

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING NOVEMBER 6, 2007

Agenda Item	Page
I-A Northwest Commercial Redevelopment Project	1, 17
I-B Proposed Ordinance – Newsracks	6
I-C Hometown Democracy Initiative	8
I-D Sistunk Historical Festival, Inc. – 2008 Parade – Request For Financial Assistance	1, 10
I-E Rescheduling First City Commission Meeting in January, 2008	10
I-F Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases	10
II-A September 2007 Monthly Financial Report	11
III-B Advisory Board and Committee Vacancies	11
1. Audit Advisory Board	11
2. Aviation Advisory Board	Deferred
3. Board of Adjustment	12
4. Board of Trustees of the General Employees' Retirement System	Deferred
5. Board of Trustees of the Police and Firefighters Retirement System	12
6. Cemeteries Board of Trustees	Deferred
7. Citizens Police Review Board	12
8. Community Appearance Board	12
9. Community Services Board	13
10. Downtown Development Authority of the City of Fort Lauderdale, Florida	13
11. Economic Development Advisory Board	13
12. Education Advisory Board	13
13. Fire-Rescue Facilities Bond Issue Blue Ribbon Committee	13
14. Historic Preservation Board	14
15. Insurance Advisory Board	14
16. Marine Advisory Board	Deferred
17. Nuisance Abatement Board	Deferred
18. Parks, Recreation & Beaches Advisory Board	Deferred
19. Unsafe Structures & Housing Appeals Board	Deferred
20. Utility Advisory Committee	14
IV Commission Reports	10, 15
1. Environment	10
2. Broward League of Cities	15
3. Land Stewardship Program; Grant Funding	15
4. Utility Cabinets; Ordinance	15
5. Homeless; Stranahan Park	16
6. Wingate Site; Redevelopment	16
7. Recycling Containers	16
8. Post Office; 7 th Avenue	16
9. Flooding on A-1-A	17
10. WaterWorks 2011 Audit	17

	11.	Amendments to Permitted Uses, Business Zoning Districts, Unified land Development Regulations	18
	12.	17 th Street Causeway; Density/Traffic Impact Study With Broward County	18
	13.	Proposed Ethics Ordinance	18
V		City Manager Reports	19
OB		Statue at Middle River Terrace Park – Walk-on	10

CITY COMMISSION CONFERENCE MEETING 1:30 P.M. NOVEMBER 6, 2007

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

Absent: None.

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

I-D – Sistrunk Historical Festival, Inc. – 2008 Parade – Request For Financial Assistance

Mayor Naugle announced this item will not be considered today.

I-A – Northwest Commercial Redevelopment Project

Greg Brewton, Acting Director of Planning and Zoning, said in July the Commission requested the Applicant to revise their plans, and in September requested those changes be presented to the Commission in November.

Mr. Brewton said staff looked at this site holistically, and provided the Applicant shortly after the September meeting with some design principles and guidelines. The Sistrunk corridor would have a retail building on the corner of 7th Avenue, a grocery store of 25,000 square feet east of the commercial building. The project is a mixed-use development with retail on the ground floor and residential units on the top floors. The maximum building height is five stories. Two options have been submitted. Option A has a private drive off 7th Avenue.

Mr. Brewton noted that several public meetings were held. One thing staff felt has not been accomplished is variation in height of the buildings and relocation of the power lines to the east where the grocery store is situated, which restricts what could be developed on the site. Obviously, not much residential can be done with power lines. This site will be a catalyst for the entire area and how Sistrunk Boulevard would look. Staff suggests that the power lines be relocated or buried; the commercial aspect be increased as originally intended; and there be variation in building height. Discussions were held with the developer as to how these things could be accomplished. Staff also wanted elevations to the building façade and that the grocery store be featured along the Sistrunk corridor. A good faith effort has been made, but staff believes there could be a better plan which would serve more as a catalyst to the area. This is a very important part of the Sistrunk corridor development.

Sean Jones of Milton-Jones Development Corporation, Applicant, said they worked with staff and addressed 100% of the physical requirements enumerated by the Commission at the July 17, 2007 meeting, those being a grocery store of 25,000 square feet and maximum building height of five feet. They also attempted to address all of staff's comments.

Mr. Jones said that the site contains a 25,000 square foot grocery store and two mixed-use buildings along NW 7 Avenue containing retail, residential, garage, pool, clubhouse and other amenities. The mixed-use buildings contain 19,000 square feet of retail and 223 residential units. A road was created to break up the block along NW 7 Avenue. It is lined with residential units and parallel parking. This also occurs on NW 6 Avenue.

Mr. Jones said they have two options. In Option A, NW 5 Court would be vacated between NW 6 Avenue and NW 5 Avenue which would allow the developer and grocery store to control parking for the grocery site. In Option B, the public right-of-way on 5 Court would remain intact, and parallel parking would be incorporated along both sides of the road. The parking would not be dedicated to the grocery store.

Mr. Jones referred to staff's recommendation about the power lines. The power lines exist along NW 6 Avenue and in mid-block. They would bury all service lines to the buildings, but would design around the transmission lines. To bury one of these lines, the cost would be approximately \$6.7 million.

