

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
FEBRUARY 6, 2007**

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

Present: Mayor Naugle
Vice Mayor Hutchinson, Commissioners Moore (arrived at 1:41 p.m.),
Rodstrom, and Teel

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 – Sgt. Ernest Pagan

I-A – Undergrounding of Above-Ground Utility Lines; Special Assessment Program

Peter Partington, City Engineer, recapped Florida Power and Light's proposal previously presented to the Commission in December. Cities would be the applicants for undergrounding requests. They would contribute 25% of the undergrounding cost. Criteria for an area to be considered would three miles of feeder or 200 detached homes, islands or peninsula situations would qualify also, and all affected property owners would have to participate. This FPL proposal places the onus onto the City to secure consensus, involving community outreach. The City would need to obtain easements from private property owners. Because this has proven to be problematic in the past, FPL has suggested utilizing right of way. However, this places the liability for any future relocation costs onto the City. This is a change from the current franchise agreement. Residents would pay 75%. The franchise agreement expires in 2009. If the City wishes to buy out FPL assets, then those underground lines would be included in the assets even though the residents would have paid 75% of the cost. Additionally, property owners would have to convert the weather head connection to a riser, and possibly additional rewiring. Those costs could not be included in an assessment program. Bellsouth and Comcast would also have to be included. FPL will need approval by the Public Services Commission.

With respect to starting an assessment program, Mr. Partington indicated the City's team assigned to assessments disbanded a few years ago. To reconstitute the team, there would be an approximate cost of \$475,000 annually and take every bit of nine months to staff up. About four to five projects could be handled annually depending upon their size. In the past, City policy was payment over a ten year maximum. State statute allows thirty years. The City would be fronting money while it is paid through an assessment. There are currently at least sixteen current requests from neighborhoods. A priority order would have to be determined.

Mr. Partington noted the contemplated municipalization of the utility distribution system may have an impact.

In response to Commissioner Rodstrom, Mr. Partington indicated there has been no decision by the Public Service Commission on the 25%. With respect to utility poles, he

thought there would be a debate between the City and FPL with respect to liability. The City Attorney indicated the liability generally rests with FPL. The general rule is if the City decides to widen the roadway, FPL moves their lines at their cost.

Commissioner Rodstrom recognized work of the Utility Advisory Committee on municipalization. She felt this is a separate matter and the two should not be married. The City Manager felt that is a policy issue for the Commission.

Commissioner Rodstrom asked if the \$475,000 for an assessment program is the highest amount it could cost. She considered the \$475,000 an estimate. Mr. Partington indicated it is an estimate of the City's cost on an annual basis to get back into the assessment program business. Mayor Naugle noted this is an administrative expense.

Commissioner Rodstrom asked about drafting a reimbursement resolution for those neighborhoods that want undergrounding with pay back over 30 years, including the \$475,000 in the payment. Mr. Partington indicated in the past 100% of the administrative cost was not recaptured. This is a policy question for the Commission. The City Manager noted if the City staffs up, proceeds through the public hearing process and neighborhood support to proceed is not reached, costs are still incurred. Mayor Naugle noted the expense could not be assessed until a public hearing is held. There is a risk if people decide not to proceed.

Ken Cooper, Las Olas Isles, thought there would be a draft ordinance by today. He thought when this was last before the Commission most of the homeowner associations wanted this to go forward. He mentioned several projects that have started and not gone anywhere. He wanted the City Engineer and any appropriate staff to be directed to meet with him and Rod Macon of FPL to hammer out the details, so that the projects can move forward. He did not think a cost of \$480,000 to the City is accurate. Most associations will pay a portion of the cost if it is realistic. Las Olas Isles already has some \$20,000 in the bank waiting. An ordinance is needed so right of way can be used. There is an overwhelming desire for the undergrounding and particularly before the next hurricane season. In Las Olas Isles there are outages all the time.

Rod Macon, representing Florida Power and Light, advised that the Public Service Commission's staff issued a recommendation this week to approve the 25% government adjustment factor, and that Commission will address it next week. He clarified a comment made by Mr. Partington, that a neighborhood would pay about 50%, not 75%. Pursuant to the current formula for converting overhead facilities to underground, there is already in place a credit to a neighborhood for an equivalent new overhead system. FPL would not recommend an agreement that has citywide implications, but rather an agreement for the affected neighborhood only; doing it neighborhood by neighborhood.

Trevor Underwood, resident, noted the piecemeal undergrounding will not protect against hurricanes. If undergrounding proceeds and municipalization of the utility distribution system occurs, the entire City would then have to pay the full cost, not 75% or 50%. He felt the cart is being put before the horse. The franchise expires in two years. He questioned making a decision now about piecemeal undergrounding. The City should consider other options. All options should be examined. He mentioned Winter Park. Undergrounding is a decision having to do with renewing the franchise.

