

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
NOVEMBER 16, 2010

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CITY COMMISSION CONFERENCE MEETING 1:06 P.M. November 16, 2010

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

Also Present: Acting City Manager Allyson C. Love
City Auditor John Herbst
City Clerk Jonda K. Joseph
City Attorney Harry A. Stewart
Sergeant At Arms Sergeant Frank Sousa

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 1:06 P.M.

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

Collective Bargaining

CLOSED DOOR SESSION ENDED AT 2:09 P.M.

I-A –Fort Lauderdale Feeder System Transportation Project – Attract Tourists from Cruise Ships and Airport

Stephen Scott, Director of Economic Development, noted this has been named Fort Lauderdale City Excursion program. He introduced representatives from Downtown Transportation Management Association, Riverwalk Arts and Entertainment District, Gray Line and La Mar Excursions who are working with the City. The goal is to get more tourists from the port and airport into the city and affordably circulate them throughout. The transportation infrastructure is already in place with the TMA (Transportation Management Association). He went on to review slides concerning this matter. A copy of the slides is attached to these minutes.

Mayor Seiler supported the project; it is long overdue. With tourist season approaching, the plan should be expedited. He wanted to focus on the financial aspect. Mr. Scott explained the City's cost would be approximately \$30,000 in seed money. The goal is to have the program operate self-sufficiently with private partnerships. He stressed the work necessary with the port and other partners to establish the program.

Commissioner Rodstrom agreed that the program is long overdue. In response to her inquiry, Mr. Scott explained that a kiosk or Beach Place may be used as a waiting area for transfers. This point is not finalized. In response to Commissioner Rodstrom, the City Attorney advised that placing a kiosk in a parking lot would reduce parking revenue and, to the extent that it is earmarked for bond purposes, it could be done. Commissioner Rodstrom asked a route through the Sunrise Lane area be explored. Vice Mayor Rogers and Commissioners Roberts and DuBose expressed desire to move forward with this project. Mr. Scott clarified that only conceptual approval is being sought now, not funding.

There was conceptual consensus approval. Mayor Seiler thanked the partners for working with the City. He hoped the program would be in place by January 1, (2011).

Vice Mayor Rogers pointed out that only 80 percent of the City's economic development budget was spent last year. This program is a good opportunity to utilize these funds.

I-B – Proposed Alarm Response Fee Settlements

Police Captain Eric Brogna advised there are varying reasons for the entities listed in Commission Agenda Report 10-0832 who have requested some form of mitigation.

Mayor Seiler questioned why the commission agenda report indicates there would be no budgetary impact. The Acting City Manager offered to follow-up with staff.

In response to Mayor Seiler, Captain Brogna explained that the mitigation requests were set aside until the Commission decided upon the fee schedule. The new fee schedule has now been applied to each account. If the full payment is made, there would be one hundred percent cost recovery.

In response to Vice Mayor Rogers and Commissioner DuBose, he indicated the ordinance does not include an appeal process. The proposed resolution would allow the Commission to mitigate any fee. Mayor Seiler thought an appeal process must be in place for unique circumstances. The City Attorney believed an appeal process could create a tremendous problem. Regardless of whether an alarm is faulty, the City must respond and therefore incurs an expense. Vice Mayor Rogers questioned if these could be handled in a similar fashion to code mitigation. The City Auditor clarified that this is a fee. Fees are not waived because that would undermine the fee structure. The City Attorney maintained that if the City responds to an alarm, there is a fee. Commissioner DuBose believed there is consensus for staff to examine alternatives. In response to Commissioner Rodstrom, Captain Brogna advised that all of the entities have been notified.

There was consensus approval.

I-C – Internal Revenue Service Voluntary Compliance Statement – Police and Firefighters Retirement System

Robert Friedman of Holland & Knight, representing the Police and Firefighters Retirement System, explained his firm was retained to assist in obtaining an IRS determination letter. He provided a brief historical overview, noting for many years the IRS left government pension plans alone and did not pursue compliance with plan requirements applicable to tax-qualified plans. Recently, the IRS requested that government plans apply for determination letters as private sector plans. Certain requirements need to be incorporated into the pension ordinance in order to maintain its tax qualified status. The IRS has been notified that they (Police and Firefighters Retirement System Board) would like to voluntarily correct the failure of the pension ordinance to have incorporated tax law requirements on a timely basis. A number of plan document failures were identified to the IRS. In order to correct this, amendments to the pension ordinance with a retroactive effective date would need to be adopted. Going forward, the plan must be kept in compliance with changes in the law as they occur.