Marvin Sanders, planner and landscape architect for the Applicant, noted the transmission line locations, explained the design modifications and difficulties with burying the lines including the water table.

Mr. Jones referred to staff's recommendation to increase commercial use. In July there was a total of 14,900 of mixed use and 20,500 square feet for the grocery store for a total of 35,400 square feet. The new site plan shows a total of 19,000 under the building and 25,000 square feet for the grocery store for a total of 44,000 square feet, a 25% increase. The original proposal was for 102,500 square feet of commercial, but it included the block between NW 4 and 5 Streets where the post office sits and it is no longer part of the proposal.

Mr. Jones referred to staff recommendation that the grocery store serve as a catalyst contiguous with other commercial components to serve as a service destination for the area. This has been done. The grocery store has been moved forward to face NW 6 Street. There is contiguous, continuous retail.

Mr. Jones referred to staff's recommendation to create a uniform building façade lined with active commercial uses along Sistrunk Boulevard to complete a lively pedestrian experience to 7 Avenue. From 7 Avenue to the eastern edge of the grocery store, there is continuous building except the area needed for parking for the grocery store.

Concerning staff's recommendation to align 5 Court extension with 5 Court, Mr. Sanders noted the 60 foot right-of-way for NW 5 Court. NW 5 Court did not exist until the plat of 1991. If they extend the existing 60 foot right-of-way off 7 Avenue and, or extend the parking lot to 7 Avenue, it would not align with the recorded plat opening and turn lanes. They would have to renegotiate with Broward County to reduce the length of the turn lane. There was more efficient circulation with the original plan. It is a matter of losing the shops or the ramp. He noted the issues that arise.

Mr. Jones indicated that Larry Friedman, architect, will address staff's recommendations to provide variation of housing mix and types and create variation in building types and floor heights.

Mr. Friedman showed a three-dimensional computer generated image of what is being proposed. He noted the various building levels, elevations. They intend to use various colors, textures, awning types and window treatment. The arcade is on the lower level which continues east and west. The residential units will be one to three bedrooms, ranging in size from 650 to 1,200 square feet. The lower units will have 10 to 12 foot ceilings with entrances from the exterior. There will be a mix of unit types.

Mr. Jones asked that the Commission instruct staff to move forward with a development agreement.

Sonya Burrows said her family owns a business on the Sistrunk corridor. She felt the Applicant has made an effort. The grocery store seemed to continue to be a recurring issue in the public meetings. The original RFP called for a 37,500 square foot grocery store. A lot of time was spent on the housing piece. It is like putting the cart before the house. There must have been a reason why the drafters of the RFP picked that square footage. She wanted the grocery store to be first put into place. She felt it would be easier to attract a grocer with that square footage.

Vice Mayor Moore thought this has been a terrible process. He pointed out that the architect does not even know the name of the streets. He noted the community's desires or a commercial development on this site, but most of the project is housing. The developer has consistently said why they could not do things. When someone is given land, there should be a developer who finds ways to do it. Much of the reason why they could not do things is because they changed the concept to housing units, rather than the community's original intent of commercial. In an urban area grocers want a minimum of 37,000 square feet. During the public meetings, it was stated that a grocer could not be found without housing. The truth is that they changed the entire process of what the community wanted.

Vice Mayor Moore said this has been sixteen years in the making and there is not even a clear rendering. The only way to get a quality grocer to be interested is to provide 37,000 square feet. He noted the emphasis has been on residential. This is a redevelopment project where the land is being given and there has been community input. He felt the developer should give the community what it wants. The original RFP called only for commercial and there are now 233 residential units. He noted that the developer has indicated they cannot comply with staff's recommendations as to undergrounding utility lines, realigning the roadway and redesigning the parking ramp to get more retail.

Vice Mayor Moore emphasized the problem of attracting a quality grocer with the reduced square footage being provided. Only a neighborhood grocery store has been brought forward, despite the community's desires to the opposite. The developer is boasting they met the threshold for this development. He felt that is the minimum and not what the community deserves when property is being gifted. He referred to a previous purchase by CRA that had no residential and there was no problem with getting bidders. It created jobs to lift up the community. In that case the developer purchased the property (Zayres store). He went to three grocers and explained this concept of donated property, none of them said 25,000 square feet. Yet the City is going to give away property at a major intersection and the City does not know what type of housing is

going to be built. Mr. Jones said they are keeping their options open for the marketplace but they will meet HUD guidelines.

Vice Mayor Moore pointed out the City does not know whether the units would be owned or rented. He questioned how much time does it take for the City to know what will be provided. He elaborated upon the success of quality housing built when competition was used elsewhere in the CRA. This grocery store should be placed along 7 Avenue behind a chicken restaurant with a drive-thru that the community did not want. The Commission is the people, not the developer. He asked the Commission to deny this and put it out for a proper bid. He emphasized this is Community Development Block Grant funds. Homes and businesses were demolished with federal money. The City should not accept no from a developer when the property is free.