In response to Commissioner Rodstrom, Mr. Underwood understood undergrounding would include all telecommunication lines. There would be competing service providers. It would be self-financed. It would be provided uniformly throughout the City. The current arrangement is a monopoly. By introducing competition, prices are driven down. The reduction would be an offset to the undergrounding cost. There are two feasibility studies needed. He noted details.

Bunney Brenneman, Utility Advisory Committee Chair, explained the Committee is trying to collect as much information as possible. They are seriously considering Mr. Underwood's proposal, augmenting it with as much information as possible. They are still in an ongoing process.

Mr. Cooper felt something could be drafted around all of this in order to move forward. In response to Mayor Naugle's question if the Commission wanted to proceed with Las Olas Isles now, Mr. Macon estimated that lines could be put underground in about one year for the first neighborhood once they are geared up.

In response to Commissioner Rodstrom, Lynn Shatas, also representing Florida Power and Light, gave two examples where the FPL plan was used and undergrounding is complete: Shore Club and Town of Lauderdale-By-The-Sea.

In response to Mayor Naugle, Mr. Partington indicated neighborhoods may deal directly with FPL and not wait for the City to staff up, however, the 25% governmental adjustment factor would not be included. FPL would require 100% neighborhood concurrence. The Shore Club is the model. Mr. Macon explained that the undergrounding option has been available to neighborhoods for years. Stumbling blocks have been the requirement of securing 100% of the easements and the cost which is significant. The 25% adjustment is only available to local governmental sponsored projects. If working with a local neighborhood, it would have to be 100% on private property. By working with the City, the lines could be put in the right of way, which would be a tremendous facilitation.

Commissioner Moore did not think it makes sense to move forward at this time. Neighborhoods could proceed with FPL with the understanding that they pay 100% which is an opportunity that has already been available. He felt the study should first be completed before the City addresses this subject. He asked if a neighborhood improvement district could receive the governmental adjustment factor. Mr. Macon understood it must be the local government.

Both Mayor Naugle and Commissioner Moore thought an improvement district might qualify as it is quasi-government and the City approves their budget. Commissioner Moore suggested Las Olas Isles may want to look into this format.

Commissioner Moore wanted the City Manager to schedule a time for Mr. Underwood to make a presentation to the Commission.

Commissioner Teel commented on her involvement in attending the Utility Advisory Committee meetings. She noted that with municipalization, FPL will want the City to pay for the infrastructure, which would include any undergrounding done in Las Olas Isles, for example. All of the taxpayers, including the Las Olas Isles, will have to pay for the improvement. Mayor Naugle noted however that the City would not face the expense of

undergrounding that neighborhood. Commissioner Teel did not think it makes sense; it is putting the cart before the horse. Mr. Macon understood that FPL would want the market value of its system, including any area that was recently undergrounded. The Mayor's point is that the City would be buying a system already underground that it would get for half the price the City would pay if the City did the undergrounding.

In response to Commissioner Rodstrom, Mayor Naugle noted it is likely the City could afford to underground from savings.

In response to Commissioner Rodstrom, the Director of Procurement Services indicated that the feasibility study RFP will be released this week or the beginning of next week.

Vice Mayor Hutchinson felt the most important decision is what to do about the power. She did not want to pay for undergrounding twice. She wanted more information from Mr. Underwood and the Utility Advisory Committee.

Commissioner Rodstrom wanted a consensus that Mr. Cooper and any of the sixteen neighborhoods on the list that would like to look into undergrounding be able to meet with the City Engineer and come back at a different time. Commissioners Teel and Moore and Vice Mayor Hutchinson noted that they have always had that right. Mayor Naugle noted the City would be needed with respect to use of the right of way. Commissioner Teel pointed out that there are several communities that are underground. They also did not have electric during the hurricane because the feeder lines were down.

Commissioner Teel emphasized that the Utility Advisory Committee is making progress.

Mayor Naugle noted he did a citywide mailing; the response was overwhelming that the City should take back the utility franchise with FPL.

Action: Consensus not to proceed with undergrounding with respect to reassembling a staff assessment team at the estimated annual cost of \$475,000. There was also consensus to allow neighborhoods to work with FPL directly and to authorize use of the right of way for such neighborhoods, with the understanding that there would be some expense in these areas if the City takes back the franchise. A time in the evening is to be scheduled when a presentation could be made by Mr. Underwood to the Commission.

I-B – Police Department Annual Update; Information on Use of Tasers

Commissioner Moore left the meeting at approximately 2:20 p.m. and returned at approximately 2:23 p.m.

Various members of the Police Department made a slide presentation. A copy of the slides is attached to these minutes.

