

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
NOVEMBER 4, 2008**

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CITY COMMISSION CONFERENCE MEETING 1:30 P.M. NOVEMBER 4, 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. Patrick Hart

Resignation of Commissioner Moore

Vice Mayor Rodstrom noted the City Attorney's Office has indicated that Commissioner Moore's resignation is effective at close of business today. She contacted five other attorneys and received opinions that it is 12:01, the fourth. One said it is effective at the first instant. She believed there is a potential for litigation with any decision made by the Commission today. One option would be to defer the entire meeting to another date. Another option would be for Commissioner Moore to honor his resignation.

Commissioner Moore indicated he would honor his resignation at the end of this meeting.

Mayor Naugle pointed out that no official action is being taken at this conference meeting. At the regular meeting, the Commission might consider giving people the option of deferring their item if they are concerned about a potential future challenge.

In response to Commissioner Teel, the City Attorney noted he has indicated as far back as June that the vacancy is artificial created by the resign to run law. The current commission can fill the vacancy prior to when it actually becomes vacant. As far back as June, Commissioner Moore indicated his intention to be seated that day.

Vice Mayor Rodstrom pointed out that indication is not contained in the document. The City Attorney indicated that in order to craft a remedy one must look at the intent of the statute and the intent of the maker of the resignation. The intent was to be here on the fourth to vote. The only way to read the intent with everything that occurred in the minutes was that it was at the close of the Commission's business and that is at the end of the meeting.

Mayor Naugle saw two questions: the items on this evening's agenda and selection of a replacement. The charter clearly indicates filling of the vacancy is done by the remaining members of the Commission.

Vice Mayor Rodstrom pointed out that the resignation could have been November 5 and Commissioner Moore could have attended the meeting and been perfectly legal. She felt the Commission is being put in harm's way as it is. If it was to be effective at the end of the business day, it should have so stated in the letter. The City Attorney indicated that he has addressed this question on a number of times in context with what the Commission has done in the past and comments that Commissioner Moore has made. The letter is not a model of clarity. However it is clear when read in pari materia with the

rest of the information available and official minutes of the Commission that Commissioner Moore resigned on that day and intended to sit on that day. Vice Mayor Rodstrom thought that the letter not being a model of clarity could in itself open the Commission to potential problems. The City Attorney disagreed.

Mayor Naugle indicated he will give people with items on this evening's agenda the option of deferral and he felt the Commission should honor any such requests.

I-A – Winterfest Boat Parade – GAP Funding – Winterfest, Inc. – In-Kind For The Provision of City Services

Phil Thornburg, Parks and Recreation Director, indicated there is an estimated City expense of \$38,000 for the upcoming Winterfest. Staff is hopeful the actual amount will be less; \$38,000 is probably the worst case. Winterfest budgeted \$28,000 and consequently there is a \$10,000 funding gap. Last year an additional \$4,000 was collected in parking revenue.

Lisa Scott Browns, representing Winterfest, Inc., said bringing the parade downtown was beneficial economically. Winterfest has agreed to cover all costs for police and emergency units that have been done in the past. Winterfest is not-for-profit. The City is a partner. Winterfest is trying not to exceed its budget and is looking to put a cap on these expenses.

Ina Lee indicated she is the founder of Winterfest. She commented how Winterfest contributed to transformation of the City's image into a world class destination. Winterfest has been self-sustaining for years. She supported assistance from the City in the Winterfest budget.

Ms. Browns noted previously the event received grant funding in the amount of \$10,000 but there is no longer any mechanism of this nature.

In response to Commissioner Teel, the City Manager indicated this was not included in the budget. Commissioner Teel felt it should be programmed into the budget for the future so that it is expected.

Commissioner Moore supported the request, but asked about the decision to bring the event downtown. Ms. Browns indicated it was moved in order to bring the event to more people. In response to Commissioner Moore's question concerning funding from the Downtown Development Authority, Ms. Browns indicated a request was not made because they did not know how many boats would pass by Huizenga Plaza.

Commissioner Moore suggested offering a minimum of \$5,000 and a maximum of \$10,000 and request that Winterfest seek a financial contribution from the Downtown Development Authority because the downtown businesses benefit tremendously.

Mayor Naugle pointed out if funding for City services is provided for one organization others will seek the same consideration. He referred to the parking revenue generated from this event. He wanted it approved with the goal of the City Manager working toward parking revenues covering the amount.

Commissioner Moore asked about a special event parking rate. John Hoelzle, Director of Parking and Fleet Services, indicated the maximum that can be charged for special

events is \$10. He outlined parking areas where the special event rate was charged last year.

