

COMMISSION CONFERENCE**DECEMBER 7, 2004**

Agenda

<u>Item</u>	<u>Page</u>
I-A State of Florida Qualified Target Industry Program – Job Creation	1
I-B River Gardens RFP Process	2
I-C Water Billing Issues	3
I-D Pension Rollover – Special Counsel	5
II-A Monthly Financial Report for October, 2004	7
III-B Advisory Board and Committee Vacancies	9
1. Aviation Advisory Board	(Deferred)
2. Code Advisory Committee	(Deferred)
3. Community Appearance Board	(Deferred)
4. Community Services Board	9
5. Education Advisory Board	(Deferred)
6. Insurance Advisory Board	(Deferred)
7. Parks, Recreation and Beaches Advisory Board	(Deferred)
8. Unsafe Structures and Housing Appeals Board	(Deferred)
9. Utility Advisory Committee	10
IV City Commission Reports	7
1. Kaplan University Status Report	7
2. Citizen Presentation/Regular Meeting – Cigarette Butt Litter	7
3. Neat Program	8
4. Landscaping/Sistrunk Boulevard	8
5. Affordable Housing Roundtable	8
6. City Commission Meeting	8
7. Joseph C. Carter Park	9
8. Broward County Interim Boating Facility Siting Plan	9
V City Manager Reports	9
1. Director of Human Resources	9
2. Commission Assistants and Coordinator	9

COMMISSION CONFERENCE

1:32 P.M.

DECEMBER 7, 2004

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

Also Present: City Manager – George Gretsas
City Attorney - Harry A. Stewart
City Clerk - Jonda K. Joseph
Sergeant At Arms – Sergeant Dave Wheeler

I-A – State of Florida Qualified Target Industry Program – Job Creation Citrix Systems, Inc.

Commissioner Moore asked if staff has looked into the diversity of Citrix's hiring practices.

The City Manager said that representatives of Citrix Systems, Inc., Bob Swindell and Brian Shytle, are present at today's meeting.

Bob Swindell said that they are a diverse work force. They work with various societies of engineers, and have an ethnically diverse student intern sponsorship.

Commissioner Moore asked for further detailed information about their present work force. Mr. Swindell said that he did not have percentages available at this time.

Commissioner Teel asked if Citrix has any policies regarding the hiring of disabled individuals, including the blind. Mr. Swindel said that he did not have the actual policies available, but could supply them at a later date.

Commissioner Moore asked for such information to be supplied at tonight's regular meeting scheduled for 6:00 p.m.

Vice Mayor Trantalis said that information was supplied as to how the funds of the program are to be applied, and the statistics show that there would be a monetary benefit to the City. Citrix is located at the north side of the City, and it appears that the individuals added to the employment rolls might not live in the City. Therefore, he asked how the City would benefit and why they are paying \$50,000 for people to move out of the City.

Mr. Swindell said that there are many municipalities in the County who participate in these programs, but people may live in different parts of the County. The County and City each have a 10% match. The State augments the other 80%. They cannot control where the employees live; it is a geographic desire that dictates. Also, the salary level of the employees also dictates where they live.

Vice Mayor Trantalis said that he did not think such salary levels afford people the ability to live in the City of Fort Lauderdale, and he is concerned about that fact.

Mayor Naugle said that when this Commission agreed to participate in this program, it was presented as part of the State's strategy to attract higher paying jobs. He further

said it is not only attracting individuals to live in the City, but also attracting viable businesses to lease space that would generate taxes and contribute to the City. The objective is to have businesses locate here that have higher paying jobs.

Commissioner Teel welcomed the group to the uptown area. She said it is an area where she wants businesses to be encouraged to locate, and believed that such would be beneficial to the area. She felt the housing stock is varied. This would all work together to make the area dynamic.

Commissioner Moore believed the ancillary spin-off would be beneficial to the City. He asked where they are going to go if such incentive is not approved. Mr. Swindell said there is no plan to go anywhere, but they are looking for additional incentives for creating jobs.

Mayor Naugle said that Citrix Systems, Inc. is a partner with Sister Cities and helped the City adopt their first city on the Continent of Africa. They are also participating in a system to adopt wireless internet in Cape Haitian.

