

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING**  
**APRIL 1, 2008**

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**CITY COMMISSION CONFERENCE MEETING      1:30 P.M.      APRIL 1, 2008**

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  
Assistant City  
Attorney - Robert Dunckel  
Sergeant At Arms – Sgt. Mary Gushwa

**I-A – Downtown Transit Circulator – Downtown Development Authority**

Jack Loos, Chair, Downtown Development Authority, said they have looked at the Commission's suggestions.

Chris Wren, Executive Director, Downtown Development Authority, said the extensions requested by the Commission will have to go through some formal process. He presented slides. A copy of the slides is attached to these minutes. The federal oriented Small Starts process has a cap of \$150 million because the federal government will only participate up to \$75 million. It is felt that the local burden be kept to 25% of the project. Alignments would have to be examined. Funding for a 20-year commitment would have to be identified for operation and maintenance of the system. An environmental process is also needed. They looked at a northern extension along NE 3 Avenue to Flagler Drive, Sears Town. It is one-half mile long and would need two new stations. They also looked at a western extension which would cross over the FEC railroad right of way, which would mean a bridge or overhead. It is .8 mile and would need two new stations. Because it would be an independent system, more personnel to operate it would be needed. Another maintenance facility and two additional vehicles would be needed in case of breakdown or repair. (See slide for cost and local funding operations)

Mr. Wren noted adding this to the mainline would exceed the \$150 million cap, which would eliminate federal dollars and raise local funding. If proceeding with the extensions, the mainline project would lose about a year while feasibility was determined on the extensions.

Mr. Wren recapped what was previously presented. At a workshop held since the Commission's last meeting, the County endorsed their funding and operation commitment.

Mr. Wren reviewed the assessment and economic benefits slides. Money needed from the City is not needed for at least a year if not more. He also reviewed the slide on the next steps.

Dick Weiner favored trolley streetcars. In response to Mr. Weiner, Mr. Wren said the cars would be electric; there would be 3-4 substations as part of the project. John

Milledge of the Downtown Development Authority indicated that Florida Power and Light would provide the electricity. Mr. Weiner thought it would be a mistake to use FP&L; he felt they are famous for power failures.

In response to Mayor Naugle, Mr. Wren said that back-up generators could be part of the project. Mayor Naugle requested this point be reviewed and a response provided.

Mr. Weiner preferred the City provide its own power. He suggested vintage trolley cars could be used which would also attract tourism. He felt it should be planned so that it could be expanded and serve all taxpayers. There should be an advisory board to assist in coordinating.

Ron Centamore, President of Downtown Civic Association, announced that the majority of their directors voted in favor of this project. They realize there will be a restricted tax area to pay for it. At their general meeting the majority of members also favored the project. He indicated in the downtown electricity returns quickly from outages.

Patsy Mennuti, Riverwalk Trust, said their Master Plan Projects Committee supports the concept. Their mission is to build a more vibrant community in the downtown connected by the New River, and they feel strongly this will help.

Mike Ferber, member of the City's CRA Advisory Board, encouraged the passage of this walk-on resolution tonight. It is a well thought-out project.

Mr. Weiner said instead of bridges they should consider track cross-overs which will save money.

The City Manager reviewed what is requested: alignment consensus, financial commitment and assessment criteria.

In response to Commissioner Teel as to who would be assessed, Mr. Wren indicated the downtown and south regional activity center.

Commissioner Rodstrom wanted to make sure this is state of the art light rail. Mr. Wren said the life span for the system is a hundred years and the proposal is the most up to date. In response to Commissioner Rodstrom, Mr. Wren indicated the expansion cost estimates were based on estimates for the mainline; the additional cost would cause the project to go over the cap to receive federal funding.

In response to Commissioner Hutchinson, Mr. Wren said the system will serve as a prototype for future expansion. Pursuant to their discussions with the FEC, it is not possible to lay these tracks inside the FEC tracks, but perhaps this could be worked out over time.

Mr. Loos emphasized that this is the beginning; the system will grow.

Commissioner Rodstrom asked about funding future expansions. Mr. Loos said he asked the DDA staff that this needs a quasi-independent group like the DDA to help and they are prepared to work with the City and County to develop future steps.

Commissioner Hutchinson supported the recommendation. She felt this will be very viable in the CRA in the future. Perhaps the CRA should look at how this system would link to their transit needs in the future. She asked the City Manager to report back how he intends to fund the \$600,000. In response to Mayor Naugle, Commissioner Hutchinson indicated she supports the four recommended alignments and the assessment program.

Mayor Naugle said it has been assumed that this system would not significantly impede navigation. Mr. Loos said the DDA is concerned about this. They need the City's commitment because they have to approach the other partners.

Commissioner Teel felt they need to plan smart. If there is City owned property that would be workable for the garage and storage facilities, they should think about perhaps depressing it into the ground with a parking garage on top in order to get double use. The City could make money and meet the needs. She felt it is a great project.

