

BJP Citizens Oversight Committee Quarterly Meeting 5-13-04 Meeting Minutes

Chair Ron Salem called the meeting to order at approximately 6:05 p.m.

Prior to the Mayor's entrance, Chairman Salem began discussion of the recent intersection/interchange project switch, from Beach/Hodges to Beach/Kernan. The group discussed the merits of the change, the process used to make the determination, and the Committee's advisory role in such cases.

Mayor Peyton arrived to explain the process used to change the project location, including discussions with the Office of General Counsel to ensure the switch met the requirements of the "just cause" clause in the BJP ordinance.

ACTION: Chairman Salem requested a copy of OGC's "just cause" memo be sent to all Committee members. The memo was sent the week of May 31.

Mayor Peyton stated that the BJP contained provisions for such changes, i.e. just cause, and that the OGC had established provisions to make changes, including performing due diligence before legislation is put before Council for a vote. The super-majority requirement also stated in the ordinance ensures that any deviation clearly has Council consensus.

Mayor Peyton continued to explain that the ordinance intended for just cause to be used to make amendments to a project or projects to best suit the current or projected situation (changes in traffic patterns, volumes, updated data, etc.). It is not to, and really can not, be used because a neighborhood or group simply opposes the project, i.e. Atlantic/University.

Chairman Salem stated Judge Moran had voiced concerns regarding proposed changes to the courthouse. This led to more discussion about the Committee's role in advising the Mayor and other interested parties about BJP projects. The Committee generally agreed with Chairman Salem's ideas to possibly meet independently, and attend Council committee meetings to offer opinion and guidance.

The Committee asked to receive advance notice of decisions before they are made public. Mayor Peyton agreed to make that happen whenever possible.

ACTION: Marcy Cook advised the Mayor's communication staff of the Committee's request.

Mayor Peyton introduced Dan Kleman as the new Chief Operating Officer and advised the Committee of Mr. Kleman's experience in Tampa and Tallahassee, particularly in the areas of courthouses and Super Bowls.

The Mayor then gave the general quarterly update on all BJP projects, expounding on the courthouse and Beach/Kernan. Regarding the courthouse, the Mayor stated that the program manager, Jacobs, had been separated by contract as a result of a third party audit. Work continued on value engineering and soliciting support from the judiciary and law enforcement, with the goal of constructing a quality building for the \$232 million budget approved by Council.

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The situation with the Beach intersections, the Mayor explained, revealed itself to be unique in that a developer was offering \$10 million in fair share dollars to improve the Hodges intersection, thus making it more feasible to direct the BJP project funds to Kernan. Traffic studies indicated that having an interchange on Kernan made more sense, as it will ultimately serve as a major north-south corridor between Baymeadows and Wonderwood.

The Mayor expressed his regret for not having the time to discuss the switch with the Committee before he announced the decision. However, the administration had to act quickly to secure JTA and FDOT approval and put the issue before Council to ensure the fair share money at Hodges would, in fact, be made available.

Mayor Peyton stated that the remaining intersection improvements were going to be contentious issues, but that the OGC carefully outlined the processes to which the city would have to adhere to make certain that any changes to the work program were based on solid research and facts, not emotion. He added that the results of the JTA south area traffic study would be presented to the Committee when available.

Chairman Salem expressed concern about the plan for shelled space in the courthouse, noting that it may not be a good idea if the \$232M budget were met, only to spend \$40 million to complete the shelled area. Mayor Peyton stated the current plan is to leave out the shelled space, but to save room to build wings when they're needed, though at the current level of design it is not known when that might be.

Chairman Salem then opened the floor for questions and comments.

Q: Is the city vulnerable to a lawsuit if the design is drastically changed, from either the design company or the judges?

A: The judges are the city's partner in this process. The design firm is under contract to design a building to meet budget, not any particular architecture.

Q: Why does the *Times-Union* always state the courthouse budget at \$190M, when it is really \$211M?

A: The administration reiterates the \$211M BJP budget whenever possible.

Q: The Committee has previously heard that there would be an extra \$17 million in the road program. Could the city use those funds for other things, like the courthouse?

A: Experience indicates that we will probably not have any funds left over. In any case, the road funds cannot be used for vertical projects, and vice versa.

Q: Have discussions been had with the judges? Word is the judiciary believes the revised design will be obsolete soon after opening.

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A: Mayor's staff members, particularly Mr. Kleman, have met with Judge Moran and others frequently. Don't believe the building will be obsolete, but certainly sometime down the road the additional wings will be built.

Q: Will the revised courthouse have the same number of courtrooms? And will it still be an aesthetically pleasing structure?

A: Judges working with design team in the value engineering process to determine overall functionality and look of the building. With the revised design, every inch of the courthouse will be functional upon opening – there will be no shelled space. The dome will probably be deleted, but the overall integrity of the design should remain. All the land will remain in the city's possession for future expansion.

Q: Why can't fines and fees be used to supplement the courthouse cost?

A: State passed Article 5, taking revenue from fees and fines and distributing them systematically to all the counties – as opposed to the county maintaining control of those funds. However, the legislation provides the counties the ability to increase the fines on traffic citations, etc. to be applied solely to court facilities. Fundamentally, however, the administration is reticent to break the \$232M commitment.

Mayor Peyton and Chairman Salem adjourned the meeting with thanks to the membership for their attendance and diligence.