

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
JULY 15, 2008

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CITY COMMISSION CONFERENCE MEETING 1:30 P.M. JULY 15, 2008

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

Absent: None.

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

Summer Youth Employment Program – Walk-On

Averill Dorsett, Director of Human Resources, noted the City has funded for at least four years Workforce One's Summer Youth Employment Program, which allows the youth in Fort Lauderdale to work at various places in the City. Three students thanked the Commission for this opportunity.

I – A – Fiscal Year 2008-2009 Budget Message

Allyson Love, Director of Office of Management and Budget, reviewed slides highlighting the proposed budget for 2008-2009. A copy of the slides is attached to these minutes.

Shonda Singleton Taylor, Deputy Director, reviewed those slides concerning the 2009-2013 Capital Improvement Projects.

Mr. Taylor announced the public hearing dates for the budget and tax millage.

The City Manager indicated staff would like the fire assessment hearing to be held on September 12, 2008 because the deadline is September 15, 2008. Commissioner Moore wanted staff to assure that Broward County and the School Board are not holding their hearings on September 12 or 15.

Ms. Taylor noted that the 2009 budget may be accessed at Broward County libraries, as well as the City's website.

The City Manager said the Commission requested that a letter be sent to the Broward County School Board regarding the school resource officers in that there was a concern that they were not providing an adequate amount of funding. On June 20, 2008 the Commission received a letter explaining their phasing of a 50% reimbursement over a period of four years. He assumes that the Commission agrees with the plan and it has been included in the budget. Most of the funding comes from drug confiscation monies, but some General Fund monies are applied. The total is approximately \$350,000 from the General Fund. He said that he has been meeting with the various principals and there is no comprehensive substance abuse prevention programs in a coordinated fashion between the City and the school district, and therefore, if the Commission wants to continue with these officers, they thought these officers could provide an educational approach to the problem. They would provide the total number of hours they have from

such positions, and then figure out how to maximize the classroom times. They want to have such educational programs in elementary schools through high schools, otherwise they would lose them in the middle and higher up classes. He further said they could come back before the Commission for some instructional material because there would have to be some training.

In response to Commissioner Moore, Police Captain Salters, said there are no resource officers in the elementary schools; they are assigned in the middle and high schools.

The City Manager explained the officers would be reallocated so that most of their time will be spent in the classroom teaching these programs. There will be an anonymous survey that is scientific in nature, like a S.A.T., with regard to knowledge about drugs and alcohol usage. Over time it is benchmarked to see if programs are working. Nationally the D.A.R.E. program has not made much of an impact. There are newer programs that have had tremendous success in other cities and they would like to try them. If the City Commission is committed, he will make sure there is buy-in from the School Board members and school principals.

In response to Vice Mayor Rodstrom, the City Manager explained the School Board's phased financial participation for 50% funding by the fourth year. Commissioner Moore was concerned with the School Board's 50% participation.

From a pragmatic perspective, the City Manager indicated if there are going to be school resource officers, he preferred this use. When children get involved with drugs or alcohol, the City pays a price. At some point, they could look at whether there is a cheaper way. The programs are anticipated to be 12-16 weeks. In some grade levels there has been focus on only two or three schools. The City should be comprehensive.

Vice Mayor Rodstrom asked about asking for increased funding since the program is going to be stepped up. The City Manager did not think they would treat Fort Lauderdale differently than any other community, but he will ask. There has been a great dialogue with the principals.

Commissioner Moore questioned whether a school resource officer must be a police officer. He was concerned with removing a police officer from the community and placing the officer in a school all day. He was concerned with cost. When the School Board ended summer school, it directly impacted the City budget.

Commissioner Moore commended the Office of Management and Budget on their presentation.

Commissioner Moore felt the fire assessment increase is too much. He believed that fees are more regressive than any other tax form, especially when compared to ad valorem because it is the same regardless of the residence square footage. He did not think the voters would agree with changing the pocket from which the City gets its money.

Commissioner Moore was concerned about the fleet cost of \$600,000. He questioned the police vehicle size and inquired about exploring another method of transportation. The City Manager offered to furnish a report addressing this.

Commissioner Moore admired the City Manager's statement that the fund balance may be too rich in comparison to the 19% national standard. In response to Commissioner Moore, Ms. Love indicated based on the proposal, the fund balance should be \$49 million which is 19%. The City Manager indicated the national standard range is from 5% to 15%. With the current economy, Commissioner Moore suggested evaluating the borrowing of money and not use the reserve. The City Manager offered to provide information on the staff's rationale.