Vice Mayor Moore said he lost a lot of confidence in the DDA's consultants. It was disappointing to hear that a bridge was the only option for going across the FEC railroad. He felt the bridge option would be the most costly. They did not offer any attempt to make something happen. The recommendation of stopping requiring two cars and lessening the cost from \$33 to \$30 million with respect to the bridge did not impress him.

Vice Mayor Moore asked if the Commission would consider a different route. Mayor Naugle believed there were many more routes than the four concluded upon. It has been debated a lot. It is also based on the Regional Activity Center paying for the bulk of it. Vice Mayor Moore asked if any of the Commission saw the other routes considered. Commissioner Hutchinson replied yes. Mayor Naugle said he saw the other routes. Commissioner Teel said the Transportation Management Association also reviewed routes until one was dreaming about them.

Vice Mayor Moore referred to the Portland project. In response to Vice Mayor Moore, Mr. Wren indicated the City is being asked for \$600,000 annually to assist in bond funding for capital costs; it is a 30-year commitment. The Broward County Commission has tentatively agreed to be the system owner and operator. Vice Mayor Moore concluded that the final alignment would be selected by Broward County. Mr. Wren believed things of this nature could be formed in an Interlocal agreement. If an alignment is selected that is not agreeable, he believed there would be another roundtable discussion to find an alignment that all could agree to.

The City Manager said that the walk-on resolution would include the provision that if the County does not select E-1 (alignment), it would be resubmitted to the City Commission. The \$600,000 is not necessarily per year depending on whether in-kind contributions such as land could be found and if the City paid at the front-end, the cost might be different. Another suggestion was to consider using CRA funds. He did not know the final outcome at this point.

Vice Mayor Moore commended the DDA, but felt the CRA should take over the project. Commissioner Hutchinson wanted the CRA to proceed with conducting a transit study.

Commissioner Teel felt it is important for the DDA and CRA to maintain cohesiveness. She further said the two organizations would have to work together. Mayor Naugle

explained another reason the CRA cannot be in charge of it is because a great portion of the system is outside of its boundaries.

Mr. Loos said the DDA is glad to hand it over. The route was to get the greatest ridership and have the best opportunity to expand.

**Action:** The request was approved as reflected in walk-on resolution considered at regular meeting. Mayor Naugle requested information concerning backup generators. Vice Mayor Moore wanted the Community Redevelopment Agency to have primary overview. Mayor Naugle wanted to be assured the circulator will not significantly impede navigation. Commissioner Teel wanted maximum usage of storage sites. See walk-on resolution at regular meeting. Vice Mayor Moore wanted to look at a different route. The City Manager indicated if Route E-1 is not selected, it should return to the City Commission for consideration.

### **I-B – Resurrection of Coconut Island – Confluence of New River and Intracoastal Waterway**

Daniel Yaffe, Chairman, Broward County Marine Advisory Committee, noted this property has been a destination spot for many years and only in the last 15-20 years has it become submerged. Broward County wants to create a nature preserve and park which would benefit the boating community and an ecological benefit with Mangroves to spawn fish production. The County is not looking for any financial participation. This is a long-term plan which would not begin for at least five years because it is contingent upon some dredging to be done in the Intracoastal. Concerns from residents have been heard. He assured that those concerned will be taken into consideration. Public hearings will be held.

John Fiore, Broward County Parks and Recreation and Liaison to Broward County Marine Advisory Committee, said this project arose from a meeting he had with the Director of Florida Inland Navigation District where they discussed that Broward County was not as fortunate as other areas with spoil islands and so forth. The District Director indicated thee recreated by using it as a dredging spoil site and save a lot of money. The District has had a dredging easement on it since 1932. The confluence of the New River and Intracoastal is owned by Reed Bryant. The island has eroded and now people run aground. It is 2.2 acres but would probably be less in size. There would be a mangrove buffer around it and rock to prevent vessels from beaching. After meeting with Don Hall and Reed Bryant, they arrived at a final concept which increases the width of the mangroves, includes a small nature trail, and a dock that would accommodate 2-3 boats with a landing for kayaks. They want to enhance the area beauty, improve the area ecology and provide a place for boaters to stop and stretch their legs.

Mr. Fiore indicated this has been brought before numerous boards. It is supported by the County Parks and Recreation Division, Biological Resource Division, Marine Advisory Committee, and the City's Marine Advisory Board who wanted a larger dock. The Broward Urban River Trails also supports it. The key is funding. Dredging would be created by the Florida Navigation District and Army Corps of Engineers. Creation of the rip rap sp-I think this is a specific term – I bet Peter Partington would know 1:16:15 and mangroves would be by a developer required to have salt water mitigation and maintain

it for ten years. The development of the island, including the paths, nature signage and dock would come from grants through the Florida Navigation District, Broward Urban River Trails and Broward Boating Improvement Program

Mayor Naugle asked if the City would be able to regulate activities on the island. Mr. Yaffe replied yes as the park would be in the City. He mentioned a grant program to annually fund marine enforcement officers. Mr. Fiore said that as a nature preserve there would be daylight hours, no beverages, picnicking or loud music. They would work in partnership with the City. Mr. Yaffe said the dock could include a small gate so it could be closed at sundown.

