

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
JANUARY 20, 2010**

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CITY COMMISSION CONFERENCE MEETING 1:35 P.M. January 20, 2010

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

Also Present: Assistant City Manager – David Hebert
City Auditor - John Herbst
City Clerk - Jonda K. Joseph
City Attorney - Harry A. Stewart
Sergeant At Arms – Sergeant Hector Martinez

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 1:35 P.M.

The City Commission shall meet privately pursuant to Florida Statutes 447.605 and 768.28 respectively regarding:

- 1) Collective bargaining**
- 2) Bruce Wade (Workers Compensation Case WC 09-13721)
Catherine Costabel (Vehicle General Liability VA GL08-673)**

MEETING RECONVENED 2:55 P.M.

I-A – Policies and Procedures Manual – Code Citation Violation Notice Process and Jurisdiction of Code Enforcement Board and Special Magistrate

Mike Maloney, Code Enforcement Manager, highlighted information in Commission Agenda Report 09-1402, including that the proposed changes will improve compliance and operational efficiency.

Mr. Maloney responded to Commissioner DuBose's request for more insight into relief to the Code Enforcement Board's workload. He indicated there is currently a backlog of over four hundred cases that will be directed to the Special Magistrate, leaving more complex cases for the Code Enforcement Board.

In response to Commissioner Rodstrom, Chris Augustin, Assistant Building Official, indicated the four hundred cases have to do with the 40-year inspection violations and expanded on the governmental agency having jurisdiction over this 40-year inspection regulation. Commissioner Rodstrom elaborated upon the change in dynamics with respect to the economy since this regulation was put in place. She was interested in not being so stringent at this point in time and concerned about there being four hundred citations being issued. Mr. Augustin explained it was enacted in 2005 to identify life safety structural and electrical deficiencies. Valerie Bohlander, Director of Building Services, explained the public educational program that the City conducted to make sure condominium residents understood for example that a forty-year electrical system if it has been properly maintained may still be safe. They are working with the construction industry as well. Vice Mayor Roberts commended staff for their public educational program.

In response to Commissioner Rogers, Mr. Maloney noted that the Fire Rescue and Police Departments will be able to issue citations.

Commissioner Rogers was very pleased with the customer statistics.

Commissioner Rogers asked about Riverland Road integration with respect to code enforcement as a result of their annexation. Deborah Hernandez, Assistant Code Enforcement Manager, advised that the municipal ordinances and Broward County zoning are enforced. Broward County ordinances that replicate the City ordinances have been incorporated. Commissioner Rogers asked that staff make sure there is education provided for affected people. Mayor Seiler concurred that promises were made to those annexed properties (Melrose Park, Lauderdale Isles and Riverland Road) to stay with Broward County ordinance, consequently staff should be sensitive to this.

In response to Mayor Seiler, Mr. Maloney provided additional clarification on the additions, deletions and changes noted in Exhibit 1 have to do with the citation process and processing through the Special Magistrate. All building code violations with the exception of 40-year inspections and expired permits will process through the Code Enforcement Board.

There was no objection.

III-A – Communications to City Commission and Minutes Circulated for Period ending January 14, 2010

Marine Advisory Board

Chair Terrill asked that the Board entertain a motion to make “the entire discussion” of boat lifts by the public and the Board a priority item, or Communication to the City Commission. **Motion made by Mr. Baker, seconded by Chair Terrill, to fast-track amending the Code regarding boat lifts. In a voice vote, the motion carried 13-0.**

Cate McCaffrey, Director of Business Enterprises, believed the primary concern is about the distance a hoist or boat lift may extend into the waterway. The board recommended the height of the lowest part of a boat may be no greater than one foot above the seawall. They also spoke about providing possible relief until such time as the code is amended. The Planning and Zoning Board was consulted and they advised any such relief would need to come from the Commission.

