Street.

Commissioner Rodstrom said that public input would be essential. This would be a good time to review the plan for the beach since 50% of it has been developed.

The City Attorney said the main issue is whether to have zoning in progress or a moratorium. Zoning in progress works only in a short run because regulations cannot be applied before they are adopted. They are discussing regulations that are about one year away, and during that time there would be a rush of applications. For the long run the best thing is to have a moratorium which would not impact vested rights. An administrative hearing would be provided in the moratorium which would allow for exemptions under certain circumstances in order to avoid a takings issue. He also suggested that they not include in the moratorium any rehabilitation of the internal or external portions of a building, but not for remodeling that would change a building's use. Construction for safety purposes would be exempted from the moratorium.

Commissioner Rodstrom hoped that the development community and their lobbyists would embrace this idea and work with the City. She hoped there could be a consensus for staff to proceed.

In response to Vice Mayor Hutchinson, the City Attorney indicated that a moratorium would require an ordinance and two advertised public hearings.

Commissioner Moore noted that in the area under discussion nothing can be built on the east side of A-1-A, therefore, he did not know the objective. The moratorium would bottle-neck development opportunities for no reason. The ULI study was done and a concept for beach redevelopment. There comes a time when the City has to say to the development community what they want and that has been done. He felt they have prevented substantial development that would impact the view of the beach in this section. He did not believe a moratorium is necessary. If it has to do with building design, a zoning in progress would be appropriate.

Commissioner Rodstrom clarified the discussion is about the area from A-1-A west to the Intracoastal and not just north and south. Commissioner Moore felt a zoning in

progress would be appropriate. If there is an opportunity for redevelopment to create a resort concept, it is in the center of this area.

Mayor Naugle indicated that he originally thought a zoning in progress was correct until he heard the City Attorney's opinion.

Mel Rubenstein, beach resident, said many beach residents feel they are living in a stockade situation because there is concrete and glass all along A-1-A, and now development is occurring along the Intracoastal. This has a negative effect on quality of life. There are already forty highrises in this area. The island is small and environmentally fragile. Commissioners have campaigned on smart growth platforms. Unfortunately, nothing substantive has occurred to stop the over-development and now it is excessive development. The City needs to stop and plan for the future of the beach with some vision and community participation. The beach is about people and not buildings or making developers wealthy. They are losing the area's ambiance.

Tim Schiavone, owner of the Parrot Lounge, asked questions of the City Attorney. The City Attorney said the proposal is for a one year moratorium. This has to do with private development. Mr. Schiavone preferred zoning in progress because he would not want to see a developer who has a reasonable and beneficial project to go to another city because they could not wait a year.

Jamie Connelly, Birch Road resident, favored a moratorium. She supported smart building and believed the building community with a good master plan could provide a more green environment. She wanted green building to be a criteria in the master plan. It could be used as a marketing tool.

James Abstrag, resident of Alhambra on A-1-A, supported a moratorium. He emphasized the importance of long-range planning. He felt the beach along A-1-A and now the Intracoastal is being walled off. People living on Birch are being blocked in and have lost their views.

Art Sites felt the barrier island is a valuable asset and should be protected. He commented on past mistakes. They should examine the area from Oakland Park to the Point of Americas and prepare a master plan for it. Designers believe that space and light are valuable. Grants should be pursued. He complimented Hollywood and Deerfield Beach beachways. He was concerned about the traffic congestion. He urged this be addressed before it is gone.

Eileen Helfer, resident of the beach, said that nothing happened with the ULA report. She did not feel a moratorium would be beneficial. She believed the City should work with the master plan and try to accomplish something.

Steven Gribbs, resident of the barrier island, was concerned how density will impact the central city services. It should be addressed before any further development occurs.

