

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
MARCH 16, 2010

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CITY COMMISSION CONFERENCE MEETING 1:37 P.M. March 16, 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: City Manager – George Gretsas
City Auditor - John Herbst
City Clerk - Jonda K. Joseph
City Attorney - Harry A. Stewart
Sergeant At Arms – Sergeant Frank Sousa

I-A – Centennial Celebration Committee

Donna Mergenhagen, chair of celebrate neighborhoods, noted their vision and that the committee is working on a fundraising package, but today's items have some urgency. One is retaining a professional historian for one thousand hours. She reviewed slides on this matter as well as information in Commission Agenda Report 10-040. A copy of the slides is attached to these minutes. As requested, the committee looked into involving the universities; there is interest on the part of Nova University for internship.

Commissioner Rodstrom referred the committee to the executive director of the International Swimming Hall of Fame who has information on the beach desegregation wade-in topic.

Wingate Payne, chair of legacy, continued review of the slides and information in the commission agenda report, concerning state heritage markers and historical markers for City parks. The committee is seeking commitment from the City to erect, maintain and pay for the heritage markers that are about \$2,200 each. The park markers are \$800 each according to the City's Parks and Recreation Department. Broward County's historical marker program is considerably more expensive.

Claire Crawford, vice-chair of the Centennial Celebration Committee, continued review of the slides and information in the commission agenda report, concerning the exhibits, traveling trunks and a centennial book concept requested by the Commission.

Ms. Crawford went on to enumerate the cost: historian for 1,000 hours at \$35 per hour for \$35,000 and \$5,000 for expenses; four state markers \$8,800; park markers \$8,000; traveling trunks \$7,200; traveling exhibit \$16,100 for a total just under \$80,000. This expense would span over a two-year budget period. She noted there is a timing issue in order to be ready for the school year.

Commissioner DuBose asked about the status of his previous request about the northwest not being included. Nothing on the northwest was shown in the poster previously presented. Ms. Crawford indicated that items were suggested and they were thinking that the historian could add them. Ms. Mergenhagen explained that part of the dilemma in providing the artist with information is that a lot of the African American history is oral. A number of people are working on this to fill in the gap. Mayor Seiler asked about looking at the African American Research Library. Ms. Payne agreed to have Ina Lee contact Commissioner DuBose to provide an update.

In response to Commissioner Rogers, Congressman Shaw advised that the committee does not have a total budget. Much of it will be fundraising. Vice Mayor Roberts noted that the City allocated \$75,000. This is an expense that will span two budget years. He recognized the need for a historian and supported the request. Mayor Seiler preferred money be pooled and the committee prioritize its use. He saw the markers and trunks as sponsorships. Ms. Payne agreed and indicated the committee will be looking for such sponsorships. However, the committee needs a fall back position and does not wish to initiate the application for a marker without that. For example, the wade-in marker needs to be submitted to the State within a month. She went on to mention other items they are looking to seek out sponsorships. Commissioner Rogers gave assurance as to the allocation, but did not want to limit items for sponsorships. He did not want for people to not sponsor something because it has already been paid for by the City.

Congressman Shaw clarified that in order for the committee to sell a marker, it needs to first be authorized by the Commission. Mayor Seiler confirmed that the markers are authorized.

Ms. Mergenhagen explained that the intention is for an organized packet fundraising approach with repeated requests to potential sponsors. She touched on the fundraising program, noting the dollar need and potential targets have been identified.

Commissioner Rodstrom noted it may be possible to use Community Development Block Grant and Community Redevelopment Agency funding as a back-stop, if necessary.

Mayor Seiler wanted a total list of items so that the Commission will know the types of sponsorships that will be forthcoming. Ms. Payne explained the items were presented today in a piecemeal fashion because they are needed now. Mayor Seiler wanted one comprehensive presentation for fundraising. Congressman Shaw understood and indicated it is not the committee's intention to come back to the Commission repeatedly.

Congressman Shaw mentioned there is some efforts underway, looking into the renaming of Holiday Park to Centennial Park incoming some revamping. Ideas continue to come forward. The committee would also like to solicit ideas from the Commission. There are areas of the city that need attention with code enforcement, neighborhood cleanup involvement and so forth. The sign ordinance is not being enforced.

There was consensus approval as requested. The City Manager advised that there is \$5,000 of seed money. Mayor Seiler requested an \$80,000 budget amendment for this item.

IV - City Commission Reports

New Mount Olive Baptist Church

Commissioner DuBose announced that a new pastor will be installed at New Mount Olive Baptist Church this Sunday, 4 p.m.

Legislative Matters: Pain Clinics, Sexual Offenders and Predators, Potential Rate Increase by Resource Recovery Board, Inspector General

Commissioner DuBose reported on his trip to Tallahassee, including House Bill 225 and Senate Bill 2722 on pain clinics that focus on registration and House Bill 119 and Senate Bill 1284 relating to sexual offenders and predators (home rule preemption).

Kathleen Gunn, Grants and Legislative Affairs, noted a shell bill having to do with cities and counties gradually reducing waste and increase their recycling. An office would be established to monitor progress and help cities and counties reach goals set forth in the legislation. In response to Commissioner DuBose, Albert Carbon, Director of Public Works, explained the current interlocal agreement with the Resource Recovery Board allows waste and incinerator providers to increase their rates to compensate for lost revenue associated with any future legislation. Ms. Gunn advised that the bill requires counties to reduce solid waste by 50% in 2012 and continued reduction up to 75% by 2020. The house bill on this has not been referred to committee. Commissioner DuBose emphasized the need to monitor it.