In response to Commissioner Moore, Albert Carbon, Public Works Director, said the Aquatic Complex grandstand is structurally unsound. Temporary repairs have been made, but it needs to be permanently fixed.

With increasing fuel costs, Commissioner Hutchinson wanted to explore purchasing smaller vehicles.

Mayor Naugle commented about the need for safety when a police officer has to travel at a high rate of speed and the need for suspects to be able to get inside without hitting their head, for example. For non-police positions, he agreed with smaller vehicles.

The City Manager indicated that he will include these points in the followup report.

Commissioner Hutchinson complimented the department heads under the Manager's leadership in preparing the budget. The Commission should also be commended.

With respect to the fire assessment, Commissioner Teel commented that people with whom she has spoken like a fee structure because they see where the money is going. The amount is miniscule. It costs the same for someone in a 1,000 square foot home as a 1,500 square foot home. It is a fair fee. She also commended staff on the budget.

Mayor Naugle commented that there are eleven fire stations in the city, excellent response time and well trained employees. He felt it is good value in amount.

Vice Mayor Rodstrom thanked staff for their good work and for the City Manager thinking out of the box. She saw a small decrease in next year's spending but she felt the voters want a larger decrease. She felt revenue increases are mostly based on fee increases. She felt the fire assessment fee is too high; it should be raised in a more progressive manner and not one hit. She referred to bringing the fund balance down to the national standard and agreed with using it for the pension close-out and capital needs. She asked whether financing for purchase of fire trucks is finalized. The City Manager indicated this will be presented to the Commission in September. Kirk Buffington, Director of Procurement Services, added that the competitive solicitations were opened last week for most of that equipment. With respect to the fund balance, the City Manager said the goal was to pick the smartest things to draw down the excess fund balance and stay slightly above the national standard. They hope to accumulate more over the year. This budget is tight; he wanted to be careful about promising any surplus. There is potential for property assessments to decline more. He did not want to use the funds to pay for the fire trucks. In response to Vice Mayor Rodstrom, the City Manager indicated that \$15 million is going into capital improvement and the Commission will discuss financing the fire trucks.

In response Vice Mayor Rodstrom about starting to pay on the total unfunded liability, the City Manager said the annual pension contribution incorporates pay down of the unfunded liability and it will continue on schedule.

Action: Commissioner Moore was concerned about including funds for school resource officers and the School Board's level of contribution to that cost. He wanted to consider borrowing now and maintaining reserves. He was opposed to the fire assessment increase. He wanted assurance that the Aquatic Complex grandstand is safe. Commissioners Hutchinson and Moore wanted to explore having smaller vehicles in the fleet in view of fuel costs. Commissioner Moore wanted to explore other means of transportation. Vice Mayor Rodstrom wanted more reductions including the fire assessment.

I-B – Southside School Project

Albert Carbon, Public Works Director, advised in February, March, 2004 there were two conference items; purchase of associated property, Hardy Park, and a master plan for development. A cost estimate was provided then estimating a cost of about \$8.9 million, excluding property cost. On March 15, 2004 there were a series of resolutions regarding property purchases associated with Southside and Hardy Park. Exhibit 5 provided with this agenda backup materials is a history of all Commission actions since 2004. Most recently on July 17, 2007 and March, 2008, there were updated status reports. The property was purchased for \$4.6 million with County Park, Board of Community Trust Fund and City funds. At the time there were also interlocal agreements and restricted covenants associated with each of the grants. Two cost analyses have been provided; expenditure and funding sides. Currently, expenditures are at \$9.35 million. In 2007 the City decided to move forward with the Southside School portion of the property only, east of the tennis courts between 7th and 9th, including the boundless playground area, Southside School improvements and all utilities necessary for the school. Hurricane Wilma damaged the school roof. The City will be receiving funds from FEMA for roof repairs. As to 2008, excluding Hardy Park, the cost is \$7.1 million to make the improvements to the school, utilities and the boundless playground. With 2007-2008 and 2008-2009 Capital Improvement Program, there is \$4 million in funding. On tonight's agenda there are three items associated with Southside School. Two, M-24 and CR-09, are actually the same item for the exterior portion of the building. The change order includes interior work to help support the roof.