Commissioner Rodstrom felt that the developer did something, they reduced the building height. She felt this is a great project. She liked the grocery store location, sitting back from the roadway. She referred to traffic accidents with the Publix at 15 Avenue and Sunrise Boulevard. She commented on other site features that she likes. She felt the City should have been helping to find a grocer. She noted that the residential cannot be situated in that location because of the utility lines. Perhaps the City should place the lines underground, but she did not think the taxpayers want to pay for it. She wanted to move forward.

Commissioner Hutchinson agreed with Ms. Burrows regarding the grocery store. It should be a prominent part of the development. She felt the Economic Development Department needs to help find a high-profile grocer. If they need 37,500 square feet, for example, a way should be found to fit it in the project. As to height, she felt the developer has done a good job.

Commissioner Hutchinson asked if transmission lines are customarily placed underground and how difficult is it to do; what about the \$6.7 million cost. Lynn Shatas of FPL explained a quick ballpark estimate had been conducted. She introduced Chip Fankhauser, Transmission Line Engineer for FPL. Mr. Fankhauser noted the cost estimate was for one line. He explained that the soil would have to be tested.

In response to Commissioner Hutchinson, Mr. Jones said the line being discussed runs mid-block. Mr. Fankhauser said burying transmission lines is not a common practice. Mr. Brewton said when staff met with the developer the option was provided to not only bury the lines, but to relocate them. FPL's relocation estimate is \$500,000 which would accomplish the same goal. Mr. Jones noted that cost is only for transmission. There is an additional cost associated with the distribution lines. Ms. Shatas noted the estimate to relocate the distribution lines is \$75,000. Mr. Brewton noted staff does not think a site should be developed around utility lines. It is done everyday in development throughout the City.

Commissioner Hutchinson referred to a utility pole installed during construction of the fire station just down the street that ruined the look of the station and is in the way. If there is an opportunity to relocate utility lines, the transmission lines, it should be looked into. The developer has done a good job and it is time to move forward. She did not want to hold to a 25,000 square foot grocery store because the community deserves a forthright grocery store.

Commissioner Teel asked when the property was originally obtained, was a promise made to replace the housing that was removed. Mr. Brewton indicated he worked on the demographic survey conducted for this property; one elderly couple referred to their home being taken for the redevelopment and asked that the City do the right thing when the rebuilding took place. A promise was made that the property would be redeveloped in a fashion according to what the community wanted. In response to Commissioner Teel, Mr. Brewton confirmed it was to be a combination of residential and commercial.

Vice Mayor Moore explained at that time he was active in a community based organization and he also knocked on doors, explaining peoples' rights in eminent domain. The City took properties, gave federal block grant dollars to those individuals and then leased those properties to others. The City was then asked to consider a multiple exchange instead of a public taking but it did not happen. The City was then forced to build housing because the land was left vacant for five years. City View then became a process. The housing cost was capped at \$55,000 per unit so those people whose property had been taken would be able to afford a unit. Those individuals associated with the eminent domain wanted single-detached units. Therefore for several months, the City debated what would happen with the remainder of the property. There was a school of thought to construct all single-family homes and another for garden-style apartments and a commercial frontage along 7th Avenue and Sistrunk Boulevard which was what the community wanted. There have been a number of broken promises by this government.

Commissioner Teel said the last time the Commission gave direction to the Jones' family, she did not recall anything being raised about not wanting residential. Vice Mayor Moore explained he did raise that issue when he saw he could not get the votes; instead he tried to reduce the number of units. The majority of the property should be commercial use at the site. Even with five stories, there are still 228 units that are taking away from commercial development space. The developer has already said that half of the commercial will be for their property. He wanted to create small disadvantaged business opportunities in retail sales fronting the corridor with an Afro-centric theme the community has always had in mind. This development is totally against that concept.

Commissioner Teel feared that so much time has gone that what was originally promised may not be realistic today. She felt it is time to get something done, but the question is whether this is the project for that site. She felt it is a reasonable project. If the grocery store is going to be 37,500 square feet, she questioned where they would get parking for it.

Mayor Naugle referred to Public and Winn Dixie and noted they are now building some smaller community stores because larger facilities are intimidating to older customers. He felt the presently proposed size would enable the developer to obtain a viable tenant. In response to Commissioner Teel, Mr. Sanders indicated that Winn Dixie in Victoria Park is 26,000 square feet.

Vice Mayor Moore was concerned about offering the Economic Development Department's assistance with respect to a grocer. He felt it is rewarding someone who did not increase the tax base of that CRA for sixteen years. He suggested the Economic Development Department to secure a grocery store, take away a portion of the property for it and let the developer deal with the residential aspect. There would then be no excuses for not providing what the community wants.

Mayor Naugle said he was here when the original RFP went out and the Jones family responded. They went for Regal Trace which he did not support. He disagreed with Vice Mayor Moore's recollection of what transpired at the meeting. The Commission told the Jones family to do a good job on Regal Trace and then they could fulfill the commercial. The Jones family has been ready The City has delayed. In July the Commission asked them to reduce the height. He asked how much money the developer has spent since July fulfilling the Commission's wishes. Milton Jones replied in excess of \$75,000 has been spent.