Bruce Roberts, Chief of Police, indicated the comp stat process is now done weekly. A reorganization took place and 14 officers, two sergeants and one commander were assigned to a Tactical Impact Unit. Accountability steps were initiated. The department

has been successful in re-staffing. They exceeded their goal of hiring 70 officers in each of the last two years. He discussed the slide having to do with crime statistics.

Sharon Anderson, Assistant Police Chief, explained the City is divided into three geographic areas or districts; how they are staffed; and for some concerns that transcend geographic boundaries, City-wide action plans are being implemented. She reviewed the City-wide action plans and new initiatives.

Assistant Police Chief Bob Montagano reviewed the slides having to do with criminal investigations, new crime prevention initiatives, the Special Investigation Unit.

Assistant Police Chief Mary Negrey reviewed matters concerning the Support Services Bureau composed of administrative support, staff support division, information services, and the technology division.

Chief Roberts reviewed planned future initiatives.

Commissioner Rodstrom asked how many of the 79 hired are officers going out on the streets. Chief Roberts said that eventually all of them. They are in different stages of training.

In response to Commissioner Moore, Assistant Chief Negrey confirmed that the part-time Records Division employees take lie detector tests and are stationed in the Records Division.

Commissioner Moore referred to the presentation slides indicating a 756% increase in diversity hiring over the last five years, and asked about the diversity of the 79 officers hired in the past year. Chief Roberts indicated it was about 15% black, 12% to 14% female, and 20% Hispanic. Commissioner Moore asked how many speak Creole. Chief Roberts believed they have about six Creole speaking officers, along with Creole speaking PSAs. He did not know how many of the 79 speak Creole, but could provide that information. Commissioner Moore felt it is important to keep pace with the increase in the Creole population. The Police Department should be a mirror of the community. He is hearing that there are consistently communication problems in that populace. He would support an employee incentive program with respect to a second language.

Commissioner Moore asked how many cars do the City now owns which have video equipment at this time. Chief Roberts said the RFP just went out; they plan to implement by late summer. Vehicles that will receive video equipment will be all patrol, canine and homeless outreach officers; essentially all marked units, excluding sergeants, about 256.

Commissioner Moore asked what is being done to increase the budget, as well as staffing, for crime victims. Assistant Chief Montagano replied there is currently one victim advocate on staff and another will be onboard soon. Assistant Chief Montagano said they also have a Haitian liaison position which also does some victim advocate work. He noted a crisis counseling program has been put out for bid and explained some details being worked out.

Commissioner Moore asked about the number of victims of crime in the past year. Assistant Chief Montagano said that from a criminal investigation standpoint there were

17,000 cases in 2006 which represent all felony crimes. Commissioner Moore was concerned about responsiveness to victims. Many victims are tourists. There needs to be sensitivity shown. Assistant Chief Montagano acknowledged more staffing would always be useful. He noted that of the 17,000 cases, some were not criminal offenses. The more serious cases are handled by the victim advocates themselves, while less serious ones are handled through a network of referrals.

Commissioner Teel asked about the State Prosecutor's Office and their victim advocate program. Assistant Chief Montagano said the State Attorney's Office has a victim advocate program also. The City utilizes many agencies to assist.

Commissioner Moore was concerned there is not enough staffing.

Mayor Naugle said there are different ways to address this. For example, in monetary crimes, many people want to hear from the detective.

Commissioner Moore felt there are two distinct things. In many situations those individuals need information about opportunities available to help them.

Commissioner Teel noted that some officers act as victim advocates at the scene. Commissioner Moore thought a staff increase, if the Department feels it is warranted, would impact the Department's and the City's image. He wanted the matter reviewed.

Commissioner Rodstrom felt it has to do with emphasis on service. She asked how the clergy play a role. Chief Roberts said there is a chaplain corps that assists in such matters. The Department recently reached out to several faith groups. Often victims prefer their minister, priest or rabbi instead of a social service organization.

Chief Roberts said there has only been two years where there was a lower level of crime than this year. Improvements have been made while the population has increased and without additional police resources. He said they are trying to work more efficiently and smarter.

Vice Mayor Hutchinson was concerned that community policing has not been initiated in District IV. They have been an advocate for this since it began. She wanted to know why certain districts were chosen for this program.

Mayor Naugle preferred to see all officers have the community policing philosophy. Vice Mayor Hutchinson noted in the slide presentation it is depicted as a special unit. Chief Roberts agreed the ideal philosophy is that everyone should be a community policing officer.

Commissioner Teel complimented the Police Department for their efforts because it is visible. Comments have been made at her pre-agenda meetings and homeowner association meetings. Motorcycle noise has also reduced in the Galt Ocean Mile area. With the officers coming to pre-agenda and homeowner association meetings, it is community policing and very much appreciated.