Commissioner Moore asked if the design is the same and the projection is the same, but money is being reappropriated for it to be expended earlier rather than a true change order. Mr. Carbon confirmed that as correct; it was included in the original cost estimate. Although it is a change order, it does not increase the overall project or cost estimate.

Mr. Carbon noted that in 2007-2008 funds for Southside School were designated for future bonds or loans but the City has not moved forward with them. However a reimbursement resolution was adopted February, 2008, allowing the City to reimburse for any loans or money expended. Existing CIP money is being used. When the City moves forward with a loan or bond, it can reimburse itself. The third item on the agenda is Item M-34, for site improvements. Staff has negotiated with Man-Con, a general services contractor for WaterWorks. Eighty-seven percent of the work is associated with unit prices that have been competitively bid with the WaterWorks program. Award is recommended at \$746,000 including the boundless playground.

Mayor Naugle asked the amount of FEMA funding received for this project. Mr. Carbon offered to check and report back.

The City Auditor clarified that out of the \$4 million of 2007-2008 CIP funds, those funds were anticipated to be from an excise tax bond which has not been issued. In reality there is no revenue; it is borrowing that would still have to occur.

Florida Representative Ellen Bogdanoff said that Southside School is important; the State is also contributing to it.

Mayor Naugle asked if there is a chance that the City could receive additional funds for historic preservation. Representative Bogdanoff referred to the budget crisis last year, but that there is a strong push among all members to maintain cultural arts as well as history. She believed that both grants will continue, but the amounts could be less. She pledged to give this her best effort.

David Rose, resident of Tarpon River, said this project goes back a long time. He elaborated upon the objective to add to the park and green space. He understood that Fort Lauderdale downtown has less green space proportionately than most other cities. The Tarpon River neighborhood would like to see this move forward expeditiously.

Vice Mayor Rodstrom asked what is the total project amount. Mr. Carbon referred to Exhibit A, \$12 million includes the park portion, property purchase; \$7.1 million to improve the building and associated elements to make the building functional and boundless playground.

In response to the City Auditor, Mr. Carbon noted in 2007, Southside School and associated improvements only were approved; the Hardy Park portion was to be programmed. In response to Vice Mayor Rodstrom, the City Manager indicated that improvements to Hardy Park are still to be determined. Mr. Carbon noted the park is operating.

Vice Mayor Rodstrom noted in the budget 6.5 new employees for Southside at \$500,000 per year. Phil Thornburg, Parks and Recreation Director, indicated that would be a minimal staff once the building is operational. The assumption is that it will open in July, 2009, therefore next year's budget shows a three-month expenditure.

Vice Mayor Rodstrom asked who is the architect of record. Mr. Carbon advised the architect, R.J. Heisenbottle, was selected in 2006. He is a historical architect with offices in Coral Gables.

In response to Mayor Naugle's previous question, Mr. Carbon advised that total FEMA funding is \$203,000. Vice Mayor Rodstrom noted there is still additional cost associated with the roof repair.

Action: Status report presented. See regular meeting regular meeting agenda items.

**I-C – Mutual Aid Agreement – Traffic Enforcement –
Broward County Sheriff's Office**

Tom Harrington, Acting Assistant Chief of Operations, Police Department, indicated staff would like to move forward with the law enforcement mutual aid agreement for traffic enforcement. This is a cooperative effort between the Broward County Sheriff's Office and the Broward County Chiefs of Police Association.

Colonel Ed Werder, Broward County Sheriff's Office, said that law enforcement has traditionally not taken advantage of all opportunities to work together. He quoted traffic accident statistics. Most agencies have vehicle take-home policies but people tend to know if a police vehicle is out of its jurisdiction. With a mutual effort, the streets of Broward could be made safer. The idea is to provide authority with a mutual aid agreement and allow individual agencies to construct how that authority is used. Then officers can take action if they see something occurring. The program will begin in August.

Colonel Werder explained that Fort Lauderdale would guide their policy using the Sheriff's authority which would be communicated through the Broward Chiefs of Police Association. There would be restrictions with respect to enforcement decided upon by each city. For example, each city would decide whether only marked vehicles would participate in the program. The intention is to make this operational somewhere between 90 and 180 days and then evaluate it. This is an opportunity to expand the enforcement in the future.

Mayor Naugle asked if a Fort Lauderdale officer stopped a vehicle in Weston would the officer go on duty with Fort Lauderdale and would the officer receive overtime. Assistant Police Chief Harrington said the officer would go on the clock, rounded to the nearest quarter hour, but would not constitute the three-hour minimum or a call back. This would be discretionary enforcement. The draft policy would allow a Fort Lauderdale officer to take action on traffic offenses of DUI, reckless driving and careless, aggressive (driving).