Steve Glassman, President of Central Beach Alliance, supported a moratorium in order to take a collective breath and assess things. The budget calls for a beach master plan and that should be the City's priority. The present state of the beach is a mess with an increase in traffic and dirt, along with noise from construction sites, closed roads and abandoned buildings. He mentioned examples of projects that disrespect the adjacent

areas. Development cannot occur in a piecemeal fashion. District II residents in the last two City elections made their opinions known and voted overwhelmingly against over development. The only complaints he has heard on the issue refer to the boundaries not going far enough.

Mark Hariton, resident of the beach, referred to the hospital closing, the Oakland Park bridge closing this week and the traffic congestion. He was concerned with being able to get people to hospitals off the barrier island and services in general. He supported a moratorium.

Guy Lopez, business owner on the beach, indicated his property is zoned ABA. If a hotel is not built on it, it will be vacant property. He had collected signatures of all business owners, 19, from Vistamar Street to Bayshore Drive. Development needs to occur, although it does not have to be some sixty stories, for example. A hotel will bring jobs. He opposed a moratorium.

Bob Sears, resident of the beach resident, said the moratorium should be extended to Oakland Park Boulevard because the developers have their eyes on that area now and development there will contribute to the canyon effect.

Kevin Songer, Galt Ocean Mile, did not agree with a moratorium. He felt development should be watched closely and better integration be planned. He suggested attention on the area north to Oakland Park Boulevard. The City needs newer, safer buildings.

A. J. Yoari, a resident of the strip, said they want the City to grow but the growth has to be limited to the right things. He believed that zoning in progress would be better than a moratorium. The existing structures should be exempted to allow them to update.

In response to Commissioner Rodstrom, Mr. LaFerrier said that most of the projects of the nature being discussed would take approximately 8-12 months to get through the entire process.

Joe Hessman, resident of the beach, felt a moratorium is needed because for 12 ½ years construction has not stopped and traffic congestion has increased. He emphasized the need for construction activity to be contained on the construction site.

Gary Mercado, owner of Elysium Resort, opposed the moratorium. He does not believe there is a traffic problem in the area of Birch Road other than people on A-1-A. He felt development should be addressed, but people should be honest about what is really the situation in the area.

Roger Handvitt, resident of the beach, talked about previous planning discussions concerning the beach. The Urban Land Institute (ULI) report addressed every problem. The report suggested a 4 + 2 plan and if it had been adopted, there would be no traffic problems on the beach today. There were traffic problems in the past and they have been resolved. People wanted to make it possible for redevelopment to come to the City and it has happened. Development will stop when there is no financing. He believed the City should look back on studies that were conducted in the past; no new studies are necessary.

Romala Batwalie, resident and business owner on the beach, said this would give a mixed signal to the market if adopted. Many studies have been done and it took 20 years to get where things are today. She said they want to be a world class destination and raise the quality of life for the City's residents. She urged the Commission to not consider a moratorium.

Pauline Teralonge, hotel and condominium owner on the beach, said the area is better than South Beach, because it is not noisy and there are no parking and traffic problems. She believed there is a lot of hyperbole. A moratorium would be a draconian strategy that would not accomplish anything. The City needs to understand what the public wants for the beach. There are too many condo/hotels and there should be more apartment buildings, townhouses and single-family residences. She said they need to look at making this an even more lovely environment.

Mayor Naugle referred to the comments about a hospital and noted that professionals have indicated the most important thing is to get the individual to a trauma center. Now as soon as the EMTs arrive, they are administering pharmaceuticals and under the direction of the Medical Director. The amount of time it takes to get to a hospital is not as important. It is not practical to have a hospital on the barrier island, an evacuation zone. He referred to the Urban Land Institute's recommendations in the 1980s on development of the beach. They said the beach would never develop without the vacation of A-1-A, and thankfully, the City did not follow that suggestion. Something was put on the ballot and adopted to prevent the ocean from being hidden by buildings. Several master plans have been developed and he believed it is good to update. There is a lot of construction occurring now that was approved before 2000. He cited example that exceed the City's regulations and noted the Commission majority was approving these buildings. The reaction today is normal.

