

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING

September 15, 2009

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CITY COMMISSION CONFERENCE MEETING 1:31 P.M. SEPTEMBER 15, 2009

Present: Mayor John P. "Jack" Seiler
Vice Mayor Bruce G. Roberts, Commissioners Bobby B. DuBose,
Romney Rogers, and Charlotte E. 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. Tim McCarthy

I-A – Martin Zisholtz Property – 327 SW 2 Street – Historic District Roadway Modifications

Albert Carbon, Public Works Director, indicated this issue goes back to reconstruction of a sidewalk in 1989 that was later discovered that the sidewalk was built on private property. Between 1995 and 2005, the City had a lease agreement with Mr. Zisholtz for the sidewalk space. In 2005, the Commission directed staff to negotiate to purchase the property. Mr. Zisholtz was paid for use of the property in 2005, but not since. In 2008, staff was directed to make an offer of \$60,000. A counter offer of \$100,000 was made. The cost to relocate the sidewalk is \$25,000 to \$35,000. Reconstructing the sidewalk would mean a 90-degree turn, but no through traffic lanes would be impeded.

John Aurelius, representing Martin Zisholtz, urged the City to decide upon some course of action. He will not accept \$60,000. There are questions as to the actual cost to relocate the sidewalk and impact to the westbound traffic lanes. Mr. Zisholtz is willing to accept \$102,500. Mr. Zisholtz believes he is owed in excess of \$24,000 currently and he would be willing to terminate (lease) without obligation.

In response to Commissioner Rogers, Mr. Aurelius discussed Mr. Zisholtz thoughts of selling the impacted property due to threat of eminent domain.

In closing, Mr. Aurelius emphasized the uniqueness of the property and the difficulty in determining a value.

Commissioner Rodstrom wanted to return the property to Mr. Zisholtz and consider making another offer at another time.

In response to Commissioner DuBose, Mr. Aurelius advised that Mr. Zisholtz decided upon the \$102,500 amount.

In response to Vice Mayor Roberts, Mr. Carbon advised that the City's estimates have changed because the price is based on the annual concrete unit price contract which has changed. Vice Mayor Roberts understood the worst case of the City's exposure to move the sidewalk and pay the back-rental would be \$24,000 and \$35,000.

In response to Commissioner Rogers, the City Attorney indicated that Mr. Zisholtz has demanded double rent. Question arose as to whether the City had actually received a written demand.

In response to Commissioner DuBose, Mr. Carbon advised that relocation of the sidewalk will have no impact on traffic flow and elaborated upon his statement. Diana Alarcon, Director of Parking and Fleet Services, stated there is no parking in the morning on the south side of the street, and no parking on the north side in the evening, so there are lanes open for traffic flow. Mr. Aurelius pointed out that the parking lane is used during evening rush hour.

Commissioner DuBose questioned the necessity of acquiring the property. The City Attorney explained that Mr. Zisholtz has made a good argument that the City is a holdover tenant. In response to Mayor Seiler, Mr. Aurelius advised that the \$24,000 is composed of \$22,500 back rent, attorney fees and interest.

Mr. Aurelius contended there will be a traffic flow impact and whether the City needs the property to complete the 7th-9th downtown movement of traffic.

Commissioner Rogers did not feel the Commission has sufficient information to make a decision on the amount of rent due. He questioned the need at a cost of \$100,000. He agreed with Commissioner DuBose and allow the City Attorney to deal with the back rent. Vice Mayor Roberts agreed.

Mayor Seiler agreed that some action has to be taken.

Commissioner Rodstrom recommended it not be purchased and the City Attorney decide how to deal with the rent. The City Attorney noted the existing structures have to be moved off. Mr. Aurelius advised that Mr. Zisholtz wants the structures moved.

In response to Commissioner Rogers, the City Attorney discussed eminent domain (quick take and slow take) and rent obligation in that process.

In response to Mayor Seiler, Ms. Alarcon indicated that she does not believe parking or traffic flow would be impacted.

Mayor Seiler summarized the consensus is to not acquire the property, restore it and determine what is owed in back rent. Commissioner DuBose wanted to be provided an update.

Mr. Aurelius was concerned about non-payment of rent and traffic.