Commissioner DuBose noted the delegation met and discussed the concept of an inspector general. They voted to move forward with it with a cap the first year at \$200,000. Miami-Dade and Palm Beach counties were used as references. Some \$5 million is used currently to fund the office in Miami-Dade County. He saw it as an unfunded mandate. He questioned the affordability. At some point, the City should weigh in on it. Ms. Gunn understood the City's anticipated share would be \$7,500. Commissioner DuBose questioned whether that is a realistic number. Mayor Seiler asked what entities would receive assessed fines, etc. Ms. Gunn offered to look into Miami Dade County fund structure.

Citizen Volunteer Corps

Commissioner DuBose announced an upcoming Citizen Volunteer Corps (CVC) at Northwest Gardens.

Census

Commissioner DuBose discussed a news article in USA Today about levels of federal aid based on census data including high and low ranked cities across the country.

Metropolitan Planning Organization; temporary office space

Vice Mayor Roberts advised that the Metropolitan Planning Organization (MPO) is looking for temporary office space as they move to independence from Broward County. He asked that staff contact his assistant. The move toward independence has to do with being able to select their own staff and to down-size. It also has to do with priorities. It would be entirely state grant funded. Vice Mayor Roberts and Commissioner Rodstrom provided more insight on the move toward independence.

French Consulate

Vice Mayor Roberts noted his conversations with the French Consulate with respect to relief to Haiti and possible sister city initiative for Montpelier. Mayor Seiler recalled

previous discussions on this city and that it was more of a county. Vice Mayor Roberts noted another issue was Alliance Francaise, with respect to introducing education on French culture. They may be partnering with the City's Parks and Recreation Department in after-school programming.

Crosswalk signage and enforcement, improved street lighting, public information campaign on becoming more pedestrian friendly

Commissioner Rogers referred to recent pedestrian hit and run accidents and wanted to take measures to make the city more pedestrian friendly. A public information campaign would be helpful. There should be signage on crosswalks to allow enforcement and enforcement be made a priority. With respect to Las Olas Boulevard, Commissioner Rodstrom suggested signage for the parking lots because people park on one side of the street and then cross where the street lighting is poor. Commissioner Rogers understood that crosswalk signage is a County function. He did not think the City has any of these signs. He believed inquiry was made to the County and they were not responsive. He wanted a procedure for requesting crosswalk signage and to whom would requests be made. Commissioner Rodstrom wanted to look into lighting. There was consensus for the City Manager to follow-up.

International Swimming Hall of Fame Audit

In response to Commissioner Rodstrom, Cate McCaffrey, Director of Business Enterprises, indicated this audit will not be on the April 6 conference meeting because of a swim meet conflict, but it is upcoming.

Victoria Park Art and Jazz Festival

Commissioner Rodstrom announcing this upcoming event.

Broward Workshop Study (Government Spending by Cities in Broward County: Opportunities for Cutting Costs and Saving Tax Dollars)

Commissioner Rodstrom provided copies of a recent study by the Broward Workshop.

Bicycle Rack Grant

Commissioner Rodstrom furnished information to the Office of Grants and Legislative Affairs on potential grant funding for purchase of bicycle racks for A-1-A. She noted that this is a citywide opportunity, therefore other members of the Commission could contact Grants and Legislative Affairs for locations in their districts.

Florida Department of Transportation Tentative Work Plan

Commissioner Rodstrom thanked Renee Cross, City staff liaison on the Metropolitan Planning Organization Technical Coordinating Committee for providing Florida Department of Transportation's tentative work plan by commission district.

Bahia Mar; Peer Review

Commissioner Rodstrom indicated that a peer review with a planning professional, City staff and the applicant for design of the Bahia Mar buildings was suggested to her. The cost of the planning professional would be borne by the applicant. In response to Mayor Seiler, Greg Brewton, Director of Planning and Zoning, indicated that he had no recollection of such a process historically in the City. He went on to note that an extensive review has been completed through the Development Review Committee process and the City's design team. The applicant has been very receptive. Commissioner Rodstrom commented that the constituency who own the property might think that such a process would be helpful. She wanted more information about the idea and discussion at a conference meeting. Mayor Seiler was not in favor of the idea; he did not think it would be useful. He wanted to be certain that the boat show has a permanent home and an acceptable arrangement.

Commissioner Rogers and Mayor Seiler wanted the timeline. The City Attorney anticipated the term sheet being presented on April 20. The project has already gone through the Planning and Zoning Board and site plan approval, relating to massing, setbacks, heights, but nothing as to the appearance of the buildings or architectural requirements. There has been a chicken and egg situation. A contract cannot be developed until the Commission advises as to what can be built. The City cannot tell the applicant what can be built until there is a contract. Consequently a term sheet will be presented at a conference and then the plans with a contract in June, July. The leases would be approved at the same time.

Commissioner Rogers suggested that Commissioner Rodstrom's idea be suggested to the applicant who may accommodate it voluntarily. In further response, the City Attorney explained that the applicant has control over the property for the next fifty-two years. A particular design may be incorporated in the lease.

Requests for Proposals; Proposer Submissions and Lobbyist Request for Proposals

Commissioner Rodstrom asked if Procurement Services could provide one copy of the proposer submissions and the score sheets to the Commission office.

