

**COMMISSION CONFERENCE MEETING AGENDA
MARCH 6, 2007**

<u>Agenda Item</u>	<u>Page</u>
I-A Public Water Supply Challenges	1
I-B 2007 Neighborhood Capital Improvement and Business Capital Improvement Programs – Funding Recommendations	4
I-C New River Dredging Feasibility Study and Survey – Florida Inland Navigational District – Request for Grant Participation	4
I-D Proposed Policy – Prevent Members of City Commission From Soliciting Donations Using City Resources	4
II-A Water Main and Forcemain Repairs – Emergency Purchase	5
II-B January 2007 Monthly Financial Report	5
III-B Advisory Board and Committee Vacancies	5
1. Audit Committee	Deferred
2. Beach Redevelopment Advisory Board	Deferred
3. Board of Adjustment	Deferred
4. Budget Advisory Board	Deferred
4. Cemeteries Advisory Board	6
5. Code Enforcement Advisory Board	6
6. Community Appearance Advisory Board	Deferred
7. Community Services Advisory Board	Deferred
8. Economic Development Advisory Board	Deferred
9. Education Advisory Board	6
10. Fire Rescue Facilities Blue Ribbon Committee	Deferred
11. Historic Preservation Advisory Board	7
12. Northwest Progresso Flagler Heights	Deferred
13. Nuisance Abatement Advisory Board	Deferred
14. Parks, Recreation and Beaches Advisory Board	7
15. Police & Firefighters Retirement	Deferred
16. Unsafe Structures Board	Deferred
17. Utility Advisory Committee	7
IV Commission Reports	7
1. Advisory Boards	7
2. Tax Proposals; State Legislators	8
3. Sister Cities; Visit to Agogo, Ghana, Africa	9
4. Sistrunk Historical Festival	9
5. William Dandy Scholarship	9
6. Work Stoppage, February 20, 2007 Agenda Item M-25; Change Order 5 Danella Companies, Inc.; Harbor Beach Wastewater Systems and Water Main Improvements	9
7. Middle River Safe Park	9
8. District II Tour	9
9. April Commission Meeting	10
10. Bayview Park	10
V City Manager's Report	10
None.	

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

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

Absent: None

Also Present: City Manager – George Gretsas
 City Auditor - John Herbst
 Assistant City Clerk - Larry Fuller
 City Attorney - Harry A. Stewart
 Sergeant At Arms – Sergent Bill Lauginiger

Mayor Naugle said today's meeting is beginning a little late due to the City Commission tour of District I.

I-A – Public Water Supply Challenges

John Fumero of Lewis, Longman & Walker, P.A. provided introductory remarks about himself. He has been retained by the City to assist in its pending consumptive use permit application. This presentation is a precursor to a more comprehensive presentation on March 20, 2007. The City needs to renew their water use permit and as part of that renewal the City has to increase its water allocation to meet projected demands. There are some unprecedented initiatives taking place in South Florida. The South Florida Water Management District has undertaken a rule-making effort which draws a line in the sand. Henceforth, water utilities in southeast Florida are precluded from meeting their future water demands from the Biscayne Aquifer from which 80% to 90% of the water use in southeast Florida comes. The Everglades restoration project is a new user. To carry that project forward, water is needed. The District has been undertaking an initiative to define, quantify and protect what they believe will be the Everglades' water needs for the future. A massive plumbing network called the Central and Southern Flood Control project was constructed in the 1950's and 1960's. It has been a benefit to public utilities. This massive 2,000 mile canal network has captured and delivered water from Lake Okeechobee to help rehydrate wellfields. Much of the water is now going to be redirected for environmental restoration projects. The initiatives are also now being met by the federal government who is a partner with the District in defining and attempting to preclude from water use these water supplies needed for the Everglades restoration. The federal government controls Lake Okeechobee. The Corps is presently amending their regulation schedule so this lake would be operated at a lower elevation which means there will be less water available to recharge the wellfields in southeast Florida. South Florida growth will require additional water supplies.