Vice Mayor Moore pointed out the money lost from there not being a tax base for the City and a jump-start for a Black community. It is outrageous to favor the developer as opposed to the people.

Commissioner Hutchinson asked if ownership versus rental could be part of the development agreement. The City Attorney said it could be part of the agreement if directed by the Commission.

Mayor Naugle felt it is smart to leave it flexible and allow it to be market driven. Commissioner Rodstrom concurred. There is a development on Sistrunk where property was given and ownership was required. They have asked for an extension. There could have been rentals built quickly.

Mr. Jones said they have been told by staff if the units are for sale, 100% has to be affordable, and for rental, 51% affordable. The City Attorney indicated that is correct. Mayor Naugle pointed out the City does not get involved in whether a property is rental or ownership.

Mayor Naugle suggested staff negotiate a development agreement. If the developer is able to obtain a larger grocery store and still accommodate parking, then an amendment could be brought forward. If a good store of 25,000 square feet is found, that would also be acceptable. Mr. Brewton noted for a larger grocery store, the site plan would have to be modified. In response to the City Attorney, Mayor Naugle said the agreement should allow for a minimum of 25,000 square feet, but allow for a larger store. Commissioner noted the Economic Development Department should assist. Commissioner Hutchinson noted the Commission is encouraging a larger grocery store.

Action: There was consensus approval for the City Attorney's Office to prepare a developer agreement for consideration, providing for a grocery store with a minimum square footage of 25,000 but allow for a larger store and provide for assistance from the City's Economic Development Department in securing a store. See Commission Agenda Report 07-1801 and minutes for more detail. Vice Mayor Moore was opposed.

I-B – Proposed Ordinance – Newsracks

Cate McCaffrey, Director of Business Enterprises, noted this was discussed at a July conference meeting. The proposed changes were provided to seven publishing agencies and invited them to meet with staff. She noted the five that met with staff. Additional changes were then made, provided to the publishing agencies and invited them to this meeting.

Ms. McCaffrey indicated the most significant change is converting to modular units. It would be possible for an entity to have a single modular unit.

Mayor Naugle asked about a multiple unit model that may have a vacant slot. Deborah Hernandez, Community Inspections Supervisor, said if a unit remains vacant for more than thirty days, it would be considered abandoned.

Commissioner Teel said one of the problems is that when units are abandoned and not locked, they get used for other purposes. There should be a requirement that unused units be locked and the window covered.

Vice Mayor Moore was concerned that areas east of the Intracoastal would be treated differently in terms of color and placement. The City Manager said that distinction already existed in the ordinance; it could be changed.

Commissioner Teel agreed they should be uniform and commented that black stands up to the weather better.

Commissioner Rodstrom was not happy with the unit look. Ms. McCaffrey said that staff looked at a lot of unit styles. The proposed units are standard. Cost is a factor. Commissioner Rodstrom did not approve of using a standard unit.

Commissioner Rodstrom questioned placing something setting further back on the right of way that is surrounded by landscaping. Mayor Naugle noted that the right of way probably ends where the sidewalk ends. Ms. Hernandez said that is true in most cases.

Commissioner Rodstrom noted the cost for temporary personnel estimated at \$127,000.

Chris Terrell, Broward and Palm Beach New Times, was agreeable to meeting just about any standard as long as it is uniform and equal for everyone. It is easier to maintain units if the publisher can remove a unit which is not possible with the proposed multiple modular style.

In response to Mayor Naugle, Mr. Terrell indicated New Times has a maintenance program.

Ms. McCaffrey noted the primary reasons for the proposed changes are due to safety and aesthetics. Units could not extend in an area more than 15 feet which would accommodate about 7-8 units with as many as 14-16 publications. There would be a minimum sidewalk clearance of 36 inches which is ADA compliant. Also newsracks could not be placed in a sight triangle. If a newsrack is situated against a curb, the opening has to be from the sidewalk to prevent cars from stopping in traffic. Newsracks have to be a required distance from bus or trolley stops or taxi stands. The pedestrian intensive area provision would remain in the ordinance. Staff would like to add the Galt. Insurance requirements would increase to \$1 million. There will be a newsrack permit and certificate of compliance process with a \$100 application fee, along with a \$75 charge for removal and per diem storage. The application fee is per location. She detailed the application and inspection process. Bolts to secure units are designed to withstand winds up to 140 MPH in accord with the Florida Building Code.

Dana McElroy, representing Sun-Sentinel, said they want to begin replacing freestanding newsracks in the public right-of-ways as soon as possible. There are a couple technical issues remaining, including some provisions that are too indefinite and the Galt definition.

Mr. Terrell, Broward and Palm Beach New Times, was concerned about the \$100 fee per location. For example, Sun Sentinel has three publications in one location. He questioned if it is a one-time fee. Ms. McCaffrey said it is a one-time fee.

Robert Metz, USA Today, cited fee arrangements in other cities. He felt the \$100 fee per location is exuberant in comparison.