Mayor Naugle asked if the officer would go to court and would Fort Lauderdale pay that expense also. He questioned if it would be costly. He asked if an officer would be paid straight or overtime. Assistant Chief Harrington believed officers would be paid overtime.

The City Manager was concerned about costs. He understood if Fort Lauderdale opts out, other participating municipalities can still issue citations in Fort Lauderdale. The question is whether this is worth the risk of the expense.

Vice Mayor Rodstrom asked if the City would be at any disadvantage. Assistant Chief Harrington replied no, except for the cost. It will be possible to track the cost. It could be canceled at any time.

Colonel Werder commented that currently Broward County, through the State of Florida, is contemplating ending the magistrate's program. A great deal of revenue would be lost. The Sheriff is encouraging the Chiefs of Police Association to become involved. The program total cost for Broward County would be about \$237,000, but the generation of revenue is about \$4.4 million. If the program is ended, he did not see an advantage to this proposal. He emphasized there are advantages to everyone in Broward County.

The City Auditor understood that traffic stops are one of the highest risk activities. He asked about liability if a Fort Lauderdale officer is shot during a traffic stop in another city

or if the officer accidentally commit something against someone pulled over. Colonel Werder said the liability would probably fall back onto the City. He was certain that the Sheriff would be part of a lawsuit as well.

Vice Mayor Rodstrom asked if a fee could be imposed on a ticket that would offset the overtime cost. Assistant Chief Harrington indicated by state law if an officer writes a ticket in another jurisdiction, they receive \$2. The City is entitled to 50.8% of the penalty imposed by another jurisdiction within Fort Lauderdale. If there is a forfeiture in a traffic stop in another municipality, there is a 50/50 split with the municipality in which it occurs.

Commissioner Teel felt it is a great idea. She felt the whole tale will be told within the first few months. She was concerned about the City's police manpower hours are somewhat hampered. However, if they are in another city, it is for a reason. She felt it is well worth trying, especially with the ability to opt out at any time.

Colonel Werder said the purpose is to make conditions safer; it is not for superficial violations.

Commissioner Moore was concerned about the cost to go to trial and the overtime. In response to Commissioner Moore, Assistant Police Chief Harrington indicated the time it takes an officer to write the ticket in another jurisdiction is automatic overtime. If the officer is off duty when it is necessary to go to court, it is also overtime. The City Attorney clarified it is not automatic overtime, but automatic on the clock. In order to receive overtime, the officer has to work a certain number of hours.

Commissioner Moore said he could see this getting out of hand, although he admired thinking out of the box. With having the privilege to take home a vehicle, they should be mandated to do this. He wanted to wait until after the first ninety day trial with other entities.

Commissioner Moore asked if they are obligated to begin on August 1. Colonel Werder replied no. The City Manager said staff could come back with a report on their ninety-day report, and then the Commission could decide. Ideally, they would like all participating agencies be present so that it looks like a county-wide cooperative effort.

Commissioner Moore's assumption that this does not address officers that reside in Palm Beach County was confirmed.

Colonel Werder noted that in Margate the officer receives compensatory time.

Commissioner Moore asked about a backup vehicle when a Fort Lauderdale officer is in Weston for example. Assistant Chief Harrington explained radio traffic will occur on the City's radio channel, which has excellent coverage throughout Broward County. The City's dispatcher will contact the Sheriff's Office main dispatch. It is the officer's discretion of whether to request backup.

In response to Vice Mayor Rodstrom, Assistant Chief Harrington said if a Fort Lauderdale officer writes a ticket in Weston, then Weston receives the 50.8% and Fort Lauderdale receives \$2.

The City Attorney indicated he has concerns with the agreement. He was not aware of the contemplated start date of August 1. He recommended the agreement be refined and be brought back to the Commission in September.

In response to the City Manager, Mayor Naugle felt it would be acceptable to send a City representative to the program announcement event because there is a thirty-day cancellation. Mayor Naugle wanted to try the program.

Commissioner Moore was concerned about liability involved, safety of the City's officers out of jurisdictional boundaries. He did not object but wanted to wait for the program's first ninety days and evaluate it.