In response to Mayor Seiler, Ms. McCaffrey did not know the history dating back to 2000. Mayor Seiler felt that 10% is an outdated criteria. Jamie Hart, Supervisor of Marine Facilities, indicated there was a Commission review in 2000 of 20%, but they took no action. In 2002, it had to do with corner lots, but the Commission took no action. He strongly recommended revisiting this issue. The City Attorney advised the recommendation at conference had been to retain a marine expert to review the changes from a safety perspective. Mayor Seiler felt the City has people with a good working knowledge; he thought an amendment to the 30% is in order. Commissioner Rogers and Rodstrom concurred. Mayor Seiler requested this be scheduled at the February 2 conference meeting and staff consult southeast cities as to their requirements.

John Terrill, chair of the Marine Advisory Board, emphasized the board felt that a boat in the water that has been safely passed for years would be an appropriate area for consideration of a boat lift. He noted the full public participation at their meeting. In addition to the code being outdated, it was also about there being two interpretations of the code. There are many people who have contracted for boat lifts and suddenly found they would not be allowed. They believe that the boat lift issue is a crisis and came up with the idea of a reprieve until the code can be changed. Mayor Seiler assured that it will be considered promptly and asked staff to resolve the code conflicts brought to light.

II-A – Fort Lauderdale Beach Park Wall Replacement and Parking Lot ADA Improvement Project

Don Morris, Beach Community Redevelopment Agency Director, highlighted information in Commission Agenda Report 10-0120.

In response to Commissioner Rodstrom's question about exploring the feasibility of widening the sidewalk, Mr. Morris noted there are two issues: one is cost and the other is project delay because the permits would have to be amended. As to whether it would be permissible, the design would first be needed. Widening to ten feet is estimated to cost an additional \$610,000 and \$1.1 million for thirteen feet. Earl Prizlee, Engineering Design Manager, explained that the bulk of the cost is drainage; it is a matter of drainage recalculations. It is an additional three feet of non-pervious area being moved toward the beach. He went on to explain the seven foot sidewalk design is so much less in cost because there is very little additional drainage to address. In further response, Ms. Prizlee estimated the life of the project to be fifty years. As such Commissioner Rodstrom wanted it to be the best possible. At Commissioner Rodstrom's request, Mr. Morris outlined the funding. Commissioner Rodstrom wanted to have an improved final outcome, not just replacement of the existing. She wanted to use Community Redevelopment Agency (CRA) funding for this purpose. Vice Mayor Robert also wanted the sidewalk to be at least ten feet. Commissioner Rogers concurred seven feet is not enough, but questioned if perhaps the project should be delayed because of the economic times. Commissioner Rodstrom noted the funding has already been earmarked and Mr. Morris indicated there are other funding sources to examine (to pay for a wider sidewalk).

Mr. Prizlee responded to Commissioner DuBose's question that the estimates are worst case. The City Manager pointed out the current status is reaching a point of blight. The length of time before it is completed is a concern. Vice Mayor Roberts saw this as the first improvement of the public realm portion of the beach master plan. There was general agreement that the sidewalk is a safety issue. Mr. Prizlee provided a brief outline of the steps ahead. Mayor Seiler concluded there is consensus for ten feet.

Mayor Seiler requested only one layer of low maintenance hedge. He wanted to revisit citywide the use of wood chips and mulch and look toward low maintenance and low water consumption types of plants. Commissioner Rodstrom suggested sand instead of wood chips. Mr. Morris explained in the many discussions held, the appearance is not attractive. It is actually the beach entryway. Mayor Seiler contended another area outside of the fence is being created. The design should not allow people to walk along the right of way within the planting areas.

Mr. Prizlee outlined the proposed schedule. A determination would have to be made

whether the walkway could be reopened for the boat show. Diana Alarcon, Director of Parking and Fleet Services, advised the reality is there will a six-month delay due to the mitigation even if expedited. She did not think construction could begin until after the boat show. In response to Mayor Seiler, Ms. Alarcon advised that the parking lot is not being touched; except the addition of pedestrian islands; the movement is toward the beach. Additional discussion ensued about design details. Mr. Prizlee pointed out that at the Bahia Mar bridge overpass, the sidewalk will always need to be seven feet because of it being a pinch point due to the foundation piers of the bridge.

Mayor Seiler asked staff to return with the revised plan as quickly as possible.