The City Manager said these improvements and reductions in crime are the result of teamwork.

Commissioner Moore said that male prostitution has increased to epidemic heights, especially along NW 4th, 5th and 6th Streets from 7th Avenue to NW 24th Avenue. He asked how this is being addressed. Chief Roberts said that Vice made 7 arrests last week. There is a problem behind Sears Town also. Commissioner Moore asked how judges are handling this problem. Assistant Chief Montagano said the average is about the same. Most of the prostitutes come from outside of the city. Commissioner Moore concluded that those cities must be handling the problem better or there is a higher population for service available in Fort Lauderdale. He asked if they are being handled the same as people arrested along Federal Highway in terms of only two convictions allowed. Assistant Chief Montagano confirmed repetitive arrests are handled the same and they are treated the same in court based on his observation.

Commissioner Moore further asked how many drug cases have gone before the Nuisance Abatement Board. Assistant Chief Montagano said that information is not available at this time, but said they have a good success rate in implementing strategies to control the problem. Commissioner Moore said he believes that individuals in certain areas are about to take action themselves to correct the problem. It appears that sometimes these individuals are being given options as to how they keep their operations going. At Commissioner Moore's request, Assistant Chief Montagano provided more detail on the process.

Commissioner Moore asked about known drug houses, commenting that the same addresses continue to be heard. Assistant Chief Montagano indicated that the Nuisance Abatement process, search warrants are used. In some cases, the tenants changes which requires the process to be started over again. He elaborated upon the High Impact Program where staff looks for repetitive instances that would qualify for federal prosecution, where jail time is longer.

Commissioner Moore wanted statistical information on the success rate with the Nuisance Abatement Board. Assistant Chief Montagano did not have statistical information. They work with landlords in implementing strategies that work, but on the short term and require repeating. Commissioner Moore indicated that people are at the point of taking it into their own hands. They do not believe the City is operating as swiftly as possible and the Nuisance Abatement Board seems to be more willing to give an option of how to keep the operation going.

Commissioner Moore wanted to find a way to get cases before the Board and connect with the community so that they can come to the meeting in numbers. He mentioned a store at 9th Avenue and Sistrunk Boulevard that came before the Board but the civic association was not made aware of the meeting. Chief Roberts indicated they will look for ways to get notification to the neighborhood and civic association prior to going to the Board.

A taser presentation was given by Sergeant Gerald Machurick. In July 2006, staff decided to look at options on other types of force. There were two products on the market by Stinger and Taser. Stinger was not able to produce the product they wanted and they were fairly new to the market. Taser has twelve years of research. He elaborated upon the background checking they did and conclusion to go with Taser. It is not an alternate to deadly force, but another tool to incapacitate someone for five seconds if necessary. It sends an electrical impulse into the person. Each use has a five second duration. He elaborated upon documentation about the taser saving over

200 lives; over 200,000 tasers in use in the U.S.; over 9,500 law enforcement agencies have tasers and 2,500 of those agencies have provided all officers with tasers.

The City Manager said there is no pretty way to do this, but it is very effective without causing a death.

In response to Commissioner Moore, Chief Roberts said a policy and procedure has been developed and reviewed by the Police Advisor and outside counsel. Sergeant Bob Dietrich, training sergeant, mentioned the training information available that specifically addresses voltage. Chief Roberts said there will be medical clearance after a taser is used on an individual before being placed in jail. All research does not indicate deaths caused by tasers. Sergeant Dietrich said there is no research showing that tasers could cause medical injuries. It would not affect pacemakers. The City Manager noted that there are debates nationwide where individuals have been hit with a taser and died, and the debates are whether it is the taser or a medical condition. He noted an experience where a deer was hit with a taser and it died.

Marcia Ellison, President of Fort Lauderdale NAACP, said they found research that would refute everything just said. Fisk University and others have indicated that stun guns and tasers are not as people are being led to believe. Mayor Naugle noted that the two instruments are not the same. Ms. Ellison indicated that the report refers to both. Of 75 people who died in 2006, 27% had contributing factors from tasers. The taser shock factor is heightened for people on certain drugs. The policy does not necessarily address the length of activation, nor that only one officer could taser an individual at a time. This is something mentioned in best practices by other institutions using tasers. Taser International recently warned that stress and exertion of extensive, repeated, prolonged or continuous applications of a taser could contribute to cumulative exhaustion, stress or associated medical risks. Also the officer is given discretion on use of a taser on children.

In response to Commissioner Moore, Chief Roberts said that a taser could be used on children and elderly, but every step will be taken to avoid it. Assistant Chief Negrey said this policy was developed to be consistent with other use of force policies, such as the canine policy, which gives the officer discretion after they have made a judgment of the circumstances. Age is not always known of a suspect. Mayor Naugle felt one has to deal with the threat not the age.

