

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
JANUARY 4, 2007**

**Agenda
Item**

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COMMISSION CONFERENCE MEETING 1:30 P.M. January 4, 2007

Present: Mayor Naugle
Vice Mayor Hutchinson (arrived at 1:38 P.M.) Commissioners Moore, Rodstrom, and Teel

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

I-A – Citizens Committee of Recognition – 2007 Recommendations

Eugenia Ellis, incoming Chair of Citizens Board of Recognition, announced the Board's recommendations:

Citizen of the Year	-	Frank Herhold
Distinguished Citizen	-	Former Mayor Robert Dressler
Honored Founder	-	Brothers: Tom & Dick Wells
Exemplary Former City Employee	-	Cecelia Margo Ward (formerly Cecelia Holler)

Action: Mayor Naugle noted a date when the honorees could attend a Commission special meeting and be recognized will be determined.

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

Mayor Naugle said Vice Mayor Hutchinson submitted a memorandum, asking the Commission to move this item forward for first reading of the ordinance at the February 6, 2007 Regular meeting.

John Hoelzle, Director of Parking and Fleet Services, said the Commission asked for a report on three items. First is whether Colee Hammock would be willing to pay the same rate for the parking permit as Birch Park Beach Finger Streets and they are willing to do so. Second is whether temporary employees could be hired for a six-month trial. Navarro can provide temporary personnel who would be able to issue citations. They would have to be trained and certified.

Commissioner Moore wanted to make sure this matter goes out for a competitive bid and see if there could be more than one bid. The City Manager confirmed.

Mr. Hoelzle said the third item is whether the Las Olas Business Association would be willing to share any part of the cost of \$32,000 in connection with the lease of equipment needed for the two-hour free parking enforcement. The Association is not interested in participating. The cost has been narrowed. The hourly rate provided by Navarro shown in the back-up as \$18.78 should be \$18.98, but the totals are correct.

Commissioner Moore asked what the rate would be if done in-house. Mr. Hoelzle said that the police parking enforcement officers have an hourly rate of \$25.23. Commissioner Moore asked about benefits of Navarro in comparison with in-house personnel. Mayor Naugle said the benefits offered are not as lucrative as those of the City. In response to Commissioner Rodstrom, Mr. Hoelzle understood that Navarro appears to have benefits for part-time personnel also, however, this would be clarified in the bid process.

In response to Mayor Naugle, Mr. Hoelzle said that presently the expense gap is \$179,000. Mayor Naugle asked how the system would absorb the \$180,000 expense. If done in other neighborhoods, would a rate increase be required. He asked if there is a surplus. Mr. Hoelzle said there is no big surplus. As more and more neighborhoods become involved, the gaps will be a problem. There would now two different trial programs in place, which should help staff with information to make future decisions.

Vice Mayor Hutchinson entered the meeting at approximately 1:38 p.m.

Commissioner Teel said this is a sizeable deficit. The six-month trial period would give an indication as to whether the program could be successful. The City cannot continue to deplete reserves.

Mayor Naugle said if money is lost during the trial period, it would set a precedent and they would have to consider a rate increase.

Commissioner Teel thought it was unfortunate that the merchants are not willing to participate.

Tony Beall, Las Olas Association, said it is not the lack of desire to support this, it is a problem of funding.

Commissioner Moore suggested when a parking reduction is suggested for a Las Olas business, that there be a fee attached to such a consideration. This could help fill-in the gap. He also felt that there could be some increase in parking rates now to address the gap. They should move forward with the trial period and be creative in filling the gap.

Vice Mayor Hutchinson asked about temporary personnel and Mr. Hoelzle reported on staff's findings previously mentioned. Vice Mayor Hutchinson noted there would be nothing that would have to be provided with use of temporary personnel and equipment rented.

Commissioner Rodstrom said the trial program should be monitored with the idea of filling in the gap, otherwise it should not continue after the six months.

Action: The item will be scheduled for consideration in February.

OB – Florida League of Cities Priority Issues – Charter County Relations, Affordable Housing and Property Tax Reform – Request to Adopt Resolution of Support

Commissioner Moore said the Florida League of Cities is requesting that the Commission adopt a resolution in support of the other 431 municipalities regarding legislative priorities. He urged the Commission endorse the resolution and have it placed on tonight's regular meeting agenda.