The City Attorney indicated that the City should know by September what is going to be done with the magistrate program. He believed it may be canceled. Everyone will be required to go to county court that has already indicated they will not specially set times. An officer could spend the entire day in court over a traffic ticket. For county court, Fort Lauderdale officers would have to travel to Hollywood or Pompano Beach.

Colonel Werder reiterated the need for City support to impress upon the County that substantial revenue will be lost. Entities could be given a year to look for another mechanism.

The City Attorney said staff has had a number of meetings with the court system. A number of cities have shown a willingness to pay a portion of the magistrate cost instead of paying it from State funds. The City would still come out ahead if that is done. The court system has set that aside and said they will probably discontinue the magistrate program.

Commissioner Moore said he has heard many times why the City does not want the Sheriff's Office involved in this jurisdiction. He commented about the quality of the City's officers and the training they receive. He did not know how citizens would be treated by other jurisdictions.

Action: This item will be resubmitted in September, 2008. The City Manager was authorized to send a City representative to the program commencement event on August 1, 2008.

I-D – Red Light Camera Enforcement Systems – Traffic Intersections

Action: No objection voiced with the exception of Commissioner Moore who was opposed. Implementation includes: development of an ordinance authorizing the program and establishing guidelines; selecting a vendor by competitive bid; establishing a standard operating procedure – policy; intersection evaluation; public information campaign; equipment installation; and warning notice period.

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 3:09 P.M.

The City Commission shall meet privately pursuant to Florida Statute 768.28(16) regarding evaluation of the following claims:

William Platow – VA GL 06-746

Ethalbert K. Brown v. City – Broward County Circuit Court Case 07-002740(04)

MEETING RECONVENED AT 3:20 P.M.

Note: The Commission recessed and convened as the Community Redevelopment Agency Board of Directors from 3:20 p.m. to 3:47 p.m.

I-E – Proposed Alarm Response Fee Settlements

No discussion.

I-F – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases

No discussion.

I-G – Designation of Commission Member To Attend Broward Leaders Water Academy Workshop

Both Vice Mayor Rodstrom and Commissioner Teel were interested in attending.

Action: By consensus approval, Vice Mayor Rodstrom was designated the City's representative and Commissioner Teel was designated the alternate.

I-H – Beach Equipment Rental Concession

Mayor Naugle felt there appears to be collusion as two bidders submitted the same proposal, therefore, he preferred to rebid and the City also submit a bid, unless the vendor would agree to the minimum proposed at the first bid. Cate McCaffrey, Director of Business Enterprises, noted they have offered two other options. In year one it would be \$255,000 or 25% of gross revenues after taxes. Based on the Boucher Brothers' previous pro forma that estimate is approximately \$297,000 in the first year to the City. The third option offered is a straight 5% of gross revenues after taxes. Based on the first pro forma, it would be approximately \$309,000. The City Manager noted as opposed to the \$442,000 in year one. Mayor Naugle said without the \$442,000, he preferred the City bid it.

At Commissioner Moore's request, the City Manager and Ms. McCaffrey reviewed the history of this matter.

The City Manager questioned whether there is a willingness to honor the original proposal by Boucher Brothers which committed \$442,000 the first year, \$456,000 the second year and \$457,000 the third year, however at this time they are proposing less. He explained why staff feels more comfortable with this proposal than the current one. Commissioner Moore concluded they are now offering \$255,000 instead of \$442,000.

George Platt, representing the joint venture that was formed. He explained why the Perry brothers joined with the Bouchers. He explained that they understood the City was more interested in guarantees and quality of service because of the way the new

RFP was structured. The City Manager and staff indicated they were more concerned about upgrading the quality of service and less concerned about the money. Upgrading the service requires a \$300,000 to \$350,000 capital investment. He elaborated upon discussions with staff on increasing the revenue. It comes to about \$1.2 million to the City with no exposure or risk.

The City Manager indicated that the RFP specifically excluded beverage service therefore the \$1.2 million is not a fair comparison. Also both original proposers promised five-star service and there is no indication anything has changed, thus it is an equal level of service with less money. Discussion concerning the guaranteed revenue continued.

The City Manager questioned if the joint venture is willing to make good on the original Boucher Brothers proposal which is a guarantee of \$250,000 plus 8%. Ms. McCaffrey indicated that also included 25% for amenities. Jim Boucher explained they were asked by the Selection Committee if they were amenable to offering 25% of the amenity charges. He misconstrued it as going into a divisioning process. He thought there could be the possibility of discussing the hydration and skin care amenities. Discussion concerning guaranteed revenue continued.

