

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
DECEMBER 18, 2007**

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CITY COMMISSION CONFERENCE MEETING 1:30 P.M. DECEMBER 18, 2007

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

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 – Sergeant John Kane

I-A – 2008 Elections

Dr. Brenda C. Snipes, Broward County Supervisor of Elections, presented slides on 2008 elections. A copy of the slides is attached to these minutes.

Mayor Naugle planned to ask the City Manager to schedule a conference discussion on changing the City's voting to November due to the expense and perhaps to increase turnout. He asked when the City would need to provide the charter change language to be placed on the November ballot. He asked that Dr. Snipes provide a firm date to the City Clerk.

Commissioner Teel complimented Dr. Snipes' staff.

Vice Mayor Moore asked if the Elections Office plans to bring the new equipment to communities so individuals may get familiar with it. Dr. Snipes indicated that is their plan.

In response to Mayor Naugle, Dr. Snipes indicated it would be very important and helpful if the City could assist with publicizing the need for individuals to work at the polls. Mayor Naugle suggested placing it on the web as well as on the utility bills.

I-B – Affordable Housing Projects Proposed By School Board of Broward County

The City Manager said that Michael Garretson of the School Board was unable to attend. This item was deferred to another time.

I-C – 2008 State Legislative Agenda

Maryann Slough, Assistant To The City Manager, introduced the City's lobbyists.

Additional discussion of this item is found on Page 5.

2008 State Appropriations Requests

Commissioner Hutchinson wanted to prioritize the items. Carole Duncanson, City Lobbyist, strongly recommended prioritizing. Mayor Naugle wanted the lobbyists'

guidance on which items would have the best chance with the Legislature. Ms. Duncanson thought there may be opportunities for water projects as well as FRDAP projects. In response to Mayor Naugle, Ms. Duncanson indicated they could try to work on historic preservation projects. The Legislature is expected to cut another \$1.5 billion before the session begins. Linda Cox, City Lobbyist, said there would probably be another special session in January and an additional 4% cut in the budget. Ms. Slough there is a rollover cultural facilities grant for Southside School and it is hoped it will be funded this year.

Ms. Duncanson said a large part of the lobbyists' job this year will be to protect dollars already awarded to the City, but not yet distributed.

Ms. Slough indicated there are planned initiatives in the Department of Transportation that span over a five-year period.

Mayor Naugle wanted to know which projects the lobbyists and staff believe have the best chance. Ms. Cox said six projects have been identified: Osswald Park – Recreation Amenity Improvements, Florence C. Hardy Park - ADA, Multi-Purpose Field, Melrose Park – Security Lighting.

With respect to River Oaks – Land Acquisition – Stormwater Retention, Ms. Cox said that they met with the Water Management District and they like the project and have placed the entire New River on their list of priority water bodies for the District which will prevent a veto by the Governor.

Commissioner Hutchinson said at the River Oaks on-site meeting, the District liked the project and thought that hindsight was 20/20 with respect to doing the same at the north fork. Representative Bogdanoff is well aware of it. The District is making it a high priority.

Ms. Cox indicated that New River – Seawall Replacement may also be on the list as it is a safety issue. They will be looking into it. Las Olas Transportation Improvements should also be included on the list, however, she strongly suggested eliminating landscape enhancements.

Ms. Cox reviewed the Department of Transportation's five-year work plan and there is funding for Sistrunk Boulevard Streetscape and Enhancement Project and 7th/9th Avenue Connector – Right of Way Acquisition – Four Lane Highway. For Sistrunk Boulevard, from Andrews Avenue to 9th, there is \$1,873,533 available in 2009. For 7th/9th Avenue, there is available funding for right of way work: \$7,502,000 in 2008, \$4,668,000 in 2009 and \$2,195,000 in 2010.

With respect to turtle lighting, Ms. Cox said in the 2008 budget, there is \$580,576 for the west side of A-1-A which comes through the County. In 2009 there is \$3 million available for the east side of A-1-A. It would be a joint partnership with the Department of Transportation. It does not include the poles.

Ms. Duncanson explained some of these items have been previously funded, then vetoed. The Legislature now is reluctant to include anything that was vetoed, therefore it is felt other projects should be prioritized. There may be federal Homeland Security dollars that could be discussed with the federal lobbyist.

