

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING  
DATE FEBRUARY 17, 2009**

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**CITY COMMISSION CONFERENCE MEETING 1:30 P.M. FEBRUARY 17, 2009**

Present: Mayor Naugle  
Commissioners Teel and Lewis, and Vice Mayor Rodstrom

Absent: Commissioner Hutchinson

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

**I-A – Citizens Committee of Recognition – 2009 Recommendations – Distinguished Citizen, Citizen of the Year, Honored Founder, Exemplary Former City Employee**

Genia Ellis, Chair, Citizens Committee of Recognition, announced the committee's recommendations and noted the recognition is proposed for April 21, 2009.

Commissioner Hutchinson asked about restructuring of the committee previously discussed. Ms. Ellis indicated that the committee will submit a letter making the request and they plan to meet with the new Commission. They are requesting three consensus appointments.

**I-B – Homeless Feedings in Stranahan Park – Legal Options**

The City Attorney noted the Commission's direction for his office to explore available options. He also noted current park rules and associated litigation where the City lost, which he elaborated upon. They looked for a compelling governmental interest and could not find anything relating to the park rangers or police that could justify any prohibition of feeding in the park. In regard to Mayor Naugle's suggestion of the heliport, it may be an option especially in the downtown. If a specific place is designated, the City would have to provide facilities and it must be ADA compliant. He recommended staff be requested to determine the cost for water facilities and to make the site ADA compliant. With such a designation, there could be a prohibition in the downtown parks.

Mayor Naugle thought it could be done on a temporary basis with modular facilities. The City Attorney indicated if there are plans to designate the site to fill the need, there should be plans to make it permanent. If there are no such plans, the temporary may be questioned and he could not say if it would stand the muster. Mayor Naugle suggested a one-year trial basis. The City Attorney could not say if it would stand up.

Vice Mayor Rodstrom referred to her previous suggestion of the south side of the City's parking garage which is already ADA compliant. She believed the situation will only get worse. The City Attorney explained if the area is designated, it has to be available for that purpose and lost parking revenue should be considered. Diana Alarcon, Director of Parking and Fleet Services, explained the mechanic and technicians operate out of the office at that location seven days a week. There are five trucks. Vice Mayor Rodstrom commented about features of this site that would be suitable for this purpose. She

asked that this site be considered along with the heliport. She felt the City should look for a long-range solution.

Mayor Naugle opened the floor for public comment.

Patricia Mayo said she is homeless. She did not believe that the homeless would actually move away from the library unless job hunting facilities, for example, are provided. Otherwise, there will be some 100-150 people with nothing to do, waiting and making trouble. The feedings are not scheduled at specific times.

Gary McClellan said he is the janitor for the Fort Lauderdale Women's Club. The homeless go from one feeding place to another. There is urination all over the side of the building; it is killing the trees. While the feeding is not the whole problem, it is a big part of it. Some direction to people bringing the food is needed.

Genia Ellis, Fort Lauderdale Women's Club, commended the Police Department's homeless outreach officers. A designated location needs to be provided. The club's objective is not to stop the services, but a compromise is needed.

Reverend David Stevens said he is a retired Methodist minister from West Virginia. He provides a feeding at the location being discussed every Tuesday and Sunday at noon. He commented about lack of cooperation. He cautioned against moving the site too far. He hoped the City would do something for the homeless.

Mayor Naugle closed the floor for public comment.

Commissioner Hutchinson agreed with the heliport suggestion, but wanted to see some options. She pointed out that Broward County and state are supposed to deal with homelessness but it is falling into the City's lap because of budget cuts. She referred to the legal implications and commended the City Attorney's Office for their public explanation. She felt people will go to where they will be fed. She also felt it will get worse because of the economy.

Mayor Naugle noted temporary modulars would allow it to be moved.

Commissioner Hutchinson emphasized this must be viewed citywide. Mayor Naugle felt by having a facility next to city hall, it would always be at the forefront of both the City and the County.

