

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING**  
**MARCH 1, 2011**

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**CITY COMMISSION CONFERENCE MEETING****1:32 P.M.****March 1, 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 Frank Sousa

**City Commission Reports****Community Gardens; Public Parks; South Middle River Civic Association**

Commissioner Rodstrom mentioned the South Middle River Civic Association's (SMRCA) desire for a community garden. The City Attorney noted he is waiting for direction on what to include in an ordinance after the Planning and Zoning Department returns this to the Commission. He did not believe an ordinance is necessary if it only involves planting plants; but, if plants and vegetables are sold, an ordinance is needed. Commissioner Rodstrom noted there are abandoned rights-of-way in the South Middle River neighborhood. Although residents need to access their driveways, she questioned whether a linear community garden could be created. The street is City-owned and the residents are willing to use sweat equity. The goal is to improve the abandoned right-of-way with a community garden and still have space for residents to access their driveways. Greg Brewton, Director of Planning and Zoning, explained that it may be difficult to vacate the rights-of-way because some property owners are using them to access their property. It is still a public right of way even though it is not paved, therefore the City would still have to retain some type of right of way allowance. Albert Carbon, Public Works Director, clarified that these rights-of-way were closed; not vacated or abandoned. There are utilities in them. Mayor Seiler pointed out that these rights-of-way are still the City's property.

In response to Commissioner Rodstrom, Mr. Brewton confirmed that staff can review this and will bring back their recommendations. He recalled that SMRCA was going to meet with the abutting property owners to work out an agreement. Commissioner Rodstrom indicated that she now thinks the linear garden could solve the issue and still maintain it as City property. Mr. Brewton offered some preliminary thinking of the process. Mayor Seiler understood that the neighborhood would maintain it. The issue lies in whether the City will grant a permit for that activity.

As for community gardens in parks, Phil Thornburg, Parks and Recreation Director, explained that the City will incur a minimal cost and long-term maintenance. Perhaps the NCIP (Neighborhood Capital Improvement Program) process could be used as it relates to improvements to public property. Mayor Seiler stressed that the neighborhood did not ask for funding. Mr. Thornburg explained that the NCIP is generally a 50/50 match; but could be 100 percent neighborhood funded. However, funding beyond sweat equity is necessary because there will be up-front costs. Mayor Seiler was concerned that other neighborhoods would seek similar funding if the City provides funds for one project. Mr. Thornburg thought it should be clear a community garden will require approximately \$5,000 in material. Commissioner DuBose believed the neighborhood

**City Hall, 100 North Andrews Avenue, 8<sup>th</sup> Floor Conference Room and 1<sup>st</sup> Floor  
Chambers**

can apply for federal funding because community gardens are based on the First Lady's (Let's Move) initiative. Mr. Brewton explained that staff looked at the public purpose process in parks. He wanted to be certain the City will have some control over the size and maintenance. Mayor Seiler and Commissioner Rodstrom agreed. Mayor Seiler noted that the City could convert the land back to its original condition if the community garden is not maintained properly. There needs to be a simple structure.

In response to Commissioner Rodstrom, Mr. Brewton confirmed the same process would be followed for any City-owned property. However, there are zoning restrictions to consider. Mayor Seiler requested a report on community gardens in parks when it is ready; packaged separately from community gardens in rights-of-way. Mr. Brewton noted that there cannot be any commercial activity.