Commissioner Hutchinson noted there is a process for this to go through including public hearings. She was concerned about noise and picnicking.

Commissioner Rodstrom felt the waterway is tight when considering placing an island in the middle of way. Mr. Fiore agreed the area is shallow and one of the most difficult to navigate as there is both Intracoastal and New River signage. She suggested instead the area be dredged out to accommodate more boats. She asked about rezoning the island. Mayor Naugle said the City Commission would make such a determination. Mr. Fiore said the property would be sold to Broward County. The County would want the land to be zoned for open space and recreation. Current zoning would permit nine homes t.

In response to Commissioner Rodstrom's questions about maintenance and enforcement, Mr. Fiore said it would be a County park; arrangements might be made with the City, however these questions have not yet been addressed.

Commissioner Rodstrom asked about using dredged material removal money saved by Florida Navigation District for landscaping. Mr. Fiore indicated there is a grant program designed for this type of project. Mayor Naugle noted spoil islands for dredging is very common.

Commissioner Rodstrom wanted to see more boating space in this congested area. Mayor Naugle noted this area is not currently used for navigation. Commissioner Rodstrom asked if the use is limited to resurrection purposes, or could it be dredged and the waterway expanded. Mr. Fiore said the owner would prefer the area return to its previous state.

Commissioner Teel asked about the dock capacity. Mr. Fiore said they were looking at 2-3 boats. Commissioner Teel felt that sounds counter-productive to their objective. Also policing the area may be problematic because the City does not patrol at night. Mr. Yaffe said the dock size would be controlling. Also having no restroom facilities is intentional. Commissioner Teel felt in reality initially people will want to go to the area and with the limited dockage, they will think of a creative way to get onto the island.

Bruce Roberts, Police Chief, confirmed the City does not patrol at night; there is one shift seven days a week. The City has a County grant at present. Commissioner Teel emphasized that it could be problematic responding to a disturbance at 3 a.m. for example.

Commissioner Teel recalled when the City wanted the County to maintain Osswald Park, the County indicated they only maintain regional parks and Osswald was too small. Mr. Fiore noted not all regional parks are large. He mentioned a boating access park in Dania Beach that is 100' x 3,000', but classified as regional because of its uniqueness and how it draws people from a greater area. This park would also be classified as regional.

The City Manager noted that is inconsistent with what the City was told during the Osswald Park discussions. Vice Mayor Moore pointed out that it had to thirty acres. Yet the County has opened two smaller parks in the unincorporated area.

The City Manager asked if there has been a usage study and cost benefit analysis. Mr. Fiore replied no. He added that sometimes environmental benefits are considered versus high usage. They do not feel this would be a high-use park. One benefit is that the dredging would be done for free; boaters and the Florida Inland Navigation District would pay for the remainder.

The City Manager understood how the County spends their money is a policy decision, but he wanted to know who would make the decision about potential dock expansion. He felt expansion might be something wanted in the future. Mr. Yaffe said that is something to work on in the future. Construction is not anticipated for 5-8 years.

The City Manager asked if anything is needed from the City at this time. Mr. Yaffe said the intent was to provide information and invite the Commission and residents to become part of the process.

Donald Hall, representing some residents in the neighborhood (Rio Vista Islands and Las Olas Islands), indicated the Commission has asked the same questions he would have raised. He felt the City Manager made an excellent point. In response to Mr. Hall, Mr. Yaffe agreed to set meetings with affected homeowner associations if Mr. Hall could assist with contact information. Mr. Hall felt regardless of whatever is done and intended, there will be an after hours docking issue and that jet skis can dock at any time. Mr. Yaffe noted the riprap will prevent such docking.

Walton McCroy, 77 Coral Way, indicated his residence is directly in front of the proposed park. He did not think this would be an aid to navigation. He also felt there would be enforcement issues. A dock for two boats is not reasonable. In the past people have stayed the entire day.

Commissioner Hutchinson said she asked for this to be on the agenda so everyone could be informed. It is a long process. It should also be presented to the City's Parks, Recreation and Beaches Advisory Board.

Commissioner Teel asked how much money the Florida Inland Navigation District would save by having this area for dredge material disposal. Mr. Fiore thought it would be saving quite a bit of money. Commissioner Teel further asked if they looked at a totally passive park with no access. Mr. Fiore said it could be done that way, but it would not be possible to obtain a Broward Boating Improvement Program or a Waterway Assistance Program grant.



Mayor Naugle recommended they meet more with the homeowners. If this is done in the future, there should be an interlocal agreement, giving the City control over issues like usage and the number of vessels accommodated by a dock, hours of operation, maintenance.

Vice Mayor Moore asked where this idea began. Mr. Fiore said it was his idea after talking with the Executive Director of the Florida Inland Navigation District and his committee and staff. Vice Mayor Moore asked about the cost to buy the land. Mr. Fiore said it was assessed at \$6,800. The County Commission would have to decide upon the maximum purchase price threshold.