Mayor Naugle preferred zoning in progress because a moratorium could discourage individuals from investing. He did not want to do anything that would prevent the old Atlantis beach area from being cleaned up. Also around the country moratorium connotes confiscation of property rights. Zoning in progress accomplishes about the same thing. He asked the Commissioner if the boundary should stop at 5th Street or go beyond to Oakland Park.

Mayor Naugle asked about the boundaries being from 5th Street to the Bonnet House. Commissioner Rodstrom said the boundaries could be negotiated amongst the Commission. Given the amount of time and resources, she thought that could be the target area. She emphasized that redevelopment efforts that occurred in the last 20 years were not in vein. The moratorium is to look at the next 20 years. She wanted all of the reports done over the last 20 years reviewed and possibly some new ideas to make the beach more vibrant. She felt it is at the 50% point now and there will be no turning back from what is done in the future. It is important that something like a moratorium or zoning in progress be done now.

Commissioner Teel said she welcomes change even though at times there has been too much happening. She believed a moratorium is going too far. It sends a chilling message. Zoning in progress would be more preferable. There have been many studies and there are good portions in all of them. The boundaries as suggested are good or even to Sunrise Boulevard. At Oakland Park on the Galt, there are needs in the shopping area screaming out for redevelopment. There is a wall of concrete along A-1-

A and now it is happening on the Intracoastal. It is certainly a time to stop and look. She thanked Commissioner Rodstrom for bringing it forward.

Commissioner Moore referred to the St. Regis and the W developments and said the Commission had the opportunity to look at the development and make some adjustments. It is quality development. He does not believe that zoning regulations should be held hard and fast. It has to do with the designing and making it aesthetically pleasing. He felt that is what Commissioner Rodstrom is proposing, but it is too far reaching. He agreed with the green building concept. He hoped this City could begin adopting such a concept. A moratorium does not give any more opportunity than a zoning in progress. Three years ago development was reduced on the beach by 30%. Prior to that time people assembled properties for development. They have property rights. They bought properties based on the rules that were put on the table. Rules cannot constantly change, otherwise the City will be challenged; it makes no sense.

Commissioner Moore found the Urban Land Institute (ULI) to be the most impressive developers he had ever seen, and their concept made a great deal of sense. The City did not agree with their A-1-A recommendation. They suggested resort hotels. He referred to the hotel/condominium mix mentioned and explained it is happening due to the availability of funding. He referred to the business owner with 19 business owners who invested money in order to see the ABA concept happen. They looked at other places and decided to take the risk here. Now they hear the City changing the rules every year. He did not think it is appropriate to do. In the area mentioned, he believe the properties have already been assembled based on zoning assigned. People purchased property based on the zoning. Although the Commission could talk about height, setbacks and so forth, but he believed a moratorium is unnecessary. He supported a zoning in progress only because the District Commissioner wants some design concept for the beach.

Vice Mayor Hutchinson felt this is a good time to take a breath. Monies are available for a master plan. She feels zoning in progress would accomplish the same thing as a moratorium. She believed the development community would not come forward in a rush in order to submit their projects because it will only be a year. Most of the changes to be reviewed will involve zoning. She supported a zoning in progress.

The City Attorney said a zoning in progress does not require a public hearing. It actually began two weeks ago. The previous zoning in progress is not the zoning in progress that they will have now. The difference is the sitting City Attorney. They are prohibited from enforcing regulations before they are adopted. He used the Aquatania as an example. The difference between a zoning in progress and a moratorium is that no projects will be approved during a moratorium, but with zoning in progress some will be missed before regulations are adopted. Zoning in progress does not allow the City to adopt changes in mass or zoning, for example, without a full hearing and an adopted ordinance.

Commissioner Moore pointed out that nothing in the zoning in progress today will tell one what the outcome would be. The last time there was a 30% reduction. Mayor Naugle noted it has been pointed out that things were done differently then; only 120 foot applications were processed. Commissioner Moore supported the District Commissioner by supporting zoning in progress and providing the community the opportunity to develop a master plan without going to an extreme.