#### Joint Workshop with Budget Advisory Board: February 21, 2011

Commissioner Rodstrom noted that some constituents in her district meeting were disappointed with the February 21, 2011 Joint Workshop with the Budget Advisory Board outcome. She felt it could have been more productive. In light of the State's projected \$3.5 billion revenue shortfall, she asked whether staff is looking into the impact on the City's state funded projects. She wanted the financial statement to be easier to read, like a running balance. She did not want the manager at some point in the future to point out that items were approved by the Commission and then there is a shortage. Vice Mayor Rogers noted at his request, every commission agenda report has backup on the funding source. Also, this falls in the City Auditor's jurisdiction. Commissioner Rodstrom asked if all of the requested information has been furnished to that board. The City Auditor advised that he has furnished an estimate of the reserve from the budget, but he believed they were hoping for a more updated figure. Doug Wood, Director of Finance, advised that the 2010 financial reports should be available by the end of March. Also, he will provide Commissioner Rodstrom with the figures she has requested by tomorrow. Commissioner Roberts understood the numbers are not final, but sometimes estimates are needed. This was a conflict at the workshop. Mayor Seiler agreed, provided it is clear that it is an estimate. Commissioner DuBose thought there is a difference between a range or a number. Vice Mayor Rogers pointed out that financial report has been provided today for the end of January, which is staff's best numbers. However, because the books have not been totally closed, there is not a definite number for last year. He felt the estimate could not be too far off. He was pleased with receiving information up to the end of January now. In further response to Commissioner Rodstrom, Mr. Wood thought the comprehensive annual financial report (CAFR) should hopefully be ready by the end of March and the footnote format will be the same. Commissioner Rodstrom had requested a list of departments who have reserve funds and the whereabouts of those funds from 2009 and 2010, in order to look at trends. She was concerned if they are drawn down it will be difficult to replenish them. She clarified that she is referring to funds, such as parking, self-insurance (Page 3, Monthly Financial Report for January, 2011, provided with Commission Agenda Report 11-0307). Mr. Wood referred to the self-insurance fund and indicated there was a rate increase January 1 which will take sixty to ninety days to start offsetting expenditures. Commissioner Rodstrom thought the economic condition may be causing more health issues.

Visioning Consultant

In response to Commissioner Roberts, Mayor Seiler advised that he is in the process of preparing to meet concerning negotiations on a contract with the visioning consultant.

Downtown Fort Lauderdale Transportation Management Association; Funding for Trolley Replacements

Commissioner Roberts advised that the Transportation Management Association (TMA) is requesting the City be a partner and take the lead in grant requests with respect to upcoming replacement of trolleys. This will narrow the number of bureaucracies involved in the funding process. Two or three need to be replaced next year. Chuck Adams, Downtown Fort Lauderdale Transportation Management Association, indicated it is a seven-year process through Congress; initially a form must be filed with the legislative delegation. There would be no cost to the City.

There was consensus approval provided there is no cost to the City. Kathleen Gunn, Grants, Legislative Affairs and Compliance, wanted an opportunity to review the form and become acquainted with the process. Mr. Adams thought it should be submitted as soon as possible.

Pedestrian Crossing; A-1-A near Casablanca Café

Commissioner Roberts asked staff to followup with the Florida Department of Transportation to facilitate pedestrians crossing A-1-A near Casablanca Café.

Mayor Seiler opened the floor for public comment. Fred Carlson, resident, suggested moving the traffic signal at Sebastian Street one block to the north.

Utility Graffiti; Markings on Pavement, etc.

Commissioner Roberts advised that he is working with staff to reach a solution to the utility graffiti.

Recycling Incentive Grant Program; "Green Routine"

Vice Mayor Rogers had received concerns about grant awards from the recycling incentive grant program not being timely. Albert Carbon, Director of Public Works, advised that this program concludes at the end of the calendar year with checks presented at an April Commission meeting. The award allocation was reduced with budget reductions, but an upward adjustment was subsequently made. Awards will be made at the first meeting in April. He was not aware of any problem. Vice Mayor Rogers thought the awards should be made shortly after the calendar year end. Mr. Carbon responded to various general questions about the program. Vice Mayor Rogers requested the adjusted total program amount.

Kennedy Homes

Vice Mayor Rogers felt there needs to be a coordinated effort amongst staff concerning vandalism at the Kennedy Homes site.

Skateboarding; Huizenga Plaza Stage

Vice Mayor Rogers noted the need for attention to skateboarding at Huizenga Plaza on the stage area to avoid anyone getting hurt.

Historic Structure Surveys

Vice Mayor Rogers asked the Commission to review the historic structure surveys provided for a full Commission discussion at a future meeting.

Skateboarding; Huizenga Plaza Stage

Commissioner Rodstrom noted that there are skate parks in Broward County and suggested that locations and public transportation information be provided to people stopped by the police.

Panhandling

In response to Vice Mayor Rogers, the City Attorney advised that there are laws addressing panhandling. He is looking into how Miami addresses this. It is a free speech issue; only time, place and manner may be regulated. People must have a reasonable opportunity to exercise free speech rights. He elaborated upon the City's successful ordinance prohibiting panhandling on the beach because it is allowed in the rest of the city. The reasoning was that the beach is the economic engine driving the city. Vice Mayor Rogers believed the same reasoning would apply to the downtown and wanted to apply it there. The City Attorney offered to look at the idea, but thought it could weaken the argument. Mayor Seiler agreed. The City Attorney commented on Orlando's law. Commissioner Rodstrom wanted information on the risks associated with an ordinance on this topic. The City Attorney explained it is a question of how much money to be devoted to enforcement. When they are put in jail, the City has to provide attorneys to defend themselves because the public defender refuses to do so. Vice Mayor Rogers thought it is a matter of doing enough to make a difference. Mayor Seiler and Commissioner Roberts agreed it should be examined. Mayor Seiler noted there are traffic problems at Andrews Avenue and Broward Boulevard because people are walking out onto the roadway. Commissioner Rodstrom raised the issue of adequate space in the jail system. Commissioner Roberts thought not only should the cost of incarceration and arrests be considered, but also the cost of the negative impacts. Mayor Seiler pointed out that one negative impact is that people are released from jail downtown and they do not return to the community where they were arrested.