Mayor Seiler opened the floor for public comment.

Fred Carlson, beach resident and officer of the Central Beach Alliance, agreed that the widening is essential. He suggested the wave wall have deeper curves so as to accommodate bicycle racks. Mayor Seiler noted a space has been provided; he did not want to encourage people to place their bicycles on the sidewalk. Commissioner Rodstrom suggested inquiry to the Yankee Clipper about a bicycle station at the end of the parking lot. Mr. Morris offered to look at providing something for bicycles in the redesign.

In response to Commissioner Rogers, Mr. Morris noted the varying width of the beach from the parking lot toward the Swimming Hall of Fame.

Discussion returned to the cost of widening the sidewalk in response to Commissioner Rodstrom wanting a linear per foot cost and desire to have something greater than ten feet. Mr. Morris would not commit to a defined funding source for the thirteen foot width, but thought it would be a possibility. Mayor Seiler wanted to stay with ten feet. Ms. Alarcon noted that one-third must be funded through the parking fund and additional funding is not available. Commissioner DuBose asked if the permitting process would be the same regardless of the width. He raised the question of impact on the turtles. Mr. Morris explained it would center around the degree of mitigation. The City Manager elaborated upon it being a tough sale to the Department of Environmental Protection and Fish and Wildlife at seven feet. Mr. Morris explained the project goes into the sand three feet for the wave and there was construction time during turtle season. Ms. Alarcon indicated there would still likely be construction during turtle season. There was consensus for ten feet.

II-B – City-Owned Property

The City Auditor reviewed the approach taken in review of City-owned property detailed in the report attached to Commission Agenda Report 10-0118. He noted the City owned six hundred properties with an estimated assessed value of \$1.1 billion and the largest portion is the executive airport property of \$530 million. Many of the assessed values shown in the data base are old and do not necessarily reflect market value. However, staff conducted a preliminary assessment and believes there are approximately 105 properties with an assessed value of \$47 million that may be appropriate for sale, but there are some huge caveats that he elaborated upon.

Mayor Seiler asked about vacant buildings and the City Auditor indicated the scope focused on raw land.

The City Auditor recommended the Property and Right of Way Committee to work with the departments, determine if the properties are saleable and potential buyers. Then true market appraisals could be conducted on the narrowed list. He distributed a pertinent news article concerning the School Board.

The City Attorney provided a verbal status report concerning the Wingate property for Commissioner Rogers. Commissioner DuBose felt there is an obligation to the public concerning the property as there are still issues of people being affected. He responded to Commissioner Rogers' idea of a solar field that it is not yet realistic in terms of energy produced. Commissioner Rodstrom emphasized if the property was purchased, there would need to be an immediate cleanup requirement.

Mayor Seiler wanted to refer the entire list (Exhibit B) to the Property and Right of Way Committee for recommendation on what should be listed for sale.

In response to Commissioner Rodstrom, the City Auditor advised that the Palazzo properties are not included.

Mayor Seiler noted that he has spoken with the real estate community who are excited to see such a list. He did not want to do appraisals unless an offer is made that the City considers unreasonable.

Commissioner Rogers thought this might also spur development.

Mayor Seiler recommended the list be referred to the Property and Right of Way Committee for their March meeting and request they provide the Commission with a list of surplus properties within forty-five days. The City Manager indicated it may not be possible to complete within forty-five days. Mayor Seiler asked the Commission simply be kept apprised.

III-A – Communications to City Commission and Minutes Circulated for Period ending January 14, 2010

Centennial Celebration Committee

By consensus, the Committee agreed to request
that they address the Commission at the pre-agenda meetings on a quarterly basis.

Commissioner DuBose questioned if the Committee could address the full Commission, however, Mayor Seiler thought it would be helpful to hold meetings at the pre-agenda meetings in that it would generate public interest. In further response to Commissioner DuBose, Mayor Seiler asked that the chair or his designee report to the Commission at the March 16 meeting. There was no objection to the Committee's request concerning the pre-agenda meetings.