Commissioner Rodstrom said the ordinance says, restores and maintains municipal home-rule authority for municipalities. She asked what home-rule is being restored and what has been lost and why was there no information included in the back-up materials. Commissioner Moore said the Florida League of Cities is a lobbying entity for municipal entities. Throughout the state and charter counties there have been a number of home-rule issues are often challenged, such as CRAs and their boundaries and how such boundaries are adopted and approved. This resolution is being proposed to attack any effort of any other governing body to dilute home-rule. Broward County has attempted to tell the City how many units can exist within the City which is considered a home-rule challenge.

Commissioner Rodstrom understood that there was an agreement years ago with Broward County as it relates to the City's land use. She asked if this resolution would be a violation of that agreement. She wanted a written explanation from the League of Cities as it relates to this issue. Commissioner Moore indicated that this would be separate from any local initiative or agreement made with other bodies in their jurisdiction. The state league is suggesting that municipal entities have control of their home-rule. Commissioner Rodstrom said they have control of their home-rule but want to restore certain items such as land use. Commissioner Moore confirmed that is correct and providing the opportunity to address matters that could arise in the future.

Commissioner Rodstrom wanted to review the agreement with the County before voting on this matter. Commissioner Moore said this has nothing to do with that agreement. Commissioner Rodstrom said it does not say that it has nothing to do with such an agreement; it is very broad. Cities are different. There are many small cities whereas Fort Lauderdale is very large. Fort Lauderdale depends on the county for many things. She did not want this to set a precedent. It is too broad and not tailored to this City.

Commissioner Rodstrom noted the resolution says, the existing distribution formula for local-option transportation taxes imposed by a county should be revised to allow for a more equitable distribution to municipalities. She felt it appears to be a trickle down effect from the state and federal governments as far as budgeting. Once they decide they do not want to pay for something, it comes down to the local government, which is the county and city. She believed the City should be aligned with the County on this concept so they would be able to obtain money from the state and federal governments. With respect to mass transit, the County might give signage responsibility to the cities.

Commissioner Moore referred to Fort Lauderdale being a magnet for transportation by having the airport, beaches, downtown area, and job centers. Based upon the present distribution of federal and state monies, Broward County is the ruler of those funds. An appropriate amount for the City was decided upon. This resolution suggests that they should always counter to get more for the municipal entity, especially in Fort Lauderdale's example. It was felt that the County should have given a greater percentage of such dollars to three cities, because of the job centers. Fort Lauderdale is the only downtown in Broward County. He talked about the attractions of Las Olas and the beach and cruise lines. With the job centers in Fort Lauderdale, it has always been

thought that Fort Lauderdale should get a great percentage of the mass transit dollars. As a member city of the Florida League of Cities, he would like to show support for issues that would positively impact or give clarity to municipal issues. This resolution is supportive of this and he wanted it placed on tonight's agenda. These issues have been discussed for over two decades.

Vice Mayor Hutchinson said as a member city in the Broward League of Cities, these are issues that they have supported in the past. Home-rule is a big issue for every city across the country. It is a must. She would like to see this item on tonight's agenda.

Commissioner Rodstrom said she is not disputing the home-rule issue, but rather the restore and maintain language. Commissioner Moore noted who Commissioner Rodstrom could contact at the League to obtain additional information. Commissioner Rodstrom said she would be making a motion to defer this item until the Commission's second meeting in January so she could receive additional information.

Action: See the regular meeting.

OB – Baltimore Orioles; Facility Use Agreement

Commissioner Moore said he is not sure if this is revenue neutral and wanted to understand the City Auditor's memorandum. The City Auditor said the agreement is revenue neutral only to the extent of the usage of the middle and south fields. It is not determinable what the cost will be at this time because there is no schedule yet regarding usage. The original draft agreement contemplated a certain number of days as related to the amount of money the City had committed to spend in the original term sheet which was not necessarily indicative of the number of days they were going to use it, but related to how many days they would be entitled to use it based on that level of expenditure. There is the opportunity for the City to control what the cost would be based on what events the City decides to hold on those fields and whether a fee will be charged to the groups using the site in order to recoup the cost. He said they at least know that the Orioles committed to only charging the City their cost for maintaining the fields, and would not be making a profit. A right to audit clause was inserted into the agreement therefore he is confident that the fee the City would be charged would be reasonable. The question is how many days they would want to use the fields during the life of the agreement.

Commissioner Moore said the City Auditor says in the memorandum his concern about not having a negotiated maximum dollar. The City Auditor confirmed that is correct. There is no way for the City to anticipate in advance the cap for the cost without an accurate way of projecting the usage. He suggested that the Parks Department develop a schedule for the use of the fields in order to get an idea of the outside cost.