**Action:** It was recommended that Broward County representatives meet more with the homeowners. If the proposal moves forward, there should be an Interlocal agreement between the City and County, giving the City control over various issues.

### **I-C – Rental of Morton Activity Center at Floyd Hull Stadium – Federal Little League**

Phil Thornburg, Parks and Recreation Director, said the minutes of the City's Parks and Recreation Board, corrected the Parks, Recreation and Beaches Advisory Board February minutes provided to the Commission that in Item 4, the \$10,000 should be \$100,000. These were draft minutes that have subsequently been corrected. According to the Public Works Director, there will probably be between \$150,000 and \$175,000 costs for ADA improvements. Commission direction is being sought on how to handle rentals and use of the Morton Activity Center.

In response to Commissioner Hutchinson, Mr. Thornburg provided some history on the facility, its use, football and baseball. Commissioner Hutchinson noted there has been a lease with this organization since 1963, which was extended in 1994 by twenty-five years. In response to Commissioner Hutchinson, Mr. Thornburg did not know how far back in time the City's relationship with football goes. Commissioner Hutchinson understood the City consistently had a lease with football at this stadium. In response to Commissioner Hutchinson, Mr. Thornburg was not aware of there being fall ball at this stadium. Commissioner Hutchinson noted that baseball and football have existed at this stadium for a number of years. Because they have different seasons, it should not have precluded fall ball. Mr. Thornburg noted that fall ball is a challenge. Most leagues do not have fall ball.

Kathy Norris, representing Federal Little League, distributed information regarding the history of the stadium and Floyd Hull's involvement in building the Morton Center. It did not cost the City anything. She commented that because the fees have been kept low, the center is heavily used. Everything in the center except the ice machine has been purchased by Federal Little League or it has been donated. The center is always staffed. Approximately \$30,000 was taken from the Morton account for the press box. Forty three thousand dollars was spent on fencing. A southern region big league tournament requires \$10,000-\$15,000. Over \$6,000 was expended for uniforms. Half of the money goes toward expenses and the other half toward Little League or improving the stadium in some fashion.

The City Attorney said this memorandum was not created for public consumption; it is mental impressions, conclusions and litigation strategy. He did not know why it was

provided in the backup material. Concerning the lawsuit filed by the Little League, claiming ownership of the stadium, his office disagrees. The City has a contract with them during baseball season and with the football group during football season. He quoted from page 2 of the agreement, concerning the City's ownership of the stadium.

Ms. Norris said their attorney is not present today. She was asked by the Board of Directors to updating the Commission on how the center is operated. She is only a volunteer.

The City Attorney explained staff found that Federal Little League's argument was that they had exclusive control of the center all of the time. During the time that the football group had use of Floyd Hull Stadium, they were denied use of the center. He did not feel they had the authority to do this and scheduling for third parties should be done by the City based upon the agreements.

Commissioner Rodstrom did not think it should be fixed if it is not broken. The City Attorney explained that it is outside the four corners of the agreement.

Mayor Naugle felt it was premature to discuss this until the matter is resolved by the court. Vice Mayor Moore concurred.

In response to Commissioner Hutchinson, the City Attorney said the matter could take a year or two. In response to Vice Mayor Rodstrom as to what will be done in the meantime, the City Attorney believed that is why it was on the agenda.

Commissioner Teel felt this discussion should end at this time.

**Action:** As this matter is in litigation, no action was taken.

#### **I-D – Proposed Alarm Response Fee Settlements**

Vice Mayor Moore felt the fee should be revisited or there be a process that does not require it to be presented to the Commission. Mayor Naugle explained this provides public disclosure and information to the Commission. He did not see any way to avoid the process. Vice Mayor Rodstrom concurred.

Commissioner Teel felt that staff did a good job. Commissioner Hutchinson concurred.

**Action:** See Commission Agenda Report 08-0384.

#### **I-E – Park Construction and Maintenance By Sunrise Investors, LLLP In Lieu of Park Impact Fees – Satori Gardens – 1101 East Sunrise Boulevard (1-ZPUD-05)**

The City Attorney said that this would come back to the Commission because a park easement agreement is needed.

Vice Mayor Moore asked how many parking spaces are being allocated for this public use and does the number of spaces meet the City's requirements. Robert Lochrie, representing Altman Development Company, said there would be parking on two streets and 15-20 additional spaces adjacent to the park. The City Attorney indicated it does

not meet the City's requirements. Vice Mayor Moore wanted to be assured if the Applicant will be given credit for a park fee that this indeed be a park.

Mr. Lochrie was not familiar with the City's parking requirements for parks. This will be a passive park. There would be about thirty spaces adjacent to the park for public use, along with bike racks. Vice Mayor Moore liked the development and the park, but he did not want future developers to have cloudy situations in this regard. He wanted to be assured that the parking requirement has been met. Otherwise he felt the proper steps should be followed.

Mr. Lochrie said there would be an easement agreement requiring the area to be maintained as a park forever by the developer.