Mr. Fumero said on March 20th, staff plans for the Executive Director of the District to address the Commission. The City has been working with the District and has negotiated language into their rules for more water being made available at the Peele Dixie facility. At the same time they are continuing negotiations with the District regarding their pending water use permit application which has been under review for the last three years. By moving from groundwater to alternative supply technologies, the cost will increase dramatically anywhere from 200% to 500%. There is a recognition that

utilities must look at alternative water supplies, but there are still some issues that have to be addressed in regard to using the safest and most affordable source of water which is the Biscayne Aquifer. There are concerns whether there has been proper documentation that there is no more available water within the Biscayne Aquifer, but that has not yet been clearly set forth. In terms of alternative water supply, there is a directive that utilities go to the Floridan Aquifer which is deeper. There has been no assessment of the impact on the Floridan Aquifer.

Mr. Carbon said Commission direction is requested for resolutions on March 20, 2007, supporting efforts to secure a safe and cost effective water supply site to meet the City's needs, and to support the South Florida Water Management District's governing board's representation from Broward County.

In response to Commissioner Rodstrom, Mr. Carbon indicated an invitation letter has been sent to the South Florida Water Management District requesting attendance at the Commission's March 20 conference meeting. Commissioner Rodstrom wanted to wait for the District presentation before considering the resolutions. Mayor Naugle indicated that could be accommodated.

Commissioner Rodstrom was concerned about growth and that there is not enough raw land for rainwater percolate and recharge areas. She felt the Commission should immediately put in force water controls. Those controls should extend to those cities to whom Fort Lauderdale sells water.

Commissioner Rodstrom was concerned about the alternate source of water and the cost.

In response to Commissioner Moore's question about percentage capacity reduction of Lake Okeechobee, Mr. Fumero said that it would be approximately one foot in lake level, but the decision has not yet been finalized by the federal agency. A draft decision is expected this summer. They will be able to make a better determination about water supply and locations. The South Florida Water Management District reinitiated another new regulation addressing the water shortage plan. We may see more frequent water shortage declarations affecting various communities in southeast Florida.

In response to Commissioner Moore's question as to how much water will be needed to recharge the Everglades, Mr. Fumero said that many agencies at the federal and state levels have been working to quantify those needs. Commissioner Moore questioned the City being asked to do anything without first knowing how much is needed. Mr. Carbon said that Mr. Fumero's assignment is to obtain the most prolific consumptive use permit possible. He elaborated on efforts already made by the City and staff's belief that the City should receive offsets and credits to increase their permit application.

Commissioner Moore concluded that Mr. Fumero is serving as a lobbyist on behalf of the City. He felt the City needs an engineering firm to deal with the Corps of Engineers, as well as an engineering firm to review the impact of the Everglades recharging. Mr. Fumero said that McVicker, Frederico & Lamm, along with Hazen and Sawyer, are working for the City on these matters. His expertise has to do with the regulations, interpreting them, working with the federal and state agencies on amendments, and pulling together experts from the City's consulting team at the right time to address various issues. He represents interests before the Corps of Engineers and the District.

Mr. Carbon said that McVicker, et al knows the lake and the regional supply and distribution system and so forth and they are working on behalf of the City.

Commissioner Moore wanted to know what other municipal entities have retained this particular firm to represent them, and whether the service agreement limits them to advocate for Fort Lauderdale. Mr. Carbon said it is not limited. Mayor Naugle suggested a matrix showing all of the relationships. Mr. Carbon referred to a previously approved agreement for the LA Reservoir which is regional with eight agencies in South Florida.

The City Attorney noted that Mr. Fumero was not hired as a lobbyist, but because of his experienced in the body of law and the rulemaking process. His role is to help the City develop and implement a strategy.

Commissioner Moore said the City has discussed reuse for eighteen years, but they have not moved on it even though there may be significant money saving opportunities to do so, rather than just what the South Florida Water Management District would do. He wanted the City Manager to present information on reuse opportunities. Mr. Fumero agreed in planning for the City's future they should not look at any one source. Reuse is a critical piece of the puzzle.