In response to Commissioner Moore, the City Manager confirmed that not all issues have been resolved. This one is easy to control in one regard, but not so easy to control in another. If the Commission decides they do not want to use the fields, then costs would be controlled with that position. It is strictly a policy issue. Staff anticipates that the cost determined by the Orioles during negotiations will be the cost for maintenance of the fields. Therefore, if one assumes their number and the number of days the City is entitled to use the fields under the previous proposal, then that could be a total cost of

\$300,000. This assumes that negotiations would end up with the Orioles' number, and it also assumes the number of days in the contract.

The City Auditor said the City may want to consider as a policy decision whether they want to charge groups for using fields.

Commissioner Moore asked if this is contrary to what was being negotiated with the Orioles when they stated they would give the community all sorts of fields if the City provided the land. The City Attorney said the time which was applicable to the negotiations of the final contract were those negotiations that took place and the promises made in the term sheet which indicates there would be fields provided, but the cost would be distributed and such costs would be determined in the contract. The contract states that the costs would be the actual costs with no add-ons which are auditable.

Mayor Naugle asked the Parks Department to submit an estimate of such costs to the Commission which could be incorporated into future budgets.

Commissioner Moore asked if the Orioles could be required to go back to what was originally agreed upon concerning providing of fields. The City Attorney said there is only one thing left open in the contract at this time, the financing plan and whether each party has the right to agree or disagree to such plan. The contract has been signed by the City and the Orioles and they are each bound by it. Perhaps new terms could be renegotiated in order to change the City's position regarding the financing plan.

Mayor Naugle said that the original deal called for the City to be able to use the fields, but they were to pay a maintenance fee, which he believed was \$240,000. In exchange for those monies, the City would receive usage of the fields for a certain number of days. Now, the City does not have the \$240,000 obligation, but they have to pay a fee for whatever usage. It could be less.

The City Attorney said whatever fee is charged to the City for field use on a case-by-case basis or on an overall policy basis, the costs could be passed onto the ultimate user.

Commissioner Moore said that when the discussions first began the Orioles were to provide the fields, but when it came to the term sheet the \$240,000 came into play. He agreed there was discussion at one time regarding the \$240,000, but in the first negotiations the Orioles were supplying the fields at no charge. He felt the fields should have been provided at no cost.

Action: There was consensus for the Parks & Recreation Department to provide information as to fees that could be charged for field usage.

III-B – Advisory Boards and Committees

Audit Committee

Action: Deferred.

Beach Redevelopment Advisory Board

Vice Mayor Hutchinson recommended that Alton J. Yaari be appointed to the Beach Redevelopment Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Cemeteries Advisory Board

Action: Deferred.

Code Enforcement Advisory Board

Vice Mayor Hutchinson recommended appointing Patricia Rathburn to the Code Enforcement Board as alternate.

Action: Formal Action To Be Taken At Regular Meeting

Community Appearance Advisory Board

Mayor Naugle recommended that Patrick McTigue be reappointed to the Community Appearance Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Community Services Advisory Board

Action: Deferred

Economic Development Advisory Board

Action: Deferred

Education Advisory Board

Action: Deferred

Fire-Rescue Facilities Blue Ribbon Committee

Commissioner Rodstrom recommended that Thornie Jarrett be reappointed to the Fire-Rescue Facilities Blue Ribbon Committee.

Action: Formal Action To Be Taken At Regular Meeting.

Historic Preservation Advisory Board

Action: Deferred

Insurance Advisory Board

Action: Deferred

Northwest Progresso Advisory Board

Action: Deferred.

Nuisance Abatement Advisory Board

Action: Deferred

Parks, Recreation and Beaches Advisory Board

Mayor Naugle recommended that JoAnn Medalie be appointed to the Parks, Recreation and Beaches Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Unsafe Structures Board

Action: Deferred

Utility Advisory Committee

Action: Deferred

IV – Commission ReportsBeach Conditions; Public Information; Lifeguards

Commissioner Teel said they need to address the drownings that are occurring on the beaches. Land along the beach in the Galt Ocean Mile area as well as District II is private property. Therefore, the City is constrained regarding the posting of signs and placement of lifeguard stands. The condominium owners do not feel that the City should be totally responsible for an individual's behavior, but possibly the City could do a better job in educating the public. She asked if there is something the City could do. It is not just a lifeguard issue, but it has to do with the conditions.