Mayor Seiler outlined the chronology for selection of lobbyist services. He questioned the timeline as he had wanted to see performance during the legislative session, along with interaction between individuals and the City throughout that process. He could understand the Commission not being involved in an RFP on motor vehicles for example. However, he spent seventeen years in this process. He had not received any information on the scoring, the deadline or pricing and was shocked to see the rankings completed. He questioned if there was anyone with any lobbying experience involved in the process and who was on the ranking committee. Mike Walker, Procurement Services Manager, advised Terry Rynard, Assistant Parks and Recreation Director, Kathleen Gunn, Grants and Legislative Affairs, Alfred Battle, Community Redevelopment Agency Director (northwest), Cate McCaffrey, Director of Business Enterprises, and Stephen Scott, Director of Economic Development. Ms. Gunn explained the committee members were selected because they look for appropriations and legislative concerns. Mayor Seiler wanted to have people on the committee that have dealt with Tallahassee and understand the process. Commissioner Rodstrom pointed out that the City's current lobbyists have been ranked last and second from last, while they are currently working in

the legislative session. She felt the timing was wrong. Mayor Seiler questioned whether Fort Lauderdale is a priority client when those firms have been ranked last and second from last. Commissioner DuBose felt that had been the Commission's consensus when it was discussed. He recalled the Commission having the conversation about them still being in Tallahassee and the City going month to month. Mayor Seiler recalled there was discussion about an evaluation in June; he would not expect to rank the City's lobbyists last in the second week of the legislative session. Vice Mayor Roberts recalled the Commission indicating that the City should not change during the legislative session. Mayor Seiler pointed out that he had previously questioned staff as to a December deadline. Kirk Buffington, Director of Procurement Services, advised that the RFP was circulated to the Commission as it was released. The closing was extended to February 28. Commissioner Rodstrom explained the concern is about the message it sends to the current lobbyists while they are in Tallahassee working for the City. Ms. Gunn took responsibility for this. More discussion followed concerning the process, the contract extension and month to month arrangement.

Mr. Walker noted one of the current lobbyists was the highest cost which is posted on the City website. That lobbyist received zero out of a possible thirty points for cost. Commissioner Rodstrom requested clarification on the thirty points with the various submittal scenarios. Mr. Buffington advised even though there may have been two vendors, they were considered as one proposal. The selection committee does not grade proposers on price; it is done by Procurement Services according to a mathematical formula before going to the selection committee. This was incorporated into the RFP criteria as a result of the City Auditor's recommendations in his audit of Procurement Services which was discussed at the Commission level. The City Auditor agreed and explained the thinking that cost should always be at least one third of the evaluation.

Returning to Commissioner Rodstrom's request for a copy of the RFP proposer submissions, Mr. Buffington elaborated upon the copy prohibition on copy-write material. He agreed to provide one copy after the evaluation committee has made their first ranking. Mayor Seiler suggested a date list of openings, closings and evaluations. Mr. Buffington offered to email a list weekly of the solicitations with the closing dates. Notices of the evaluation committee meetings are currently provided to the Commission.

48th Annual Mayor's Prayer Breakfast and St. Patrick's Day Parade

Mayor Seiler noted the success of these events.

I-B – New Bus Shelters – Broward County Transit Proposed Program

Peter Partington, City Engineer, highlighted information in Commission Agenda Report 10-0406, including anticipated annual maintenance cost of \$1,750 each. Tom Terrill, Facilities Manager, explained this cost was based on specifications in the agreement and anticipated private contractor. He elaborated upon the City's experience with cleaning the Transportation Management Association's shelters on a regular basis. Vice Mayor Roberts pointed out that Plantation has estimated \$1,000 per year. The cost also depends on the type of shelter. Also he did not think the City is required to install 174 shelters. He did not want to ignore \$5.4 million in grant funding. Mr. Terrill indicated the initial estimate was \$1,000, but these shelters have solar lighting and some other items

that is not normally done by the same individuals that would do pressure cleaning. There is also more attention to graffiti.

The following information was furnished in response to questions raised by Commissioners DuBose and Rogers. Arethia Douglas, Program Manager, Broward County Transit, clarified how the chart provided is arranged to show locations based on routes with unique bus stop identification numbers (Exhibit 3) and gave assurance that there are no duplications. The shelters are to be maintained by the City, but owned by the County. If destroyed or replacement is warranted from wear and tear, the County would replace them. Mr. Terrill understood the City must repair them if damaged or substantially damaged. At their discretion, the County can replace them if they are totally destroyed. Ms. Douglas added that the intent is that the County and City jointly decide as to repair or replacement. However, if there is disagreement, it is solely the County's decision. As to lawsuits, the City Attorney advised that both the City and County would be included. As to shelters being covered in the Sistrunk streetscape project, Ms. Douglas advised there is some anticipation of some funds being used for this project for locations identified in both projects. It is being coordinated. Solar panels replacement would be considered a repair which would be a City responsibility whereas the real time sign (only placed on major corridors) is owned and maintained by the County. The City does not have the option of refusing or deciding against a shelter location. The shelters could last up to thirty years if properly maintained. The fact that the agreement is silent as to term was not intentional. The County is committed to not have this project interfere with any existing contracts unless the installation does not meet ADA requirements. In such case, the City would be requested to make a correction or removal. Mayor Seiler wanted to know in advance such information, however, Ms. Douglas indicated that most of the shelters are ADA compliant; they have not reached site specific design yet.