Mayor Naugle noted that some parks have no parking; it is assumed that people in the neighborhood walk to them. Vice Mayor Moore wanted to make sure the rules are followed so that others will also follow the rules.

The City Attorney explained the Commission would be approving a park that does not generally meet the requirements of a park. Generally, a park must have a hundred feet of street frontage and this has sixty-eight feet. It generally has to be two hundred feet deep and this is one hundred and thirteen feet. If approved, an agreement would be presented allowing this to be considered as a park and it will meet all other requirements of a park.

The City Auditor asked a provision be included whereby the developer would report expenditures to demonstrate it exceeds the City's impact fee requirements.

**Action:** An easement agreement will be presented at a future meeting. The City Auditor requested a provision to require Sunrise Investors report back expenditures incurred in order to demonstrate that the impact fee requirement has been exceeded.

#### **I-F – Fire Rescue Facilities Bond Audit**

The City Auditor indicated that Sharpton, Brunston performed the audit and they are present.

Commissioner Rodstrom referred to page A-8 (Observation 3), and her desire for more oversight in the change order process and including the City Auditor and City Attorney with respect to change orders. The City Auditor clarified that the recommendation is to remove the City Auditor. It is not appropriate because the Auditor is then no longer independent.

Commissioner Rodstrom asked about the City Attorney being included. The City Attorney said his office is in the position of advising; they represent the Commission, but they also represent staff. From an advisory standpoint on legal matters, they are available for questions. When it is placed on the agenda they review it to make sure all legal standards are met. It creates a conflict to sit on a committee and then have to review the work of the committee.

The City Auditor explained that having a formal change order control board would ensure transparency. The individuals dealing with this at the current time are engineers

and not experts in contract law. Therefore, the advice of the Attorney at those meetings would be useful. Irrespective of whether the City Attorney is part of the change order control board, the concept of such a board is still valid. Perhaps, the board could include the Director of the Office of Management and Budget, Finance Director, staff that have knowledge about procurement issues. It is suggested that it not all be Public Works. People involved in the project have a different perspective.

In response to Commissioner Rodstrom, the City Auditor said he recommends such a control board be formed and noted there is a functioning version of this type of board with the WaterWorks change order control board. Commissioner Rodstrom wanted to follow the City Auditor's recommendation.

The City Manager noted that this audit shows that the process is working and the WaterWorks 2011 audit also showed that things are working. He did not want to create more bureaucracy because it slows things down.

Commissioner Rodstrom considered oversight which is needed. She noted the WaterWorks program is now a billion dollars over budget. She thought a committee to oversee change orders is a no brainer. The City Manager felt the value of these audits is to look at the change orders to see if anything was wrong. Both independent auditors found that the change order process is working.

The City Auditor agreed that part of an audit is to look for fraud errors and things of that nature. The other part is to provide suggestions for improvements or enhancements to either the processes, efficiencies, effectiveness or controls over the system. This represents an enhancement to the control environment, transparency and a better way of doing business.

Commissioner Rodstrom emphasized it is a better way to do business. It has been recommended by the Auditor and Sharpton, Brunson. Implementation should be considered.

Albert Carbon, Public Works Director, said the audit was thorough and informative. He referred to Section F, Change Order Review. It indicates the City's internal change order control process is sound. Additionally, it speaks of a change order control board as an enhancement. They are doing their job well, but could do it better.

Mayor Naugle noted a change order control board would require staffing and probably an increase in staff. If the Commission is interested, he suggested the City Manager looking at this in the context of next year's budget. He mentioned various issues in considering establishing such a board that would have to be thought about.

Commissioner Rodstrom emphasized her reason for raising this is to provide transparency in the process. This professional firm was paid \$95,000 for their input. She was concerned about being the only commissioner supporting their recommendation.

Commissioner Teel asked if this could be done in more of a snapshot way; selectively with a sampling. Government does have a tendency to get bogged down. In response to Commissioner Teel, the City Auditor outlined what is done in the City of Jacksonville. A meeting for approval of all general government contracts was thirty minutes to an hour

every two weeks. The volume was greater. It did not impede their ability to award contracts or do change orders on a timely process.

Commissioner Teel asked if the charter would permit this type of arrangement. The City Attorney said the Manager manages the City under the supervision and control of the Commission and carries out the functions outlined in the Charter and Code of Ordinances. If it was placed in the code, the Manager would carry it out.

Commissioner Teel did not think it would be in opposition to the goals which include transparency and accountability. This is a road map. The City Manager could see how to implement it.

The City Manager felt all of the City Auditor's suggestions since his arrival have not been bad. Some of them are belt and suspender type recommendations. It would be safer to have belts and suspenders, it is not necessary. Since the system is working well and the system already has a great deal of checks and balances, including the Commission and the public. This will have budget implications.

Commissioner Rodstrom emphasized the City Manager is not a certified public accountant. The recommendation came from a well respected firm of certified public accountants with the City Auditor. The general employees received a 5% raise and should be able to work harder for this better accountability. If not it is a reflection on the City Manager.