I-B - Beach Area Parking Study

Diana Alarcon, Director of Parking and Fleet Services, indicated at the last conference meeting, she was asked to request a proposal from the City's consultants, Walker Parking, on upgrading the beach study plan performed in 1999-2000, and to review the current parking requirements in the ULDR. Their price is \$26,900.

Commissioner Rodstrom asked about these consultants speaking with the Beach Master Plan consultants as to signage because people have trouble finding existing parking.

Ms. Alarcon advised on another front she will be presenting a way-finding plan to the Commission in the near future.

Mayor Seiler asked if it would be less expensive to go out to bid. Ms. Alarcon felt the price is in line with work of this nature. It will be in-depth. The scope will be set out in more detail when it is brought back to the Commission. The City Manager indicated that it is really an unknown.

In response to Commissioner Rogers, Kirk Buffington, Director of Procurement Services, clarified that this would not be an amendment to the original contract with this consultant, but a continuing contract for consulting studies awarded in 2005 that is in place.

Mayor Seiler thought the City might be able to save money with another contractor.

Commissioner Rogers referred to talk of Bonnet House opening their Oceanside access and perhaps a parking garage in the area. He wanted to expand the study to Sunrise Boulevard. Commissioner Rodstrom agreed.

Commissioner Rodstrom suggested pursuing permission from the State for use of Birch State Park parking. Mayor Seiler did not think there is much parking at the park. Ms. Alarcon indicated in order to expand to Sunrise Boulevard and a little further into the Galt a rough estimate would be \$3,000 to \$5,000.

In response to Mayor Seiler, both Ms. Alarcon and Mr. Buffington did not recall any previous RFP's for a parking study. Mayor Seiler inquired about the cost of an RFP process. Mr. Buffington estimated in this case less than \$1,000.

Mayor Seiler wanted to ask the consultant if they would perform the entire area for \$26,900, otherwise instruct staff to proceed with an RFP. Commissioner Rogers questioned the length of time needed for an RFP. Mr. Buffington believed it would be less than ninety days.

There was consensus approval for staff to inquire whether the consultant would perform the entire area north including the Galt for \$26,900.

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

Commissioner Rogers pointed out the wide range between the assessed value and sales price.

In response to Mayor Seiler, the City Manager advised that the statement of no budgetary impact in the Commission Agenda Report refers to no negative impact and does not consider a positive impact.

There was consensus approval.

II-A – Community Bus Services – Funding and Routes – Fiscal Year 2009-2010

Albert Carbon, Public Works Director, advised there is new information on this matter, therefore, this item is being removed from the agenda and will be scheduled on October 6, 2009.

In response to Commissioner Rodstrom's question about the interlocal agreement on the regular meeting agenda, Mr. Carbon indicated the City is not committing to expend funds.

II-B – Employee Suggestion Program

Mayor Seiler referred to an award program and questioned how there would be a distinction from commonly known ideas, such as a four-day work week.

Averill Dorsett, Director of Human Resources, indicated that suggestion boxes have been installed. The backup provided contains a history of the current two-tiered program.

Vice Mayor Roberts commented that there are different levels. Perhaps some could be handled by the department director and perhaps a committee of Human Resources and the Finance Department on another level to assess budgetary impact and savings. Even if they do not impact the budget, they need to be part of a process. Ms. Dorsett agreed that some suggestions are geared toward individual departments.

Commissioner Rogers questioned the concept of anonymous suggestions and how there could then be an award. He suggested distinguishing between those with a dollar impact and others perhaps being submitted to the City Clerk's Office.

Ms. Dorsett thought if there is a cost savings the employee would sign his or her name.

In response to Commissioner Rodstrom, Ms. Dorsett believed the award would not be given until the savings is achieved.

Mayor Seiler summarized staff is to develop a two-tiered system and structure as to a maximum, looking at what other governmental entities have done, and bring it back to the Commission.

III-A – Communications To City Commission and Minutes Circulated For the Period Ending September 10, 2009**Beach Redevelopment Board**

- 1) **Re-evaluation parking requirements throughout the beach area** to provide relief for multiple uses within individual buildings or individual neighborhoods that may have different hours or different use patterns while providing more public parking throughout the neighborhoods so people come to the beach as a destination rather than an individual business or locations within it.

