

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
FEBRUARY 15, 2011

<u>Agenda</u> <u>Item</u>		<u>Page</u>
	City Manager Reports	1
	City Commission Reports	1, 17
	CR-1 East Las Olas Boulevard Workshop – Issues and Recommendations	1
	1. Neighborhood Development Criteria Revisions Initiative	17
	2. Designation of Historic Building; Application Fee	17
I-A	Visioning Process Consulting Services	5
I-B	Automated Red Light Camera Traffic Enforcement System	12
I-C	Metropolitan Planning Organization 2011 Enhancement Grant Program – Selection of Projects for Application Process	14
I-D	Hugh Taylor Birch State Park Shared-Use Trail Conceptual Plan	4
I-E	Operation of Southside School – Status	7
I-F	Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases	15
II-A	Air Conditioning Units – Mills Pond Park Administration Building- Emergency Purchase	15
II-B	Aluminum Bleachers – Aquatic Complex – Emergency Purchase	16
III-A	Communications to City Commission and Minutes Circulated for Period Ending February 10, 2011	16
III-B	Board and Committee Appointments	17

CITY COMMISSION CONFERENCE MEETING 1:30 P.M. February 15, 2011

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 Dana Swisher

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 1:36 P.M.

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

Collective Bargaining

CLOSED DOOR SESSION ENDED AT 2:21 P.M

City Manager Reports

The City Manager introduced the new Finance Director, Douglas Wood.

City Commission Reports

CR-1 – East Las Olas Boulevard Workshop – Issues and Recommendations

Vice Mayor Rogers provided a brief overview. He noted about eight percent of the City's parking revenue is derived from Las Olas or about \$750,000 as well as over five percent traffic ticket revenue. With respect to pedestrian safety and public safety, crosswalks could be made more visible with signage. The merchants would like some free parking. Since the end of 2008, parking meter rate schedule changed from 6 p.m. to 11 a.m. which has increased revenue. There is about \$3 million surplus this year which are typically targeted for capital improvements. He wanted to use some for this need. He noted a streetscape plan that was presented to the Metropolitan Planning Organization (MPO) but it has not been funded. He wanted consensus to direct staff to move forward in the area of pedestrian safety and public safety, conduct a traffic and parking study, and develop streetscape strategy.

Mayor Seiler opened the floor for public comment.

Mike Weymouth, representing Las Olas Company, referred to the idea of an identity for Las Olas and emphasized the importance of continuity and a destination.

Jackie Scott, Colee Hammock Homeowners Association, emphasized the need to look at the surrounding neighborhoods of Las Olas in any study of Las Olas itself. She discussed traffic congestion issues, including delivery trucks. It has been over-capacity since probably the 1980's. Although hundreds of thousands of dollars have been expended on studying the problem, nothing has ever been done. She urged the traffic

City Hall, 100 North Andrews Avenue, 8th Floor Conference Room and 1st Floor Chambers

problem be solved before anything is implemented. Vice Mayor Rogers pointed out that people need to be educated to use other corridors to access the beach. Also, delivery trucks could make better use of the alleys. Ms. Scott emphasized the damage that delivery trucks regularly make to the streetscape. Change will not happen without some physical action.

Robin Merrill, Upper Room Art Gallery, indicated she is a new Las Olas merchant. She emphasized a need for the City to be more friendly to customers, pedestrians or visitors. She mentioned parking tickets, lighting, speeding, safety and pedestrian markings. Vann Padgett, Las Olas Company, indicated merchants are concerned about the homeless. It has an impact on everything. Also, the parking meters sometimes malfunction. More maintenance of the meters is needed.

There was no one else wishing to speak.

Mayor Seiler noted the importance of Las Olas as the City's signature street.

PRIORITY 1: More obvious/visual signage and crosswalks are needed (put signage in cement; use painted, lighted crosswalks, such as 3M reflective stripes). Also, the median should be extended farther east.

Mayor Seiler agreed with the signage and crosswalk priority. He did not think this is something that would even have to come before the Commission in order to get done. Vice Mayor Rogers elaborated upon some ideas contained in the commission agenda report (11-0253). Albert Carbon, Director of Public Works, advised that staff has two signage proposals (Worth Avenue and A-1-A). The City has an agreement with Broward County for provision of traffic engineering services and he offered to follow-up with them. The County does not install this type of signage on mid-block crosswalks. Mayor Seiler wanted to pursue securing an exception from the County. Commissioner Rodstrom wanted to concentrate on items that can be accomplished immediately. Mr. Carbon indicated that the crosswalks could be striped by the County. There is state law requiring motorists to stop for pedestrians.

PRIORITY 2: We want police on our streets.

PRIORITY 3: The City needs to facilitate the speed-reduction process. (Note: This has already been requested of Broward County).

Assistant Police Chief Steve Kinsey elaborated upon the number of officers assigned for traffic enforcement and that the number of citations since early 2010 has doubled. Commissioner Rodstrom believed the preference is more police vehicles and less parking enforcement. Vice Mayor Rogers indicated because there is no enforcement at night, it becomes a problem. Assistant Chief Kinsey explained the logic for the department's nighttime assignments.

Mayor Seiler stressed the need to reduce the speed limit to 25 MPH, mentioning that there is on-street parking. Mr. Carbon indicated this request has been submitted to the County and noted their criteria. He offered to check on the status of this request. Commissioner Rodstrom pointed out the jurisdiction is split between the County and State. Approval is needed for the entire length. Commissioner DuBose questioned whether the County has been responsive to the City's request. Mayor Seiler asked the Acting City Manager to inquire to the County Administrator about this request.