Vice Mayor Moore felt there should be an application fee for each window; units should be uniform city-wide. There should be an annual fee attributable to publishers utilizing public sidewalks.

Ms. McCaffrey indicated that staff would like to include Sistrunk Boulevard from 7th to 19th as pedestrian intensive in anticipation of wider sidewalks. Vice Mayor Moore did not think there should be any newsracks if there is not a width of 36 inches.

Commissioner Teel discussed the advantages and disadvantages of beige, green and black. There was consensus approval that the newsracks be black for ease in maintenance and more consistency.

The City Attorney said the \$100 fee per window could not be justified from the standpoint of a fee. Only cost may be charged for a fee. If more than the cost is charged, it becomes becomes a tax, which then has to be authorized state legislation. The cost for handling two versus four windows at one location is no different.

In response to Vice Mayor Moore, Ms. McCaffrey indicated that single units will be made available. She noted that no advertising, other than the name, would be allowed on the units, except four inch lettering on the back of the unit, identifying the publisher.

Commissioner Teel asked if staff considered an annual fee. Ms. McCaffrey said that staff reviewed ordinances from other cities. Considering the City Attorney's comment, it was felt a one-time fee would be appropriate.

Mayor Naugle felt there should be an initial charge of \$100 fee and \$25 yearly for inspections and so forth. Commissioner Teel also favored a fee of \$125. Vice Mayor Moore agreed with an application fee of \$125 and an annual renewal fee of \$25.

Commissioner Rodstrom did not like the modular unit style or an annual fee.

Action: There was consensus approval to present the proposed ordinance at a regular meeting, providing for all newsracks to be painted black, \$125 application fee and \$25 annual renewal. Commissioner Rodstrom was opposed to the renewal fee and the modular design.

I-C – Hometown Democracy Initiative

Mary Ann Slough, Assistant to the City Manager, noted this item was requested by Commissioner Hutchinson.

Linda Cox, City Lobbyist, explained Hometown Democracy Initiative is the brainchild of environmental lawyer Leslie Gladner. Ms. Gladner wants to make it harder to develop in areas where growth has not been planned for in the Comprehensive Plan. This constitutional amendment would require that the public vote to approve Comprehensive Plan changes approved by the municipal commission if it conflicts with the plan for growth.

Ms. Cox said this has been ongoing since 2003, but the required signatures were not obtained. The court ruled there was too much emotional language in the amendment language. Language has been approved for the 2008 ballot.

In response to Commissioner Hutchinson, Carole Duncanson, City Lobbyist, said there is a requirement for 611,000 signatures. Presently they have slightly over 300,000, but only about 1/3 of those have been certified.

Ms. Cox explained the proponents say this will save a lot of money because they believe that impact fees do not cover the cost of additional developments in connection with roads, schools and essential services. The public would be able to veto actions of the City Commission. They are concerned that most Comprehensive Plan amendments result in higher densities and are political decisions. They believe that by requiring public approval, it would cut down on the number of amendments filed.

Ms. Duncanson explained that the opponents' concern is that it may be difficult for the public to understand complexities of the issues and that the cost of elections would be prohibitive.

Mayor Naugle asked what were the City's last ten Comprehensive Plan amendments passed. Eric Silva, Planning and Zoning, said in the last couple years, the City has processed four amendments, three of which were City-sponsored amendments. The last privately sponsored amendment was for a small site along State Road 84 to allow for a car storage facility.

Ms. Duncanson said that the opponents would also say there is already a review process in place including public input.

Ms. Cox said the Thousand Friends of Florida opposes the amendment because they are concerned it is going to result in sprawl because developers would not come to the Commission to change the existing growth plan in the more congested urban areas, but go where a Comprehensive Plan is not needed for development. They believe it will undermine planned growth. She believed the Audubon organization opposes the amendment, however, Save the Manatee Club and Sierra Club favor it.

Commissioner Hutchinson said that the Broward League of Cities requested members to have a presentation at their city. She was not asking the Commission to take a position at this time.

Commissioner Teel asked if any community has this right now. Ms. Cox indicated about ten of thirteen local initiatives have passed. One location was St. Pete's Beach and in West Palm Beach.

In response to Commissioner Rodstrom, Mr. Silva explained the process relating to the City's Evaluation and Appraisal Report and its purpose.

Ms. Duncanson noted Floridians for Smarter Growth also opposes this initiative.

Mayor Naugle thought if the sufficient number of signatures are obtained, the City may consider hosting debates in the chambers.

Action: No action taken.

IV – Commission Reports

Environment

Mayor Naugle noted the U.S. Conference of Mayors developed an environmental accord however an alternative document was developed through the leadership of the Mayor of St. Petersburg. He requested the City Manager place the subject on the next agenda. It is similar to the Broward Mayors Accord.

I-D – Sistrunk Historical Festival, Inc. - 2008 Parade - Request for Financial Assistance

The City Manager removed this item from the agenda.

I-E – Rescheduling First City Commission Meeting in January, 2008

Action: There was consensus approval to change the January Commission meetings to January 8 and 15, 2008.

I-F – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board

No discussion.

