

**NORTHWEST-PROGRESSO-FLAGLER HEIGHTS  
REDEVELOPMENT ADVISORY BOARD  
REGULAR MEETING**

November 17 2005 – 3:30 P.M.

**CITY HALL**

**100 North Andrews Avenue  
1st Floor Conference Room  
Fort Lauderdale, Florida**

<b>Board Members</b>	<b>Present Absent</b>	<b>Cumulative from 01/01/05</b>	
		<b>(P)</b>	<b>(A)</b>
James Brady	P	P-8	A-1
Stan Brown, Chairman	P	P-9	A-0
William Cain	P	P-9	A-0
Jim Carras	A	P-5	A-4
Jerry Carter	P	P-7	A-2
Albert Fils	P	P-6	A-3
Tim Hernandez	P	P-6	A-3
Brice Lambrix	P	P-9	A-0
Laura Mutti	P	P-9	A-0
Ella Phillips, Vice Chair	P	P-9	A-0
Rosalind Osgood, PhD	P	P-6	A-3
Marcia Barry Smith	A	P-5	A-4
Clare Vickery	P	P-8	A-1

**Staff**

Alfred Battle, Director, CRA  
Mina Samadi, CRA Staff  
Jeanette Johnson, CRA Staff  
Bob Wojcik, CRA Staff  
Joan Oliva, CRA Staff  
DJ William-Persad, Assistant City Attorney

**Visitors**

Peter Feldman

**I. Call to Order/Roll Call**

The November 17, 2005, meeting of the Northwest-Progresso-Flagler Heights Redevelopment Advisory Board was called to order at 10:17 A.M. by Chairman Brown. A quorum was achieved with eleven board members present.

A roll call was conducted the results are above.

**II. Approval of Minutes – September 28, 2005**

The minutes of the September 28, 2005 regular meeting were reviewed.

A motion was made by Mr. Brady and seconded by Mr. Carter to accept the minutes without any corrections, deletions or corrections. A vote was taken and the motion passed unanimously.

**III. N.E. 6<sup>th</sup> Street/Sistrunk Boulevard Streetscape And Enhancement Task Order**

Mr. Battle noted that the process of getting this particular vendor paid and having the work done encompassed a combination of a lot of factors. He advised that Ms. Samadi was basically taking direction from the Advisory Board and the City Commission as a CRA Board before Mr. Battle's arrival. There was a desire by the Boards to have certain elements of the project completed before the street design element was fully in place.

Ms. Samadi advised the Board that on the January 11<sup>th</sup> CRA Board Meeting staff was given the go-ahead to finalize the design and identify the cost of the right-of-way for the segments in question. A proposal was received from our current engineering consultant firm, Keith & Schnars, of \$31,000 to do a legal description and sketches for all the relevant portions. Staff only had 90 days to get the paperwork done and continue with the appraisals and other legal documents that are needed; therefore, Keith & Schnars immediately started on the work and finalized everything in short time. The project was then placed on hold. It is staff's recommendation that the Board approve the issuance of the task order to Keith and Schnars so they can finalize the process.

Ms. Vickery inquired if title work has been completed. Ms. Samadi answered that title work has not been done, only the legal descriptions of the property are completed.

Chairman Brown noted that the work has been done; there is not particular controversy with this issue.

Mr. Brady inquired if staff has studied the billing, asking if it is reasonable under the circumstances for the product produced. Ms. Samadi answered that the city surveyor checked the figures to make sure the costs were reasonable, and he approved them.

Ms. Mutti inquired why shortly after the project was placed on hold billing was requested to be delayed. Ms. Samadi noted that there was never a task order, so a bill could not be produced. It was a technicality.

Mr. Lambrix made a motion to approve. Mr. Carter seconded the motion. A vote was taken and the motion passed unanimously.

#### **IV. CRA Request for Proposal Evaluation Committee Recommendation**

Mr. Battle gave the Board some background as to this item. Upon Mr. Battle's arrival in February, one of the first issues that was brought to his attention was concerns regarding the process for selecting developers. The RFP Evaluation Committee idea was formulated to try to protect the city from persons possibly challenging future procedures, and providing a clear understanding for future bidders. Mr. Battle worked with the City Manager's office and the Purchasing Director to produce the recommendation that is before the Board today. It is Mr. Battle's desire that the Board adopt this policy. He advised that staff will always continue to utilize the services of the City's procurement department in the issuance, advertisement of, and receipt the proposals. This process will be governed in accordance with Florida Statute 383.22.

CRA staff recommends that the CRA Advisory Board chose evaluation committees for each RFP issued. Said committee should consist of no more than five to seven members. Staff suggests that evaluation time frames be staggered so that board members and the public have the opportunity to attend the meetings.

#### **Board Comments and Questions**

Chairman Brown reminded the Board that our purpose is in an advisory capacity only.