Ms. Ellison said there have been deaths from use of tasers on elderly and children. This policy does not speak to it.

Stephen Muffler, Chair of Citizens Police Review Board, asked if tasers penetrate clothing. Sergeant Dietrich said tasers will go through about one inch of clothing. Mr. Muffler asked if an individual is standing in water. Sergeant Dietrich said there is no difference. Mr. Muffler asked if there is a safety mechanism on tasers. Sergeant Dietrich said it is similar to a light switch. Mr. Muffler further asked about flammable material on an individual. Sergeant Dietrich said that is addressed in the policy. If it is known at the time, a taser is not an option. Mr. Muffler asked about the police report. Chief Roberts indicated yes, there is a review process.

Mr. Muffler introduced other members of the Board in attendance. The Board's file load has definitely decreased, about forty percent. There are complaints generated internally

and externally, which offer more public awareness. Over the last year the Board wrote to the City Attorney, stating that all complaints go to the Board. The City Attorney interpreted that investigations do not. He asked the Commission to address this matter so the general public is satisfied that there is civilian oversight. He believed that there are other alternatives available that have not been considered in the past.

Ted Fling, member of the Board, said the definition of complaint seems to have lost its way. The ordinance says the Board shall review all complaints investigated by Internal Affairs, but unfortunately that is not occurring. Officers have been suspended, demoted or fired, and the Board has not seen the case. Internal Affairs has said they consult the City Attorney and the interpretation is that it not come to the Board. The Board would like an absolute definition of a complaint and when cases should be brought to the Board. Also the State Attorney's Office sits on cases for over a year and many times two years.

Roosevelt Walters, Vice Chair of the Board, said they are concerned about the letter of the law, as well as the intent. He believes both have been lost. The ruling has been that internal complaints do not go to the Board. He talked about the significant decrease in cases coming before the Board.

Commissioner Moore referred to a recent Commission meeting when the City Attorney wanted something done through his office in order to keep it as work product and not public. He was alarmed. He felt the Commission should determine how complaints should be handled.

With respect to the tasers, Commissioner Moore asked about using weight as a measure. Chief Roberts said yes and explained many things are considered. The policy provides that use of a taser on elderly and children is the last resort. It is difficult to assess weight. Sergeant Dietrich preferred the officer look at the threat.

Commissioner Moore referred to the Fisk report and others with different points of view. He wanted information supplied to the Commission. Chief Roberts said they assessed a study by the Florida Department of Law Enforcement on all studies conducted by law enforcement agencies and the military. The general consensus was that the taser is better to deploy than anything else as long as precautions are taken. He agreed to look at the additional information and provide it.

Commissioner Moore did not think people are objecting to the taser, but there needs to be a policy and procedure. The concern is about when it will be used.

Mayor Naugle said this provides another tool to officers to bring matters under control and avoid injury. He acknowledged there will be times when a taser will not be enough and deadly force will be necessary.

Vice Mayor Hutchinson thought the Commission had previously suggested they would meet with the Board. She proposed a meeting be held and that a review of the ordinance take place. She asked the City Clerk to make these arrangements. Cases that were previously presented to the Board are no longer.

The City Attorney said the Citizens Police Review Board was created to review investigations for the sole purpose of determining whether an investigation of a

complaint had been thoroughly investigated. The ordinance was carefully crafted around the charter which is a strong manager form of government. It does not allow the Commission to involve themselves in personnel matters or the discipline of personnel working under the City Manager. This Board can only make the following decisions: sustain the investigation's recommendation, which is making a finding that there is a preponderance of evidence to support the findings made; find it as not sustained; exonerate an action; define the allegation as unfounded or defer for more information. They should not make recommendations on what penalty should be assessed. In order to be consistent with the Charter, it was his conclusion that internal disciplinary matters should not go before this board.

The City Manager said that has not been happening. Over the years the Board evolved into something more. The question is whether the Commission wants their representatives to politicize a process that was meant to be non-political. In some cases such politicization has resulted in liability for the City and interference in a non-positive way.

Mayor Naugle said clearly that is not the Commission's intent per the ordinance.

The City Manager believed the legislation's intent is to ensure when a citizen comes forward with a complaint, that an investigation take place. This is consistently happening.

Commissioner Moore said he and the NAACP requested that this review board be created. It was not about the employee or discipline on the workforce, but it pertained to citizens making a complaint and seeing that there was follow-up as well as a recommendation on discipline for that particular complaint. He has heard that individuals are being discouraged from filing a complaint and this board is not getting that case when it is addressed. He wanted to know why the number of cases is so little.