Unfunded Mandates

Commissioner Teel asked about the chance of the Legislature understanding the impact of unfunded mandates. Ms. Duncanson felt they need to present the message without using the buzz words that make them shut down; there is a dispute over whether some mandates are actually unfunded. She felt they need to find new sources of revenue. Ms. Cox felt they should examine some statutes and see if they could be amended to generate revenue.

Mayor Naugle concluded key special projects that have the best chance will be identified and a wish list. The information should then be brought back to the Commission.

Ms. Duncanson noted the deadline for submittal to the Legislature is January 4, 2008. Ms. Cox added that the information needs to be provided to the legislative aids so they have input time. As such Mayor Naugle concluded the entire list will be presented and the priority ones will be as discussed today.

In response to Commissioner Rodstrom, Ms. Cox and Ms. Duncanson understood there are monies coming from FDOT to assist with the turtle lighting.

2008 State Legislative Proposals

Mayor Naugle referred to the question of whether the County will start charging for housing persons charged with municipal code violations. One strategy would be to get state statutes that match some of municipal code provisions, such as open container, then that could be covered under state law. The City Attorney confirmed that is correct. Ninety percent of the 1,242 citations attributed for Fort Lauderdale were also State crimes. Of the 10% that were actually municipal ordinances, the greatest majority were open container and occupying a structure without water.

Mayor Naugle referred to the one that relates to safety of children and being able to control parks and public places from people who are consuming alcoholic beverages and expressed support in having a state statute covering open containers. The other is basic sanitation and would certainly be of state concern. The City Attorney indicated that there were seven citations in 2006 for occupying a structure without water.

Action: There was consensus approval of the agenda and to prioritize Osswald Park, Florence C. Hardy Park Inclusive (ADA) Multi-Purpose Field and Melrose Park – Security Lighting, River Oaks – Land Acquisition – Stormwater Retention, Las Olas Transportation Improvements, excluding landscape enhancements, Sistrunk Boulevard Streetscape & Enhancement Project, 7th/9th Avenue Connector – Right of Way Acquisition – Four Lane Highway, Turtle Safe Lighting – State Road A-1-A.

I-D – 2008 Federal Legislative Agenda

Ms. Slough indicated that the federal lobbyist (Dutko Worldwide) is not available today.

Mayor Naugle requested advice of staff concerning the Florida Police Chiefs Association Legislative Initiatives and the Florida Government Finance Officers Association

Legislative Policy Statements. The City Manager indicated this information was provided purely for informational purposes.

Vice Mayor Moore said that two years ago the City increased the number of lobbyists based on the makeup of the legislature. He wanted to know the increased cost and what has resonated from it; a percentage of result by having an additional lobbyist. Mayor Naugle noted that lobbyists also could prevent laws from being passed that would cost the City money.

In response to Commissioner Rodstrom, Ms. Slough indicated the federal deadline is much later.

In response to Vice Mayor Moore, Ms. Slough indicated the federal lobbyist was given about a month's notice; she was informed about a week ago that a representative could not attend. Vice Mayor Moore did not want a lobbyist that does not attend a meeting when requested to do so.

In response to Commissioner Teel, Ms. Slough indicated the federal lobbyist is compensated about \$155,000.

Vice Mayor Moore wanted to end the relationship. Commissioner Rodstrom wanted to first hear from the firm.

The City Manager wanted to take some responsibility with respect to scheduling. The federal information was furnished simultaneously with the state information and there was an approaching deadline with respect to the state. There are other lobbyist issues which will be addressed at another time as the federal lobbyist renewal is upcoming. Ms. Slough indicated renewal is February 6th.

Action: This matter will be rescheduled.

I-C – 2008 State Legislative Agenda

Commissioner Rodstrom questioned why the state legislative items were not presented last month. The City Manager said this matter has typically been presented to the Commission in December, but it could be scheduled a month earlier next year. Commissioner Rodstrom thought it would be helpful to have more time.

Vice Mayor Moore believed that all of the items on the list has been well thought out. If there is a funding cycle that the State seems to be more concerned with this year, the lobbyists could be asked to advocate those items this year. He did not wish to create a priority list because something could be overlooked which could resonate with the legislature in the next year.

Mayor Naugle explained the lobbyists requested a priority list as they felt they could be more effective with one. Vice Mayor Moore indicated if there is a move in the session to fund certain items due to their popularity at the time, he wanted them funded.

Mayor Naugle said if the lobbyists see an opportunity to bring a project forward from another list, they will contact the City and it could be made a priority. Commissioner Hutchinson felt if it is on the large list, the lobbyists could act.