Ms. Vickery inquired if the committee would consist of only members of this Board. Mr. Battle answered that that is something that this Board may decide. Staff suggests five to seven members; however, those members may be made up of many different entities, such as Board members, professionals in the field, or community activists.

Chairman Brown agrees that the committee is better served with a diversity of members. The members of the committee will be chosen by the CRA Advisory Board. In any event the City Commission will confirm the results.

Ms. Vickery also inquired if there was any desire to limit the frequency that an individual may serve, and noted that often times members have to recuse themselves from participation in certain projects.

Ms. Mutti shared that she had served on a committee and felt that some of the committee members did not follow the process laid out for them. It is her opinion that persons on the committee came into the process with a preconceived notion of how and where the RFP should be granted. She had the feeling that the backup material was not thoroughly studied and the criteria that had been established for the committee's use was not followed. She also felt there was inappropriate political activity occurring that inhibited the selection and hinged on Sunshine Law violations. It is Ms. Mutti's opinion that this process should be polished some more.

Chairman Brown acknowledges that the proposed recommendation may not answer or address all questions and problems, but is a step up from where it process had been.

Ms. Osgood noted that she had served on an evaluation committee and felt a good job was done; however, it was her experience that although some members of this Board had strong feelings about the project and wanted to be involved in the decision making, they didn't have the time to commit to be on the evaluation committee itself. In that case the proposers came in and made a second presentation. It is her opinion if we use an evaluation committee, it should be the voice of this group.

Ms. Mutti suggested we establish a policy whereby the persons involved in the evaluation committee may not have conflicts with the project at hand. Mr. Lambrix agrees, and added that no one should allow themselves to be on a committee if they have a conflict. In addition, Ms. Mutti feels whatever professional person is needed for a particular project, that person should be a city staff member.

Mr. Brady voiced his opinion that there will always be an inherent bias that arises by virtue of living in a small geographic community, limited perspectives in terms of interest of those persons participating and limited proposals for any given project, and a tight-knit community. In addition, Mr. Brady proffered that if a person who is experienced in a certain field expresses opinions regarding that field, Mr. Brady gives more weight to that person's comments than to others on the committee. It is his opinion that we must rely on the integrity of the overwhelming of the members of the committee to act in an honest, forthright manner, knowing that in each group there may be a person with an agenda. He also added that we must be careful not to misinterpret the actions of people.

Ms. Phillips agreed and noted that we will never be able to make the process perfect, but feels the policy presented by Mr. Battle is a step in the right direction. She also commented that this group is quite diverse and you may not know until

the RFP is announced who may have a conflict. The honor system may have to be relied on.

Ms. Vickery is comfortable modifying the recommended process after listening to other members on this Board who have served longer. She also feels professionals understand the complexities and complications of the projects and should be included. She also feels it is very important to establish rules about disclosing financial interests and having those persons not serve on the committee.

Mr. Brady commented that Florida Statutes, Chapter 112 and 286 specifically provide the rule that says you cannot have a direct pecuniary interest in the outcome of the vote. He added that often there are limited professionals in our close-knit community to choose from, and that those persons often serve in boards like our own and are well known.

Mr. Carter noted that when it comes to insuring the quality of the process he agrees with using the procurement department process. He agrees with Ms. Mutti inasmuch as when it comes to the enhancement of the integrity of the process we need to follow the matrix, or the established guidelines, that we have put in place.

Mr. Carter made a motion that we follow the recommendations as outlined by staff as it relates to the procurement process as outlined in the Request for Proposals Evaluation Committee Policies and Procedures. In addition he suggests that we insure that the evaluation committee always follow the established guidelines and respond to this Board. Mr. Brady seconded the motions.

Chairman Brown called for further discussion.

Mr. Lambrix feels that the proposers should be addressing this Board as a group on a project-by-project basis. In other words, this Board should be the evaluation committee for each real estate project. An evaluation committee would be useful in selecting personnel to complete the projects as far as the services required. Mr. Carter added that this Board could serve as the evaluation committee and his motion would still stand. Mr. Brady's understanding is that staff desires this Board to form an evaluation committee on each project; however, the committee could be made up of members of this Board. In addition, there are some new criteria outlined in staff's proposal, which will make the evaluation committee function better.