As to whether they would agree to the original proposal, Mr. Boucher said they would have to review it and evaluate other contracts, such as Miami Beach and Virginia Beach. with that question in mind. The City Manager said the City assumed that when this was proposed in the first round that such matters were evaluated.

Mayor Naugle suggested discussions be held before the evening meeting.

Vice Mayor Rodstrom asked originally who of the two responders was bringing the most revenue to the City. The City Auditor indicated there is no answer because there was no real comparison with a likely revenue stream. There is now information provided by the Boucher Brothers which attempts to do that. Using the 8% figure, excluding the amenities, there was no point where the Boucher Brothers' bid caught up to Beached Management because of the guarantee being so much larger. With the inclusion of the amenities, Boucher Brothers catches up.

The City Manager noted that the service levels in the first and second rounds of proposals are equal, but the money is less, therefore he is concerned about the process.

Mayor Naugle indicated discussion on this matter would resume at the regular meeting.

Action: See regular meeting walk-on item.

II-A – Sidewalk Repair Policy

Mayor Naugle noted there are only three incidents in the information provided that relate to sidewalks being in disrepair; the remainder have nothing to do with sidewalk repair. In a five-year period the City paid \$150,000 for uneven sidewalks. Sidewalk replacement will cost \$800,000 a year. If property owners are no longer responsible, he questioned if there would be more damages. Communities that claim to pay for sidewalks are new and the sidewalks have not yet worn out. Fort Lauderdale will be one hundred years old soon. He did not see how the City could budget \$800,000 a year for this.

Vice Mayor Rodstrom felt it is a great idea, but it is bad timing.

Commissioner Teel pointed out that everyone agrees sidewalks should be safe, but the City does not have an inspection procedure. She commented about an uneven sidewalk at Federal Highway and 62 Street.

Mayor Naugle suggested budgeting for temporary repairs while a letter is sent out for the sidewalk replacement.

Commissioner Teel felt the City should be more aggressive with property owners; perhaps a joint venture. She felt relieving the property owner completely is opening a can of worms.

Vice Mayor Rodstrom liked the idea of an inspection procedure.

The City Manager offered to work on a policy over the summer.

Commissioner Moore felt there should be an appropriation greater than the City has had for sidewalks. There are children walking in the street on their way to school. Tree roots are breaking sidewalks. He was not certain who is responsible when the City has placed a tree in the swale and the roots tear up the sidewalk. Perhaps \$800,000 is not an appropriate amount, but it is an opportunity for infrastructure improvement. It is public safety to maintain the sidewalk just as it is for a roadway.

The City Manager asked about allotting a certain amount each year in the Capital Improvement Plan for installation of sidewalks in areas where none exist so that issue could be addressed. As to the City taking responsibility for maintenance, no one knows how the cost could escalate. At a time when the City is dealing with shaving back services, this is a major expansion of services. There could possibly be a phasing program for the installation of sidewalks where none exist. Commissioner Moore felt the appropriation should be for new sidewalks and repair of sidewalks.

Mayor Naugle said the reason that sidewalks are different than streets goes to the origin of the sidewalks. Developers paid for sidewalks originally in some neighborhoods but in others where sidewalks were not installed, they charged less for the houses. Funds have been budgeted for sidewalks on streets where none existed and were near schools. Sidewalks have been optional and in some cases people do not want them. He did not see a problem with continuing to write demand letters when sidewalks need to be replaced. The City of Hollywood has a payment program with the water bill.

Commissioner Moore disagreed; it is a standard of quality of life.

Commissioner Hutchinson believed the City needs to allocate some funding for some maintenance of sidewalks. It is disheartening when a resident can e-mail the City about a sidewalk on the beach and it is addressed, there is one on East Broward Boulevard by a crosswalk across from a school that has been in disrepair and all that is done about it is argue. There are sidewalks in total disrepair in the older districts. Children walk along some of the bigger highways on their way to school. The City needs to take some responsibility. She is not looking to add sidewalks but clean up existing one. She did not agree with sending out demand letters insinuating an individual has broken the

sidewalk. She noted the number of utilities that are breaking things and parking on sidewalks. She suggested a 50/50 sharing.

Mayor Naugle noted when a utility damages a sidewalk, the City required they fix it. If the taxpayers pay for repairs, there will not be as much concern. Commissioner Hutchinson contended by the time Code Enforcement gets to the site, no one knows who damaged the sidewalk but the property owner is not given the benefit of the doubt. She felt the City needs some sort of structure.