The City Auditor advised that it is inappropriate to divert parking system revenues for public events. Mayor Naugle commented that it has been allowed in the past. The City Auditor explained that the parking system fee structure is to recover the cost of providing parking services and not to offset General Fund activities.

The City Attorney recalled one instance having to do with lifeguards, which was a service for the beach and that was the connection. Mayor Naugle asked about the air and sea show. The City Attorney indicated the City leased the parking lot and they paid a special rate for the parking lot. In response to Mayor Naugle's question about the Museum of Art, the City Attorney did not recall. Mr. Thornburg said there was a provision in the air and sea show contract for parking. This is not a cost offset, but rather that this is the cost to put on the event. The only difference reflected is that between any Saturday night and the Saturday of the event.

The City Manager pointed out that the question is whether the Commission is supportive of increasing the rate to \$10. In response to Vice Mayor Rodstrom, the City Manager indicated that increase will not cover the gap. Ms. Browns indicated the extent of the event's success does not have a bearing on the police cost. She went on to point out that fire is requesting time and a half, which has not been done in the past. The police may eventually have a problem with that in the future.

The City Manager clarified that last year the City charged the \$10 rate, but the previous year it was not charged. Therefore the \$10,000 gap will not shrink if the \$10 rate is charged again.

The City Manager indicated that staff could, after-the-fact, determine if the \$10,000 gap could be offset if the Commission wishes.

Commissioner Hutchinson wanted to make sure that no one group is getting time and a half. Mayor Naugle explained a detail is on a volunteer basis; the individual is paid by the event coordinator, not the City. If the employee was being paid by the City, it might involve time and a half.

Vice Mayor Rodstrom appreciated the event being moved downtown and felt it is important to have a free enjoyable event for people in view of the current economy.

Mr. Thornburg noted that the special event agreement is on tonight's agenda.

Action: There was consensus approval to increase special event parking fee to \$10. There was consensus approval for a minimum of \$5,000 and up to \$10,000 in-kind, with efforts to try to bring in additional revenue. Winterfest, Inc. is to request a contribution from the Downtown Development Authority of \$5,000.

I-B - Request of Humanity Project, Inc. for \$2,400 Donation – Thousand Child March for Humanity – In Kind for the Provision of City Services

Bob Knotts, representing Humanity Project, Inc., commented on the uniqueness of this project. The cause is to stop violence in schools. He recognized the City faces financial constraints. If even one incident of violence is stopped, the cost for a police or fire

rescue response could easily be more than the \$2,400 being requested. Humanity Project did not anticipate the financial meltdown unprecedented since the Great Depression. Without this help, they may have to cancel the event. He introduced two students to speak.

Stephen Johnson, Coral Springs Charter School, spoke about bullying, the violent and emotional impacts and urged the City's support.

Allie Callahan, Piper High School, also spoke about bullying, the violent and emotional impacts and urged the City's support.

In response to Commissioner Teel, Mr. Knotts advised that the School Board is assisting by furnishing buses, but Broward County is not assisting. Although the Humanity Project offices are in Dania Beach, they are not contributing because the march is planned for Fort Lauderdale as it is the center of Broward County.

In response to Mayor Naugle, Mr. Knotts indicated a variety of schools throughout the county are participating, but he does not yet have a definitive list.

In response to Vice Mayor Rodstrom, Mr. Knotts was uncertain whether Broward County has been approached with respect to a contribution. He understood that all avenues have been pursued.

The City Manager commented about worthy events and the potential for organizations to seek event funding from the City. Mayor Naugle commented about the demand being endless.

Mr. Knotts pointed out that this has not been done before in the United States; there will be national media coverage.

Vice Mayor Rodstrom felt because it is a countywide school system, Broward County should participate and they should be asked. Mr. Knotts explained that the City was approached because of the event's need for police and fire coverage.

Commissioner Moore suggested a contribution of \$500. He suggested they approach other municipalities and the County. He agreed with the City Manager.

Commissioner Teel felt it is important for the County and the school system to be approached and perhaps the tourist board.

In response to Commissioner Teel, Phil Thornburg, Director of Parks and Recreation, indicated \$2,400 is accurate for police and fire coverage.

Commissioner Teel agreed with a \$500 contribution. She felt that other municipalities should also contribute as well as Broward County.

Vice Mayor Rodstrom wanted a policy developed so that the Commission does not have to say no. Commissioner Moore noted there is a policy; the process is through the Community Services Board. Mayor Naugle pointed out that requests are scheduled on an agenda by a commissioner request. Commissioner Moore felt the City Manager should always direct requesters to the Community Services Board.