In response to Commissioner Moore, Mr. Carbon indicated there are strict water quality requirements with respect to recharging the Everglades. Mr. Fumero commented that the Water Management District has been working for at least 15 years to allow for the discharge of treated water into the regional canal network to recharge ground water. The State Department of Environmental Protection prohibits it. Pilot projects are underway.

Commissioner Rodstrom was sorry that the South Florida Water Management District could not make their presentation first because some of these questions have been answered by them. When there is a consensus to have a particular presenter, the City Manager should try very hard to deliver.

Commissioner Moore asked if Miya Burt-Stewart, Broward County representative, South Florida Water Management District and a representative from the Corps of Engineers could also be present on March 20th. Commissioner Rodstrom also asked if Chip Merriam of the District could be asked to attend.

In response to Commissioner Rodstrom, Mr. Carbon elaborated on the City's proactive steps.

Action: There was consensus to consider on Mar 20, 2007, resolutions supporting efforts to secure a safe and cost effective water supply site to meet the City's needs, and to support the South Florida Water Management District's governing board's representation from Broward County. The South Florida Water Management District will make a presentation on Mar 20. Commissioner Rodstrom wanted to adopt water control measures for the City and those cities to whom Fort Lauderdale sells water.

Commissioner Moore requested in the next 60-90 days the City Manager provide information as to reuse opportunities. Commissioner Rodstrom asked when there is consensus for a specific individual to speak before the Commission that the City Manager make every effort to make it happen. Commissioner Moore asked if Miya Burt-

Stewart, Broward County representative, South Florida Water Management District and a representative from the Corps of Engineers could also be present on Mar 20.

I-B – 2007 Neighborhood Capital Improvement and Business Capital Improvement Programs – Funding Recommendations

No discussion.

Action: There was consensus approval to implement the projects as recommended. Individual project costs will be presented to the Commission for funding approval as the work is completed.

I-C – New River Dredging Feasibility Study and Survey – Florida Inland Navigational District – Request for Grant Participation

No discussion.

Action: There was consensus to consider on Mar 20, 2007, a resolution to participate in funding the feasibility study in accordance with the grant program guidelines.

I-D – Proposed Policy – Prevent Members of City Commission From Soliciting Donations Using City Resources

Commissioner Teel said this matter was discussed at the last meeting. She distributed copies of two letters by two commissioners that she had not seen prior to the meeting. It is clear they have a bigger problem than what she originally thought. She felt there should be an ordinance, not a resolution. They need to be more specific on what they want to accomplish. For now, the resolution should be passed until the ordinance. The ordinance has to address individuals doing business with the City, such as lobbyists and developers. Those cannot be solicited for donations. There should be a mechanism for enforcement and punishment. The Department of Professional Standards should be utilized and possibly the Special Master.

Commissioner Moore left the meeting at approximately 2:00 p.m.

Commissioner Teel wanted to use the existing lobbyist ordinance to require lobbyists to report whether they have been solicited for donations or if they contributed to an elected official or City staff member.

Commissioner Moore returned to the meeting at approximately 2:02 p.m.

Mayor Naugle asked about adding City vendors. Commissioner Teel agreed. One being the ordinance regarding ethics, and the addition of the language to the ordinance pertaining to lobbyists.

Mayor Naugle felt a public advertisement should be placed if this policy is adopted so that it is known that the City's policy has changed. Language should be included in the legislation about using an official's name without their knowledge.

Commissioner Teel requested that the resolution be adopted this evening, and that the ordinance be prepared for first reading for the March 20, 2007 meeting. The City Attorney indicated if not March 20th, shortly thereafter.

Commissioner Moore was concerned that the Commission is being short-sighted. He has been conducting a district address for several years which he would like to continue to do, but it was the Commission's decision to stop it. Another concern is how he could generate the necessary funds for the address. There are a number of things done by the Commission that require money. Money needs to be included in the budget, and then solicitations would not be needed. He wanted that budget discussion scheduled at the same time as the ordinance.