Commissioner Moore noted that Mr. Walters has been on the Board for quite some time. He asked about the case load. Mr. Walters said it has greatly diminished and quoted the number for each of several months in the past year. Even good people get complaints.

The City Manager said that Commissioner Moore raised the question several months ago as to whether the process of filing a complaint is easy enough. Additional steps are being taken and they will continue to look at this.

Mayor Naugle did not want to discourage people from making complaints, but in some cases individuals could incriminate themselves. It is better to settle the criminal matter and then make a complaint. The City Attorney confirmed that is correct. There are cases where a Miranda warning would be required in order to take the complaint. Commissioner Moore commented that it has been suggested that an outside entity accept complaints so people do not feel they are being discouraged from filing a complaint. The City Manager had no objection to an outside entity. Presently staff is working with one organization to make that happen and they would be happy to speak with any other interested organization.

Action: At Vice Mayor Hutchinson's suggestion, there was consensus to schedule a joint workshop with the Citizens Police Review Board. It was also requested that historical case load information be provided to the Commission.

EXECUTIVE CLOSED DOOR SESSION
(3:47 p.m. to 4:12 p.m.)

I-C – Role of Budget Advisory Board

The City Manager said at the January 17th meeting, he was asked to present a proposal for a revised scope of the Budget Advisory Board which has been submitted.

Commissioner Rodstrom asked if this is going to replace or supplement the existing scope. The City Manager understood the Commission's direction was to put together a scope of what the Board would do.

Commissioner Rodstrom referred to what could be happening in Tallahassee with the homestead exemption and that the City has not heard from the Property Appraiser. She felt it could be a tough budget year. As such she asked why they would want less eyes on the budget instead of more. She felt the Manager's revenue and expenditure estimates for the upcoming year should be provided to the Board as soon as it becomes available and to be provided with the Capital Improvement Plan. They should stay with the original scope set forth by ordinance. She believed the City would have to either cut spending or raise taxes. As she did not want to raise taxes, she wanted to hear from the Board as to ways to cut spending.

Commissioner Teel wanted to hear from the Auditor. The members did not feel they were contributing. John Herbst, City Auditor, said the Board did not feel that their role was providing that kind of oversight or value. Other individuals were doing the work with respect to the monthly financial report and the oversight he brings as City Auditor. He said they are hoping to maintain the board and provide them with a role where they could add value.

Commissioner Rodstrom asked if the Board would be able to do what is being recommended in addition to their original purpose. Mr. Herbst did not feel they could do both jobs. The scope contemplated in the original ordinance was broad. He was not sure they have been acting in that capacity.

Mayor Naugle said previously he supported dissolving the board since there is now a City Auditor. A public forum by district is the job of the Commission.

Commissioner Rodstrom noted that the public could speak at a board meeting. Commissioner Teel pointed out that the public does not participate at board meetings. In lieu of the recommendation, Mayor Naugle suggested the Commission hold public forums by district.

Commissioner Moore understood the City Auditor would oversee the Board, and Commissioners should attend the district public meetings. The benefit of having this Board hold these meetings is Commissioners would know the concerns of each district. He wanted to add one month to the suggested time period this year. Commissioner Teel concurred. It will provide the City Auditor the opportunity to work with the membership. It is a productive first step. She mentioned that the Board tried to meet with the public, homeowner associations, but there was not cooperation. This idea is more structured. It is a great opportunity to get input before the budget is printed.

Commissioner Rodstrom asked if there would be only six meetings a year. Commissioner Moore confirmed that is correct. Mayor Naugle said an expense is associated with meetings. Vice Mayor Hutchinson noted that originally this board only worked during the budget time.

In response to Commissioner Rodstrom, Vice Mayor Hutchinson indicated that this board was not created to address the CIP.

Commissioner Teel said six months appear appropriate. As time goes on they may feel more time is needed and the Commission could decide then. The City Auditor would present the request.

Vice Mayor Hutchinson wanted to make sure that appropriate facilities will be provided for these public meetings, along with the necessary equipment.

Action: There was consensus approval of the recommendation contained in the Commission Agenda Report of 07-0234, except this year it should include a time frame of March through June. The City Auditor will be involved in oversight. The board will meet for six months.

I-D - Proposed Five-Year Capital Improvement Plan for 2007-2011

Albert Carbon, Director of Public Works, made a slide presentation. A copy of the slides is attached to these minutes.

The City Manager said this year staff's priority was to change the format to make sure the plan is balanced and one attached to secure funding sources. Next year staff will make sure that the process is done earlier so the Commission can review before the budget is adopted.

Mr. Carbon said staff would also incorporate operational impacts of the capital projects.

Mr. Carbon explained the plan would be amended after they receive the Commission's comments. A resolution would be presented on February 20th to adopt the plan and appropriate funds that were approved in the 2006-2007 budget to the specific projects.