In response to Mayor Seiler, Peter Partington, City Engineer, advised a traffic study was conducted about ten years ago with significant community outreach. Medians were to be expanded to the east of Himmarshee, traffic calming on Colee Hammock north/south streets and traffic capacity improvements on 15 Avenue. He provided some historical insight to the thinking at the time as to parking. Funding requests have been part of the capital improvement program fairly consistently since that time. Mr. Carbon noted it has never been funded. Mayor Seiler wanted to look toward implementation instead of conducting another study. He asked about using some revenue from the Parking Enterprise Fund. Diana Alarcon, Director of Parking and Fleet Services, confirmed for Commissioner Rodstrom that parking revenue was used for landscaping improvements on Oakland Park and Commercial boulevards. In response to Mayor Seiler, Mr. Carbon indicated the median project is proposed for \$800,000. The City was trying to secure \$750,000 from the MPO for enhancements because they will not fund curbing and so forth. Mayor Seiler requested staff provide a proposal to expedite the project using parking revenue. Commissioner DuBose questioned how this would tie into the comprehensive plan. Mayor Seiler did not think that the beach – A-1-A/Las Olas intersection is not part of this discussion. In response to Commissioner DuBose, Ms. Alarcon advised that the median improvements would extend to 15 Avenue. Mr. Carbon clarified the jurisdictional divide. He outlined the study's recommendations. He did not know the cost in today's dollars, but agreed to cost out the plan and provide that information to the Commission. Commissioner DuBose also wanted to know the impact on the neighborhood. Mayor Seiler wanted the neighborhood to concur with the approach. Commissioner DuBose thought it may not have been funded because possible other action on the front-end was needed. He wanted a response to this question. Mr. Carbon indicated that it was not just the median, but also traffic calming which went through a public process. He agreed to bring back the requested information within a month. He added that the enhancements approved at the time did not include 24/7 parking, therefore staff will need to evaluate how that impacts traffic flow. Commissioner Rodstrom wanted to strike a proposal that will work for both the businesses and the neighborhood.

Mayor Seiler requested this report be placed on a conference agenda as noted.

The City Auditor did not think parking revenue could be used for medians; he did not think there is a nexus.

Ms. Alarcon explained that the Parking Enterprise Fund supports the parking enforcement in the police department, therefore the \$3 million balance is a little misleading.

PRIORITY 1 – In response to Commissioner Rodstrom's question concerning signage directing beach traffic to Sunrise Boulevard and, or SE 17 Street, Ms. Alarcon indicated there is signage at Interstate 95 and it was examined as part of the wayfinding program. Commissioner Rodstrom wanted to make sure there is adequate signage directing beach traffic.

With respect to the two-hour free parking recommendation, Mayor Seiler was concerned about revenue loss that might jeopardize the suggested improvements. Ms. Alarcon confirmed for Commissioner Roberts that the fund's net revenue is about \$1.5 million.

In response to Mayor Seiler, Ms. Alarcon indicated that there has been some discussion about using the H-Lot behind Las Olas for a parking garage, but the footprint is too small. It is the only site where the City has property in the close vicinity. Perhaps, the City could work with the Riverside Hotel for use of their garage. Ms. Padgett indicated the garage has 517 spaces and typically 12-15 percent is occupied. She emphasized the need for directional signage. Mayor Seiler concluded the best course of action would be to provide signage to this garage and requested this item be presented to the Commission. He also requested staff meet with the stakeholders again concerning delivery parking time limits and report back in a month.

Concerning consistent and less aggressive parking enforcement, Mayor Seiler saw this as a staff issue to be addressed by the Acting City Manager.

In response to the report's comment that better lighting is needed on Las Olas to bring awareness of the businesses and improve safety, Mr. Carbon advised that the lighting is for illuminating the intersections. He thought this is about ambient light for businesses that would spill onto the sidewalks. Commissioner Rodstrom asked about increasing the wattage of the street lights. Mr. Carbon offered to determine what governmental entity is responsible for the lights. Mayor Seiler asked this item also be included when this topic is brought back to the Commission.

Mayor Seiler emphasized that the neighborhoods that border Las Olas are included in the meetings. He suggested notice to the homeowner association presidents. Commissioner Rodstrom requested Victoria Park and the Isles be included.

Note: The Commission convened as the Community Redevelopment Agency Board of Directors from 3:15 p.m. to 4:23 p.m.

I-D – Hugh Taylor Birch State Park Shared-Use Trail Conceptual Plan

Commissioner Rodstrom provided copies of the plan, dated January, 2011, gave a brief overview and noted the State's work on this. This would bring forward a greenway alternate or additional loop through Birch State Park. Also included are letters of support from Senator Bogdanoff and Broward County Commissioner Chip LaMarca. She commented that the park already has the infrastructure already in place through their railroad system from years ago. Jim Gibson, Park Manager, Hugh Taylor Birch State Park, advised that a good portion of the old system can be reused, including a trestle that extended across the lagoon.

Vice Mayor Rogers asked about the funding. In response to his question, Mr. Gibson noted the entry fee schedule. Commissioner Rodstrom anticipated that the State would assume maintenance cost.

Mayor Seiler opened the floor for public comment.

Art Seitz, 1905 North Atlantic Boulevard, supported the proposal. He appreciated officials who have made arrangements in the past for the north gate to the park to be opened for certain special events. He discussed the A-1-A greenway, connectivity and the need for signage.

There was no one else wishing to speak.

Commissioner Rodstrom indicated this item could be submitted to the Metropolitan Planning Organization to seek a transportation enhancement grant of \$750,000, and noted discussion on what should be submitted to the MPO will appear on the next conference agenda (March 1). Perhaps, the grant should be increased to \$1 million. It is a countywide project. Commissioner Roberts noted there are other grant opportunities at the state level and hoped that is being pursued. Commissioner Rodstrom was optimistic and indicated she has been working with staff on other grant opportunities. General discussion followed with respect to pursuit of grants at various governmental levels.