Ms. Osgood noted that members of the evaluation committee must attend all meetings in order to vote. She inquired if the evaluation committee meetings could be taped for those desiring to participate but unable to make a meeting. Mr. Brady noted that there are procedures that address viewing taped meetings. Unless specifically excluded by some other rule, a member is able to take a public record, educate themselves and then be available to vote. Mr. Brady requested that the city attorney advise us if there is a conflict in the case where a member is on the

evaluation committee and is absent and cannot vote, yet when the matter comes before the CRA Advisory Board that same member is required to vote. If the Board as a whole is acting as the committee, can that personality be distinguished from the Board acting as the Advisory Board at a regular meeting. In addition, clarification is needed with regard to us having a committee. In Mr. Lambrix opinion that member should have to recuse themselves because they've only seen half the presentation. Mr. Brady noted that that was not a statutory reason to recuse. Mr. Brown added that some evaluation meetings last the whole day. Public comment is taken at these meetings. Mr. Hernandez commented that his Board should have a vote in the process and to bypass this Board is not wise. This Board has the expertise to understand and evaluate the proposers. He feels it dilutes the level of analysis that ought to be done when there is public money involved. This is too important to bypass the CRA Advisory Board.

Mr. Brady called the question.

Mr. Lambrix suggested that this item needs to be discussed further and should be tabled at this time. Mr. Carter, as maker of the original motion, agreed.

Mr. Brady moved to table the motion to a meeting certain. Mr. Lambrix seconded the motion. A vote was taken and the motion passed 9 to 2 with Ms. Vickery and Mr. Hernandez voting no.

Mr. Battle requested that this item be put on the next agenda, which will be November 30<sup>th</sup>. Mr. Brady will contact Mr. Battle to insure his questions to the city attorney are clear and framed in the manner intended. He also requested that a representative of the city attorney's office be invited to the next meeting.

## **V. CRA Advisory Board Officer Elections**

Mr. Brady moved to take Item V out of order. Mr. Lambrix seconded the motion. This item was discussed as the first item of the meeting.

Chairman Brown accepted nominations from the floor for the office of the chair.

Mr. Brady nominated Stan Brown for the position of Chair.

Chairman Brown asked for additional nominations.

Mr. Brady moved to close the nominations and the chairman, Stan Brown, be elected by claim. Mr. Carter seconded the motion. A vote was taken and the motion passed unanimously.

Chairman Brown thanked the Board for the nomination and the opportunity to serve as chair for one more year. He advised that this year will be his last serving as chairman, and that should he be nominated again, he would have to decline.

Chairman Brown accepted nominations from the floor for the office of vice chair.

Ms. Osgood nominated Ella Phillips. Ms. Mutti nominated Clare Vickery.

Mr. Brady moved to close the nominations and proceed to a written vote. Mr. Carter seconded the motion. A vote was taken and the motion passed unanimously.

Mr. Brady noted that the ballots needed to contain the voter's name for purposes of public record.

A vote by closed, written ballot was taken. Mr. Battle read the results into the record: Ella Phillips, ten votes; Clare Vickery, one vote.

Chairman Brown congratulated Ella Phillips for being elected to the office of vice chair.

## **VI. Director's Report**

Mr. Battle noted that there is an article in today's newspaper based on a press release that was sent out yesterday regarding the Sistrunk Boulevard Project. The county had put this item in a holding category on the county's agenda until their questions regarding the traffic mitigation study were answered. The city staff commissioned the services of a group called McMahan Associates, a traffic-engineering firm. They met with county's staff and determined that we don't need to go through another public-participation process but agreed on a middle ground. That study is completed. The results of the study say that in using the county's analysis tools to look at traffic and capacity on the roadway, our roadway by taking down to one lane, should be appropriate. Even the traffic that is being diverted into the neighborhoods is appropriate; however, that traffic does a few issues that need to be dealt with. Techniques and suggestions were given by McMahan to deal with this issue. The traffic study also says if you look at the way the roadway is designed based on mass transit elements, there is a need to modify some of the bus stop locations to prohibit stacking of traffic. The study also speaks about a signal preemption system for emergency vehicles. Moving forward with the plan the sidewalk widths should accommodate the on-street parking that has been talked about as well as the pedestrian traffic planned on.

This study verified that the things we have been suggesting from a concept development standpoint, that was approved by this Board and by the community, are satisfactory in terms of implementing the plan without there being

disagreement. This plan gives us a more level and solid foundational standing with the County Commission. It is hoped this item will be on the County agenda on December 6<sup>th</sup>. Mr. Battle will be sending out some talking points for members to use when discussing and promoting this item. Mr. Battle asked the Board members to make use of any contacts they have to promote this item. Commissioner Moore is planning a press conference before the December 6<sup>th</sup> meeting.

Ms. Osgood inquired if the newspapers and websites will be updated to advise the public of what is going on in that community. Mr. Battle answered that staff plans to accomplish that task.

### **Advisory Board Workshop – CRA Plan Phase II**

Due to the lateness of the hour, this item will be placed on the November 30<sup>th</sup> agenda.

### **VII. Adjournment**

A motion to adjourn was made by Mr. Brady and seconded by Mr. Lambrix. There being no further business being brought before this Board, the meeting was adjourned at 12:04 P.M.

Respectfully submitted,

Jody E. Lebel  
Recording Secretary and Notary Public