Peter Partington, City Engineer, indicated in the area cited by Commissioner Hutchinson, the City is holding the property owner responsible. The process could be time consuming.

Commissioner Hutchinson agreed that \$800,000 is a large amount, but there needs to be some funding; perhaps \$250,000. The City Manager said that a proposal has been submitted to the Capital Improvement Program (CIP) (process). There is \$500,000 in the CIP with the thinking that is all that could be expended in the new fiscal year. In September the Commission can consider this funding. He reiterated the first full year will be \$800,000 and it is expected to escalate as people become aware.

Mayor Naugle referred to Hollywood's program and suggested looking into 50% for homesteaded properties and other properties would pay 100%, although he was not certain he could support it.

Commissioner Moore wanted a caveat to appropriate funds for sidewalks where children walk to school.

The City Manager offered to also look at locations where sidewalks should be installed. Commissioner Moore noted one location is 27 Avenue from Dillard School.

Commissioner Teel reiterated the need for a policy or procedure for inspecting sidewalks and identifying critical areas. The City Manager indicated staff could also look at staffing for regular inspections.

In response to Commissioner Hutchinson and Vice Mayor Rodstrom, Albert Carbon, Public Works Director, believed a portion of the gas tax could be used, but at present the City is falling behind on annual street maintenance program due to lack of funds.

Mayor Naugle anticipated gas tax revenue will decrease with fuel costs.

Action: The City Manager will provide a report in September for Commission consideration during the Capital Improvement Program process. Commissioner Hutchinson suggested a minimum of \$250,000 funding. Commissioner Teel and Vice Mayor Rodstrom requested exploration of a regular inspection program. Mayor Naugle requested exploration of a program whereby the City would pay 50% for sidewalk replacement of homesteaded properties and other properties would pay 100%. Commissioner Moore wanted inclusion of all areas where children walk to school and mentioned one location at 27 Avenue from Dillard High School.

II-B – Bridges Under City Jurisdiction

No discussion.

II-C – Educational Program For Special Election – Charter Amendments – November 4, 2008

No discussion.

II-D – Audit Report – Community Redevelopment Agency – Beach – Retroactive Application of 2006 Broward County Property Appraiser Increase To Taxable Value of Properties in City's CRA

The City Auditor said this has two parts. The first is the audit report. The second part is an item that came up following inquiry during the audit. In 2006, Broward County Property Appraiser notified the City they were entitled to additional revenue from other taxing authorities within the county. They did not count a lot of the new condominiums built for all the individual units. The City received a one-time bump in revenue and it will be included going forward. However, when the line of inquiry was continued staff realized the properties were on the tax rolls for four years prior to that point in time as well. Taxes were collected and remitted to the other taxing districts but not the City. There is money due to the City; it could be \$6 million from the other taxing districts. It was discussed with the City Attorney's Office. There is a difference between what is owed and what can be collected. The consequence is that the City would have to pay its General Fund contribution to match it. Commission direction is being sought.

The City Manager indicated that they have refused to go back. The City's request could be reinforced. If they agree to go back, the City will have to contribute money from the General Fund.

Vice Mayor Rodstrom wondered why this was not caught before. The City Auditor said it is something the City should have done. In fairness to the Finance Department, it is a difficult thing. His staff compared each parcel in the City's GIS database with the Property Appraiser's information. The Finance Department should probably be doing this periodically. It would be labor intensive to do it all the time. In response to Vice Mayor Rodstrom, the City Auditor indicated it would be appropriate for the CRA Director to be involved.

In response to Vice Mayor Rodstrom's comment about the number of CRA directors since 2006, the City Auditor said this was caused by the Property Appraiser's Office. Mayor Naugle felt the City cannot do everyone's job. The Property Appraiser is elected to do this.

In further response to Vice Mayor Rodstrom, the City Auditor indicated the Appraiser's system does not allow them to code a property as part of the CRA. They submit a recap and the City has to certify its correctness. Verifying the accuracy is very labor intensive.

In response to Mayor Naugle, the City Attorney said the City's chances of collecting are not good. Everyone has the same problem. The Appraiser failed to put parcels on the CRA agenda. They sent the bill to the County and the County paid the City. The statute of limitations is three years. The City was notified by the Appraiser in November, 2006. The likelihood is that the City could capture one year. The City could sue, but whether

the City would be successful is a flip of the coin. Vice Mayor Rodstrom asked if staff now has a corrective process in place. The City Attorney was not aware of there being a process; it is essentially re-doing the Appraiser's job.