There was consensus approval as submitted.

I-A – Visioning Process Consulting Services

Chaz Adams, Acting Director of Public Information, provided a chronological overview of the item as set forth in Commission Agenda Report 11-0203.

Former Commissioner Tim Smith recognized committee members in attendance. He provided an historical overview of the item and indicated the committee's desire to move forward. He believed the RFP will require the consultant to produce things. The plan is action oriented. It will provide citywide consensus information to assist the Commission in prioritizing. It is a ten-month process. He urged approval.

In response to Mayor Seiler, Former Commissioner Smith indicated the Visioning Committee's vote as well as the evaluation committee's vote was unanimous. Commissioner Roberts asked Former Commissioner Smith to expand on the distinction between the past and present recommendations. Former Commissioner Smith noted a small contingent of people who recommend the 1995 American Assembly into place. The American Assembly was not citywide, but nevertheless a lot of that effort has been accomplished. In response to Vice Mayor Rogers, Former Commissioner Smith indicated that the committee members battled over the process initially, everyone compromised and now are of one mind.

Former Commissioner Smith responded to Commissioner Rodstrom's questions relating to the cost, including that some 40-50 percent is related to data collection. He elaborated upon the process, emphasizing it is action oriented and requires submittal to the Commission at every stage. He confirmed for Commissioner Rodstrom that the \$400,000 does not include future monitoring. She referred to use of a 200,000 population and 40-50 percent of the cost being data collection, to ask how many people are under the age of eighteen. Children would not be providing information on the vision. She wanted to reduce the cost on this basis. Former Commissioner Smith thought the cost was actually about the process and not necessarily speaking to 200,000 people. He has been inquiring to people in the community who have all expressed support of this proposal.

In response to Commissioner DuBose, John Fernsler of Wallace Roberts & Todd, noted that there are two types of data, one relating to existing physical and socio-economic conditions and the other is about what people are thinking. He elaborated upon the format and process. He explained for Commissioner DuBose how the data will be married with wheels already in motion in the city. He confirmed for Commissioner Rodstrom that they have read the City's Evaluation and Appraisal Report (EAR) and noted this process could be the public input in support of it. In response to

Commissioner Rodstrom, Greg Brewton, Director of Planning and Zoning, thought that ultimately a separate RFP would be necessary for the EAR, however, the visioning data could be used as a resource. Commissioner Rodstrom thought there might be a cost offset opportunity for the vision if the EAR data could be utilized. Former Commissioner Smith pointed out that it could work both ways. He explained for Vice Mayor Rogers how the committee will stay involved throughout the process. In response to the City Attorney, it was clarified that the manager's office will be steering the ship. In further response to Commissioner DuBose, Mr. Fernsler elaborated upon the public participation program including proposed approaches and techniques. He noted the individuals working on this effort are locally based. He also gave an overview of the firm's experience in this field and previous work for the City.

In response to Vice Mayor Rogers, Mr. Fernsler advised that pricing is based on hours expended which is documented in the proposal. In response to Commissioner DuBose, Mr. Fernsler indicated that their firm would be open to negotiation in terms of the fee.

Mayor Seiler opened the floor for public comment.

Robert Walsh, 401 East Las Olas Boulevard, was opposed to the cost and allocating these funds to an advisory board. He agreed with Commissioner Rodstrom that the 200,000 population figure includes children. He was concerned about such an expenditure in today's economic climate and potential budget constraints.

David Rose, 701 Coconut Drive, supported the proposal. He believed a clear vision facilitates efficiency and cost effectiveness.

Art Seitz, 1905 North Atlantic Boulevard, supported the proposal. He emphasized the importance of professional advice. He thought that Deerfield and Hollywood are on the correct track.

Genia Ellis, executive director of Riverwalk Trust, believed the City is a product of its prior visioning processes. It is time to look at the old plans, talk to residents and look forward. She urged support of the proposal.

Dan Lindblade, member of the Visioning Committee and president of Greater Fort Lauderdale Chamber of Commerce, emphasized the need for a professional for this work. It is an opportunity to bring everyone together to decide on the City's direction for the future. He pledged his support throughout the process.

Stan Eichelbaum, vice chair of the Visioning Committee, emphasized that this plan should be an investment and not an expense. He felt every city must figure out a new way of governance now. He hoped this study will be helpful in that regard. He shared feedback from two developers who indicated that Fort Lauderdale is too slow. He hoped this effort will inspire dreams.

There was no one else wishing to speak.

Commissioner Roberts supported the proposal. He saw it as essential. It will create a transparency as to what the City wants to get done. It gets everyone on the same page; it sets priorities; it is effective and efficient from a budget perspective; it holds the Commission accountable. However, he had a concern about the price.

Commissioner Rodstrom referred to her cost saving measures and urged as many cost saving measures as possible be implemented. There will be an implementation cost in addition to this fee. She suggested multi-lingual informational materials and communications.

Commissioner DuBose felt this is an opportunity for government to be open and transparent. This topic was one of consensus for the Commission during the campaign. He also had a concern about the price.

Vice Mayor Rogers stressed the importance of such a broad base of knowledge. He had concerns about implementation. He raised the idea of asking department directors how much money in their budgets could they contribute to such an effort.

Mayor Seiler felt the proposal is a little pricey and hoped this could be resolved. He was pleased with the Visioning Committee's work. He believed this will shape the City going forward. He had received an equal number of emails in favor and against this item. There were suggestions for using the 1995 (American Assembly) plan, but he believed it is outdated. He received consensus approval to negotiate with the top ranked proposer.