OB –Statue at Middle River Terrace Park

Mayor Naugle wanted the request reviewed by the Parks, Recreation and Beaches Advisory Board. Both Commissioner Hutchinson and Teel also thought it should be forwarded to the board. Commissioner Rodstrom felt it should go through the normal process. She suggested clustering all four of the statues and placing them in one area of the park. She also wanted to refer it to the board.

In response to Commissioner Rodstrom, Peter Partington, City Engineer, said three of the statues are being placed on the 13th Street median, working with the Thirteenth Street Merchants Association. The timing is really with the Association.

Commissioner Teel could not imagine Florida Department of Transportation approving the placement of these statues in the median. Mr. Partington said that it is a City street, and therefore, the decision rests with the City. He was unwilling to issue an engineering permit unless the prevailing standards are being met.

Mr. Partington believed the three statues are under the direction of the Thirteenth Street Merchants Association, therefore staff could make that suggestion.

Mayor Naugle felt there should be some language that if not maintained, they would be removed and disposed of and the City would have the right of approval of any associated plaque. Mr. Thornburg said in this case the City would be assuming ownership.

Vice Mayor Moore did not think this is any different than the statues along Riverwalk.

Mayor Naugle pointed out the damage done to the statue in front of City Hall and the cost incurred to repair it.

In response to Vice Mayor Moore, the City Manager explained this is a walk-on item because they wanted the statue erected in time for an event being held this weekend. There was no consensus for any temporary placement.

Action: This item was referred to the Parks, Recreation and Beaches Advisory Board. Commissioner Rodstrom suggested there be a clustering of statues.

**EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 3:39 P.M.
MEETING RECONVENED AT 4:39 P.M.**

NOTE: The Commission recessed and convened as the Northwest Neighborhood Improvement District Board of Directors from 4:39 p.m. to 4:43 p.m.

II-A – September 2007 Monthly Financial Report

No discussion.

III-B – Advisory Boards and Committee Vacancies

Audit Advisory Board

Vice Mayor Moore recommended appointment of Delores McKinley to the Audit Advisory Board.

Commissioner Hutchinson recommended reappointment of Norman Thabit to the Audit Advisory Board.

Mayor Naugle recommended reappointment of Michael Moskowitz to the Audit Advisory Board.

Action: Formal action to be taken at regular meeting.

Aviation Advisory Board

Action: Deferred.

Board of Adjustment

There was a consensus of the Commission to reappoint Bruce Weihe as an alternate to the Board of Adjustment.

Action: Formal action to be taken at regular meeting.

Board of Trustees of the General Employees' Retirement System

Action: Deferred.

Board of Trustees of the Police and Firefighters' Retirement System

Mayor Naugle recommended reappointment of Mark T. Burnam to the Board of Trustees of the General Employees' Retirement System.

Action: Formal action to be taken at regular meeting.

Cemeteries Board of Trustees

Action: Deferred.

Citizens Police Review Board

Vice Mayor Moore recommended reappointment of Roosevelt Walters to the Citizens Police Review Board.

Commissioner Hutchinson recommended reappointment of Alan Stotsky to the Citizens Police Review Board.

Mayor Naugle recommended reappointment of George Trodella to the Citizens Police Review Board.

There was a consensus to reappoint Ted Fling to the Citizens Police Review Board.

Action: Formal action to be taken at regular meeting.

Community Appearance Board

Vice Mayor Moore recommended reappointment of Ayisha Gordon, Pearl Maloney, Cathy Curry and Bess Gathers to the Community Appearance Board.

Commissioner Rodstrom recommended appointment of Monty Lalwani and Chip Burpee to the Community Appearance Board.

Commissioner Rodstrom recommended reappointment of Greg Stuart to the Community Appearance Board.

Commissioner Hutchinson recommended reappointment of John Castelli, Marilyn Mammano, and Annette Ross to the Community Appearance Board.

Mayor Naugle recommended reappointment of Patrick McTigue to the Community Appearance Board.

Commissioner Teel recommended reappointment of Michael Cordts, Franci Bindler, and Ron Fairchild, Jr. to the Community Appearance Board.

Action: Formal action to be taken at regular meeting.

Community Services Board

Commissioner Rodstrom recommended that P.J. Espanal be appointed to the Community Services Board.

Action: Formal action to be taken at regular meeting.

Downtown Development Authority of the City of Fort Lauderdale, Florida

There was a consensus to reappoint Peter Feldman to the Downtown Development Authority of the City of Fort Lauderdale, Florida.

Action: Formal action to be taken at regular meeting.

Economic Development Advisory Board

Mayor Naugle recommended reappointment of Adam Sanders and Patricia DuMont to the Economic Development Advisory Board.

Commissioner Teel recommended reappointment of Mark Budwig to the Economic Development Advisory Board.

Action: Formal action to be taken at regular meeting.

Education Advisory Board

Commissioner Rodstrom recommended appointment of Phredra Xanthos to the Education Advisory Board.

Action: Formal action to be taken at regular meeting.