In response to Mayor Naugle, the City Attorney said in order to proceed in the shortest period of time, then the consultant should be brought onboard to conduct the study and identify what areas of the plan to be changed. Public input would be received and the Commission provide their vision. Then, the consultant and Planning Department would incorporate the suggested changes which would then be presented to the Planning and Zoning Board. This could probably be accomplished in a year.

In response to Vice Mayor Hutchinson, Mr. LaFerrier estimated that they retain a consultant in 60 to 75 days.

The City Manager said the Planning Department believes the process will take the entire year and possibly longer. Mr. LaFerrier said if things go well, it could be accomplished within one year, but that it probably will be pushing it to do so.

Commissioner Moore felt the zoning in progress would only provide the opportunity for modification of building design.

Commissioner Teel believed more could be done if they review the waiver of limitation. It has provided little breathing room and green space. She felt that has been one of the biggest problems. If that could be addressed, there would be a huge difference. They have been down this road before. They do not need to make the same mistakes.

The City Attorney said this began two weeks ago on the central beach area since the discussion had begun at that time. If discussion occurs in a public meeting and then a regulation is adopted later on, then the zoning in progress has begun. Vice Mayor Hutchinson said that today the boundaries have been defined.

Action: There was consensus for a zoning in progress, which began for central beach on Oct 17, 2006, and on this date for A-1-A from 5th Street to the Bonnet House.

There was a brief recess.

I-G – Setbacks for Watercraft Docked Adjacent to Residential Property – Code Amendment

Mayor Naugle said this has to do with increasing ways to dock vessels throughout the City. Before spending staff time, he wanted to see if there was any support.

Commissioner Teel felt it would be detrimental to go further than what is being done today. There are codes and zoning regulations in place to protect property owners and quality of life. This would ignore the protection that property owners have from others encroaching onto their property. It would cause horrendous enforcement problems.

Action: No consensus.

I-H – Parades and Public Assemblies – Code Amendment

The City Attorney said there are several ordinances on the books in this area that require attention. Exceptions have been made in some cases and the City has been sued. Some ordinances prohibit individuals from annoying people on the sidewalks and

that is unconstitutional. There is conduct that is constitutionally protected, which the ordinance makes illegal. An example is making gestures. Even though they may be unwelcome and uncivil, they are not unlawful. He wanted to clean-up the ordinances because the City is under scrutiny by the ACLU. The ordinances would be brought to the Commission for a first and second reading.

Action: Ordinances will be presented on first reading as recommended by the City Attorney.

II-A – Fire Rescue Bond Projects Update – Fire Rescue Facilities Bond Issue Blue Ribbon Committee

Mayor Naugle asked the City Manager to provide written recommendations.

Action: The City Manager will provide a recommendation on each item contained in the Committee's report.

II-B – Variable Frequency Drives – Air Conditioning System – Emergency Repair

No discussion.

II-C – September 2006 Monthly Financial Report

Mayor Naugle noted that the Building Department left 15% of their budget unspent. As there have been service complaints, he wanted attention to resolving them.

Commissioner Moore was concerned with how people are treated. He referred to O K Tires and construction occurring adjacent to that store. They were told it is a civil matter, which is not true. He felt it has to do with the abnormal amount of permits from the hurricane aftermath. He looked to the management leadership. Mayor Naugle said that the Exchange construction site at the east end of the City's parking garage is the cleanest he has seen. Commissioner Moore referred to O K Tires again. He felt construction should be stopped if a construction site is not being maintained and minimum standards are not met.

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: Recommended appointments will be voted upon at the regular meeting.

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

Vice Mayor Hutchinson recommended that Ron Centamore be appointed to the Northwest Progresso Advisory Board.

Action: Formal Action To Be Taken at Regular Meeting.

Nuisance Abatement Board

Action: Deferred.