In response to Commissioner Rodstrom, Mr. Carbon provided additional clarification on next year's anticipated process. In response to Commissioner Rodstrom, Mr. Carbon said next year operational impacts, including staffing, maintenance and operations, will be included. The City Manager said next year's information will show long-term costs.

In response to Commissioner Rodstrom, Mr. Carbon said this is a five-year plan, but it is adopted every year.

Commissioner Moore asked about NW 19 Street landscaping, which was promised sometime ago. He wanted it funded. It was supposed to be done the year after improvements to NW 13 Street which was seven years ago. Peter Partington, City Engineer, recalled there is a problem with Broward County. Because of their position concerning technical issues, the City is unable to move forward. Commissioner Moore did not think it is appropriate to delay an entire project because of one intersection. Mr. Partington offered to look into it and provide information at the February 20 meeting.

II-A – Emergency Wall Replacement – International Swimming Hall of Fame

No discussion.

II-B – December 2006 Monthly Financial Report

No discussion.

III-B – Advisory Board/Committee Appointments

Audit Committee

Action: Deferred.

Beach Redevelopment Advisory Board

Commissioner Moore recommended reappointment of Ina Lee and Carlos Molinet to the Beach Redevelopment Advisory Board

Action: Formal Action To Be Taken At Regular Meeting.

Budget Advisory Board

Commissioner Teel recommended reappointment of Joseph P. Welsch to the Budget Advisory Board.

Vice Mayor Hutchinson recommended reappointment of William Nielsen to the Budget Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Cemeteries Advisory Board

Action: Deferred.

Code Enforcement Advisory Board

Action: Deferred.

Community Appearance Advisory Board

Action: Deferred.

Community Services Advisory Board

Action: Deferred

Economic Development Advisory Board

Action: Deferred

Education Advisory Board

Action: Deferred

Fire-Rescue Facilities Blue Ribbon Committee

Action: Deferred.

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

Action: Deferred

Unsafe Structures Board

Action: Deferred

Utility Advisory Committee

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

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

Action: Formal Action To Be Taken at Regular Meeting.

IV – Commission Reports

Sunrise Intracoastal Neighborhood Security District; Dissolve

Commissioner Teel asked for consensus to draft and consider an ordinance dissolving the Sunrise Intracoastal Neighborhood Security District. Due to a lack of votes, it was never funded.

Action: There was consensus to submit an ordinance for the February 20, 2007 regular meeting.

Oakland Park Bridge

Commissioner Teel said there was a problem at the Oakland Park bridge about the horn blowing too loud. The District Secretary of Florida Department of Transportation addressed it. Everyone seems to be satisfied.

Tour of District I

Commissioner Teel asked if the Commission would agree to take a tour of her district before their regularly scheduled afternoon conference meeting. There was consensus.

WaterWorks 2011 Bond Program

Commissioners Teel and Moore left the meeting at approximately 4:55 p.m.

Commissioner Rodstrom said an RFP is being prepared for an outside audit on the WaterWorks Bond Program. She asked about the City Auditor being removed from this project. John Herbst, City Auditor, said he has seen the responses received. They are from top quality firms with engineering expertise that could go far above what his office could accomplish. He deferred to the quality of the firms that will be providing the services. He intended to review their work product. Their work product would be public record once it is completed. He could discuss with the City Manager whether it would be useful for him to be involved in the process earlier.

Commissioner Moore returned to the meeting at approximately 4:59 p.m.

Commissioner Rodstrom asked what would be the case if the Commission decided it would be useful for the City Auditor to be involved in the process. The City Manager said this is an internal audit process initiated by his office. His intention is to oversee it. If he feels the City Auditor could be of help or he has an interest in a certain aspect, he would be happy to include him in that element of the project.

Commissioner Rodstrom asked if the Commission wanted the City Auditor to serve a more active role, could they determine a process for him to do that. The City Manager said the Commission cannot direct his employees, but he could do an audit on his own if the Commission so desires.

Mayor Naugle did not think this was anticipated when the auditor position was created. Vice Mayor Hutchinson saw the City Auditor's role as an oversight.

The City Manager indicated that the Commission may ask the City Auditor to look over anything produced by the Manager or the Internal Audit Office. Commissioner Rodstrom concluded that this would not replace the City Auditor from looking at this area. The City Manager indicated the City Auditor may look at anything he wishes to look at. Commissioner Moore noted there are external auditors conducting the review. Commissioner Rodstrom noted it will first go through the City Manager's Office before the City Auditor.

Vice Mayor Hutchinson pointed out that the City Auditor has indicated his comfort level with the firms which he has reviewed. She believed he will bring the Commission an update when he feels the time is right.