Mayor Naugle suggested a sampling. The City Attorney concurred.

Vice Mayor Rodstrom asked how much money will the City continue to leave on the table. The City Auditor indicated that the \$6 million is over the three year period. The City Attorney recalled there being \$2-3 million and the City would have to transfer \$900,000 to \$1 million from the General Fund to the CRA Fund. The City Auditor noted the money could be taken from the reserve. The City Auditor said for 2005, it is \$3.5 million of which the City's contribution would be \$1 million.

Mayor Naugle thought the demand could be that the City has been shorted for four years, some amount should be offered as a settlement. Assessments in 2006 were high.

The City Auditor said one new procedure would help; make sure that all new properties are traced back to the Appraiser's database. Because this occurred when a number of properties were redeveloped and went from a single use to a 300-unit condominium.

Commissioner Moore felt it should be done regardless of whether \$1 million has to be taken out of the fund. Also, he felt it should be discussed in a closed door because the City may have to sue.

Action: See minutes for detail.

III-B – Board and Committee Vacancies

Audit Advisory Board

Action: No Formal Action Taken.

Beach Business Improvement District Advisory Committee

Action: No Formal Action Taken.

Cemeteries Board of Trustees

Action: No Formal Action Taken.

Centennial Celebration Committee

Action: No Formal Action Taken.

Code Enforcement Board

Action: No Formal Action Taken.

Community Appearance Board

Action: No Formal Action Taken.

Community Services Board

Commissioner Moore recommends that Janice Hayes be appointed to the Community Services Board.

Action: Formal Action To Be Taken At Regular Meeting.

Education Advisory Board

Commissioner Moore recommends that Ed Parke, Edna Elijah, and Gloria Barr Jackson be appointed to the Education Advisory 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.

Nuisance Abatement Board

Action: No Formal Action Taken.

Utility Advisory Committee

Action: No Formal Action Taken.

IV – City Commission Reports

Intersection of Oakland Park Boulevard and Federal Highway

Commissioner Teel felt the intersection of Oakland Park Boulevard and Federal Highway is probably one of the worst in the county. She noted the accident statistics for that intersections is at the top of the chart. She spoke with District Secretary Wolfe, who was very unsympathetic. Mr. Wolfe was not interested in acquiring property because he thought the property was too expensive. She felt there needs to be eastbound and westbound dedicated right turn lanes. People now who do not make the turn clog the intersection. She wanted to send a letter to Mr. Wolfe to urge his serious consideration.

Mayor Naugle asked about inviting the appropriate senator or representative to a Commission meeting to discuss this. He added that the City of Oakland Park might be helpful.

Commissioner Moore said that the Florida Department of Transportation (FDOT) does not care about the desires of municipal government. They have too much of a budget and now they are trying to give it away. He elaborated upon decisions made concerning Interstate 95 and the HOV lanes and that issues were raised by the Metropolitan Planning Organization, but not heeded. FDOT does not listen to the people. The only recourse to expenditures on projects is veto power of the governor.

Action: There was a consensus to invite the appropriate state senator and representative as well District Secretary Wolfe to a Commission conference meeting to assist in getting traffic flow improvements to the intersection of Oakland Park Boulevard and Federal Highway.

Annie Beck House; relocation to Middle River Terrace Park

Vice Mayor Rodstrom announced that the Annie Beck house is scheduled tentatively to be moved in August to Middle River Terrace Park.

Night Out Against Crime

Commissioner Hutchinson announced that Night Out Against Crime will take place at Holiday Park on August 5, 2008. The Commission has been invited to attend.

Community Redevelopment Agency

Commissioner Moore felt Community Redevelopment Agency matters should be discussed in the same fashion as Commission Reports. Mayor Naugle felt there could be a general discussion at the end of the CRA agenda.

Action: At Commissioner Moore's request, there was no objection to there being a general discussion at the end of Community Redevelopment Agency Board of Directors' meetings similar to commission reports at conference meeting.

V – City Manager Reports

St. Regis Hotel

The City Manager said the City is disappointed to hear about the St. Regis terminating its agreement with the owner. The owner is close to finalizing a deal with another hotel chain with whom he felt the City would be proud.

There being no further business to come before the Commission, the meeting was adjourned at approximately 4:48 p. m.