Commissioner Teel asked the circumstances around this item being scheduled on the agenda. Commissioner Hutchinson explained she received an email (from Mr. Knotts), indicating that staff had informed him that it could be placed on the agenda by a commissioner. She sent it to an assistant city manager but she did not request it. She thought that she was approached as Huizenga Plaza is in her district. Mr. Thornburg had no knowledge of whether staff gave Humanity Project an indication of how to get the item on an agenda.

Commissioner Hutchinson felt requests should come forward during the budget process. Moore felt all requests should be channeled through the Community Services Board. The City Manager indicated if he does not receive three requests for an item to be placed on an agenda, he will not schedule it. Commissioner Moore reiterated his request to use the process of the Community Services Board and then through the budget process. The City Manager explained there are occasions for the unexpected and some degree of flexibility is the reason for his suggestion.

Action: There was consensus approval for \$500. There was consensus approval that funding requests should be referred to follow the established annual budget review process involving the Community Services Board unless there are requests from three or more members of the Commission, funding requests will not be scheduled on future agendas.

I-C - State Road 7 Partnership

Commissioner Moore indicated the South Florida Regional Planning Council and municipalities within State Road 7's jurisdictional boundaries have decided they want State Road 7 to be a transit oriented roadway. They have requested a designee and alternate to monitor the process. The meeting will be in December. Mayor Naugle noted that State Road 7 is in three commission districts.

In response to Commissioner Teel, Eric Silva, Planning and Zoning Department, indicated the document (agreement) is brought forward every year so that municipalities understand the mission. He doubted there has been very much change to it since it began. The fee is new since cuts to the Regional Planning Council. It is a voluntary contribution. They meet every three months.

Commissioner Teel offered to serve as the City's representative and Commissioner Hutchinson offered to serve as the alternate.

Action: Commissioner Teel was designated as the City's representative and Commissioner Hutchinson will continue as alternate. There was no consensus for a monetary contribution.

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 2:25 P.M.

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

**Leonard Ackley - Case 07-60960-CIV-COHN
Thomas Carbone - WC-95-8226 and WC-05-12609
Theresa Dannenhaur - WC-02-11538**

MEETING RECONVENED AT 2:45 P.M.

III-B - Board and Committee Vacancies

Affordable Housing Advisory Committee

Commissioner Teel recommended Patricia Hale to the Affordable Housing Advisory Committee.

Action: Formal Action To Be Taken At Regular Meeting.
Audit Advisory Board

Action: No Formal Action Taken.

Cemetery System Board of Trustees

Action: No Formal Action Taken.

Citizens Police Review Board

Vice Mayor Rodstrom recommended Adriane P. Reese to the Citizens Police Review 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

Action: No Formal Action Taken.

Education Advisory Board

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 Board

Commissioner Moore recommended Ella Phillips and Mickey Hinton to the Northwest Progresso Flagler-Heights Redevelopment Board.

Action: Formal Action To Be Taken At Regular Meeting.

Nuisance Abatement Board

Action: No Formal Action Taken.

Parks, Recreation and Beaches Board

Action: No Formal Action To Be Taken.

Planning and Zoning Board

Commissioner Moore recommends that Pamela A. Adams be appointed to the Planning and Zoning Board.

Action: Formal Action To Be Taken At Regular Meeting.

Unsafe Structures and Housing Appeals Board

Action: No Formal Action Taken.

Utility Advisory Committee

Commissioner Teel understood that some members of the Utility Advisory Committee have been notified of their term limits. Many of them feel it would be a loss of brainpower if they could not continue. In response to Commissioner Teel and whether these appointments could be handled as the Insurance Advisory Board, the City Attorney indicated the Commission practice has been for new appointments to not be made so that existing members could continue to serve in spite of a term limit. However he wanted to check the enabling legislation.

Commissioner Teel referred to the City Clerk's memorandum concerning reducing the quorum requirement for some boards. The City Clerk indicated the memorandum was in response to Vice Mayor Rodstrom; it is the Commission's discretion of whether to pursue.

Commissioner Teel commented about some boards having as many as twenty-five members.

IV - City Commission Reports

Boat Show

Vice Mayor Rodstrom said the Boat Show was held over the weekend and it was well attended.

New Police Street Crimes Unit

Vice Mayor Rodstrom also appreciated the newly created police street crimes unit.

Thanks to Commissioner Moore

Commissioner Hutchinson thanked Commissioner Moore for his service of twenty years.

V – City Manager Reports

None.

There being no further business to come before the Commission, the meeting was adjourned at approximately 2:52 p. m.