I-E – Operation of Southside School – Status

Phil Thornburg, Director of Parks and Recreation, advised that staff is still trying to work through the community use issue. There are other items but he thought they could be addressed with the agreement. He explained the timing constraints in order for Nova to operate its summer programs and building modifications. Nova has offered the community use of the facility 48 times for community meetings and 4 times for special events. The usage would not be for programming. The Friends of South Side would like 30 percent of the operational hours which is almost a thousand hours for programming as well as neighborhood groups.

In response to Mayor Seiler, Mr. Thornburg indicated that Parks and Recreation Department could use the building, but does not need it. There is \$250,000 in the current budget for startup. Mayor Seiler was uncertain as to the City's thinking about long term use of the building. Mr. Thornburg indicated if the City used the building, it would be doing programming more in line with what the Friends are proposing; more of a community center with a slant toward the cultural arts. It would be operated like all of the City's community centers: programming fees and general fund subsidy. He has never anticipated making a profit at Southside. In further response, Mr. Thornburg indicated if operated totally by the City, he estimated a subsidy of \$250,000 to \$300,000 (including utilities) annually. Commissioner Rodstrom noted there would be ongoing repair and maintenance costs. In further response to Mayor Seiler, Mr. Thornburg did not recall if the Commission ever discussed operational costs, but it was discussed at the staff level. Mayor Seiler wanted to make it clear that the park is entirely separate from these discussions. He had researched the minutes but did not find any discussion on operational and maintenance costs. He did not think it makes sense to operate the building at such an annual cost.

Mayor Seiler pointed out that this is not a situation of Nova attempting to take the building because the Commission made a conscious decision to try to find an operator. He wanted an operator that will not require funding from the City. Vice Mayor Rogers noted the discussions are now about the percentage of programming hours. A general discussion followed concerning programming and operation of the building including scheduling. Mayor Seiler thought scheduling disputes could be resolved by the city

manager or his or her designee. He drew attention to the fact that there is also space at the Museum of Art. Vice Mayor Rogers indicated that Nova is willing to offer space at the Museum of Art if needed. He wanted to hear from the public.

Mayor Seiler opened the floor for public comment.

George Hanbury, president of Nova Southeastern University, indicated that in response to Vice Mayor Rogers inquiry, Nova is prepared to accommodate 48 events and up to twenty percent of the programmable hours of those classrooms that are not specialized. He pointed out that there are only ten classrooms in the entire building and 11,000 square feet. He emphasized their desire for community involvement to be part of their core values and elaborated upon some examples demonstrating that desire. He also pointed out the collaborative efforts to date concerning this adaptive reuse of a historical building; that they are prepared to operate it at no cost to the City; and that they are trying to bend over backwards in every respect. He believed Nova has reached their limit. Nova does not want to come where they are unwelcome or as if they are taking over a facility and saying no to the Friends. Their programs will center around visual and performing arts. They welcome any programs that the community organizations and the Friends centered around visual and performing arts and not things that will compete with the studio school. Their proposal has been modified four times with the most recent being an 80/20 percent programming split. Nova needs enough programming to cover costs. It is not possible to have two operators for the same building. If Nova is to be assume the liability, it needs to be responsible for programming.

John Wilkes, chair of the Friends of South Side, Inc., indicated the operations was discussed early on, but the focus turned to getting the construction completed. Programming concepts were approved by the Commission about five years ago and design followup occurred to address the programs. He clarified that there is no animosity toward Nova. The question is cost to the City. He did not want to see a long-term, unfettered operation of a \$12 million facility, which is a permanent solution to a temporary problem. In response to Mayor Seiler, Mr. Wilkes advised that the original programming was 40-50 percent for visual arts. He believed programming came before the Commission in March of 2005. The Friends propose that 30 percent of the programming not be with the Museum's school. He referred to the City's code as well as the restrictive covenants and indicated in order to meet that obligation, the community must preserve substantial interest. Their proposal is based on what the community wants. The Friends want to preserve the historical nature of the building and as such any modifications or alterations should respect the historical nature. Nova needs 17,000 square feet. The building is 11,000 square feet. Even with an addition, the square footage is still short. The Friends agree there should be one operator but they want some programming other than visual arts because it was promised to the community. They object to the 48 reference, which is vague. He believed it is equivalent to one percent of the use. A lot of the use is mixed or shared – City park operation, for example. If access to the building for the community is not negotiated now, there will be a problem. He emphasized the need for this to be detailed in the agreement.

Mayor Seiler asked what the Friends would propose if Nova pulls out. Mr. Wilkes indicated that the Friends have been approached by other universities and private groups. They have discussed a format like ArtServe. Mayor Seiler advised that ArtServe is not profitable. Mr. Wilkes agreed with the \$300,000 annual cost and noted that amount would need to be generated by fundraising and donations.

Mayor Seiler believed a decision has to be reached in the next two weeks. With respect to time, Mr. Thornburg advised that there needs to be a sixty-day notice to Broward County before anything is done in the building. Albert Carbon, Director of Public Works, advised that changes proposed by Nova have resulted in some additions and deletions to the building. This change order must be considered on March 1 in order to meet the deadlines and allow occupancy by the end of May. This accelerated schedule will mean some type of double shift and associated compensation.

Commissioner Rodstrom supported the Nova Southeastern option. Commissioner Roberts agreed but felt that Mr. Wilkes has raised important issues.

Note: The City Commission recessed at 6:03 p.m. and reconvened with Conference Item I-E at approximately 7:66 p.m. in the City Commission meeting room on the first floor of City Hall.