Mayor Naugle questioned the lack of transparency when all change orders are listed on the agenda and discussed. He did not have a problem with the City Manager looking at this with next year's budget.

Vice Mayor Moore complimented all those involved. He felt Sharpton, Brunson's recommendations should be considered, especially when the Auditor agrees with the concept. He does not feel it would be too overwhelming to implement. He suggested a 90-day trial.

Commissioner Hutchinson complimented all those involved. The audit shows that the money is being managed appropriately. WaterWorks has a change order control board. What was done in Jacksonville is different than what is currently working for WaterWorks. She understood the audit speaks about a change order control board for this particular fire bond. She felt there is very much transparency. She would be concerned about another layer being created that may slow down WaterWorks. If it is a recommendation of the Auditor, it should be looked into; including what would hamper the stations getting built.

In response to Mayor Naugle, Commissioner Rodstrom said a change order control board on the fire bond only would be a start.

Vice Mayor Moore pointed out that WaterWorks has this and it works. Apparently it is not too time consuming especially with the dollar amount of the change orders. It should work in the same manner.

Commissioner Hutchinson did not think a board should look at every single change order for every single small project. The City Auditor felt a threshold could be established.

Mr. Carbon explained the existing WaterWorks change order control board and indicated it works well for that program. He noted the current review steps for anything over \$10,000. The threshold at Broward County is \$250,000. He ensures funding availability through Finance and Budget before moving forward with a change order. Before it gets to the Commission, there has been a stringent review, although it is not a formal committee. In the alternative, it is continuous. Money is lost with delays in construction. Each change order takes its path through the organization and is not held for a meeting held at a specific time.

Commissioner Teel felt there is an atmosphere of distrust in change orders. It is a normal part of construction. Change orders are not bad. Sometimes they save money, sometimes they cost money. They are also discovering things that need to be corrected that were not found during the planning stages. A knee-jerk reaction to change orders that there are too many is counter-productive. The audit shows the current process outlined by Mr. Carbon is successful. She did not object to looking into it more.

Vice Mayor Moore recommended a trial and the trial committee would be in addition to the current process.

The City Manager emphasized that staff is looking at the change orders; it is flowing as opposed to a formalized process that would cause delays.

Vice Mayor Moore thought the trial committee could look at the information after the fact. The City Manager suggested an analysis of that idea. He would report back. Mayor Naugle concluded it would be scheduled at a conference in a month.

The City Auditor indicated the points made are that there is an informal process. To a great extent, nothing in the course of the review was uncovered that the informal process was not functioning. They are talking about making an ad hoc process into a standard process. The timing of the conversation is at the end of the process, when it comes to the Commission. They feel there is value in it occurring earlier when there could be a more vigorous debate of ideas as it goes forward.

**Action:** Commissioner Rodstrom wanted to establish a change order control board as recommended in the audit. There was consensus approval for the City Manager to provide a report at a conference meeting within a month as to the resources required for staff recommended in the audit to, after the fact, articulate the reasons for a change order. The City Auditor indicated that a threshold amount could be established by the Commission.

#### **I-G – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases**

No discussion.

#### **II-A – Investment Results Annual Report – Fiscal Year Ended September 30, 2007.**

No discussion.

**II-B – Parking Services Enterprise Fund – Budget Process For Fiscal Year 2006-2007 Operating Budget**

No discussion.

**II-C – North U.S. 1 Urban Design Plan**

Judy Russell, property owner of 1001-1031 North Federal Highway (Wolf Camera), expressed concern about the plan as it will reduce development square footage from 712,550 to 282,426. She had met with staff.

Wayne Jessup, Deputy Director of Planning and Zoning, said Ms. Russell is assuming this would be a fifteen story, 150 foot building under the present zoning. Ms. Russell confirmed that as correct. Mr. Jessup noted this would be the maximum build-out under the proposed recommendations with a conditional use approval. Zoning is not being changed. Staff is suggesting guidelines for the envelope to become lower as it moves toward residential areas to be created more compatible with existing neighborhoods. Under either situation, neighborhood compatibility would come into play. As a proposal proceeded through the review process, a 150 foot building might not be permitted. He explained the intent of the plan.

Mayor Naugle said this is before the Commission today to see whether this plan would go forward. Then public hearings would be held and eventually ordinances adopted. He suggested that Ms. Russell attend future meetings before actual restrictions are implemented.

Ms. Russell added it is impossible to configure a driveway for her property under the proposed plan.

The City Manager offered for staff to meet with Ms. Russell and any other business owners with concerns.

Commissioner Teel complimented staff. She noted that there have been people who participated in the meetings thus far.

**Action:** No discussion except Judy Russell, property owner, expressed concerns. Staff will meet with her.

**II-D – Addition of Safe Parks and Land Preservation Bond Program Phase 7B Sites Into The Competitive Process**

Commissioner Hutchinson asked about appraisals for Harbor Beach. Phil Thornburg, Parks and Recreation Director, believed that is in the works as are others shown in the backup materials and labeled 7B.