Commissioner Rogers asked about an adopt a shelter program with advertising. Ms. Douglas advised it is being looked into. There are strict requirements as to use of the project's funding and advertisements are not permitted. The County is not opposed to advertisements adjacent to the shelters and would be willing to work with the City on design within the right of way and ADA compliant.

Mr. Partington believed the majority of shelters will be the small type.

In response to Commissioner Rodstrom, Ms. Douglas confirmed that the County has coordinated any changes to bus routes with this project. A bike rack will be provided at every bus stop if the right of way width permits.

Commissioner Rogers asked if the proposed WAVE route was taken into consideration. Ms. Douglas advised that rerouting of existing transit infrastructure within the WAVE route has not been finalized, therefore it is being viewed as it is today.

In response to Commissioner Rogers, Ms. Douglas advised that the total cost of a shelter with landscaping, trash receptacle and bike rack would be \$15,000 for small and medium shelters. Commissioner Rogers was not in favor of an expenditure in the area of \$300,000. He raised the idea of a pilot program. Ms. Douglas advised that a pilot program would jeopardize the grant which ends November, 2012. The bid process is already underway (3-9 months). In response to Commissioner Rodstrom, Ms. Douglas

indicated that the list of proposed locations is based on ridership. Mr. Terrill responded to Commissioner DuBose's question that the estimated maintenance cost is universal.

Vice Mayor Roberts asked about the design decision process. He wanted staff to come back with various designs that would fit and associated maintenance costs. He asked that staff contact other cities, such as Plantation and Coral Springs. Ms. Douglas advised that the designs are owned by the other cities and cannot be used. Mayor Seiler was concerned that a standard design is not available. Vice Mayor Roberts reiterated his request for all available designs that would fit and associated maintenance costs. He also requested information based on whether the City chooses varying numbers of shelters in order to decide on how much maintenance cost would be acceptable. In answer to Commissioner Rogers, Ms. Douglas did not have information on the median ridership. In response to Commissioner DuBose, Ms. Douglas explained that other cities had shelters designed according to their wishes which was paid by the County, however, that funding has been exhausted. Mayor Seiler questioned not being able to use designs completed for other cities that were paid for with tax dollars. Moreover, Fort Lauderdale is the largest city in the county and has the highest ridership. Ms. Douglas explained that funding was received on February 14 and a meeting held with Fort Lauderdale on February 28. It is just now at this point. She offered to followup with any city that has a design that Fort Lauderdale may wish to use. Commissioner DuBose did not think it makes sense to do more designs; there should be access to a menu of designs. Ms. Douglas pointed out how Coral Springs' design of \$5,000 has minimized maintenance. Commissioner DuBose did not want to receive the information piecemeal, but rather to have all of the options.

There was no objection to Mr. Partington's suggestion that staff work with Broward County Transit staff to bring back other alternative designs that the County has the right to use and their associated costs in a priority-tiered listing.

I-H – Florida Inland Navigational District Grant Applications – Intracoastal Waterway Dredging of Las Olas Marina, Aquatic Complex and Bahia Mar Yachting Center; Riverwalk Seawall Replacement Northside; New River Pumpout Facilities; Las Olas Electrical Upgrade; Las Olas Marina – Floating Dock Replacement

In response to Commissioner Rogers, Susan Engle, a former Florida Inland Navigational District Commissioner gave a brief description of the scope of work for the Intracoastal Waterway dredging and noted an anticipated start the beginning of 2011.

Ms. Engle referred to the first two projects (Intracoastal Waterway dredging and Riverwalk Seawall replacement northside) and noted because they qualify as Interlocal agreements, the City asked to reimburse when the project is done. Ms. Engle went on to explain project logistics.

Commissioner Rogers advocated addressing the marinas when the Intracoastal is done. For everything else, he felt it should wait until there is money available. Ms. Engle went on to note facts about dredging levels and factors that apply to Broward County. Cate McCaffrey, Director of Business Enterprises, responded to questions about when funds would need to be paid. Ms. Engle explained that the first two items (dredging) are time-sensitive. The City needs to be ready when FIND is ready. FIND already has the permit; the City would be modifying it. The City only needs to satisfy FIND's seagrass survey and perhaps sediment samples. The cost could be included in the grant that is

due March 31. Ms. McCaffrey noted the additional funds column includes seagrass mitigation and any design and permitting costs (10%) for the two dredging projects. It was pointed out that the City is asking for the actual dredging grant, therefore the additional monies would be on the front-end. The current application is not asking for that money. Ms. Engle indicated efforts will be made to include as much as possible in the grant funding.

In response to Commissioner Rodstrom and Mayor Seiler, Ms. McCaffrey did not have information as to how much may be recouped from boat traffic at City marinas if the dredging is done. Once the electric and docks are upgraded at Las Olas Marina, it may be possible to gather data. Jamie Hart, Marine Facilities, commented on dock usage. Revenue is about the same regardless of vessel size. However, the City is only about 60% occupancy on medium size. With the dredging, larger boats could be accommodated and revenue recovery would be faster. There is an economic benefit in accommodating larger boats.

The City Manager suggested looking at this as an economic development initiative and financing it with the thinking that it will pay for itself over time. Larger boats are part of the City's overall vision. In response to Commissioner Rogers, Albert Carbon, Director of Public Works, outlined the City's current dredging program and funding. Commissioner Rogers wanted to see an analysis as to the economic impact. Assistant City Attorney Bob Dunckel confirmed that even if the City does not have the funding today, it may still apply for the grant. The City Auditor noted that the City would need to have the funding available when the contract is executed. Mr. Dunckel noted it was pointed out by David Roach of FIND that the funding would not be needed until October, next budget year, however lack of funding appropriation might influence the grant award when the City is compared to other applications.