With respect to the timeline, Ms. Duncanson explained the Legislature narrowed the timeline by about 3 1/2 weeks due to funding constraints.

Ms. Cox did not think that most of the items will be funded this year. Correspondence from the Appropriations Chair in the Senate and the House indicated there will not be funding, but requests could be submitted as a courtesy to the constituents.

Commissioner Teel did not want to submit the full list as it would appear that the City did not get the message. Ms. Duncanson referred to their recommended priorities and asked the City to bring to their attention if there is something of critical need that has been overlooked.

Trolley System

In response to Commissioner Rodstrom, Ms. Cox said there is a Department of Transportation fund directly related to assisting retail, and the trolley system would fit into that fund. Commissioner Rodstrom asked about including trolley stops. Commissioner Hutchinson explained that the stops have to be ADA compliant which is expensive. Commissioner Rodstrom wanted more promotion of the trolley system.

Bridge Repairs

The City Manager asked about funding for bridge repairs. Ms. Duncanson said that request was vetoed. Commissioner Teel referred to the last Metropolitan Planning Organization (MPO) meeting, and indicated they are moving forward with those off Las Olas Boulevard and the bridge Middle River Drive and Sunrise Boulevard.

Albert Carbon, Public Works Director, clarified those are Florida Department of Transportation projects. The City is concerned about some fifty bridges that the City owns and operates. One is the historic swing bridge. Six million dollars is needed to replace that bridge. Last year the Governor vetoed it.

In response to Commissioner Rodstrom, Mr. Carbon indicated that the Florida Department of Transportation has funded the complete design for the bridges, but has not addressed construction funding.

In response to the City Manager, Mayor Naugle agreed that bridges could be added to the priority list. Mr. Carbon clarified currently the 11th Avenue Swing Bridge is included and a second action for the structural upgrade of ten additional bridges.

I-E – Request By Town of Lauderdale-By-The-Sea – Provision of Fire Protection and Emergency Services – Fiscal Year 2008-2009

James Eddy, Fire Rescue Chief, said the City was asked to look at the feasibility of providing emergency medical services (EMS) to Lauderdale-By-The-Sea. A report has been provided to the Commission, recommending the City not accommodate this request and outlining the reasons, primarily having to do with their geographic location.

Action: There was consensus approval to accept the recommendation of not providing the services.

II-A – Labor Negotiations – Additional Actuarial Studies By Cavanaugh MacDonald Consulting, LLC – Emergency Purchase

Vice Mayor Moore could not support this. He did not like government by emergency. Commissioner Rodstrom agreed.

Kirk Buffington, Director of Procurement Services, said this is a secondary purchase. Initially, the City agreed to a \$50,000 purchase. Had the City gone through a competitive process, it would have taken 45-60 days and they were in the middle of labor negotiations. This firm was recommended by the labor attorney retained by the City. The additional \$23,000 became apparent during continued negotiations. It was essential to get it done immediately.

Mayor Naugle felt this is a classic emergency. Commissioner Teel noted the information was needed and there was not enough time.

The City Attorney explained according to the purchasing ordinance, such purchases have to be reported to the Commission. It will not come forward for a vote.

The City Manager understood the views expressed. Mayor Naugle realized there are sometimes true emergencies. This appears to be a true emergency and the City Manager should not be timid about handling such items in this way.

Vice Mayor Moore commented about shootings and the Commission not approving an emergency purchase, but declaring an emergency for the individuals who are doing the shooting is a concern to him. Preparations should be made for contract negotiations that occur on a three-year cycle.

Action: Vice Mayor Moore was opposed.

II-B – Contract Award – Residential Garbage and Yard Waste Cart Collection

Commissioner Hutchinson requested an overview. Ed Udvardy, Assistant Director of Public Works, said Waste Management was the contract provider whose contract expired in November, 2007. The bid at the time included two options. The first option was the area previously done by City crews. In October, 2007, the Commission authorized a two-year extension of that contract. Staff attempted to negotiate with Waste Management for option one but was not successful. Therefore, at the direction of the Commission, that portion was put out for bid, and simultaneously determined the City's comparable cost. After review, staff anticipates recommending in January, 2008 that Choice Environmental be awarded the contract for that portion. Choice is the current recycling contractor. About two years ago there were some service issues, but they have since improved. The average now is about 2-3 complaint calls a day. They are servicing 36,000 customers per week.