Vice Mayor Rodstrom wanted to add fifty or some number of beds to the Homeless Assistance Center. She asked that a written request to raise the limit be sent to the center. She wanted to know if they are turning people away. The City Manager will consult the center and report back.

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

No discussion.

**II-A – Restoration of Intersections: (1) Bayview Drive and NE 32 Street, and (2) Bayview Drive and NE 49 Street – Emergency Purchase**

Commissioner Teel complimented those involved in this work.

**II-B – Utility Billing Summary**

Michael Kinneer, Director of Finance, compared this information with data from 2007 and 2006. Mayor Naugle was surprised that there were not more turn-offs.

The City Attorney pointed out that the City cannot go after the landlord until the water is turned off, if it is rented out and the account is in the tenant's name.

**EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 2 P.M.**

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

**Astaldi Construction Corporation vs. City of Fort Lauderdale  
Cases 05-016138(19) and 08-029113(03)**

**Kathleen Dellafera – Case VA GL 05-660**

**MEETING RECONVENED AT 2:30 P.M.****III-B – Board and Committee Vacancies**

Affordable Housing Advisory Committee – no appointments at this meeting

Audit Advisory Board – no appointments at this meeting

Aviation Advisory Board – no appointments at this meeting

Beach Redevelopment Board – no appointments at this meeting

Cemetery System Board of Trustees

Vice Mayor Rodstrom recommended Susan Telli and Vicki Mowrey be reappointed to the Cemetery System Board of Trustees.

Citizens Police Review Board

Mayor Naugle recommended George P. Trodella to the Citizens Police Review Board.

Code Enforcement Board – no appointments at this meeting

Community Appearance Board

Commissioner Teel recommended Barbara A. Van Voast to the Community Appearance Board.

Vice Mayor Rodstrom recommended Charles "Chip" Burpee be reappointed to the Community Appearance Board.

Community Services Board – no appointments at this meeting

Economic Development Advisory Board – no appointments at this meeting

Education Advisory Board – no appointments at this meeting

Fire-Rescue Facilities Bond Issue Blue Ribbon Committee – no appointments at this meeting

Insurance Advisory Board – no appointments at this meeting

Marine Advisory Board – no appointments at this meeting

Nuisance Abatement Board – no appointments at this meeting

Board of Trustees of the Police and Firefighters Retirement System – no appointments at this meeting

Unsafe Structures and Housing Appeals Board

Mayor Naugle suggested a consensus appointment of Michael Weymouth (real estate) to the Unsafe Structure and Housing Appeals Board.

Utility Advisory Committee – no appointments at this meeting

#### **IV – City Commission Reports**

##### Landscaping; State Road 84

Commissioner Hutchinson commented that the Department of Transportation contractor for landscaping of State Road 84 dropped the ball, therefore it all must be replaced. She believed that the Public Works Director is tending to this, but it is something that is unfinished. Before the City assumes the maintenance, the Public Works and Parks and Recreation directors will have to sign-off.

##### District III neighborhood improvement grants

Commissioner Lewis referred to pending community grants to make sure they are completed. Some are three to four years old. Promises were made.

##### Davie Boulevard

Vice Mayor Rodstrom remarked on the beauty of the Davie Boulevard completed project.

##### Citizens Volunteer Corps Projects

Vice Mayor Rodstrom announced upcoming CVC projects.

Budget Advisory Board

Vice Mayor Rodstrom asked about reestablishing the Budget Advisory Board. Mayor Naugle commented about the associated cost to staff the board. Vice Mayor Rodstrom referred to the September, 2008 minutes, where there was discussion about a budget review. The minutes show that Mayor Naugle suggested the review be scheduled at a conference meeting and that Commissioner Hutchinson had agreed. She asked about obtaining information from the Property Appraiser's Office. The City Manager did not believe there are any numbers yet; speculation is a swing of 10% to 15%.

Vice Mayor Rodstrom commented that Broward County Commission began their workshops today and she questioned why the City is not doing anything.