Parks and Recreation Advisory Board

Mayor Naugle recommended Ed Angelbello be appointed to the Parks, Recreation and Beaches Advisory Board.

Commissioner Moore recommended that Shirley Small and Robert Payne be appointed to the Parks and Recreation Advisory Board. He noted that Andrew DeGraffenreidt would like to step down from the Parks Board, therefore he will have to make that appointment.

Action: Formal Action To Be Taken at Regular Meeting.

Unsafe Structures Board

There was consensus to reappoint Olivia Charlton, Hector Haguaburo and Michael Madfis to the Unsafe Structures Board.

Action: Formal Action To Be Taken at Regular Meeting.

III-C – Advisory Board and Committee Appointment Process

Commissioner Moore felt that as an elected official, district commissioner, he should be able to appoint individuals to advisory boards and committees unless there is a felony. Individuals should not be prevented from serving on the boards due to personal conflicts with members of the Commission. Vice Mayor Hutchinson commented that someone may have been convicted of a felony a thousand years ago, but they are okay now. Commissioner Moore emphasized his position on this matter, noting if an individual is a taxpayer, has an interest in the community or a particular business acumen.

Commissioner Rodstrom asked about the situation of there being two individuals wanting to serve on a consensus board. Commissioner Moore clarified he is speaking about district commissioner appointments.

In the case of the Charter Revision Board, Mayor Naugle noted the ordinance does not provide for each commissioner to have an appointment; it has been done that way traditionally. There is the judgment of one's character. Commissioner Moore thought that is personal opinion. Mayor Naugle felt the majority should make the decision. Commissioner Moore did not feel an allegation as to one's truthfulness is warranted to keep him from serving on a board.

Commissioner Moore indicated he would like to appoint Dan Lewis to the Charter Revision Board. Mayor Naugle said that it would be voted on at tonight's meeting.

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

No discussion.

Action: Consensus approval as recommended.

IV- Commission Reports**Service Box Installations in Right of Way; BellSouth**

Commissioner Teel showed photographs of BellSouth installations but not informing the property owners.

Mayor Naugle asked if BellSouth should be invited to a conference meeting to discuss this issue.

Commissioner Moore commented that utility companies feel they can do whatever they want in the rights-of-way. There is an effort to exclude local jurisdictions from having any input as a federal law. The City Attorney said the law requires the City to have rules and regulations which have not yet been formulated for cable access to rights of way.

Both Vice Mayor Hutchinson and Commissioner Moore felt this should be done as soon as possible. Mayor Naugle felt another city has probably adopted regulations that could be used.

Discussion ensued as to the location of private easements and so forth. The City Attorney indicated it could impact every citizen that is situated on a private lot. He suggested that BellSouth be invited to a conference meeting.

Commissioner Teel indicated that the structure has something inside that makes noise. It is situated near this resident's bedroom window.

ACTION: There was consensus for the City Manager to pursue a solution by formulating rules and regulations for cable access to rights of way.

Lift Station Renovation

In response to Commissioner Moore, Albert Carbon, Director of Public Works indicated that the lift stations are being removed. Commissioner Moore noted that the one at 8th Street has not yet been addressed. He requested a removal schedule for all five to be removed.

Construction Sites; Cleanliness; Temporary Street Closures

Commissioner Teel said that construction sites are not being contained and dirt is flying everywhere.

Vice Mayor Hutchinson left the meeting.

Commissioner Moore asked why the City is not enforcing that construction sites be wrapped. The City Attorney said the City requires best construction practices. The City does not have anything other than what is included in the building code. Some sites require wrapping while others do not depending on the activity occurring.

Commissioner Rodstrom asked about a policy all construction sites be wrapped.

Valerie Bohlander, Director of Building, said it depends on the developer sometimes.

Commissioner Moore agreed about the need for a policy.