Mayor Seiler pointed out the City's standing as a boating capital of the world and supported the City Manager's suggestion. Vice Mayor Roberts also supported the City Manager's suggestion. Commissioner DuBose did not think this would cause the City to lose the marine industry, but rather the opportunity to make more money with larger vessels. He could not digest it, knowing the challenges of the upcoming budget.

The City Auditor thought there might be an interest from local banks for a twenty-year tax exempt revenue note, roughly at 5%. For the dredging, debt service for the required match and the additional fund would be about \$151,000 annually. The improvements might sustain those payments, that is, revenue from the marinas.

Commissioner Rodstrom agreed with Commissioner DuBose. However, if there is a way to finance it for the benefit of this industry, she felt it should be looked at. Commissioner Rogers felt it makes sense to proceed when the Intracoastal is already being dredged.

There was consensus approval to apply for grant funding for the ICW (Intracoastal) dredging project (Las Olas Marina, Aquatic Complex, Bahia Mar Yachting Center) based on the financing concept set forth by the City Manager and City Auditor.

I-F – 2010 Neighborhood and Business Capital Improvement Program Grant Funding

Peter Partington, City Engineer, reviewed information in Commission Agenda Report 19-0418.

In response to Commissioner DuBose, Mr. Partington advised that because Rock Island was taken out of last year's cycle, it is first this year.

Genia Ellis, 1801 Marietta Drive, pointed out that it should be kept in mind during the budget cycle that these projects are construction in the right of way for the benefit of the City.

There was consensus approval as submitted.

I-D – Use of Fort Lauderdale Stadium – Federal Aviation Administration Response

Cate McCaffrey, Director of Business Enterprises, reported that the Federal Aviation Administration (FAA) wants fair market value for non-aeronautical use of the site. Clara Bennett, Executive Airport Manager, confirmed for Commissioner Rodstrom that the City is receiving fair market value relating to items on the regular meeting agenda this evening. In response to Mayor Seiler, Ms. Bennett advised that the appraisal conducted by the FAA for negotiations with the Orioles valued the property at about \$7 per square foot. FAA requires the highest and best use for non-aeronautical.

In response to Mayor Seiler's question about rezoning it to park and recreation and other questions raised by the Commission, the following information was provided. The City Attorney advised that the City would then be in breach of the agreement and they would take the property back. It is being rezoned to industrial, which is how it was appraised. Vice Mayor Roberts pointed out that the site could be separated for about \$750,000. Ms. Bennett advised that the entire site is fifty-five acres. It was valued at \$1.3 million annual rental to the airport. Ms. McCaffrey elaborated upon the FAA's definition of community use and points raised during the City's negotiations with the FAA. The community use has to be interim so that it could be converted to airport if needed. Mayor Seiler pointed out that Traffic proposes to allow use of the fields for public youth programs different than the Orioles. It is not a 100% for-profit venture. Commissioner Rogers suggested proposing that the stadium be shut down and the site used for fields that could be easily converted. Ms. Bennett believed FAA's position remains that a review will be made on anything non-aeronautical in use (previously noted). Ms. McCaffrey explained that the community use is an exception to the fair market value requirement. Mayor Seiler felt there is a stronger argument for community use with Traffic than the Orioles. Commissioner Rodstrom felt it is important that the presentation to the FAA be different than what was presented for the Orioles' use of the property.

In further response to Commission questions, the City Manager explained that the FAA believes that the City illegally encumbered the property when the City changed the zoning some time ago and therefore would like to be rezoned. Vice Mayor Roberts thought there is a distinction between the stadium and the fields. Ms. McCaffrey advised that FAA's argument is for the entire piece of property. The City Manager commented that if the entire site is changed back, the City could then propose use of a portion of it for

recreation. He believed that the FAA is looking for good faith effort on the City's part. Commissioner Rodstrom emphasized it be proposed as an interim use.

Aaron Davidson, representing Traffic Sports USA, indicated that they had proposed use the area for pre-season and open the area for public rental, but the City declined. He questioned whether it is feasible from a business standpoint with a value of \$600,000-\$700,000, but indicated that remain open to all scenarios and to approaching the FAA with the City.

Mayor Seiler asked about the short-term lease. Ms. McCaffrey explained that the Federal League always had arrangements with the Orioles to use the stadium in non-Spring training months on weekends. The City extended that arrangement through February. It is a drain on the General Fund and has not been budgeted. Since January 1st, the cost has been approximately \$45,000. To continue with the Federal League and the motorcycle group, it would be about \$3,000 per month. Mr. Davidson wanted to refine the presentation (to the FAA) to illustrate the extent of community elements. Janna Lhota of Holland and Knight, representing Traffic Sports USA, indicated that she has not yet examined the FAA criteria for community use because she wanted to first understand the Commission's position. She also emphasized the extent of the community component in Traffic's proposal as well as additional concepts that could be initiated.

In response to Mayor Seiler, the City Manager elaborated upon the facts surrounding a theme park proposal for the property, but it has not been presented to the FAA. The City's master plan for the Executive Airport would need to show that the property is not needed for the next twenty years, for example.

Mr. Davidson pointed out that Traffic would be assuming operating costs for the City that are not budgeted as well as a fair rent amount and asked about that being considered paying fair market value. He felt a more palatable proposal could be made to the FAA.