In response to Commissioner Rodstrom, Mr. Friedman advised that there are no penalties.

The City Attorney explained the reason for the delay in bringing this forward is that actuarial help was sought to evaluate whether any of these changes were going to cause a fiscal impact to the City and might trigger some bargaining with the unions. In fact, all of the failures are going to be minimal. Authorization is being sought for the Mayor to sign documentation, stating the City will voluntarily make these changes in the near future. In response to Vice Mayor Rogers, Mr. Friedman clarified it is about the language itself because there are professionals making sure the plan is operating in compliance with the law.

There was consensus approval.

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

No discussion.

II-A – September 2010 Monthly Financial Report

In response to Commissioner Roberts' question about the sanitation fund, Albert Carbon, Public Works Director, advised that negotiations with the Resource Recovery Board are wrapping up.

In response to Vice Mayor Rogers' reference to the self-insured fund, Lynda Flynn, Interim Finance Director, advised that the budget does not have to be amended based on the close-out because it is part of the fund balance and will shown probably as excess expenditures. With reference to each case listed in the Other Funds" narrative of Exhibit 1 to Commission Agenda Report 10-1652, Commissioner Roberts emphasized the importance of avoiding reaching the point where excess expenditures have to be absorbed by the respective fund. In response to Mayor Seiler, Ms. Flynn estimated that the books will be completely closed by mid-January, February.

II-B – Possible Rescheduling of Certain 2011 City Commission Meetings

In response to questions from the Commission, the City Clerk clarified that meetings have historically been held on Wednesday if Monday is a holiday. In accordance with the Charter, a consent resolution making the change will be presented on the meeting prior to the particular change.

There was consensus approval for moving the January 18, April 19, July 5 meetings to Wednesdays, January 19, April 20 and July 6. The Commission deferred changing the December 20 meeting.

Note: The Commission convened as the Community Redevelopment Agency Board of Directors from 2:39 until 2:44 p.m.

III-A – Communications to City Commission and Minutes Circulated for Period Ending November 10, 2010**Centennial Celebration Committee Update**

More than 100 folders with information related to ways people can participate in the Centennial have been compiled and distributed at several public meetings. Additional folders are available for distribution upon request. The information in the folders includes pamphlets on the Speakers Bureau, how to request Historian assistance, and how to become a Centennial sanctioned event, as well as information on the History of Fort Lauderdale.

The Centennial content on the City website has been updated and significantly expanded.

The sponsorship packages are being finalized.

The Centennial Celebration will be featured as part of the Light Up the Beach Event at A1A and Las Olas at 6:30 pm on Tuesday, November 23. The official kickoff will be the unveiling of Fazzino's poster on December 9 and the Winterfest Boat Parade on December 11.

Mayor Seiler requested the Public Information Office to include Light-Up Sistrunk as a centennial event.

Charles Fazzino, the official artist for the Centennial will unveil the official centennial poster at the Museum of Art Fort Lauderdale in an event hosted by NOVA on December 9. Fazzino's Centennial Exhibit entitled "Faces of Fort Lauderdale" will be open to the public through January 9th.

Board of Trustees of the General Employees Retirement System – Items of Interest

Investment Consultant, Dahab Associates reported that the General Employees' Retirement System's portfolio returned 11.1% for fiscal year end September 30, 2010. This performance ranked in the top third of all public pension funds nationwide.

The Public Pension Coordinating Council chose the City of Fort Lauderdale General Employees' Retirement System as recipient of their 2010 Public Pension Standards Award in recognition of professional standards and administration.

Historic Preservation Board

Motion made by Mr. Strawbridge, seconded by Mr. Prager, to request the City Commission waive the application fees for the historic designation of the Coca-Cola building (northeast corner of Andrews Avenue and SE 7 Street). In a voice vote, motion passed unanimously.

In response to Commissioner Rodstrom, the City Auditor verified the request cannot be honored because fees cannot be waived. The City Clerk noted that the staff liaison should make the board aware of the Commission's comments.

Motion made by Mr. DeFelice, seconded by Mr. Prager, to ask the City to support exploring opportunities for preservation of the Rivermont House (Sailboat Bend) and site for public use. In a voice vote, motion passed unanimously.