Fire-Rescue Facilities Bond Issue Blue Ribbon Committee

Vice Mayor Moore recommended that Kevin Blair be appointed to the Fire-Rescue Facilities Bond Issue Blue Ribbon Committee.

Vice Mayor Moore recommended reappointment of Diane DeLyons Shuler to the Fire-Rescue Facilities Bond Issue Blue Ribbon Committee.

Commissioner Hutchinson recommended reappointment of Norman Thabit and Allan A. Kozich to the Fire-Rescue Facilities Bond Issue Blue Ribbon Committee.

Mayor Naugle recommended reappointment of Patrick McTigue and Douglas Ruth to the Fire-Rescue Facilities Bond Issue Blue Ribbon Committee.

Action: Formal action to be taken at regular meeting.

Historic Preservation Board

Mayor Naugle recommended Susan Massey McClellan to be appointed to the Historic Preservation Board.

Commissioner Teel recommended Klaron Grigsby to be appointed to the Historic Preservation Board.

Action: Formal action to be taken at regular meeting.

Insurance Advisory Board

There was a consensus to reappoint Christopher Prestera, Roger G. Bond, and Joseph J. Piechura, Sr. to the Insurance Advisory Board.

Action: Formal action to be taken at regular meeting.

Marine Advisory Board

Action: Deferred.

Nuisance Abatement Board

Action: Deferred.

Parks, Recreation and Beaches Advisory Board

Action: Deferred.

Unsafe Structures and Housing Appeals Board

Action: Deferred.

Utility Advisory Committee

Vice Mayor Moore recommended reappointment of Richard Barrett, Nathaniel Wilkerson, and Magdalene Lewis to the Utility Advisory Committee.

Commissioner Hutchinson recommended reappointment of Bob Cole to the Utility Advisory Committee.

Commissioner Hutchinson recommended appointment of Debora Van Valkenburgh to the Utility Advisory Committee.

Mayor Naugle recommended reappointment of Clare M. Vickery, Terri Murru, and L. Thomas Chancey to the Utility Advisory Committee.

Commissioner Teel recommended reappointment of Bunney Brenneman, Fred Stresau, and Bernie Petreccia to the Utility Advisory Committee.

Action: Formal action to be taken at regular meeting.

IV – Commission Reports

Broward League of Cities

Commissioner Hutchinson noted at yesterday's Broward League of Cities' meeting several resolutions were passed. She distributed copies.

Land Stewardship Program: grant funding

Commissioner Hutchinson noted she serves on the Land Preservation Board. There is a new land stewardship program, a five-year capital improvement program. They are offering grants to cities for funding ecological restoration, provide competitive matching funds for capital development of green space and open space, and keep it green compliance monitoring programs, as well as grant applications to add green components to parks.

Phil Thornburg, Parks and Recreation Director, said they are involved with Broward County on this.

Commissioner Hutchinson said eventually the monies will run out for the Land Preservation Board. There will be properties that cities will not acquire and money will come back in. Properties already chosen will move up the list.

Utility Cabinets: Ordinance

Commissioner Hutchinson noted that AT&T is submitting permit applications for additional utility cabinets. She did not believe there is no technology today to place these cabinets underground. If the City does not move forward with some sort of ordinance to control this, they would lose the ability to do anything. She believed it will be a topic when the state legislature returns to session.

Mayor Naugle believed this is scheduled on the next agenda. Commissioner Rodstrom thought the ordinance is ready to go. Commissioner Teel wanted it scheduled for first reading.

Peter Partington, City Engineer, said that currently an impartial consultant is conducting a feasibility study of undergrounding the cabinets and that work will be concluded in time for the next agenda.

Mayor Naugle suggested it be considered at both the conference and regular meetings.

Vice Mayor Moore pointed out that AT&T said they would not request permits. He wanted those applications first withdrawn. The City Attorney clarified that AT&T promised not to apply for any permit for three weeks and not to exceed the standards proposed in the ordinance. To the extent that the applications meet that proposal, they should be approved. To the extent that the applications exceed that proposal, then the City should consider a moratorium. A moratorium ordinance is ready for this evening.

Vice Mayor Moore requested the addresses for the applications in question.

Commissioner Hutchinson felt the City led AT&T to believe the City was doing its due diligence during the three weeks when they did not submit any applications.

In response to Commissioner Teel, the City Attorney said since the last time the Commission discussed it, the requirement for installation and maintenance of landscaping by AT&T has been added. There is no list of landscape materials. There is also a graffiti plan.

Action: At the request of Commissioner Hutchinson, there was consensus approval to consider an ordinance concerning buffering and maintenance of utility cabinets including a graffiti plan at the November 20, 2007 conference meeting and first reading at that regular meeting.

Homeless; Stranahan Park

Commissioner Hutchinson said there are a lot of homeless at the Stranahan Park gazebo. She said someone was providing food there last month. It is becoming an issue. They are not leaving. The City Attorney explained the City litigated this in federal court and lost. The City may not prohibit feeding of the homeless, unless public sites are designated for this purpose. The time, place and manner may be regulated. Discussion ensued about potential sites.

Mayor Naugle suggested each commissioner select a site in their district.