Mr. Wilkes referred to a letter from the Friends of South Side, Inc. to Nova Southeastern University, dated February 7, 2011, which had been provided to the Commission. A copy of the letter is attached to these minutes. He believed the Friends have reached somewhat of an accord with Nova on the issue of community access and use consistent with the restrictive covenants and the City Charter. There is agreement with Section 1 but the audio/video element may be relocated to the new gallery space or a hallway whichever is most affordable to agreeable to the operator. There is agreement with Section 2 if the culinary teaching kitchen with catering capabilities can be tweaked to maximize its use as long as those capabilities are not eliminated. As to the idea of changing the orientation to get more seating, he believed the contractor cost may far exceed the value. Concerning Section 3, there are now four unspecified classrooms, therefore community use would be the equivalent of 20% of the operating hours of the original five unspecified classrooms or about ten hours a day, plus the 48 special events through the course of the year. If the culinary kitchen and gallery are not otherwise used, they would be available. Any programming relating to this space may not be in conflict with the visual art elements of the Museum school. It is recognized that house rules will need to be established. The agreement may be preserved by the City. He questioned who would be assigned the coordination and oversight function because it may be a source of generating scholarship money. There would be no fee for this programming time except supervision cost and excess maintenance. There are other details, but he was hopeful they could be worked out.

Pete Witschen, representing Nova Southeastern University, referred to the 20 percent programming time and explained their goal is maintain enough programming time to be able to pay for maintenance and capital cost of the building. These are minimums. The Museum does not intend to keep classrooms unused. In response to Mayor Seiler, the City Attorney advised because of the grants, fees must be equal to all residents of Broward County.

Mayor Seiler opened the floor for additional public comment.

Pamela Wilkes, 821 South Rio Vista Boulevard, pointed out that the Commission is giving away a \$9 million gem of a facility. People are fighting for community use of it. Programming is needed for small groups. She also felt the park needs improvements.

Irvin Lippman, executive director of the Museum of Art, indicated that everyone involved with the museum is also very passionate about the community in addition to the arts.

The museum itself was founded by Junior League members. There are some ten thousand artists in Broward County and the museum welcomes all of them. They would be open to artists coming into the facility to conduct workshops and new alternative ideas. They are open to making sure the community is welcome which is underscored in their mission statement and would be so at the Southside School.

Yaseman Wasserman, 600 SW 12 Court, indicated the proposed program (Friends) was developed through input from the community. While Nova and the Museum will fill a huge piece in visual arts, only a small population will be served by visual arts instead of a huge population that is interested in all of the arts. The programming request is for this purpose, It will also give teachers who do not have opportunities through bigger organizations an opportunity here. It would be a starting point for those teachers. She emphasized the Friends are looking for some programming time for the community. Mayor Seiler noted the percentage being discussed is a minimum. When the building is not in use for the arts, he wanted it to be available for the community. There is space available throughout the city. There is a cost associated with operating and maintaining this space; the space cannot just sit there. Ms. Wasserman contended that there are teachers teaching wherever they can, but space is not available. There is a list of these individuals. Some space from Parks and Recreation is being used, but the concept was to come together in a cultural arts building and to allow people to teach their own programs not conflicting with Nova's programs.

Kathleen Ginestra, a member of the Friends of South Side, elaborated upon the history and people involved in preserving the building and that so much focus was given to preservation and restoration that not much thought was given to its operation. She was concerned about the deadline of March 1. She thought more time should be given to thinking through this so as not to regret a quick decision. She also questioned the need to modify the building when its design was well thought out by many people. She suggested a short-term lease so there could be some re-thinking of what is the best use of the building. If there were no changes being made, Nova would not have to make any capital investment.

Dr. Hanbury, representing Nova Southeastern University, noted this was brought to the Commission in December, January and now. They would like to expand their efforts in Fort Lauderdale and be part of the community. They did not know anything about a 30/70 percent split until yesterday. Their proposal provided to the Commission is 48 opportunities, with no stipulated time period. Considering the hours that the building would be open, about 77 percent of the time would be used for visual arts. Therefore, Nova would agree to 80/20 percent, leaving the 48 opportunities in the document as a measurable aspect. This would apply to classrooms that are not stipulated, such as a computer lab, or about five classrooms. The City would control community scheduling.

It was confirmed for Mayor Seiler that the total number of operational hours would be about 70-72 hours per week. Mr. Wilkes explained the discussion was 20 percent of five classrooms or ten hours, so it is actually much less. As time goes on, there will be some programs overlapping, but the Friends want some minimum standard.

In response to Commissioner Rodstrom, the City Attorney advised that there is a Broward County deed restriction for the Southside School site that requires a number of uses, but not a percentage of any one of the uses. The School Board (park portion) has an almost identical deed restriction. Mr. Wilkes added that there are also restrictions relative to leasing and subleasing to private and non-private groups. In further response,

the City Attorney advised that the City could have issued an RFP for the operation of the facility, but not for a for-profit private business based on the deed restrictions. Commissioner Rodstrom did not want to tie the hands of Nova, but also wanted to recognize all of the hard work relating to this building. Mr. Hanbury reiterated the new concept added to their previous proposal is not to exceed 20 percent of operational hours for the five classrooms that are not specified. The 48 opportunities cannot exceed the 20 percent.

With this framework set forth, Mayor Seiler wanted to let the parties work out an agreement under the March 1 timeline. Regardless of who occupies the building, Vice Mayor Rogers thought the goal should be good stewardship. He emphasized that the site needs to be activated. Ultimately, the community needs to feel it is still there building. Dr. Hanbury indicated that Nova believes opening the facility will be an improvement to the neighborhood. Expenses will not be offset for a couple of years. The university will be subsidizing it instead of the City. They do not want to be here if they are unwanted. There have been many misunderstanding. He touched on discussions that took place concerning a 50 or 20 year term. If they do not conform to performance measures, they would be in violation of the agreement. There have been four modifications to their proposal with the latest yesterday. He did not think there is much difference between the items (of the Friends and Nova). He could not anticipate any legitimate request being denied. Vice Mayor Rogers thought everyone has to work harder and longer to reach an agreement because he thought there is always a different way to slice the pie.