Vice Mayor Rogers noted this is waterfront property just east of the swing bridge that is in foreclosure. He heard there may be some available grant funding to purchase it. There was consensus approval to explore purchase.

Insurance Advisory Board

Motion made by Mr. Grimsley and seconded by Mr. Piechura explaining the reason that the Board recommended Gallagher Bassett as the City's Workers' Compensation claims administrator was based upon a comprehensive analysis of all the factors included in the Request for Proposal, but most importantly the recommendation was due to Gallagher Bassett's effectiveness in controlling Workers' Compensation claim losses which have trended downward for several years. Furthermore, the Board is hereby communicating that from its perspective any savings derived from a lower administration fee charged by an inexperienced claims administrator would be insignificant compared to the millions of dollars that could be lost in relation to the ineffective administration of losses as reflected in the Philadelphia Daily News article, *City Workers Comp Costs Way Up*, which shall be provided to the Mayor and City Commission along with this communication, passed by unanimous vote.

Mayor Seiler noted the Commission has already acted on this item.

Northwest-Progresso-Flagler Heights Redevelopment Advisory Board

- 1. Progresso Pointe Park Impact Fee Waiver/Funding Request.** Motion was made by Mr. Centamore and seconded by Mr. Williams to request allocation of park impact fees for this project, with an amendment by Mr.

Wilkes that the dollars be allocated within proximity or within the CRA boundaries. The motion passed unanimously.

Commissioner Rodstrom indicated this was resolved during today's CRA (Community Redevelopment Agency Board of Directors) meeting.

- 2. Trammell Crow Project Street Lights. Motion was made** by Mr. Lambriz and seconded by Mr. Centamore to request the CRA Board of Directors require City staff to indicate a firm time line for the installation of these street lights. The motion passed unanimously.

In response to Mayor Seiler, Alfred Battle, Community Redevelopment Agency Director (Northwest), conveyed the proposed timeline for this project.

III-B – Board and Committee Vacancies

With respect to upcoming vacancies on the Downtown Development Authority, there was consensus approval for the Commission to meet with each applicant individually. The City Clerk will provide applicant background information. Mayor Seiler suggested a deadline for applications of December 1; appointments will be made at the December 21 meeting.

With respect to the Police and Firefighters Retirement System Board of Trustees, the City Clerk clarified the governing ordinance provides for a Commission consensus appointment.

Police and Firefighters Retirement
System, Board of Trustees

Jim Naugle (Consensus)
Dennis Hole (Consensus)

See regular meeting agenda item R-02.

The City Clerk drew attention to the question of a residency requirement of board members, the City Attorney explained that the ordinance provides all advisory board members will be residents of the city with three exceptions: Beach Redevelopment Board, Economic Development Board and Downtown Development Authority. There have been some additional exceptions detailed in the Commission Agenda Report 10-1678. Boards are created by ordinance and the residency of the city applies to boards. Historically, the residency requirement has been applied to resolutions which created committees. If the ordinance is changed to reduce, there would be a conflict of ordinance, but generally the more specific would apply. The question is whether the Commission wishes to apply a residency requirement to committees on an ad hoc basis or adopt a policy. In response to Commissioner Rodstrom, he explained that three boards have been excepted by the ordinance with respect to residency and four more were excepted because the specific enabling ordinance did not contain a residency requirement. In response to Vice Mayor Rogers, the City Clerk believed the exceptions were intentionally made by the Commission at the time.

Commissioner Roberts pointed out his nominee and the Council of Civic Associations' recommended appointee for the City Manager Selection Committee are not residents, although they own property in the city. He asked the resolution be reconsidered so that those individuals would be included. Commissioner Rodstrom and Vice Mayor Rogers

thought there should be consistency in the requirements and suggested live, own property or work in the city. Mayor Seiler believed working in the city should not qualify an individual to serve on a board; there must be some economic investment such as live or own property in the future. He did not object to making the change in this case. He believed because boards have varying purposes, the requirements would also vary. Vice Mayor Rogers commented about the difficulty in finding people who want to serve, therefore he supported the idea of broadening the definition of a stakeholder. One example could be a school principal to serve on the Education Advisory Board. Commissioners Rodstrom and DuBose agreed. The City Attorney noted the City Manager Search Committee resolution required residency, however there is a resolution on tonight's agenda to address possibly amending it. Commissioners Roberts and Rodstrom emphasized residents would be the priority choice. Mayor Seiler warned that allowing those who only work in the city could lead to numerous non-residents on boards in the future. Commissioner DuBose noted that non-residents may bring expertise to the city voluntarily, rather than paying for consultants. Commissioners Rodstrom and DuBose reiterated their agreement with Vice Mayor Rogers. In response to Vice Mayor Rogers, the City Attorney confirmed that an ordinance can be created providing for members of boards and committees to live, own property, or work within the city.