The City Manager said there are several problems with construction sites. One is that in some cases it appears that the left hand does not know what the right is doing. A system needs to be put in place for enforcement. Other issues involve signage and pedestrian bridges. Some communities have better standards. They are looking for a more holistic approach. Staff will bring forth a plan for better enforcement, along with new regulations.

Commissioner Moore asked how the present construction site could be addressed. Ms. Bohlander said that the job was stopped for the reasons noted. They have been working closely with that business owner.

Temporary Street Closures

Commissioner Moore asked how long can a street be closed during a construction project. Peter Partington, City Engineer, said anything over three days would be subject

to a revocable license which would come before the Commission. There is no maximum period of time.

Commissioner Moore did not feel it is appropriate for a long period of time.

Mayor Naugle said if a site cannot be constructed on their own property, then it should be made smaller.

The City Manager said that in some cases the conditions of approval are not strong enough to deal with these things. Developers are more cooperative at the frontend in order to get their project approved, but as time goes on, they are less cooperative. Staff is looking at solutions, using the Development Review Committee.

Mayor Naugle noted that the law says one cannot get dust on a neighborhood, but it does not require a wrap. Commissioner Moore wanted to require a wrap. The City Manager indicated that will be one of a few things recommended.

Commissioner Moore felt a time specific should be imposed for street closures.

International Boat Show

Commissioner Rodstrom reported that the Boat Show was a great success.

Job Fair; Newly Developed Hotels

Commissioner Moore complimented the Economic Development Director for his efforts in regard to a job fair for employment opportunities in newly developed hotels. There may be some funding needs for a proper venue and this may come before the Commission. There are some 600 jobs coming about. All hotels will be offering health insurance.

Trolley System Charges

In response to Mayor Naugle, Commissioner Moore did not see any problem with public transportation to the beach for employees. Some discussion ensued about the trolley system, and changes in their fares with respect to school children.

Commissioner Moore asked if an individual has purchased a bus pass, could it be accepted by the trolley system. Commissioner Teel said this was discussed previously, but she would raise it again.

Police Department; Complaints

Commissioner Moore received comments from individuals who went to file a complaint with the Police Department Internal Affairs and were encouraged not to do so until their trial was dealt with. In speaking with the Internal Affairs Director, he was told that individuals are provided with a document, informing them that the information being supplied could be used against them in a criminal court. He felt it discourages individuals from filing complaints. He asked what could be done so that complaints could be given on the record if an individual wishes to do so.

Bruce Roberts, Chief of Police, said the Department wants to make sure the individual is fully aware of their rights because what they say can be used in criminal court. Most of the time people do not proceed. The Department makes a note to file which indicates that an individual wants to make a complaint. They collect information and add it to the file and once the case is concluded, they are contacted about making the complaint at that time.

Commissioner Moore did not feel one's Miranda rights have anything to do if an individual is complaining about excessive force, for example. He felt he has received too many of these types of comments. He wanted to know over the period of a year how many people the City has contacted after their trial in an effort to get them to complete their complaint. Chief Roberts discussed how the Department has expanded its accessibility in terms of receiving complaint.

Citizens Police Review Board

Commissioner Moore was concerned that the Citizens Police Review Board has defended actions that he found inappropriate. He asked if an external person could meet with that board and discuss how information should be reviewed. He also asked why police officers serve on this board if the Police Department reviews the action of the officer and makes a recommendation. He felt that could compromise the actions of this board.

Mayor Naugle noted there are 3 police officers and 6 citizens on the board. Often times the police officers are voting to terminate an officer and the citizens are voting the opposite. This is often the case with such boards across the country. Commissioner Moore wanted to make sure they understand their purpose and role. The City Manager felt the board should be comprised of only citizens, but in many cases the citizens are completely sympathetic to the employees and not unbiased. They walk into a meeting with a predisposition that the officer is right and in some cases, the officer has been absolutely wrong.