The City Manager wanted to bring this back at a future meeting with a holistic approach.

Wingate Site; Redevelopment

Vice Mayor Moore referred to information distributed by Commissioner Hutchinson concerning \$10 million funding availability. He suggested applying for redevelopment of the Wingate site. It appears to meet the criteria. Mayor Naugle thought that Lauderhill and Lauderdale Lakes may assist.

Recycling Containers

Vice Mayor Moore referred to proposed recycling containers and requested photographs before they are considered for approval.

Post Office; 7th Avenue

Vice Mayor Moore noted that the City and FPL agreed the Avenue of the Arts Post Office site would be used to help buffer the substation. He questioned why that has not yet been done. He requested a report at the Nov 20, 2007 meeting.

Commissioner Hutchinson asked about the barbed-wire fencing being removed. The City Manager said there is an agreement on that matter. Commissioner Hutchinson suggested effort be made to secure an outside mailbox at the site, yet all other post offices in the City have outside mailboxes. Vice Mayor Moore felt it is unfair.

Mayor Naugle noted that mail was being stolen. Vice Mayor Moore thought that the mailbox should have been emptied more often.

I-A Northwest Commercial Redevelopment Project

Vice Mayor Moore was deeply disappointed with action on Agenda Item I-A.

Flooding on State Road A-1-A

Commissioner Rodstrom complimented staff concerning last weekend's flooding on State Road A-1-A. She referred to global warming and beach renourishment. Mayor Naugle noted historically this has happened in November. He believed it is a lunar event. The width of the beach has not changed. It floods because of the road elevation.

WaterWorks 2011 Audit

Commissioner Rodstrom thought she had consensus at the last meeting to schedule the WaterWorks 2011 Audit at this meeting. There is \$3 million on this evening's agenda. The report states that more of the work should be deferred in order to make it more palatable for taxpayers. She was disappointed.

Both Mayor Naugle and Vice Mayor Moore asked the matter be placed on the November 20, 2007 agenda.

In response to Vice Mayor Moore, the City Manager clarified there was a discussion about the audit, but the consensus of Commission was that there would be an array of issues at some point and the Commission would decide which ones to have brought forward.

The City Auditor thought there is a disconnect between the Manager's report and his commentary on it. He would not bring that report forward to the Commission because he was not engaged to do it. However, he will be submitting a summary of his thoughts.

The City Manager recalled that when Commissioner Rodstrom raised this, there was discussion about how it should be addressed and the idea was this might be one issue discussed in the future. There was no consensus to place it on the agenda. He was happy to place it on the next agenda.

Action: At Commissioner Rodstrom's request, there was consensus approval to place the WaterWorks 2011 Audit on the November 20, 2007 conference agenda.

Amendments to Permitted Uses; Business Zoning Districts; Unified Land Development Regulations

Commissioner Rodstrom referred to quasi-judicial matters and disclosures by commissioners and asked when is it appropriate for her to do this. Mayor Naugle said it should be at the end of the discussion, but not during the vote.

Commissioner Rodstrom referred to the tattoo parlor and lingerie shop that have recently opened as well as discussion by Vice Mayor Moore concerning trucks. She wanted to know who is responsible for changes to permitted uses. The City Attorney indicated that responsibility rests in multiple courts. He would work with Planning and Zoning.

Commissioner Rodstrom suggested some uses that are not as commercial and that about residential could be removed.

Commissioner Hutchinson suggested and Commissioner Rodstrom was amenable to scheduling discussion in December.

The City Manager said that frequently there are proposals for changes to the Zoning Code. These issues are complicated. At some point there will need to be discussion about re-prioritizing the goals and objectives.

Commissioner Teel suggested this go to the Planning & Zoning Board. Commissioner Hutchinson concurred. Commissioner Teel pointed out that the Board is feeling excluded.

The City Attorney explained there has to be a reason for prohibiting a use and the reason has to be a justified public purpose. Commissioner Rodstrom thought the tattoo parlor use could be better planned.

17th Street Causeway; Density - Traffic Impact Study with Broward County

Commissioner Rodstrom noted when The Sails project was considered, she had suggested an assessment of the 17th Street corridor, including the four corners of the Intracoastal and 17th Street. She felt the City could work with the County to conduct a study and determine the maximum density on that road.

Mayor Naugle commented that the convention center and hotel will receive a lot of scrutiny. Commissioner Rodstrom questioned whether that scrutiny would include the other side of the Intracoastal along 17th Street, as well as Federal Highway from the airport to the tunnel. She wanted all necessary information to make a decision about density.

Proposed Ethics Ordinance

Commissioner Teel asked what the Commission is thinking about the ethics ordinance. It has been a number of months. Mayor Naugle suggested it be placed on a conference agenda. Commissioner Teel wanted to schedule it on a regular meeting agenda.

Action: At Commissioner Teel's request, there was consensus approval to schedule consideration of a proposed ethics ordinance at a regular meeting.

V. City Manager Reports

None.

There being no further business to come before the Commission, the meeting was adjourned at approximately 5.30 p.m.