Vice Mayor Hutchinson felt it reform is what the Commission wants, they should look to the State's ethics policy and accept nothing as commissioners. From the public input she received, many find the gifts to commissioners that are only claimed if in excess of \$100 offensive. If the majority wants to prohibit working on behalf of charities, she can and will continue to do so individually. The proposal is not true reform.

Commissioner Moore said season tickets to the Miami Heat would have more influence than donations for things that he gives to constituents or the general community. Another example is a super bowl ticket. Mayor Naugle said he attended the Super Bowl because felt it was proper as the host mayor, but purchased the ticket.

Commissioner Rodstrom noted reference to the state statute prohibiting campaign contributions in all governmental buildings in Section 3 of the resolution.

In response to Vice Mayor Hutchinson, Mayor Naugle indicated he will no longer be writing letters for contributions on behalf of Sister Cities.

Mayor Naugle said that this resolution would be a walk-on at tonight's meeting.

Action: See walk-on resolution at regular meeting. At Commissioner Teel's suggestion, there was consensus to consider an ordinance for the policy. It will be presented on Mar 20, 2007 or shortly thereafter. She wanted to consider requiring lobbyists and vendors to report if they are solicited or give donations to an elected official or staff. Mayor Naugle wanted a mechanism if a name is used without the individual's knowledge and notification of the City's policy change. When considering the ordinance, Commissioner Moore also wanted to discuss the Commission budget concerning matters that were previously provided for through such donations.

II-A – Water Main and Forcemain Repairs – Emergency Purchase

No discussion.

II-B – January 2007 Monthly Financial Report

No discussion.

III-B – Advisory Board/Committee Appointments

Audit Committee

Action: Deferred.

Beach Redevelopment Advisory Board

Action: Deferred.

Board of Adjustment Advisory Board

Action: Deferred.

Budget Advisory Board

Action: Deferred.

Cemeteries Advisory Board

Commissioner Rodstrom recommended reappointing Victoria Mowrey to the Cemeteries Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Code Enforcement Advisory Board

Vice Mayor Hutchinson recommended the replacement of Sara Horn with Eugenia Ellis to the Code Enforcement Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Community Appearance Advisory Board

Action: Deferred.

Community Services Advisory Board

Action: Deferred

Economic Development Advisory Board

Action: Deferred

Education Advisory Board

Commissioner Moore recommended appointing Shannon Prohaszka to the Education Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Fire-Rescue Facilities Blue Ribbon Committee

Action: Deferred.

Historic Preservation Advisory Board

Commissioner Teel recommended appointing Pat Hale to the Historic Preservation Advisory Board.

Commissioner Moore recommended appointing Ms. Harrison to the Historic Preservation Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Northwest Progresso Advisory Board

Action: Deferred.

Nuisance Abatement Advisory Board

Action: Deferred.

Parks, Recreation and Beaches Advisory Board

Commissioner Moore recommended appointing Larry Matson to the Parks, Recreation and Beaches Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Police & Firefighters Retirement Board

Action: Deferred.

Unsafe Structures Board

Action: Deferred

Utility Advisory Committee

Commissioner Rodstrom recommended reappointing Robert Caine, Caldwell Cooper and Joe Holland to the Utility Advisory Committee.

Commissioner Moore recommended reappointing Richard Barrett, Magdalene Lewis, and Nathaniel Wilkerson to the Utility Advisory Committee.

Action: Formal Action To Be Taken At Regular Meeting.

IV – Commission ReportsAdvisory Boards

Vice Mayor Hutchinson was disappointed with the conduct of some of the appointees on the boards. The meetings are public. Anyone can speak, but the interrogation taking place is a reflection on the Commission. She mentioned challenges made upon chair of

one board attending and speaking to another board. She particularly mentioned the Planning and Zoning Board. Mayor Naugle asked the Vice Mayor to highlight the particular portion of the minutes and provide them to the Commission for their review.

Vice Mayor Hutchinson said that the board challenged the Chair of the Marine Advisory Board at the last meeting. She did not feel it was appropriate. They should simply listen.

Commissioner Moore left the meeting at approximately 2:15 p.m.

Vice Mayor Hutchinson felt there is a certain conduct that should be upheld. People should be allowed to speak. Members are talking amongst themselves during quasi-judicial proceedings, which is totally inappropriate.