Mayor Seiler did not want to close the facility. It seems soccer is the best at this time. The City Manager offered to make another presentation to the FAA on the recreational use concept, seeking assistance from Congressman Klein. Mayor Seiler felt that Holland and Knight should also be involved. It should be short-term. Ms. McCaffrey noted that the Federal League is also interested, but has not yet made an official proposal. She believed they would assume the facility's maintenance cost. Mayor Seiler suggested that interested organizations make a proposal that could be presented to the FAA.

Mr. Davidson noted that the existing baseball components could be rented out for additional revenue to the City. Mayor Seiler suggested Traffic meet with the Federal League as to whether they could develop a joint proposal.

Ms. McCaffrey advised that additionally there is the question of whether to keep the stadium open in April as well as the outside areas used by the motorcycle group at about \$1,400 monthly or \$200 per class weather dependent. It was noted that the motorcycle group needs access to the restroom facilities at the stadium. As to maintenance, there is one employee and some part-time assistance. There is no money in the budget to keep the facility open. Vice Mayor Roberts suggested borrowing from the insurance proceeds for the lighting. The City Auditor believed those proceeds belong to the airport, not the General Fund. The City Manager indicated that would have to be looked into.

Ms. McCaffrey advised the cost is \$15,000 per month and will increase as rainy season arrives. Commissioner Rogers asked about a per diem rental rate in the meantime. Ms. McCaffrey explained that there are certain risks; she has the sense that the FAA would not be pleased with piecemeal proposals. The City Manager agreed to find the \$15,000 for the month and come back to the Commission with a funding proposal through the fiscal year. In response to Mayor Seiler's question about revenue generating sources in the interim, Ronna Adams, Business Enterprises, advised in addition to the motorcycle group, the Federal League pays \$600 per day and uses the facility on Saturdays. Ms. McCaffrey explained the City has not returned to the FAA for these uses, but simply continued what was previously ongoing with the Orioles. Rental of the facility was handled by the Orioles for some time and is now being handled by the airport manager.

I-C – Code Amendment – Police and Firefighters Pension Plan

Michael Dew, chair of the Police and Firefighters Retirement System Board of Trustees, advised that the board unanimously instructed that he present four proposed amendments to City ordinances. He reviewed the four ordinance changes proposed as outlined in the exhibits to Commission Agenda Report 10-0422, concerning trustee term of office: change the term from two to four years; designation of beneficiary: allow a retired member to change the joint annuitant or beneficiary up to two times without approval of pension board whether or not the joint annuitant or beneficiary is alive at the time of the change; survivor remarriage: allow surviving spouse to remarry and not have to live together in order to protect their retirement income; police overtime: up to forty hours overtime per police officer per calendar year would be creditable toward retirement benefits.

Trustee Term of Office - Mayor Seiler asked about current term limits and the public policy benefit. Mr. Dew explained that serving as a trustee requires an intensive education, including a certification process that takes about two years. A longer term would punctuate the commitment undertaking for people considering service. Commissioner Rogers saw the value is extending the term beyond two years. On the other hand, there may be individuals who could not commit for that length of time. Vice Mayor Roberts concurred. John Dargis, Employee Relations Director, noted that the General Employees Pension System Board of Trustees has a three-year term. Mayor Seiler suggested three-year terms.

Designation of Beneficiary – Vice Mayor Roberts noted it is a requirement (Florida Statutes 2009-97, Laws of Florida, Senate Bill 538). There was no objection.

Survivor Remarriage - The City Auditor referred to the actuarial statement provided and noted it points out that there is no immediate actuarial impact, but a potential one going forward. If someone remarried, it would add to the experience gain or loss. There is no impact by increasing the unfunded liability for past service, but there will be a prospective cost. There is a potential reduction in the future. Mr. Dew concurred, but there is no impact as to City cost at this point. Commissioner Rogers felt it is better to have a policy that forces someone to live outside of marriage to maintain their benefit. The actual impact to the plan in the future is so speculative that one does not weigh it heavily. Vice Mayor Roberts supported the request. There may be only some fifty to sixty people still living that could take advantage of it. Mr. Dew advised that the total number of survivors is 103. This is the only fund with such an exclusion. The City Attorney advised that the current plan pursuant to the collective bargaining agreement does not

provide for this. It should be going through the collective bargaining process. It is granted through that process, the Commission could then give it also to the retirees. Mr. Dew disagreed, and explained this affect retirees from 1972 to 1999. From 2000, retirees have the option of 100% joint survivor, lifetime annuity or the standard plan. The City Attorney pointed out that there is a recalculation of benefits based on that selection. Mr. Dew concurred; but there would not be in this case. Assistant City Attorney Bob Dunckel indicated this is at variance with what was previously explained that it would be prospective. He disclosed a potential conflict of interest with his stepfather, retired Fort Lauderdale Police Department employee and his mother who remarried and forfeited her pension benefits. People have remarried and forfeited benefits. Mr. Dew clarified he meant it was to be prospective, but for the 1972 to 1999 group, their only option was the standard benefit. Vice Mayor Robert disclosed that he should probably not be participating in this discussion because it impact him as well. In response to Commissioner Rogers, Mr. Dunckel advised that it has not been a negotiable item in collective bargaining.

Trustee Term of Office - Mr. Dunckel provided additional information on current term limits, but the Commission stay with their decision of three-year terms. Mayor Seiler felt it is unfair for a mayor to not have the opportunity to make an appointment to this board for their entire term of office if the term was changed to four years.