Mayor Seiler noted the Commission is moving on this request.

- 2) **Look to consistently large sidewalks and bicycle patterns** (with no expectation that there will be 10-12 foot sidewalks everywhere immediately), but there is a development where there can be at least be stretches that are bicycle accessible pedestrian accessible in high use areas.

Mayor Seiler wanted to implement this idea. There was no objection.

- 3) **While the zoning initiatives and guidelines are good and the Beach Redevelopment Board (BRB) thinks it brings a different development feel to the beach,** (several members) raised concerns about the incentives, whether they're a carrot or stick in particular with floor plates, and while a lot of the plan is general design criteria, the floor plates having an absolute number be it 10,000 or 16,000 square feet creates almost a zoning guideline different than anything that the Master Plan attempts to do in other areas. The Board suggested keeping the design guidelines on the beach and remove any specific number as to floor plate requirement as that essentially adds a new zoning requirement, as opposed to a design guideline.

Mayor Seiler asked for further clarification as to the third suggestion. Don Morris, Beach Community Redevelopment Agency Director, stated there is concern about the floor plate requirement for hotels and residential. Commissioner Rodstrom believed there was concern that without a specific number, it gave too much latitude to the developer.

Wayne Jessup, Planning and Zoning, indicated these comments were part of a response to staff's presentation of the draft master plan. There are reasons in both directions as to floor plate size and various points of view in the community. It is a policy decision.

Commissioner Rodstrom preferred to wait until the item is scheduled on an agenda so that the public would have notice. The beach redevelopment area covers the CRA area and the master plan covers the entire regional activity center which is twice the size. She wanted both sides clearly presented. Mayor Seiler agreed. There was consensus that the Commission would like to receive the presentation. Commissioner Rogers was interested in seeing it sooner than later. Both Mayor Seiler and Commissioner Rodstrom concurred.

Commissioner Rogers wanted to fully discuss the floor plate issue as a separate discussion item when the plan is presented.

- 4) **Better defining of the proposed incentive program.**

It was clarified that this item also involves the Master Plan. Mayor Seiler noted the Commission would like to see action on all four of these items.

Fire Rescue Facilities Bond Issue Blue Ribbon Committee

Commissioner Rodstrom referred to a communication from the Fire Rescue Facilities Bond Issue Blue Ribbon Committee that was added to this agenda. It is from their August 20 meeting.

1) Feasibility study should be paid from the general fund.

Albert Carbon, Public Works Director, indicated he was not at this meeting and could not comment on the committee's logic. Commissioner Rodstrom believed the committee wants to focus the bond funds on the fire stations, however, she disagreed.

In response to Mayor Seiler and Commissioner Rodstrom, Mr. Carbon provided an update on preparation of the feasibility study RFP.

There is no consensus on where to charge the feasibility study. The Commission first needs to know the feasibility study cost.

Mayor Seiler was inclined to charge it to the fire bonds.

2) Committee requests a single representative on the selection committee for the consultant.

Kirk Buffington, Director of Procurement Services, stated that staff tries to keep the membership to three. He went on to list typical membership and what would be likely in this instance. There was consensus approval for a single member of the Fire Bond Committee to sit on the consultant selection committee.

3) Feasibility study should use a 50-year projected population growth study of the greater Fort Lauderdale area.

Mayor Seiler asked the Fire Rescue Chief's input. James Eddy, Fire Rescue Chief, indicated there was no major change for thirty years, but he did not know about fifty years.

In response to Mayor Seiler, Mr. Carbon believed the logic behind fifty years was that the existing fire stations are about fifty years old. There is population projection data available from the state for twenty-five and thirty years. Greg Brewton, Planning and Zoning Director, indicated that normally such data is for thirty 30 years. There was no consensus on extending beyond thirty years.

4) Feasibility study should determine the appropriate size for personnel and equipment for Stations 8, 13 and 54.

There was consensus approval.

5) Feasibility study should identify the preferred general vicinity for Fire Station 8.

Mr. Carbon noted Commission direction was to purchase property now. There was consensus approval reiterated.