Mayor Naugle questioned when the industry is going to initiate use of GPS technology. If a street is skipped, an alarm could be sounded. Mr. Udvardy said the City has not instituted a GPS system, but the current contracts require each route supervisor to have a laptop in their vehicle. Generally, complaints can be resolved the same day. Mayor

Naugle thought staff might consider making the suggestion to the contractor to initiate GPS technology on a voluntary basis.

In response to Commissioner Rodstrom, Mr. Udvardy indicated that complaints are addressed on weekends as well.

Commissioner Hutchinson noted that the low bid is quite low. Mr. Udvardy said the contractor has assured that service would be provided for that price. Mayor Naugle felt a few complaints with a low cost is not always a bad thing.

Vice Mayor Moore believed there are too many complaints. He wanted to purchase equipment. Mayor Naugle noted the in-house estimate is \$11 and price is \$7, although benefit costs for new staff would now be lower.

Vice Mayor Moore was concerned that when the contract ends, the cost could be considerably higher. If operated by the City, costs could most likely be controlled. The contractor is missing neighborhoods consistently and on one occasion there was no contact number to arrange for the missed pick-up.

In response to Vice Mayor Moore, Mr. Udvardy noted that Melrose had problems until about six weeks ago. Staff met with the contractor and a City employee customer service representative was assigned to monitor the contract. In the last six weeks the route has been handled appropriately. It was a change of service from Broward County.

Vice Mayor Moore wanted to place this on a conference agenda and look at potential future increases by the private sector and what is in store at the end of the contract. He preferred to pay \$11 instead of \$7 in order to get a satisfied consumer. He wanted to know the progression of cost with the contractor that has been providing service for some time. Mr. Udvardy said Waste Management's cost went from \$5.65 to \$6.04 for the next two years.

In response to Mayor Naugle, Mr. Udvardy said that for the first three years, there is \$2.5 million in a reserve account. Mayor Naugle pointed out the savings also reaped in the price difference. For the few complaints, he felt the City should take advantage of the savings.

Commissioner Teel said it appears that when a problem is identified, the contractor works to resolve it. She commented on some problems in her district that may have been attributed to the customer; personality battles. The contract put all kinds of effort into resolving it. Mr. Udvardy agreed and added that part of the issues has had to do with the WaterWorks projects. Commissioner Teel said that overall she is not having any dissatisfaction in her district. She felt there are two sides to every story.

Commissioner Hutchinson felt things have worked well. She commented on efforts made by the contractor in her neighborhood during the WaterWorks project.

Vice Mayor Moore indicated that properties were skipped in Dorsey River Bend because a proper receptacle was not used. Commissioner Hutchinson commented that individuals confuse the yard waste and trash receptacles. Vice Mayor Moore noted that some residents of Dorsey River Bend have resided there fifty years or more and they know the process. He noted one instance where the resident asked the contractor to

pick up the trash and the contractor refused. He reiterated that areas are being skipped repeatedly and he is receiving a number of complaints. Mr. Udvardy indicated he addressed that particular instance with the contractor. Hopefully it is now resolved.

The City Manager acknowledged that the bulk of complaints have come from the Vice Mayor's district. As such, staff will provide is due a more detailed report on received complaints.

Mayor Naugle reiterated his desire for the future that technology be instituted to sound an alarm is a street is missed.

Action: The City Manager will provide a more detailed report with respect to District III complaints.

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 2:50 P.M.

THE CITY COMMISSION SHALL MEET PRIVATELY FOR DISCUSSIONS RELATIVE TO COLLECTIVE BARGAINING UNDER THE AUTHORITY OF FLORIDA STATUTE 447.605.

AND

THE CITY COMMISSION SHALL MEET PRIVATELY, PURSUANT TO FLORIDA STATUTES 768.28(16) AND 286.011 RELATIVE TO THE FOLLOWING WORKER COMPENSATION CLAIM FILED WITH THE CITY'S RISK MANAGEMENT PROGRAM AND BROWARD COUNTY CIRCUIT COURT CASE, RESPECTIVELY.

**MICHAEL DOMBROWSKI – CLAIM WC-01-11654
CITY v. HOWARD FINKELSTEIN – CASE 07-10735(08)**

EXECUTIVE CLOSED DOOR SESSION ENDED AT 5:12 P.M.

IV – City Commission Reports

See regular meeting.

V – City Manager Report

None given.

There being no further business to come before the Commission, the meeting was adjourned at approximately 5:15 p.m.