Mr. Swindell said they hadve extra capacity and have acquired additional cities. He said this is a great Broward County success story that started in 1989 with 18 employees, and now they have over 2,000 throughout the world. He also said they are working closely with the Broward County School Board.

Action: Data on percentages of diversity in the workforce at Citrix requested by the evening regular meeting.

I-B – River Gardens RFP Process

Commissioner Moore said he was concerned about this matter and understood that this was an action taken by the Community Redevelopment Agency Board. He received a phone call about the matter and whether or not this discussion should even take place today. During the discussion of this RFP, there were individuals who felt the methodology chosen to bring forth the closure of this dialogue had excluded their input. He asked for this matter to be placed on today's agenda, not for the purpose of further dialogue or input, but to know whether this would be placed on the CRA agenda, specifically to see if it should be reconsidered for additional public input. He said further that Mr. Young, who responded to the RFP, has individuals in the community who want to speak on the matter, he has received correspondence from civic associations, along with a letter from Bernadette Weeks regarding the issue.

Commissioner Moore said he would like to get a consensus from the Commission, saying that the item would be placed on the next CRA agenda. He felt it is critical that the public be heard when use of public property is being discussed. He said they were quick on their decision and such input was not received.

Mayor Naugle asked if a motion to reconsider passed, would they have to see presentations once again. Commissioner Moore said that would not be necessary. He would prefer to set up a meeting and have the 5 proposers attend so public input could be provided.

Vice Mayor Trantalis said that the CRA Board reviewed the applications and then received public input, and if the matter was again reviewed by the Commission, why is the Board necessary. Commissioner Moore said that the boards review issues, and then the matters go before the Commission for final approval. In this process, the CRA Board made the final decision, and they wanted such input, but input from the residents is necessary. Vice Mayor Trantalis said the Commission is diminishing the role of the advisory boards. Mayor Naugle said there were two review processes and both were flawed, but the Commission remedied the situation by having the CRA Board review it.

After receiving comments and having individuals state their disappointment in not being able to provide input, Commissioner Moore said there is no situation that should be discussed without public input. Vice Mayor Trantalis asked why public input was not provided. Commissioner Hutchinson said that no one had raised their hand to speak, and therefore, no one had actually been excluded from speaking. Vice Mayor Trantalis said that everyone assumed that the final recommendation of the CRA Advisory Board would be accepted.

Mayor Naugle said that this discussion should take place at the CRA meeting. Commissioner Moore agreed that is the proper place to decide if the matter should be reconsidered, but he was hoping that this Commission understood that the residents of the City wanted the chance to provide input on this matter.

Vice Mayor Trantalis said there needs to be closure on this process. This is a bad precedent. He will agree to proceed, but the Commission needs to respect the advisory boards. If de novo hearings are constantly held because someone was not pleased with a decision or outcome, then they would be reviewing matters on a daily basis.

Commissioner Moore asked when the next CRA meeting is scheduled. The City Clerk said the meeting is scheduled for January 11, 2005 at 5:30 p.m. Commissioner Moore said the issue to reconsider would be discussed at that time.

Commissioner Hutchinson reiterated that all proposers should be invited to that meeting, and the public should be prepared to speak on the matter.

The City Manager asked if a vote would be taken at that meeting and if resolutions should be prepared. Mayor Naugle said they do not know what the outcome would be.

The City Attorney said that if the Board reconsidered, there would have to be a new vote because the previous action would be undone. Therefore, they need to receive public input regarding the question whether to reconsider or not, and if the matter is reconsidered, then a new vote would have to be taken.

Action: Further discussion scheduled for Community Redevelopment Agency meeting on January 11, 2005 at 5:30 p.m. If there is a majority vote to reconsider at that time, the matter will be voted upon again at that time. Public input will received.

I-C -- Water Billing Issues

Commissioner Moore said that many people call regarding arrearages in their water bill. Staff is permitted to go to a certain point regarding such issues. He continued to state that he has heard several heart-wrenching stories, and did not understand why the City

could not be more understanding in some cases. There are limits, based on the ordinance, as to how staff could assist individuals. He asked if staff could explain the latitude given to them. Then, the Commission could consider whether additional latitude should be given.