- 6) Feasibility study should take into account areas within greater Fort Lauderdale, areas of possible annexation, as well as future areas of annexation.**

At Mayor Seiler's request, Jeff Justinak, Assistant Fire Rescue Chief, indicated the former Hazardous Materials facility (fire station) is vacant and appears to be in stable exterior condition. Mayor Seiler stated that Broadview Park is one of a couple potential annexation areas. This County station was looked at by the City with the idea of using it if the property is annexed. Assistant Chief Justinak indicated it would be in the furthest southwest quadrant, west of State Road 7.

Fire Rescue Chief Eddy advised that a map of all fire stations around Fort Lauderdale to help during annexation discussions. Mayor Seiler asked the Commission be provided a copy.

Mr. Carbon indicated the Commission previously directed that this information be considered in the feasibility study scope.

Mayor Seiler asked staff follow up with getting access to the building interior.

- 7) Feasibility study should consider any and all fire stations within the adjacent areas**

- 8) Feasibility study should include facility needs of all divisions of the Fire Rescue Department, including, but not limited to:**

- Housing of reserve apparatus
- Ocean rescue
- Support services/logistics
- Comprehensive training facility
- Fire boat

Mayor Seiler saw these items as correct.

In response to Mr. Carbon, Mayor Seiler did not interpret the committee as suggesting that every station must have a fire boat, but simply that all of the divisions' needs are addressed.

Mr. Carbon responded to Commissioner Rodstrom's question on the cost, that it would be provided to the Commission when the RFP is sent out and during the committee review.

III-B - Board and Committee Vacancies

Affordable Housing Committee

Mayor Seiler recommended reappointment of Tam English to the Affordable Housing Committee.

Budget Advisory Board

Commissioner Rogers recommended reappointment of Ray Williams to the Budget Advisory Board.

Community Appearance Board

Vice Mayor Roberts recommended Victor Yue to the Community Appearance Board.

Community Services Board

In response to Commissioner Rogers, the City Clerk advised that Kevin Hull and Nadia G. Locke have been contacted, but they have not responded.

Commissioner Rodstrom indicated Carmen Smith is interested in serving however she has no openings in District II currently. Perhaps another member of the Commission could consider her.

Complete Count Committee

Mayor Seiler recommended Bobby Henry to the minority media category of the Complete Count Committee.

Downtown Development Authority

There was consensus approval to interview all of the Downtown Development Authority. Mayor Seiler suggested an application deadline of this Friday and scheduling interviewing all applicants on October 6.

In response to Commissioner DuBose, the City Clerk advised that although some applications on file date back some time, applicants were contacted this past April and those no longer interested were removed. The applicant list is current.

Parks, Recreation and Beaches Advisory Board

Mayor Seiler recommended reappointment of Ed Angelbello, Curtiss Berry, and Mark McCormick to the Parks, Recreation and Beaches Advisory Board.

Vice Mayor Roberts recommended reappointment of Marilyn Markus, Bruce A. Quaily, and Betty Shelley to the Parks, Recreation and Beaches Advisory Board.

IV - City Commission ReportsCommunity Redevelopment Agency: Expansion: 13 Street

Mayor Seiler recalled previous discussion about a new CRA for the 13 Street corridor without County participation. He wanted this item to come back to the Commission for further discussion.

Alfred Battle, Northwest Community Redevelopment Director, concurred that with a separate trust fund established. He also confirmed it would be an expansion under the

same thirty-year, expiring in 2025 although the new dollars would be treated as a separate trust fund because they have a different base year valuation. By adding a new area, more responsibility is being added to the existing staff.

Commissioner DuBose reiterated his strong opposition to an expansion.

Commissioner Rodstrom and Mayor Seiler thought this is a new idea that would not impact the existing CRA. Mayor Seiler asked that Mr. Battle meet with the Commission individually and that the City Auditor be involved, providing information on financial impact.

Commissioner DuBose indicated he would want staff to meet with his district. Commissioner Rodstrom thought it would be helpful for an information packet to send to the existing CRA.

Mayor Seiler requested this item be placed on the October 20th agenda instead of October 6th.