Some discussion ensued as to the deadline wherein Mr. Thornburg advised that an agreement and change order could both come forward on March 1. Commissioner Roberts wanted assurance that something will be brought forward by March 1. Commissioner Rodstrom asked what would be presented, if the negotiations do not work out. Mayor Seiler indicated in that case, nothing will be presented. Commissioner DuBose wanted to know if the matter would come back to the Commission if no agreement is reached. In listening to both sides, Mayor Seiler felt there is a framework for an agreement. The matter could be brought back to the Commission in either case. In response to Commissioner Roberts, Mayor Seiler did not think the City is prepared (at this time) to proceed with the Friends alone. Commissioner Rodstrom felt it must be either an agreement reached between the Friends and Nova or Nova alone. Vice Mayor Rogers referred to remarks about rushing this matter and pointed out that if an agreement is not reached with Nova, the same deadlines do not exist and there is more time. He wanted to focus on reaching an agreement in the next two weeks. Commissioner Roberts pointed out that if it is not activated on March 1, it is a waste of more time and money. If they cannot reach an agreement, he believed perhaps Nova should operate the facility. Commissioner Rodstrom agreed with Commissioner Roberts. Mr. Thornburg thought a best reached agreement could be brought forward at the conference where the Commission could resolve any outstanding points. The agreement and change order could then be voted upon at the regular meeting that evening. In response to Commissioner Rodstrom, Mayor Seiler did not wish to indicate how he will vote in two weeks. Commissioner DuBose indicated if an agreement cannot be reached, he also is inclined to look at what Nova is offering.

Mr. Wilkes was concerned that commissioners are conceding that they will accept whatever is offered and at the same time asking him to negotiate on that platform. He emphasized there is no deadline. He commented about the revenue potential of the facility, indicating that the Friends requested funding from the City only to be practical.

They could operate it without any funding. The proposals of the Friends and Nova are not identical. The City is essentially giving Nova the key to a \$12 million facility. Without the Commission's full support to negotiate in good faith, he was unwilling to do anything. Commissioner Roberts explained that he hears feedback about \$12 million in this area of the City and questions of what is being devoted to other parts of the city. He did not want to see such a facility not being utilized. He empathized that the Friends diligently tried for years to get the facility completed. Commissioner Rodstrom pointed out that this is a citywide endeavor, with County and School Board involvement.

Mayor Seiler concluded a best reached agreement would be brought forward at the March 1 conference where the Commission could resolve any outstanding points. The agreement and change order could then be voted upon at the regular meeting that evening.

I-B – Automated Red Light Camera Traffic Enforcement System

Frank Adderly, Chief of Police, provided an historical overview of the program. Since the inception of the program, over 19,000 violations have been reviewed and 12,000 were rejected for a variety of reasons. An annual income of \$3 million was initially projected that has substantially decreased. The main reason for the decrease has been adverse court rulings. The court has added labor-intensive responsibilities for staff that are not required by state statute.

A brief review of statistical information concerning the violations ensued. The City Attorney advised that the court has not yet ruled against the City, but the City dismissed twenty-seven cases before one judge. He went on to describe the circumstances around the dismissal. Chief Adderly believed all cities are experiencing the same issues. A general discussion ensued of the circumstances, staff time involved, and revenue loss. Norm Mason, Assistant Budget Director, noted 22 citations per day per camera were budgeted. The City is averaging 21.96. The original 11 intersections have been reduced to 6. Sixty percent compliance or 13 citations has been reduced to 5 with a net revenue of \$500,000 instead of projected \$3 million. Commissioner Roberts pointed to the fact that the number of citations has also been declining. He felt trend lines should be examined and not averaging. There is no one cause. Discussion turned to the additional work required of staff and what is occurring at the court level. Mayor Seiler concluded the budget will need to be adjusted and determine whether it is enforceable. In response to Mayor Seiler, Captain Karen Dietrich advised that Pembroke Pines and Hallandale has the same equipment and is experiencing the same problems. She also understood that West Palm Beach is having difficulty, but Miami Dade County is not. Mayor Seiler wanted to look at communities in the fourth district court of appeals.

In response to Vice Mayor Rogers, Officer Dietrich indicated that it is too soon to know if the program is preventing traffic accidents.

Michael McAllister, representing ATS (American Traffic Solutions) advised that ATS has roughly ninety percent of Florida's municipal camera programs. He concurred that there have been challenges in Broward and Palm Beach counties. The cities are working together. He believed the issues will be solved, but these are growing pains of establishing a new statewide program. On March 8, there will be revocable license agreement which will expedite permitting of new cameras and he believed it will help ease revenue issues. Until they are appealed, citations (uniform traffic citations – UTC's) are still collectibles. There are a number of solutions on the horizon. He did not think it

is as dire as depicted, but conceded it has been rocky. In response to Mayor Seiler, the City Attorney recalled the judge's actions before the City withdrew its 27 cases before the court and why the City decided to withdraw all of the 27 cases. He noted the individuals that have been and will be handling the City's cases. Mayor Seiler wanted to get a written ruling. He wanted to make sure that law enforcement personnel time is being effectively used because resources are limited. Mr. McAllister clarified that once the cameras are permitted, there will be a better angle of the streetscape and consequently the violations will be more enforceable. He confirmed for Mayor Seiler that accidents and fatalities are lessening, therefore driver behavior is being changed. In response to Vice Mayor Rogers, Mr. McAllister was not aware of any judge wanting a front angle of the vehicle to capture the driver's face. He was aware of some judges drawing issue with the way the license plate is cropped out of the primary image, however, it is the same approach followed with Sun Pass for the past fifteen years. Captain Dietrich explained in their first case before Judge DeLuca, if there was no distinct gray area between the stop bar and the front of the vehicle, the judge believed it was not possible to know that no part of the vehicle is past the stop bar. She wanted the front-end NASCAR finish, but that is not possible because the legislation provides for the photograph to be taken from the rear view of the vehicle. The case was dismissed. Vice Mayor Rogers thought that would be a case to appeal. Sergeant Tucker explained based on what happened with that case, staff adjusted what it would be able to present. With respect to securing a ruling, some cases of this nature were presented so there is a sufficient number of cases to move forward to circuit court. However, there is a problem with the review time needed. Staff feels they need to move to the cases they think can be won outright. There is currently a backlog of well over a thousand. If a citation is mailed beyond a sixty-day period, it is expired according to the statute.