Mayor Naugle said that possibly an announcement could be made on the low-frequency radio regarding weather and beach conditions or some sort of public information campaign could be conducted by the County as it pertains to more than one city. Commissioner Teel thought it would be helpful. It also would be helpful to have a public information phone number available.

The City Manager said that staff could review this and bring back a recommendation. Communication is the key, but there would have to be a mechanism created that would not permit the City to get into legal problems. In Palm Beach notices are published at the beach entrance by buildings regarding beach situations such as sea pests.

In response to Commissioner Moore, the City Attorney said the City reduces their liability by not having lifeguards. From a liability standpoint, it would be preferable not to have lifeguards and just post a sign. From a public service standpoint the City would have to determine how far the City's dollars would allow them to provide such a service.

The City Manager noted they must get to the final phase of the Finger Streets' pilot program; do an RFP for private lifeguards, and then present a recommendation around February.

Commissioner Teel said if a sign program is done, the City would have to address all private properties as well.

Mayor Naugle said that a website could be created listing beach conditions. Whatever announcement is made, there should be a disclaimer that conditions could change.

The City Manager felt the real issue is how to communicate if conditions change for the worse during the day.

Mayor Naugle hoped the policy is that if the lifeguards feel the water is unsafe, then the beaches are closed. The City Manager was not certain whether that is done with private sections of the beach.

Commissioner Teel said this also involves the safety of the lifeguards.

Las Olas Streetscape

In response to Commissioner Rodstrom, Mayor Naugle indicated that the street will be open for Super Bowl weekend, but not the landscaping.

City Hall Security Plan; Water Billing – Office Space

Commissioner Moore referred to previous discussions about moving the water bill payment function to the Parking Division. He wanted a status report. He also asked about the security issue for City Hall.

The City Manager said he signed a memorandum last night and he will make sure it is provided today.

Martin Luther King Jr. Event

Commissioner Moore said the MLK event would take place on January 15, 2007. He urged the Commission to attend.

New Year's Eve Event

Commissioner Moore wanted to know the cost of the New Year event.

Police Department

Commissioner Moore referred to the report prepared by Safir Rosetti, consultant, in regard to the Police Department. It indicated that every six months they would look at how they were meeting those goals. He asked if that status could be supplied to the Commission in February. At the same meeting, he asked the Chief of Police to address tasers. Possibly a memorandum could be submitted with such information.

Joseph C. Carter Park Gymnasium

Commissioner Moore asked if an update could be provided regarding the gymnasium in Carter Park.

Albert Carbon, Director of Public Works, said the roof repair was completed last week and they are getting ready to do air quality testing. There should be a bid out on the street for the floor in the next two weeks. They are looking at a March or April time frame.

Commissioner Moore did not understand why the floor work was not included in the roof RFP. He felt staff should report at a district meeting regarding this situation. He asked if anything has been done regarding potential mildew. Mr. Carbon said that currently tests are being performed in connection with mold build-up or mildew.

CVC Project/Snyder Park

Vice Mayor Hutchinson announced a CVC project on January 20, 2007 at Snyder Park.

Entertainment District; District Overview Meetings

Commissioner Moore said the Commission should choose a night and visit the entertainment district because they should see what is occurring as far as alcohol consumption. The Commission should consider whether it is the proper course for this government.

Commissioner Teel said when she was first elected she visited that area with the Chief of Police and it was very informative.

Commissioner Rodstrom asked about the idea of visiting each of the districts.

Vice Mayor Hutchinson did not want to convene as a Commission to view that area.

Mayor Naugle suggested the Commission start the district tours, beginning with District I.

Commissioner Moore wanted the media to accompany him to the entertainment district around midnight some day to see what goes on there.

Action: There was consensus to implement the previously discussed district overview meetings, commencing with District I.

Commissioner Moore said if it is not appropriate for them to visit the entertainment district as a Commission, then he would like to invite the media to accompany him one night.

V – City Manager Reports

The City Manager thanked all staff involved in connection with the New Year's Eve event.

Mayor Naugle complimented staff on coverage of the event. In response to Mayor Naugle, the Chief of Police said that only four arrests were made that evening.

Mayor Naugle said that complaints have been made during the last 3-4 months regarding underage drinking. He realized the police are working with bar owners to check ID's and their authenticity. He felt that is very important. Chief Roberts said they are also working with the Florida Beverage Commission in checking convenience stores in connection with selling alcohol to underage individuals.

Mayor Naugle congratulated the Police Department on their hard work the night of the event.

There being no further business to come before the Commission, the meeting was adjourned at approximately 2:27 p.m.