Commissioner Teel said that a constituent explained they are on a bill paying plan and it is logged on the 16th, but not posted to the City until the 24th. Therefore, they received a nasty letter stating her water would be turned off. She said that she would supply staff with information about this incident.

Mayor Naugle said that possibly the bank did not transfer the money. Commissioner Teel said that is not the case after research was conducted.

Commissioner Moore said they need to have a better understanding why such situations are occurring due to the advanced technology that is presently available.

Terry Sharp, Director of Finance, said that staff is limited by the City's ordinance. The City has pledged a revenue stream for the water and sewer revenue bonds that requires the City to charge reasonable rates for water consumption. Therefore, there are local restrictions.

Arnett Torrence, Revenue Collection Supervisor, said the ordinance applies for all customers that require if a bill is not paid in thirty days, the customer is subject to a termination. They are currently two months behind regarding such terminations. Notices went out to the property owners and full amounts have to be paid. Regarding hardship cases, staff does give customers a list of agencies who could assist such individuals and that is all they could do, based on the ordinance.

Commissioner Moore asked if staff could have more latitude regarding special circumstances.

Mr. Sharp said the City gives individuals up to twelve months with a promissory note., which is not addressed in the ordinance.

The City Manager said that the Commission could reset the policy if desired.

The City Attorney said that the Commission could change the policy regarding an extension of time to pay back the money. Commissioner Moore thought that twelve months is generous, but hardship cases do exist and life styles are threatened.

Commissioner Teel said that various agencies are in existence to help in such situations. She felt that possibly sometimes individuals are not aware of such programs.

Ms. Torrence said that lists of agencies are provided to individuals who are in need of such assistance.

Commissioner Moore said he sits on such committees for Broward County and most times the monies are gone in the first quarter of the year, and churches are also available to help. He was concerned about this issue.

Vice Mayor Trantalis asked at what point does the City become a lending institution.

Commissioner Moore said he has served on the Commission for a long time. He knows many commercial institutions that owe the City money, and their water is never cut off. He said further that he is talking about hardships for a property owner.

Mayor Naugle felt that something would have to be set up regarding a social service. He did not think a remedy could be developed in the Utility System. On the other hand, possibly block grant funds could be available and a separate system created to assist in such matters.

Commissioner Moore said that the County has a "help me fund". No matter how much money is contributed to it, the fund runs out quickly. These individuals are not asking for someone to pay their bills. They only want assistance in time to do so. He asked that staff have discretion in regard to hardship cases.

Vice Mayor Trantalis said the idea sounds good, but the City needs to think the matter through more. The City is being asked to maintain a balance of accounts receivable diverted from the bond obligations. He asked if that would create a problem.

Commissioner Moore said that in cutting off the water, revenue is also being cut off. Mayor Naugle said that if the water is not cut off, the revenue is also not coming in because then payment appears to be optional.

The City Manager said that staff would review the matter and return with a recommendation.

Vice Mayor Trantalis felt the water should not be shut off. Mayor Naugle said the City would continue with their present policy. Commissioner Moore said they are being offered the possibility of an administrative approach.

Action: Staff would review the matter and provide a recommendation.

I-D – Pension Rollover – Special Counsel

Mayor Naugle said there is a recommendation to hire special counsel.

Vice Mayor Trantalis said in order to accomplish their objective and put the process through, the Commission needs to know the specific definition of special counsel's goal. There needs to be a cap on the budget.

Mayor Naugle thought they are answering two questions. One, is the information presented to the Commission correct, and if not, what are the available options. Vice Mayor Trantalis also asked what are the legal ramifications involved.

Commissioner Teel said that in looking at the resume and qualifications, the person is very qualified, but she felt actuarial and pension experience is lacking. She was not convinced that the concerned individual is the best available for this matter.

Commissioner Hutchinson said that the questions asked basically remove pension knowledge out of the matter. There are two questions involved in taking away the

aspects of the pension. She was confident the ordinance could be rescinded, but asked if there would be any ramifications.

Commissioner Moore wanted an actuarial review of the impact of the employees that are not 55 or over, and after such figure is established, then he would decide if the matter should be rescinded. He felt an attorney is not needed at this time.