Dock waiver application; William E. Brantmeyer; 852 NE 20 Avenue; Regular Meeting Agenda Item PH-03

Vice Mayor Rodstrom asked by the Brantmeyer dock waiver application is being deferred this evening. The City Manager said there were two requirements. One was an advertisement which was done and another was to notify property owners within 300 feet of the subject site, which was not done. The item will be on the next meeting agenda (March 3, 2009).

In further response to Vice Mayor Rodstrom, Cate McCaffrey, Director of Business Enterprises, indicated the initial application to the Marine Advisory Board was over a year ago.

Budget

Vice Mayor Rodstrom thought there was consensus and asked if it will be possible to discuss the budget amongst this Commission. Commissioner Hutchinson and Mayor Naugle wanted to defer to the incoming Commission.

Vice Mayor Rodstrom was concerned with the City Manager's budget process. She understood that the Manager will be meeting with the new Commission individually to see what they want. She questioned if the City would be budgeting to the wants or give the wants to what money is in the bank. The City Manager indicated that he would follow the direction of the new Commission. Vice Mayor Rodstrom questioned allowing the Commission to decide how much to spend based upon the fact that they may not know the amount. The City Manager indicated once the new Commission is seated, he will have discussions with them to get a sense of their priorities and their will for the future.

A-1-A Improvements (Lauderdale-By-The-Sea boundary to Oakland Park Boulevard); Florida Department of Transportation

Commissioner Teel wanted Florida Department of Transportation to match the quality of work on the A-1-A median south of Sunrise Boulevard for the project from Lauderdale-By-The-Sea to Oakland Park Boulevard. This is the southbound city entrance.

Outgoing City Commission; Swearing In Ceremony of new City Commission

Mayor Naugle said that the new Commission would be sworn in on March 17, 2009 at 11 a.m. He suggested this Commission hold a special meeting at 10:30 a.m. for farewell remarks. He felt it would be a good tradition to start. There was no objection.

Illegal Campaign Advertisements

Mayor Naugle said that this Commission has been a trailblazer in connection with ethics and campaign finance reform. It has come to his attention that mailers were sent out by committees that there appears to be no way to track where the funding source, specifically there is a group called, Paid For By Integrity Accounts Committee East Las Olas. In response to Mayor Naugle, the City Attorney said the City has become aware of several groups. They are known as electioneering communication organizations (ECO). The term, contribution, specifically excludes these kinds of organizations. If they send out literature about an issue, he did not believe they are required to report. If it is a candidate, they are required to file the same kind of reports as the candidates file and in the same time period. They may file with the City, but if they file with the State, they do not have to file with the City. He was aware of three that have not filed their reports timely and the Clerk has requested those reports in a letter his office drafted.

In further response to Mayor Naugle, the City Attorney indicated this is a misdemeanor with a penalty of \$500 or 60 days in jail.

Mayor Naugle wanted to send out a mailing to all residents warning them of this illegal activity taking place if it cannot be stopped. This activity defeats the whole purpose of the level the Commission holds itself to. The City Attorney offered to send a report to the Commission when staff hears back from them. He suggested informing the residents through the newspaper. One organization filed as of last December with the Elections Department. Mayor Naugle did not want the City to tolerate this.

In response to Vice Mayor Rodstrom, the City Attorney advised that what the organizations are doing is legal provided they file the reports.

In further response to Mayor Naugle, the City Attorney indicated a name is on the material. An agent is listed with the State and that is to whom the City is sending the correspondence. He believed they are in violation of the law because they have not listed the funding source and filed with either the State or City in the same timeline as candidates in the City election.

Mayor Naugle suggested if an answer cannot be secured by March 3, 2009 and they continue to engage in this criminal activity, the City should send out a mailer to the residents explaining that people are making representations unlawfully.

In response to Vice Mayor Rodstrom, the City Attorney indicated if the report is filed late, it is still in compliance.

Mayor Naugle wanted staff to stay on top of this.

**V – City Manager Reports**

None given.

There being no further business to come before the Commission, the meeting was adjourned at approximately 2:53 p. m.