Commissioner Rodstrom expressed her concerns have to do with the rising amounts in the WaterWorks 2011 Program and the Storm Water Fund. Commissioner Moore and Vice Mayor Hutchinson remarked about other projects and the rising costs.

The City Auditor said once the work has been completed, he will review the work product and make sure that reasonable conclusions were reached.

Sunrise Lane; Proposed Improvements

Commissioner Rodstrom said she met with individuals from the Sunrise Lane area in the vicinity of the Parrot Lounge. They have drawings. She believed they are looking for a special assessment. For a time they thought the entire corner was going to be purchased by a developer, but they now want to proceed with improvements.

The City Manager noted there is a business capital improvement project process. Commissioner Rodstrom said she would check on this. The City Manager indicated there has been some back and forth between the group and the developer. He felt they need to settle their matters first. Clearly it would be to the City's advantage if that could happen. Commissioner Rodstrom said they wanted the City to know they are doing that.

Constituent Complaint

Commissioner Rodstrom said she received a complaint by a citizen saying that he had been yelled at by top City management. This individual was involved in the fire bond program. He was advocating for his neighborhood. Commissioner Moore felt the matter should be referred to the City Manager. Mayor Naugle indicated if it is the City Manager himself, it should be brought to the Commission. The City Attorney could provide guidance as to the Charter. Commissioner Rodstrom wanted to know if it is true and how to stop it. She commented that it has turned into targeted code enforcement issues.

Mayor Naugle noted that there are always three sides to a story. Complaints should be submitted to the City Manager, but if it is the City Manager, he guessed it should be brought to the Commission. Commissioner Moore thought the process should be to discuss it with the City Manager first in both cases.

In response to Mayor Naugle, Commissioner Rodstrom indicated the code issue was about a sidewalk. Mayor Naugle indicated he submitted that complaint which he received from a citizen.

The City Manager indicated that this individual accused the City of targeting his properties. The reason staff went to his property was a resident had contacted Mayor Naugle. The citizen made outlandish accusations that turned out to be untrue.

Commissioner Teel returned to the meeting at approximately 5:06 p.m.

Billfish Tournament

Commissioner Rodstrom asked if there is a process for events. The City Attorney said the ordinance on this speaks for itself. There was previously an ordinance which permitted the Commission to discount special events as they saw fit. It kept coming up and the billfish tournament was the catalyst that brought this forward. The ordinance eliminated such authority by the Commission, except in the circumstance that there would be an improvement or repair to a City facility. Previously, the ordinance stated, upon recommendation of the City Manager, parking may be provided at no charge or at reduced rates to organizations holding co-sponsored and/or City sanctioned events involving clean-up, repair and maintenance of City facilities and property or any other function which is deemed directly beneficial to the City. The City basically gave up its authority to do anything but follow the ordinance which provides for a period of time within which those special events would be permitted.

Mayor Naugle noted the Commission can no longer provide a discount because of the ordinance. The City Attorney confirmed that is correct.

Commissioner Rodstrom asked that the City consider a co-sponsorship for next year's event.

Both Commissioners Rodstrom and Moore were not interested in modifying the ordinance.

Vice Mayor Hutchinson said care should be taken in co-sponsoring events involving money because they come out of the woodwork.

Mayor Naugle said in this case they will move. Revenue is involved and the City could actually lose money. Commissioner Moore noted that they threatened to leave before.

Reclassifying Canals: Florida Department of Environmental Protection

Vice Mayor Hutchinson received many comments regarding DPEP wanting to reclassify canals to ditches. Citizens want the Commission to take a position of not supporting this.

Commissioner Moore suggested that DPEP be invited to a meeting to discuss this.

Action: There was consensus to invite the Florida Department of Environmental Protection to make a presentation at a conference meeting concerning the potential reclassification of canals to ditches.

Croissant Park

Vice Mayor Hutchinson said the Croissant Park Neighborhood Association wants to reduce SW 4th Avenue to two lanes on each side for a total of four lanes. It is striped for four lanes, but people are using the additional lane for traffic flow. Broward County Commissioner Rodstrom said if the City Commission would adopt a resolution for two lanes, he would present it to the County Commission. She mentioned visitors to the day care business have been allowed to park and drop off children. When the County did roadwork in the area, the roadway was not restriped. She asked the Engineering Division to bring this matter forward on February 20. There is no money involved.

Action: There was consensus for the City Manager to provide a report on February 20, 2007 with respect to changing the lane designations of SW 4 Avenue.

V-A – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board

Commissioner Moore did not support Item No. 1.

Action: Consensus approval as presented. Commissioner Moore was opposed to Item No. 1, 1020 NW 9 Avenue CE05081212

V – City Manager's Report

None given.

There being no further business to come before the Commission, the meeting was adjourned at approximately 5:16 p.m.