Mayor Seiler opened the floor for public comment.

Jack Lokeinsky, representing the Fraternal Order of Police, noted that Hallandale was operating the program under a municipal ordinance. When the state statute went into effect, Hallandale lost ninety percent of their revenue because of right turns which are excluded by the statute. In other words, the majority of rejections are right turns. He anticipated five citations per day will be the average. Also, as compliance rises, the number will decrease. He provided additional insight into the issue's history. Captain Dietrich confirmed for Mayor Seiler in September about half were right turns. Mayor Seiler recalled the City had already decided not to include right turns. He also looked forward to compliance.

Vice Mayor Rogers requested statistics on accidents in the intersection when this item comes back to the Commission. He was interested in some comparison over a period of time. Commissioner Roberts noted the news media is suggesting people not pay the citation and take it to court because citations are being dismissed. He emphasized it is not a revenue generator; it is a life safety issue. Separately, there is a move to eliminate the statute. For the future, the trend is important not the average. Sergeant Tucker noted 22 citations has never been achieved; the highest was 13, however the number of reviews has been stabilized. Captain Dietrich clarified that the 21.9 are actually reviews, not citations. Discussion turned to the trend and revenue projection for this year. In response to Mayor Seiler, the City Auditor indicated it was clear (when presented), there would be 22 citations with a 60 percent collection rate and posited to be very conservative. Captain Dietrich indicated that the number of reviews are more than 22.

Mayor Seiler concluded the revenue side of the issue is not going to be realized for the most part unless there are drastic changes in the court house or legislature. He thought the revenue projections need to be updated. The Acting City Manager agreed. She wanted to review revenues holistically and make adjustments if necessary. It is a little early, but she assured that staff is constantly looking at the budget. Commissioner Roberts noted moreover there will be revenue loss because of staff's inability to review citations.

Lieutenant Lokeinsky noted even should the City Attorney prevail, the City will still only get 2.5 to 5 citations per camera per day.

Robert Walsh, 401 East Las Olas Boulevard, emphasized that attention should be given to the revenue loss from a budgetary perspective. He thought the program should be discontinued.

I-C – Metropolitan Planning Organization 2011 Enhancement Grant Program – Selection of Projects for Application Process

Commissioner Rodstrom recalled that Birch State Park shared-use trail was to be added.

In response to Commissioner DuBose, Albert Carbon, Director of Public Works, advised that the projects are not prioritized; they are projects in the capital improvement plan that would qualify for this type of funding. The Metropolitan Planning Organization (MPO) limits submittal for each city to two. Commissioner DuBose raised the issue of how the Commission will make this decision each year. Peter Partington, City Engineer, responded to Mayor Seiler's question about the results of the City's applications since 2009, noting in 2010 Flagler Greenway received funding. It remains on the list because there is not enough grant funding of \$1.25 million for the entire length. Commissioner Rodstrom thought the remaining funds needed to complete the project could be taken from the Community Redevelopment Agency and in which the MPO funding could be better leveraged. In order to do so, she felt the projects that do not have any other funding mechanism should be submitted for MPO approval.

In response to Mayor Seiler, Alfred Battle, Director of the Community Redevelopment Agency (Northwest) advised that there is CRA funding to complete this project. He mentioned other projects in the Northwest CRA that were funded in a similar fashion. Mayor Seiler asked that Flagler Greenway be eliminated from consideration. With respect to Birch State Park shared-use trail, Mr. Partington had consulted the Florida Department of Transportation who indicated it would be practically very difficult for a state agency to apply. The City could apply on their behalf but environmental considerations would be considerably ramped up because it is in a state park. Mayor Seiler did not want to apply if there is no chance. Commissioner Rodstrom did not think that the senator, state parks department and MPO Chair would have suggested any portion go forward if they did not think there was a good chance. In response to Mayor Seiler, Mr. Carbon indicated that the funding source is federal gas tax. Mayor Seiler thought that the shared-use trail might be considered a local or state project. Moreover he questioned whether a grant application could be put together in time. Mr. Partington advised if the City wished to pursue the shared-use trail, it would have to be one of the two City projects because the City is local agency program certified (LAP).

Mayor Seiler suggested Las Olas Medians Landscaping (Tarpon Drive to SE 17 Avenue) \$750,000. Commissioner Rodstrom recalled the City Attorney was to investigate whether the City could use Parking Enterprise funding although he was doubtful. Mr. Carbon explained why it was not funded in 2009. At the time, the MPO decided to only fund one project per city. Commissioner DuBose suggested the Northwest Neighborhood Improvement Phase 3 \$750,000. Commissioner Rodstrom questioned which of the listed projects could be funded by the CRA and, or Community Development Block Grant Program. Commissioner DuBose indicated because of what is happening with the Housing Authority, it could all be tied into Sistrunk. Mr. Battle indicated that MPO grant funds would be needed to make enhancements to Progresso Village similar to what has been done in Dorsey Riverbend and the northwest neighborhoods. There is already a federal highway (gas tax) enhancement grant available for this area, but more money is needed as he estimated the improvements to be in excess of \$1 million.