Commissioner Moore believed in many cases individuals are tired of crime, and therefore, sympathetic to the officers. He wanted to deal with the cultural sensitivity and have a consultant meet with the Board and the Commission review whether police officers should be members on this board. However, he felt it is important for the officers to be present at the meeting to represent the case and could participate in the dialogue regarding the case.

Mayor Naugle said it also depends on who is appointed. Commissioner Moore agreed.

The City Manager said some members do not necessarily understand the particular commissioner appointee's vision and expectation of them. Commissioner Moore said he is going to meet with each of his appointments. If there is not an understanding, he did not think they would continue on the particular board. He emphasized the need for an outside consultant to review the purpose and role of the board with the membership.

Mayor Naugle said this board provides the individual who feels they were wronged an avenue to express themselves and tell their side.

The City Attorney said that the Commission might have to supply more direction regarding the function of this Board. The legislative history indicates it was created to simply provide the public with a better feeling about investigations, that they were not being swept under the rug. The function of the Board has not been to punish the accusers that come before them.

The City Manager said the Board sends a letter, saying whether they disagree with the Police Chief's finding, and ask for more leniency. In some cases, the behavior has been completely disgraceful. He further said that possibly this Board should not be issuing recommendations. There is also a legal disadvantage because they then have a position from an independent body. He questioned if it is accurate that the Board should not be issuing recommendations. The City Attorney replied that it was included in the legislation but the purpose behind the establishment of the board was to salve the concerns of the public that investigations were not being made thoroughly.

Mayor Naugle felt it is the Commission's responsibility to talk to their appointees. He did not see how a consultant could do it and did not support expending funds for one. He suggested a joint meeting be held with the Board. Commissioner Moore concurred, but also thought it would be helpful for the Board to know how other boards conduct themselves. There was Commission consensus to conduct such a joint meeting at the beginning of a conference meeting.

Halloween Event at Lincoln Park

Commissioner Moore said the Halloween event was a great success. He thanked everyone that made it possible.

Solicitation by members of the Commission or City employees of City vendors, lobbyists and developers for contributions to third parties

Mayor Naugle asked if the Commission would consider moving forward with an ordinance prohibiting solicitation by commissioners of city vendors, lobbyists or developers for contributions to third parties. Many governments do this. People's perspective of government is already damaged about government. He believed this type of solicitation would just make the matter worse. He would prefer being judged by his votes on the Commission rather than what he has raised for a favorite cause.

Commissioner Moore felt this would be a disappointing position for the Commission to take. Others have influence due to their business association or political party. The Commission and the Mayor have said that City dollars should not be used for various purposes. Now, the Mayor is suggesting using influence to assist a non-profit that the City does not assist is wrong. He did not agree with this.

Commissioner Rodstrom felt it has to do with the perception of the power of the office.

Commissioner Moore said he would agree if everyone who runs for office could not solicit \$1 from any of the same entities.

The City Attorney said that there is an ordinance prohibiting corporations from contributing to campaigns. There is a requirement that such contributions be made only

by individuals. He would be concerned about free speech in limiting an individual from donating to a campaign.

Mayor Naugle clarified that contributions could be made, but there could be no solicitation by the elected official.

Commissioner Rodstrom said a commissioner could give as much money as he or she wants to a non-profit; the problem arises when one goes outside and asks an individual who is doing business with the City to contribute to his or her cause.

Mayor Naugle said that campaign checks are part of the public record and people judge one for how much money is taken.

Commissioner Moore suggested that this matter be placed on the Commission's agenda for discussion. Commissioner Teel pointed out that Vice Mayor Hutchinson is not present. Mayor Naugle concluded it would be placed on conference with an outline of an ordinance. City employees should not solicit either. Commissioner Teel asked that the City Manager research other municipalities. The City Attorney said that there is something already in place for employees.

ACTION: There was consensus to schedule the item on a conference meeting with an ordinance outline and information as to whether this is addressed by other cities.

V – City Manager Reports

None.

There being no further business to come before the Commission, the meeting was adjourned at approximately 5:10 p.m.