There was consensus approval for the City Attorney to draft an ordinance providing for members of boards and committees to live, own property or work within the city. Mayor Seiler was opposed. There was unanimous consensus approval for the resolution concerning the City Manager Search Committee on the regular meeting agenda to be amended to provide for the same qualifications.

Note: The City Commission recessed at 3:18 p.m. and reconvened at 8:21 p.m. in the Chambers on the first floor of City Hall with Commission Reports.

City Commission Reports

Sunrise Lane Area; Parking on A-1-A

Commissioner Rodstrom provided some background and conveyed a request from noted the Sunrise Lane area (SLA) for consideration of increasing permitted parking on A-1-A from Sunrise Boulevard north to the beginning of the Birch finger streets. Diana Alarcon, Director of Parking and Fleet Services, explained that the time was increased last summer to 11 p.m. to meet that request. This item will be on the December 7 agenda. She offered to contact the merchants association to get more information.

Financial Advisor

Commissioner Rodstrom referred to previous discussion concerning the City's co-financial advisor, Frank Hall and her follow-up conversations with individuals with which Mr. Hall indicated he had contacted. Because Mr. Hall is accusing her of being personal, she wanted the Acting City Manager to draft a letter to inquire about any type of investigation the City could have done by a regulatory agency. In response to Mayor Seiler, the City Attorney thought the City Auditor could handle this and then make a recommendation to the Commission. Lynda Flynn, Interim Finance Director, explained that she has not looked into the banks mentioned by Mr. Hall, but offered to contact them. Mayor Seiler felt there should be a good faith basis before taking action. The City Attorney agreed; he thought someone should follow up. Mayor Seiler requested that Ms. Flynn follow-up and report back to the Commission.

Feeding Homeless; Stranahan Park

Vice Mayor Rogers remarked on the feeding of the homeless at Stranahan Park and associated problems raised at the most recent District IV meeting. He wanted staff to bring forward a site recommendation to the Commission sooner than later. He acknowledged staff's work on the issue, but thought this should be brought back with a site recommendation. Mayor Seiler agreed. Cate McCaffrey, Director of Business Enterprises, explained staff's plan to present suggestions and an update in December. In response to Vice Mayor Rogers, the City Attorney confirmed that panhandling raised by the Downtown Development Authority could also be addressed.

District IV Events; Tunnel Top Park

Vice Mayor Rogers announced upcoming and recent District IV events and completion of tunnel top park.

Fort Lauderdale Strikers

Vice Mayor Rogers noted that the Miami Fusion Soccer Team has requested the City support changing their name to the Fort Lauderdale Strikers.

Las Olas Boulevard Workshop

Vice Mayor Rogers indicated the three topics for discussion at the upcoming Las Olas Boulevard workshop will be public safety, parking and streetscape. The meeting is planned at Northern Trust and a notice has been posted.

Melrose Manor Annexation; Sanitary Sewer Hook-Up

Commissioner DuBose referred to the annexation of Melrose Manor and concern of residents about sanitary sewer hook-up. He asked if the Public Works familiar with the subject could attend their upcoming homeowners association meeting to answer their questions.

District III Events

Commissioner DuBose announced upcoming District III events.

Advisory Board and Committee Meeting Costs

Commissioner Roberts requested the Acting City Manager look into costs associated with conducting advisory board and committee meetings including staff time.

Florida East Coast (FEC) Railroad; Proposed Stations

Commissioner Roberts inquired whether the City should begin planning to be properly positioned for proposed station sites relating to the Florida East Coast Railroad. Mayor Seiler agreed and suggested a staff member be assigned to stay current on this project so that the City can move forward when the time comes.

Surplus Properties

Mayor Seiler asked that the item of surplus properties be brought forward on the agenda to finalize and the Acting City Manager advise as to when it will be presented.

City Events

Mayor Seiler announced recent and upcoming events.

City Manager Reports - none

There being no other matters to come before the Commission, the meeting was adjourned at 8:46 p.m.