Tim Smith, former city commissioner, emphasized that the 13th Street area is not requesting any resources from the existing CRA; they simply want an opportunity to create their own resources.

2011 WaterWorks Program; Audit

Vice Mayor Roberts announced the positive results of the audit conducted on the 2011 WaterWorks Program.

Central Broward Transit Study

Vice Mayor Roberts referred to a memorandum regarding the Central Broward Transit study. There are several proposals. The Metropolitan Planning Organization (MPO) will be asked to vote on this. Along with the Florida Department of Transportation decisions will be made as to scope and where the money will go. There are recommendations that turn to Oakland Park Boulevard instead of Broward Boulevard and Fort Lauderdale downtown. He asked the Commission meet with Planning and Zoning staff and to discuss it on a Commission agenda after the technical committee meeting on the 23rd of this month. He emphasized the importance of Fort Lauderdale input in this decision process.

Middle River Terrace and South Middle River Neighborhood Meeting

Commissioner Rodstrom commented on the positive outcome of the Middle River Terrace and South Middle River neighborhood meeting that included other nearby neighborhoods.

International Swimming Hall of Fame

Commissioner Rodstrom announced a recent event at the Swimming Hall of Fame. Later in the meeting, Mayor Seiler also remarked on the event being outstanding.

South Beach Parking Lot; Renamed to Fort Lauderdale Beach Park

In response to Commissioner Rodstrom, Diana Alarcon, Director of Parking and Fleet Services, reported on the name change at South Beach parking lot which is now known as Fort Lauderdale Beach Park. A wayfinding sign proposal will be presented.

Water Bills

Albert Carbon, Public Works Director, responded to Commissioner Rodstrom that the 20% water rate increase was effective August 1, 2009. She remarked that there are citizens having trouble paying the increased amount. She may want to discuss the matter in the future.

WaterWorks 2011 Program

Commissioner Rodstrom referred to resident Ken Cooper's letter regarding WaterWorks (September 14, 2009). A copy is attached to these minutes. She asked the Commission to review it.

City Manager's Contract

In response to Commissioner Rodstrom, the City Attorney offered to provide the Commission with an analysis on the timeline for review of the City Manager's contract.

Crime Meeting

Commissioner Rodstrom announced an upcoming crime meeting for District II.

Family Day; YMCA

Commissioner DuBose announced an upcoming Family Day event at the YMCA.

Community Redevelopment Agency Expansion

Commissioner DuBose reiterated his concern over expansion of the CRA and its negative impact on District III. Mayor Seiler clarified the area he was speaking about is that which was raised by the prior Commission and Commissioner DuBose explained he is speaking to expansion of the CRA as opposed to the new one mentioned.

17th Street Causeway Alliance

Commissioner Rogers announced the kick-off for the (new) 17th Street Causeway Alliance.

Crime Walk

Commissioner Rogers announced the upcoming Crime Walk in Harbordale.

Staff

Commissioner Rogers conveyed a citizen's compliment to Jamie Hart of Marine Services; assistance by staff to a new business in its opening and the work of Assistant To The City Manager Julie Richards.

Dolphins Day

Mayor Seiler discussed the upcoming Dolphins Day event.

Business Openings

Mayor Seiler noted various business openings.

NOTE: The Commission recessed and convened as the Community Redevelopment Agency Board of Directors from 3:18 p.m. to 3:57 p.m.

I-B - Beach Area Parking Study

Continued from Page 2

Diana Alarcon, Director of Parking and Fleet Services, indicated that Walker Parking Consultants was contacted and they are not able to expand the study area, therefore staff will proceed with preparation of an RFP.

V - City Manager Reports

None given.

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 4:37 P.M.

The City Commission shall meet privately pursuant to Florida Statutes 447.605 and 286.011(8), regarding the following:

Collective Bargaining

LTJ, Inc. vs. City of Fort Lauderdale (17th Judicial Circuit Court, Broward County; Case CACE07011404(03).

F.V. Scutti vs. City of Fort Lauderdale (17th Judicial Circuit Court, Broward County; Case CACE02006185(14).

CLOSED DOOR ENDED AT 5:35 P.M.

There being no further business to come before the Commission, the meeting was adjourned at approximately 5:35 p. m.