Survivor Remarriage - In further response to Commissioner Rogers, the City Attorney advised that if the retirement option is less of a benefit in order to get the guarantee that the survivor will receive the benefit for life, then it could be a collective bargaining item. If there is a choice, he did not know if the benefit would be the same. Mr. Dew outlined the current options. The City Auditor commented that the pay-out option is generally lower because it takes into account the estimated life for whom the secondary benefit is being paid to and it presumes some level of remarriage. He was certain the benefit for retirees would be higher than that going to current collective bargaining employees. In response to Commissioner Rogers, Mr. Dew did not believe that prior to 2000 an individual did not have the choice.

In response to Commissioner Rodstrom, it was pointed out that the General Employees Retirement System Board of Trustees has a list of items for the Commission to consider as this board has presented. Commissioner Rodstrom was concerned about any increased benefit and how it would impact other employee groups.

Mayor Seiler concluded this should go through the collective bargaining process. The City Attorney explained this group does not have the right to bargain for the retirees because they have already been bargained for. Normally, after collective bargaining for additional benefits, the retirees ask for them. In response to Mayor Seiler, the City Attorney expressed the opinion that this could cost the City. Mr. Dew pointed out that it depends on how much money is brought in. The City Auditor explained that it reduces the excess experience gain. He went on to elaborate upon the facts on this point. He did not know how to quantify the amount and commented that it might be insignificant. Commissioner Rogers posed a scenario of someone having the option to choose between 60% and the spouse could not remarry or 50% and the spouse could remarry. It would not be fair to change it now, although he wanted people to remarry without worry about the benefits. The City Attorney believed that is how the options work. He recommended more study be done. Mayor Seiler concurred.

Police Overtime – There was no objection.

Note: The City Commission recessed at 4:46 p.m. and reconvened with conference agenda item I-E, in the City Commission meeting room on the first floor of City Hall, at 9:52 p.m.

I-E – Pain Clinic Legislation

Kathleen Gunn, Grants and Legislative Affairs, drew attention to House Bill 225 with companion Senate Bill 2722, as well as Senate Bill 2272 with companion House Bill 1499 described in the Commission Agenda Report 10-0407. Commissioner DuBose expressed support in House Bill 225 and Senate Bill 2722 and went on to note that Senate President Jeff Atwater is associated with Senate Bill 2722 as well as the committee status. These seem to be moving. Ms. Gunn believed the City Attorney is supportive of 225 and 2722. They look the most promising. House Representative Bogdanoff has been tasked with coordinating this issue. Commissioner DuBose indicated that he spoke with most of the Broward Delegation and found that they seem to be onboard with House Bill 225.

Vice Mayor Roberts felt the legislation passed last year relating to registration is not strong enough. Mayor Seiler noted that Senate Bill 1722 seems to be addressing this point.

Mayor Seiler encouraged the Commission to contact the legislators. He went on to elaborate on how the issue may work its way through the process. There was consensus approval for Ms. Gunn to draft a letter in support of all of the bills listed in Commission Agenda Report 10-0407 for the Mayor's signature and forward it as appropriate. Commissioner Rogers wanted to emphasize in the letter the City's desire for something to be done.

Commissioner Rogers wanted to address the zoning to prohibit prescribing and filling prescriptions except at a hospital or pharmacy. The City Attorney indicated that an argument could be made for it. Commissioner Rogers requested a memorandum outlining the strength of such an argument. He also wanted Code Enforcement and the Police Department to come together and pinpoint what could be done with current laws. Vice Mayor Roberts agreed, the City Manager should form a task force to bring together all legal means to shut down these operations. Rather than a memorandum, Mayor Seiler asked the City Attorney to look into the extent of aggression by other cities. He wanted to be as aggressive as possible.

Bill Goetz, resident, recommended the letter emphasize there be a reporting process that takes place as close to real time as possible. In order to do so, there should be a biometric scan at the physician and pharmacy locations. The City Attorney indicated that would be something that would be looked at. Mayor Seiler agreed that real time reporting is important. Commissioner DuBose noted that multi-state is another aspect which is included in the legislation.

With respect to City's annexation bill for Cypress Creek Road and Andrews Avenue, Kathleen Gunn, Grants and Legislative Affairs, advised that there has been some discrepancy in the language. She received confirmation that Cypress Creek Road and

Andrews Avenue right of way would continue to be owned and maintained by Broward County which is what Broward County would like to see happen.

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

There was no objection.

I-I – Public Notices and Advertisements – Senate Bill 376 – Not addressed

II-A –Solid Waste Disposal Service – Resource Recovery

In response to Commissioner Rogers, Albert Carbon, Director of Public Works, provided a brief status report and indicated this item will come back to the Commission in May. Commissioner DuBose wanted an update as soon as breakdown information is available on the \$12 administrative fee. Also he requested that staff monitor the two legislative bills (Senate Bill 570 and House Bill 7243). Mr. Carbon advised that the City lobbyists are tracking them.

II-B – January 2010 Monthly Financial Report

Concerning the Sanitation Revenues and Expenditures, Commissioner Rogers asked about the non-operating expenses. Albert Carbon, Director of Public Works, advised that he will have to follow-up on the question, but thought it may have to do with initial transfers for early bond pay off that was approved by the Commission on February 16.