Commissioner Rodstrom asked who is doing the appraisals for the Sistrunk Park Addition. Mr. Thornburg indicated that is another property on 7B. All properties on 7B are slated for due diligence until funds are exhausted.

Commissioner Rodstrom noted that because the City of Oakland Park ran into a glitch, it gives Fort Lauderdale an opportunity for properties in the first come, first served grouping.

Vincent Fazio, property owner of 1325 NE 7 Avenue, (OS-145, Middle River Terrace Park Addition) gave a history of commercial development plans for this 2 acre site on Dixie Highway. It was approved by the Development Review Committee but subsequently he received a letter from Marc LaFerrier, Director of Planning and Zoning, indicating it was not going to be approved; that the use was being changed. He noted the money expended to that point. Then he received a letter that the City wanted to purchase the property and now it has been two years. He mentioned the environmental studies conducted. He elaborated upon what was detected in the studies. Although he did not believe he was responsible for the environmental issue, he was willing to expend funds toward a solution so as to get the deal completed. Mayor Naugle indicated it will be voted upon this evening. Mr. Fazio felt the goal post continues to be moved. He indicated the request is to clean the site, offer \$100,000 for monitoring and another \$200,000 in case of future problems on the environmental issue up to five years. He felt continuing to move the goal post is unfair when he is a willing seller.

In response to Commissioner Rodstrom, Mr. Thornburg said the appraisals are from 2007; Broward County is requiring new appraisals. There was a contract and because they were in the middle of negotiations, staff was hoping the County would hold true to those appraisals, but today County staff has indicated new appraisals will be required. Once the City has a signed contract from the seller, the County will encumber the \$1.1 million. If the appraisals show a wide fluctuation in the range, it will need to be renegotiated.

In response to Commissioner Rodstrom, Mr. Fazio said he would deliver the property clean and place \$100,000 in escrow to monitor the ground water. He was uncomfortable with the additional \$200,000 to resolve the potential of contamination from the City's property. The City Manager said there is no evidence that the City's property is contaminating Mr. Fazio's property.

Mayor Naugle would not support this tonight if there are still outstanding issues.

In response to Commissioner Rodstrom, the City Manager said the request is for \$300,000 to be placed in escrow so as the property is monitored if there is additional contamination to clean up there would be funding. It could be more. The City's policy has been not to purchase contaminated property. The consultant has indicated \$250,000 and the Public Works Director added \$50,000. The City would be liable for anything in excess of \$300,000.

Mr. Fazio asked if the City's position could change again. Commissioner Hutchinson replied no, not once a vote is taken but it is contingent upon Broward County not requiring a new appraisal. Mayor Naugle noted there could also be a problem with the new appraisals. He noted that Mr. Fazio could get the County to not require new appraisals. Commissioner Rodstrom noted the monies would be set aside while waiting for the appraisals. She explained the funding process. She emphasized the contract needs to be signed by Mr. Fazio.

**Action:** See regular meeting. (Broward County may require a new appraisal.)



**III-B – Board and Committee Vacancies**

Audit Advisory Board

**Action:** No Formal Action Taken.

Board of Adjustment

**Action:** No Formal Action Taken

Cemeteries Board of Trustees

Mayor Naugle recommended that Larry Ott be appointed to the Cemeteries Board of Trustees.

**Action:** Formal Action To Be Taken At Regular Meeting.

Charter Revision Board

Mayor Naugle recommended reappointment of Chris Fertig to the Charter Revision Board.

Commissioner Teel recommended appointment of Gregory Durden to the Charter Revision Board.

Commissioner Hutchinson recommended reappointment of Ronald K. Wright to the Charter Revision Board.

Vice Mayor Moore recommended reappointment of Daniel W. Lewis to the Charter Revision Board

Commissioner Rodstrom recommended reappointment of Judy Stern to the Charter Revision Board.

**Action:** Formal Action To Be Taken At Regular Meeting.

Code Enforcement Board

**Action:** No Formal Action Taken.

Community Appearance Board

**Action:** No Formal Action Taken.

Community Services Board

Mayor Naugle recommended appointment of James H. Currier to the Community Services Board.

**Action:** Formal Action Taken To Be Taken At Regular Meeting.

Economic Development Board

**Action:** No Formal Action Taken.

Education Advisory Board

**Action:** No Formal Action Taken.

Historic Preservation Board

Vice Mayor Moore recommended that Rena Marie W. Holloway-Harrison be appointed to the Historic Preservation Board.

**Action:** Formal Action To Be Taken At Regular Meeting.

Board of Commissioners, City of Fort Lauderdale Housing Authority

**Action:** No Formal Action Taken.

Insurance Advisory Board

**Action:** No Formal Action Taken.

Marine Advisory Board

**Action:** No Formal Action Taken.

Northwest Progresso-Flagler Heights Redevelopment Advisory Board

Commissioner Teel recommended reappointment of Alan Gabriel to the Northwest Progresso-Flagler Heights Redevelopment Advisory Board.