Commissioner Roberts explained the voting process at the MPO and how recommendations are packaged to the members. He thought some of the criteria is subjective. There is a desire for the MPO to be regional and not parochial.

Commissioner Rodstrom reiterated her desire to include the shared-use trail. It will be dependent upon how the application is written. Kathleen Gunn, Grants, Legislative Affairs and Compliance, clarified that Public Works traditionally writes these grants. Commissioner Rodstrom noted that the State would assist with writing the grant and went on to point out that the MPO looks at regional impact. Therefore, she questioned areas where CRA funding is available. Mayor Seiler pointed out that the Northwest Neighborhood is tied to the Broward County Mass Transit System. Commissioner DuBose thought the City has had success with those areas in the past.

Commissioner Roberts was open to choosing Birch State Park shared-use trail and Northwest Neighborhood Improvement. Vice Mayor Rogers was open to choosing NW 9 Avenue enhancement Project (Broward Boulevard – Sistrunk Boulevard) and Northwest Neighborhood Improvement. Mayor Seiler was open to choosing Birch State Park shared-use trail and Northwest Neighborhood Improvement, however, there is a consensus on Northwest Neighborhood Improvement. Mr. Carbon advised that the State could submit its own application directly to the State. Mayor Seiler concluded the City submit Las Olas Medians Landscaping and Northwest Neighborhood Improvement Phase 3, and assist the State with submitting an application for Birch State Park shared-use trail. Commissioner Rodstrom indicated if there was any other funding available, she did not think the State would be approaching the City for this grant process. Mr. Carbon noted that their report listed two other funding sources. Commissioner Roberts recalled one source was only 15 percent. Mr. Carbon responded to Commissioner Rodstrom's question on the history of grant approvals.

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

No objection.

II-A – Air Conditioning Units – Mills Pond Park Administration Building – Emergency Purchase

No objection.

II-B – Aluminum Bleachers – Squatic Complex – Emergency Purchase

In response to Mayor Seiler, Cate McCaffrey, Director of Business Enterprises, indicated they have been delivered and installation is anticipated within two weeks which will meet the YMCA deadline. However, there are a number of other issues that will be presented. Laura Voet, Aquatic Complex Manager, advised there will be seating for 950 people. She outlined the anticipated attendance breakdown and alternative seating plans for the YMCA event. The bleachers are portable.

III-A – Communications to City Commission and Minutes Circulated for Period Ending February 10, 2011**Budget Advisory Board****Motion was made by Mr. Nesbitt, seconded by Mr. Snead:**

The Budget Advisory Board (BAB) recommends the City Commission enact the fiscal year 2009-2010 pay increases that should have been given to the non-union employees. The BAB also recommends the City Commission develop a plan to ensure that this type of inequity does not occur in the future and the associated expenses for the 2009-2010 costs be offset by a corresponding reduction in expenses. In a voice vote, motion passed unanimously.

Mayor Seiler noted the upcoming joint workshop with the Budget Advisory Board and requested this communication be scheduled for that meeting.

Sustainability Advisory Board

Motion made by Ms. Eckels, seconded by Ms. Castoro, to recommend Mayor Seiler sign the U.S. Mayors Climate Agreement, and to couple this with a proclamation reaffirming the City's commitment, to be read at a Commission meeting. Board unanimously approved.

Motion made by Ms. Eckels, seconded by Mr. Abbate, to forward the following statement drafted by Ms. Eckels regarding Quality Management, Cost-effectiveness, and Budgeting for Outcomes to Sustainability Initiatives to the Commission:

A review of the Quality Management (QM) and Budgeting for Outcomes (BFO) source material makes clear the connection between the use of these methods/procedures and the development of sustainable communities. QM and BFO are fundamental to the process of transforming Fort Lauderdale into a sustainable city. Therefore, the Sustainability Advisory Board strongly supports the immediate adoption by the City of QM and BFO, the creation of a work group to oversee a pilot project, one which will lead to a model that the City can

use to systematically introduce these methods into budget planning by all departments. Board unanimously approved.

Mayor Seiler asked this be scheduled for March 1, 2011.

Visioning Committee

Motion by Mr. Gabriel, seconded by Vice-Chair Eichelbaum, that the Visioning Committee accepts the recommendation and findings of the Evaluation Committee, recommending Wallace Roberts & Todd's moderate and comprehensive plans. However, the Visioning Committee recommends and prefers the comprehensive plan, because the comprehensive plan, for minimal additional dollars, significantly increases outreach to the citizenry, which was the goal of the City Commission. In a voice vote, the motion passed unanimously.

Mayor Seiler noted this was addressed today.

III-B – Board and Committee Vacancies

See regular agenda item agenda item R-03.

City Commission Reports

Neighborhood Development Criteria Revisions Initiative

In response to Vice Mayor Rogers, Wayne Jessup, Deputy Director of Planning and Zoning, advised that comments from the Council of Civic Associations and others were forwarded to the consultant who will be making revisions to accommodate those comments. A timeline should be available by the end of the week. It will be going to the Planning and Zoning Board again before being presented to the Commission.

Designation of Historic Building: Application Fee

In response to Vice Mayor Rogers, Greg Brewton, Director of Planning and Zoning, advised that the application fee of \$650 represents full cost recovery. This was reflected in the last fee review. Vice Mayor Rogers asked if some accommodation could be made during the centennial year to encourage people to apply. The City Attorney explained it is not possible to waive a fee, but another funding source could be determined. Items of interest could be sought and the City could consider whether to be the applicant.

There being no other matters to come before the Commission, the meeting was adjourned at 10:22 p.m.