Commissioner Rogers thought there be another problem with overtime; it appears the City is exceeding the budget. Shonda Singleton-Taylor, Acting Director of Management and Budget, believed that events throughout the season impact the overtime and went on to specifically mention holiday events. Commissioner Rogers thought that with history on these events, the City should do a better job of budgeting. Eric Pologruto, Assistant Fire Rescue Chief, indicated there have been unplanned events, such as the boat show. There is a staff shortage at present and once those positions are filled, it will help. Commissioner Rogers noted the boat show is not new; there should have been proper budget planning. Mayor Seiler agreed. Assistant Chief Pologruto believed that the department has not budgeted for City sponsored special events. He offered to follow-up and provide a response to the Commission. Commissioner Rogers asked that the same be done for the Police Department. Vice Mayor Roberts agreed, but pointed out that most of the holidays are in the first six months of the fiscal year which may be a part of this. In response to Mayor Seiler, Ms. Singleton-Taylor indicated the report is a straight twelve-month period. She believed that the events were budgeted. Also, the City is reimbursed for certain events shown on the revenue side. From an overall perspective, Mayor Seiler asked if there are any issues with overtime. Assistant Chief Pologruto mentioned the deployment to Haiti required some back-fill, and reiterated he will follow-up and report back. Mayor Seiler asked that it be confirmed that the boat show and Winterfest were budgeted. Ms. Singleton-Taylor confirmed for Commissioner Rodstrom that police and fire are budgeted for events and part of the time there is reimbursement. She suggested adding a column that would show the status of the department at the same time last year.

In response to Mayor Seiler's question concerning Information Systems, Ms. Singleton-Taylor advised there were one-time payments for software and hardware paid at the beginning of the fiscal year. Tim Edkin, Information Systems Director, explained the process and advised the department is on budget.

III-A – Communications to City Commission and Minutes Circulated for Period ending March 11, 2010

Charter Revision Board

Motion adopted by unanimous vote, requesting a meeting with the Commission.

The City Clerk advised that the next available afternoon date would be May 4. In response to Vice Mayor Roberts, the City Clerk advised that (ballot) information has to be to Broward County Supervisor of Elections by June 18. The City Attorney advised the intention is to forward a resolution; the ordinance would follow. Mayor Seiler asked that a luncheon meeting be set for May 4.

Marine Advisory Board

Motion adopted by unanimous vote, recommending that the City Commission keep the existing regulation for boat hoists and davits – one per 100 feet of lot width; one for additional 100 feet and lot width; and add the process for a waiver of limitations similar to docks and pilings; and add allowance of one lift for two personal watercraft; recommend that staff propose criteria for the personal watercraft lift.

Cate McCaffrey, Director of Business Enterprises, noted this is in addition to the changes previously acted on by the Commission. The board would like a waiver process similar to that for docks be provided for more than one boat lift per one hundred feet and allowance for one lift for two personal watercrafts if there is one hundred feet. The City Attorney explained this would normally go to the Board of Adjustment for a variance; the proposal would short-circuit that process. Greg Brewton, Director of Planning and Zoning, recalled the previous Commission took a boat tour and decided the need to restrict boats and their impact on the view of the waterway was more prominent than the allowance of the lifts. He expanded upon the Board of Adjustment's role. This has historically been a very sensitive item. The potential impact should be examined. If the board's recommendation is accepted, the responsibility would rest with the Commission and there would not be a need to show a hardship. Mayor Seiler requested a summary of the alternatives. In response to Mayor Seiler, the City Attorney recommended the process remain with the Board of Adjustment.

Motion adopted by unanimous vote, recommending that the City Commission consider providing relief to commercial boat operators on the New River through a six-month reduction in dockage rates for this year only at a 25% reduction, effective April 15, 2010 through October 15, 2010.

Commissioner Rogers asked about the financial impact and volume data. Cate McCaffrey, Director of Business Enterprises, offered follow-up and report back with this information. In further response, Ms. McCaffrey explained there is a desire to be able to compete with private marinas and to adjust rates. In this instance, it would be a one-year lease. In response to Commissioner Rodstrom, Ms. McCaffrey offered to include in her report the last time the rates were increased. In response to Commissioner DuBose, Ms. McCaffrey explained essentially this is about the commercial operations suffering from the economy and wanting some relief.

Budget Advisory Board

- 1) **The Commission should take an affirmative leadership role in establishing budget policy and guidelines for City management.** That should take place immediately. The Board believes the budget priorities in the current year are too restrictive for the next budget year and, accordingly, believes the Commission should change those priorities.
- 2) **The Budget Advisory Board has prepared a set of draft policies for consideration by the Commission.** The draft is attached. We strongly urge the Commission to implement these policies as work progresses on the preparation of the *2010/2011* budget.
- 3) **The City Manager should develop and adopt a vigorous and open process for budget development.** The Board firmly believes that merely tweaking the current process or making modest enhancements to the process will not produce effective results. Moreover, at the present time, the City is simply not equipped to implement a true zero-based budgeting concept.

Commissioner Rodstrom referred to Item 2.3, Budget Reduction Alternatives, and suggested all departments be examined, not simply those reporting to the City Manager. Commissioner Rogers asked the Commission look closely at the information provided and be prepared to provide guidance.

The above noted items will be addressed at the April 6, 2010 joint workshop with the Budget Advisory Board.

III-B – Board and Committee Vacancies

Note: Please see regular meeting item R-07.

V – City Manager Reports - None

There being no further business to come before the Commission, the meeting was adjourned at approximately 10:40 p.m.