Vice Mayor Moore recommended reappointment of Phyllis Berry to the Northwest Progresso-Flagler Heights Redevelopment Advisory Board.

Mayor Naugle recommended reappointment of Mickey Hinton to the Northwest Progresso-Flagler Heights Redevelopment Advisory Board.

**Action:** Formal Action To Be Taken At Regular Meeting.

Nuisance Abatement Board

Vice Mayor Moore recommended appointment of Linda Dawkins to the Nuisance Abatement Board.

**Action:** Formal Action To Be Taken At Regular Meeting.

Planning and Zoning Board

Commissioner Teel recommended the reappointment of Rochelle Golub to the Planning and Zoning Board.

**Action:** Formal Action To Be Taken At Regular Meeting.

Utility Advisory Committee

**Action:** No Formal Action Taken.

Charter Revision Board

The City Attorney said that the Commission requested that the Charter Revision Board not schedule its first meeting until all members could be present. April 23<sup>rd</sup> is the first time everyone can be present, so a meeting has been scheduled. He asked permission to move forward with that meeting even if there is only a quorum. The request was approved by Commission consensus.

**EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 4:08 P.M.**

**The City Commission shall meet privately for discussions relative to collective bargaining under the authority of Florida Statute 447.605.**

**MEETING RECONVENED AT 4:57 P.M.**

**IV – City Commission Reports**

Imperial Point Hospital Expansion Groundbreaking

Commissioner Teel noted the groundbreaking for expansion of the Imperial Point Hospital took place this past Saturday. She spoke of the expansion details.

Ethics Code violation

Commissioner Teel referred to the ethics code previously approved for this Commission. She hoped that previous behavior would not continue, but recently she discovered campaign material for a fundraiser event for the mayoral race had been mailed from the City Commission office using City resources. She believed this is a violation of the ordinance and state statute. There is a procedure to be followed. She believed this matter should be investigated. It should go to the Office of Professional Standards.

In response to Mayor Naugle, the City Attorney said he drafted the ordinance and remembers sending it to the Office of Professional Standards; it would then be submitted to a special master.

In response to Vice Mayor Moore, the City Attorney said if anyone is asked to do something inappropriate, he believed the Office of Professional Standards was set up for such cases. Also, the individual should be able to go to their immediate supervisor or the City Manager or if it occurred in his office or the Clerk's office, to the City Attorney or City Clerk. Mayor Naugle felt it is proper for anyone who has such questions to consult with the City Attorney for guidance on what they should do.

**Action:** Commissioner Teel believed the Commission's ethics code was violated in that campaign material for a fundraiser event was mailed from the Commission Office, using City resources. The matter was referred to the Office of Professional Standards.

#### Broward County Emergency Management Office

Commissioner Hutchinson said she sits on the group City EMS Coalition. She has become aware that the Broward County Emergency Management Office has been restructured. According to the fire chiefs, this is a big deal. She would like a presentation to the Commission in April or May. They are moving a system that works to the Planning Department in order to save money.

In response to Mayor Naugle, Commissioner Hutchinson said the City receives FEMA funding through this agency.

**Action:** Commissioner Hutchinson requested a presentation be made at a conference meeting in the April timeline concerning restructuring of Broward County's Emergency Management Office.

#### Expression of Sympathy; Elizabeth Williams DeGraffenreidt family

Vice Mayor Moore asked if an expression of sympathy could be extended for former Commissioner Degraffenreidt whose mother passed away.

#### Employee; Parks and Recreation Department and underaged drinking; SW 2 Street

Vice Mayor Moore complimented Parks and Recreation employee, Jon Quinton, for his work with young people concerning teenage drinking. He felt Mr. Quinton deserves an award from the City.

Vice Mayor Moore felt something needs to be done regarding underaged drinking and binge drinking on SW 2 Street. Mayor Naugle thought perhaps a message should be sent to clean up their operations or the City would remove the 4 a.m. hours of operations permission.

Vice Mayor Moore thought consideration should be given to the fact that there is drinking on the sidewalks. No one has any idea how much an individual is consuming. There should be review before consumption is allowed.

#### Victoria Park Art Jazz Festival

Commissioner Rodstrom said the Victoria Park Art Jazz Festival this past weekend was very successful.

#### Divine Mercy Catholic Church; 25<sup>th</sup> Anniversary

Commissioner Rodstrom said she attended this event which was fabulous.

Miami Herald news article; homeless

Commissioner Rodstrom referred to a news article in the Miami Herald regarding the homeless. It notes that there are other centers in Pompano Beach and Hollywood. Broward County Commissioner Sue Gunzburger has been assigned a leadership position on this matter and she will want to address the City Commission about finding solutions.

Mayor Naugle pointed out that the article recommended that the City get into the social service business, but it is a County function. The article also stated that the City arrests homeless people, which is not true.

Commissioner Rodstrom said she would like to invite the individual working on the homeless situation.

**V – City Manager Report**

Parking Amnesty Program

The City Manager said many phone calls have been coming on this program.

There being no further business to come before the Commission, the meeting was adjourned at approximately 5:12 p.m.