III-B – Board and Committee Vacancies

The City Clerk advised that Leo Hansen, who the Commission was considering to appoint to the Board of Adjustment, is an architect. Although he has not served on the

Planning and Zoning Board, it is not a requirement. The Commission is the final arbiter of whether the qualifications are suitable.

In response to Commissioner Rodstrom, the City Clerk indicated that no one on the Planning and Zoning Board has expressed an interest in serving on the Board of Adjustment.

The City Clerk announced those nominations received to date: John J. Zullo to the Audit Advisory Board; Chuck Malkus, Bradley Deckelbaum and Tim Schiavone to the Beach Redevelopment Board; Leo Hansen to the Board of Adjustment; Delores Sallette, William Cooke and John Sykes to the Cemetery System Board of Trustees; George P. Trodella, Jr. to the Citizens Police Review Board; Louise Dowdy to the Nuisance Abatement Board; and Desorae Giles-Smith to the Visioning Committee.

Aviation Advisory Board

Mayor Seiler recommended reappointing Lee Alexander.

Commissioner Rodstrom recommended Stephen Stella.

Beach Redevelopment Board

Mayor Seiler recommended reappointing Chuck Malkus.

Vice Mayor Roberts recommended reappointing Jordana L. Jarjura and Melissa Milroy.

Cemetery System Board of Trustees

Vice Mayor Roberts recommended reappointing Jose Manuel Portela and Larry W. Sherman.

Commissioner Rodstrom recommended reappointing Vicki Mowrey and Susan Telli.

Mayor Seiler recommended reappointing Jonathan Pearson and Larry M. Ott.

Community Appearance Board

Commissioner Rodstrom recommended reappointing Shelley Walker.

Fire-Rescue Facilities Bond Issue Blue Ribbon Committee

Commissioner Rodstrom recommended reappointing Thornie Jarrett and Steve Kirsch.
Utility Advisory Committee

Commissioner Rogers recommended Ruchel Louis.

Citizens Police Review Board

Commissioner Rodstrom indicated she will contact Michael Dunbar to determine if he wishes to be reinstated to the Aviation Board. If not, Mayor Seiler noted that Patrick Kerney could be moved to the Aviation Board, which would open a consensus

appointment on the Citizens Police Review Board. In response to Mayor Seiler, Marc Dickerman expressed an interest in serving on that board. Vice Mayor Roberts also had an individual interested. Mayor Seiler wanted to use discretion with respect to people serving on a board and a committee. If there is a vacancy on the Citizens Police Review Board, Mayor Seiler noted it could be addressed on February 2.

Code Enforcement Board

There was consensus approval to reappoint Howard Elfman and Howard Nelson (full members) and Paul Dooley (alternate), and appoint Rick Schulze (alternate).

Marine Advisory Board

Mayor Seiler recommended F. St. George Guardabassi.

Community Services Board

Mayor Seiler recommended reappointing James H. Currier and Donald Ray Karney, III. He also recommended Richard Whipple.

Community Appearance Board

Mayor Seiler recommended reappointing Emmett Kater.

Visioning Committee

In response to Commissioner Rodstrom, Chaz Adams, Acting Director of Public Information, indicated the committee is getting organized and will tentatively hold their first meeting in early February.

Historic Preservation Board

Mayor Seiler recommended Allen Wilkerson.

Education Advisory Board

Mayor Seiler recommended Vialene Monroe.

Nuisance Abatement Board

There was consensus approval to reappoint Louise Dowdy, Ted Fling, Sal Gatano, Pat Mayers and D. Ryan Saunders.

IV – City Commission Reports

Sunrise Lane Area

Commissioner Rodstrom referred to the Sunrise Lane area and discussed use of business improvement grant and matching funds. An application has been filed with the Florida Department of Transportation to extend permitted sidewalk cafés to Sunrise

Boulevard. She is working with the Planning and Zoning Department concerning a possible rezoning to make the area more vibrant. The trolley system is also a possibility.

Progresso Crime Walk

Commissioner Rodstrom noted the success of this event.

Haitian Relief

Commissioner Rodstrom had received inquiries from citizens wanting to help.