Mayor Naugle felt the City knows the expense is greater than what had previously been explained to the Commission.

The City Manager said there is no dispute as to whether they use the 12% or the 20% figure, and in either case the actuarial impact is still in excess of \$1 million. The facts and figures are what they are, but staff had the information six months before the Commission voted and did not provide it. It is an issue for the Commission to decide whether or not to rescind it.

Mayor Naugle felt an attorney is needed to do that, and asked what type of budget would be allotted.

Stephen Scott, Assistant City Manager, said that he spoke to Mr. Shevin, but a cap had not been discussed. He would estimate that 10-20 hours of research might be needed. If the issue is expanded to include the merits of the issue, then additional hours would be needed.

Commissioner Teel believed an attorney with pension experience is needed because various issues are involved. She was distressed with some of the comments being made because it appears a determination was made that this happened in January. Certain rules apply to this review; when information is not forthcoming to the Commission. She was not comfortable with this matter.

Commissioner Hutchinson was comfortable with the issue because it has nothing to do with the pension, but with whether the Commission has the ability to rescind the ordinance that was previously adopted, and if so, what are the ramifications. She wanted to figure out how her pension experience would hurt the research regarding rescinding of the issue, since they had not been given necessary information about the money in order to make an appropriate decision. This only deals with whether this could be rescinded.

Vice Mayor Trantalis asked if the attorney would be precluded from bringing in a consultant to assist him in the matter.

The City Manager said the attorney would probably be happy to add an actuary, but he felt the Commission already has the facts. Another actuary is not really needed. They know that staff asked for an analysis six months before the Commission voted, that information was prepared and provided to the actuary, and spreadsheets were provided by the actuary, but not to the Commission. Other inaccurate information was provided, and therefore, the question is which figure should be used for offsets. Information from the actuary states that they are still talking about a cost in excess of \$1 million, which is different from the \$50,000 answer previously given to the Commission.

Mayor Naugle asked if a budget of \$5,000 would be suitable. Mr. Scott said that such a budget would be appropriate for the original scope, but expanding it to include hiring of an expert actuary would require additional funds.

Vice Mayor Trantalis said the Commission has the right to rescind the ordinance, but there would be ramifications.

Mayor Naugle asked if there is a consensus to hire such counsel in 2005. Commissioners Moore and Teel said they were not in favor of doing so. Commissioner Moore said that he wanted copies of the spreadsheets. The City Manager said that it would be up to the City Attorney as to whether such information could be supplied.

Mayor Naugle said that social security numbers would be blacked out. The City Attorney said that information exempted from public record would be information pertaining to retirement programs, and other various accounts because a penalty is imposed if such information is supplied. He said such information is not disseminated on a wide basis.

Action: There was consensus to retain Jerome H. Shevin of Levey, Airan, Brownstein, Shevin, Friedman, Roen and Kelso, LLP, Miami, Florida, at a cost not to exceed \$5,000. Commissioners Moore and Teel were opposed.

CLOSED DOOR SESSION AT 2:20 P.M.

MEETING RECONVENED AT 2:35 P.M.

II-A – Monthly Financial Report for October, 2004.

Commissioner Moore said that congratulations are in order regarding this report.

IV – City Commission Reports

Kaplan University Status Report

Commissioner Teel said that she had spoken with Kathleen Gunn, Assistant City Manager, regarding Kaplan University, which is the company moving about 700 employees into the Cypress Creek area. She further said that one concern is in regard to a traffic signal in the area. She said there appears to be a problem getting County approval for having the signal installed. She asked if this Commission would send a letter to the County, asking the County Administrator to assist in this matter.

Mayor Naugle said that the City Manager would send a letter regarding the matter to the County.

Commissioner Teel further said there appears to be a “glitch” in regard to the naming of the street, but the matter is being worked on. She said that January 24th is set for the ribbon cutting ceremony.

Citizen Presentation/Regular Meeting – Cigarette Butt Litter

Commissioner Teel said that on tonight’s agenda there is a citizen presentation being made regarding cigarette butts. She said there is an intersection in her district at

Commercial Boulevard and Bayview Drive that has such a problem. She did not attribute this solely to the newspaper vendor in the area, but that the problem is really prevalent there. People are emptying their car ashtrays into the street. Mayor Naugle said that it is against the law.