Commissioner Rodstrom suggested the City Clerk speak with the Chair. Individuals should refuse the position of chair, if they do not want to assert themselves.

Commissioner Teel said there has been some transmission problems. The Chair of the Marine Advisory Board said that the board endorsed the whole project, not just the marine element. The minutes reflect that the Marine Advisory Board endorsed the marina aspect only, but that was not what the Chair stated. She felt it was totally appropriate for them to raise that question. The Chair then changed his remark, that the project was his personal opinion.

Commissioner Moore returned to the meeting at approximately 2:19 p.m.

Commissioner Teel said the chairs should stop the conversations going back and forth. Commissioners should speak with their appointees on this. She said that the City Clerk might not feel it is her place to police the boards. Vice Mayor Hutchinson said there are staff liaisons present at the board meetings. She believed the meetings could be conducted in a better manner. Mayor Naugle suggested the staff liaisons bring it to the attention of the chairs.

Vice Mayor Hutchinson felt as a general rule the public is entitled to speak at these meetings and should be treated with respect. Commissioner Rodstrom suggested commissioners speak to their appointees when they become a chair. Vice Mayor Hutchinson commented that conversations are occurring while hearings are taking place for all of the boards.

Vice Mayor Hutchinson questioned why a technical person is not available to start these meetings.

Tax Proposals: State Legislators

Commissioner Moore felt the Commission should follow Senator Geller's advice. In dealing with state legislators who are past members of a municipal entity or a local government, they should send personalized letters reminding them of where they came from and the impact of these tax proposals on municipal entities. He asked the City's Lobbyist, Linda Cox, for a list of all elected officials in the state who came from a municipal government so he could write letters to them. He suggested other commissioners do the same.

Sister Cities; Visit to Agogo, Ghana, Africa

Commissioner Moore said the League of Cities underwrote his trip to Ghana and Agogo and it was a great experience. This was a Sister Cities project. He believed they are missing out on developing import/export opportunities, along with the ports, that could benefit from trading with Ghana.

Mayor Naugle said Citrix spent a great deal of money in establishing the first cyber sister city relationship. There are some 25 stations for internet access to people in those villages. Fort Lauderdale has been promoted around the world. The City is blessed in having the Sister Cities program. He thanked Commissioner Moore for attending.

Sistrunk Historical Festival

Commissioner Moore said the Board members of the Sistrunk Historical Festival have requested a meeting with the City Manager and the Parks Director to discuss the festival operation.

William Dandy Scholarship

Commissioner Moore said that there has been a scholarship fund created in the name of William Dandy. Mr. Dandy was a leading educator in the community. He urged people to consider this scholarship.

Elizabeth Hays said that at the last Parks, Recreation and Beaches Advisory Board meeting there was discussion about a plaque honoring William Dandy in Civic Peoples Plaza.

Commissioner Moore left the meeting at approximately 2:29 p.m.

Work Stoppage; February 20, 2007 Agenda Item M-25; Change Order 5 Danella Companies, Inc.; Harbor Beach Wastewater System and Water Main Improvements

Commissioner Rodstrom thanked the City Attorney for his report regarding the resident and the change order. The City Attorney noted the Commission asked whether there was any legal remedy against people who stopped work. The memorandum was distributed to the Commission.

Commissioner Moore returned to the meeting at approximately 2:30 p.m.

Middle River Safe Park

Commissioner Rodstrom thanked the Director of Parks and Recreation, Phil Thornburg, for his efforts in connection with the Middle River Safe Park.

District II Tour

Commissioner Rodstrom announced that plans are being made for District II tour which will take place during Easter break.

April Commission Meeting

In response to Mayor Naugle, the City Attorney said that they may reschedule a Commission meeting but the Charter requires that two meetings be held during the month.

Bayview Park

Commissioner Teel said that Bayview Park has become so popular that there is not enough parking.

V – Manager’s Report

None given.

There being no further business to come before the Commission, the meeting was adjourned at approximately 2:33 p.m.