City Commission Minutes

Commissioner Rodstrom wanted to receive the minutes earlier. The City Clerk indicated at present staff is in transition from a contractor to an employee who will be starting on Monday. If there is a particular item needed quicker, it could be expedited. They will endeavor to provide the minutes earlier as soon as it is possible.

Civilian Appropriations

In response to Commissioner Rodstrom, Kathleen Gunn, Grants and Legislative Affairs, explained the process for submittal of civilian appropriations. All three congressional members have asked that the City submit directly online which makes it difficult to maintain a paper trail. Generally, if there is a project a commissioner would like to add, it would be brought to the Commission for consensus and it would be added. In further response, Ms. Gunn indicated all qualifying projects that do not receive appropriations will be submitted through the Jobs Bill. She noted the deadlines for each congressional member. For the regional projects, information is sent to all members of the delegation.

Budget Process; Centennial; Pill Mill; Beach Renourishment

Vice Mayor Roberts noted feedback he has received at homeowner association meetings and his belief that the City needs to get moving forward with the budget process. There was also interest in the upcoming centennial, the pill mill issue and beach renourishment.

Bermuda Riviera Neighborhood

Vice Mayor Roberts requested the City Manager look into an issue previously raised concerning parking restrictions in RS-8 Districts and bring it forward to the Commission.

Citizen Volunteer Corps

Vice Mayor Roberts announced an upcoming Citizen Volunteer Corps (CVC) project on February 13, 2010, at Esplanade Park.

Martin Luther King, Jr. March and Event

Vice Mayor Roberts and Commissioner DuBose remarked on the success and quality of this event.

Census Awareness; Complete Count Committee

Commissioner DuBose noted the work of staff and the committee and requested a status report at the February 2 meeting.

Affordable Housing Advisory Committee

Commissioner DuBose requested a joint workshop with the Affordable Housing Advisory Committee.

Northwest Commercial Redevelopment Project

Commissioner DuBose announced a public meeting on January 23 regarding the northwest commercial redevelopment project. It will be held at the site.

Crime Walk, Southwest Area of District III

Commissioner DuBose requested staff make arrangements for a crime walk in the southwest area of District III.

South Andrews Business Association

Commissioner Rogers indicated that the South Andrews Business will be requesting that their master plan (South Andrews Avenue Master Plan and Development Guide) be put into ordinance form.

Beach Parking Study

Commissioner Rogers wanted the study to include a feasibility of placing a parking garage at the Natchez site next to the Bonnet House. Diana Alarcon, Director of Parking and Fleet Services, indicated the request was made to look at what was contained in the master plan as well as Sunrise Lane and the Galt area. Commissioner Rogers felt a site specific feasibility study would be helpful. Ms. Alarcon provided a verbal status on the consultant ranking.

Budget

Commissioner Rogers wanted to get started and to see a worst case scenario with respect to the upcoming budget. Vice Mayor Roberts remarked on assessed value estimates provided by the Property Appraiser's Office at a recent Imperial Point Homeowner Association meeting. The City Manager recalled the Commission was to provide direction on the type of process. He noted a speaker is being contemplated for the next Budget Advisory Board meeting.

Holiday Park

Mayor Seiler noted the break-ins and bad activities at Holiday Park. He requested an increased presence.

Where The Boys Are Event

Mayor Seiler noted a press conference will be held on January 29 concerning this event. He invited the Commission.

Bubier Park

Mayor Seiler noted the Bubier Park sign needs to be put back in place.

Community Volunteer Service: Centennial Celebration

Mayor Seiler wanted to make a challenge of perhaps 100,000 hours of community volunteer service for a one-year period, commencing on March 27. He planned to ask the Council of Civic Associations and Citizen Volunteer Corps to assist. The projects should have defined benefits. A brief discussion of the positive impact and involvement followed.

V – City Manager Reports - None

There being no further business to come before the Commission, the meeting was adjourned at approximately 5:19 P. M.

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 7:25 P.M.

The City Commission shall meet privately pursuant to Florida Statutes 447.605, regarding the following:

Collective Bargaining

CLOSED DOOR SESSION ENDED AT 8:24 P.M.