Commissioner Moore believed the problem stems mainly from the newspaper vendors. He suggested that they have something strapped to their person as a trash receptacle.

Commissioner Teel further said that a newspaper vendor at U.S. 1 and Commercial Boulevard on the south side does not stay on the median, but bobs in and out of traffic.

Commissioner Hutchinson said that 17th Street and U.S. 1 is a nightmare regarding newspaper vendors and trash. She added that various items are also being sold at the intersection adding to the problem.

Commissioner Teel said that the Florida Department of Transportation (FDOT) is making landscaping improvements at Commercial and U.S. 1. She felt they need to make the medians attractive and meetings would be held regarding the issue.

NEAT Program (Neighborhood Enhancement Action Team)

Commissioner Moore thanked the Police Department and all other departments connected with this program and promoting the concept. He said the event will be held this Saturday at 10:00 a.m.

Landscaping/Sistrunk Boulevard

Commissioner Moore wanted to discuss the palm trees on Sistrunk Boulevard. He said that the City entered into an agreement with Florida Department of Transportation regarding landscaping, but it appears that the palm trees are being stolen. He said further that the City is being asked to make sure the trees are not be removed, but he had no idea how that could be done.

Affordable Housing Roundtable

Commissioner Moore said that he and Mayor Naugle just returned from Indianapolis. A new President was elected. He shared information with the exiting president who is interested in doing the closing session of the affordable housing roundtable. He realized some expense would be involved, but felt it would be beneficial to have him present. The proposed date is set for January 22, 2005, at the African-American Research Library. He said that this individual told a colorful story as to how this nation is becoming divided, and he wanted to address the group.

City Commission Meeting

Mayor Naugle said that the Inauguration falls on January 20, 2005 which conflicts with the City Commission meeting. He asked if the Commission meeting could be changed so some of the Commission could attend the Inauguration. He said the Martin Luther King Holiday is on the 17th. The Commission decided to meet on January 18, 2005.

Joseph C. Carter Park

Commissioner Moore said this park is being addressed very well and he wanted to commend everyone. The community is very excited about the park and he wanted to thank everyone involved.

Broward County Interim Boating Facility Siting Plan

Mayor Naugle said the County is holding a hearing this evening regarding the Broward County Interim Boating Facility Siting Plan regarding manatees. He asked staff to see if businesses or the City would be impacted and then comments would be provided.

Commissioner Teel said that she had read the plan and felt there are some wrong statements made which dealt with the Middle River that is a water sports area. She felt such differences needed to be addressed. She said that additional meetings are scheduled to discuss the issue.

V- City Manager ReportsDirector of Human Resources

The City Manager introduced the new Director of Human Resources, Averill Dorsett. Averill Dorsett said that she came from the City of Miami and is a native Floridian.

Commission Assistants & Coordinator

The City Manager said that at tonight's Regular Meeting, a resolution will be presented regarding staff. He wanted to make some suggestions and changes to that resolution that would transfer direct supervisory responsibility to the Commissioners. The Coordinator position will remain as an appointment by the Commission. The Coordinator will be responsible for staff members that do not answer directly to the Commissioners, such as the receptionist.

Advisory Board and Committee VacanciesAviation Advisory Board

Action: Deferred

Code Advisory Committee

Action: Deferred

Community Appearance Board

Action: Deferred

Community Services Board

Commissioner Hutchinson said that she wanted to appoint Alfred Imgrund to the Community Services Board.

Action: Formal Action to be taken at the Regular Meeting.

Education Advisory Board

Action: Deferred

Insurance Advisory Board

Action: Deferred

Parks, Recreation and Beaches Advisory Board

Action: Deferred

Unsafe Structures and Housing Appeals Board

Action: Deferred

Utility Advisory Committee

Commissioner Teel said that she wanted to appoint Bernie Petreccia to the Utility Advisory Committee.

Action: Formal Action to be taken at the Regular Meeting.

There being no further business to come before the Board, the meeting was adjourned at approximately 2:54 p.m.