Events

Members of the Commission announced recent and upcoming events of interest.

When the upcoming annual waterway cleanup was announced, John Fiore, Broward County Parks and Recreation, explained how sites are selected each year.

Note: The Commission recessed and convened as the Community Redevelopment Agency from 2:56 p.m. to 2:57 p.m.

**I-C – Beach Centennial Celebration Event – March 26, 2011**

Don Morris, Community Redevelopment Agency Director (Beach), indicated that this event will serve as a kick off to the centennial celebration. Staff is awaiting approval from the Department of Environmental Protection concerning fireworks and how late the “100” display can be lighted during turtle season. With consensus approval, a contract will be presented on March 15 to the Commission and funding through the Community Redevelopment Agency (CRA).

In response to Vice Mayor Rogers, Mr. Morris advised this event as well as others that will be coming forward at the March 15 CRA make up the 8% special event funding level (previously established). In response to Commissioner Roberts, Mr. Morris advised that this is the same as the Saturday Night Alive event, however, it will be only within the CRA boundaries because it will be funded by the CRA. The fireworks are being added. Consensus approval as submitted.

**I-D – 2011 Neighborhood and Business Capital Improvement Program Grant Funding**

Albert Carbon, Director of Public Works, provided a brief overview of the purpose of the item detailed in Commission Agenda Report 11-0220.

In response to Commissioner DuBose, Mr. Carbon clarified the Midtown Business Association’s project of \$15,000 for wayfinding signage and trees is NW 4 Street between Avenue of the Arts and 9 Avenue. Each of the projects shown in the commission agenda report will come back individually to the Commission.

In response to Vice Mayor Rogers, Hal Barnes, Engineering Design Manager, advised that the application rating criteria has been consistent for several years. Additional weight is not given for CVC (Citizens Volunteer Corps) points. CVC points for a match was added about eight years ago to help neighborhoods who could not provide the match in dollars. However, bringing sweat equity to the table does not give a neighborhood additional points. Vice Mayor Rogers thought that sweat equity should be factor in so that it is encouraged. Commissioner DuBose pointed out that there may be neighborhoods that can achieve the match but may not be able to equally or freely give sweat equity. All of the factors must be considered. Mayor Seiler did not want to create controversy in a program that works well. Vice Mayor Rogers clarified that his idea is to encourage volunteerism. Commissioner DuBose did not want to impose another requirement to receive funding. There may be individuals who want to volunteer but because of the economy have to work two or three jobs. Commissioner Rodstrom did not think volunteering should be part of the criteria.

Mayor Seiler opened the floor for public comment.

Genia Ellis, Citizens Volunteer Corps, indicated that most every neighborhood participates in Corps projects and earns points. Only two people are required in order to earn points. Perhaps, neighborhoods could be asked to use CVC points first if they have any and save the CDBG (Community Development Block Grant) funds for another purpose. Commissioner Robert thought that may be a way of adding more neighborhoods to the program. Commissioner Rodstrom liked the idea if it is an option, not a requirement.

Doug Stern, Council of Fort Lauderdale Civic Associations, requested more funding. Funding for this program was cut by \$50,000 and if that was restored, at least one more neighborhood could be funded. He detailed attributes of the program.

In response to Vice Mayor Rogers, Mr. Carbon advised that \$500,000 is provided in the Capital Improvement Program this year. A ten percent reduction in the program is maintained until the Commission authorizes that ten percent to be expended. Therefore, \$450,000 of projects have been identified. In response to Mayor Seiler, Mr. Carbon advised the next ranked project that was not funded was traffic calming for Sailboat Bend Civic Association (\$27,000). Mayor Seiler asked that this be kept in mind during the budget process. There were no other objections to this item as submitted.

### **I-E – Citizen Satisfaction Survey**

Albert Carbon, Director of Public Works, reviewed information about such surveying that took place in the late 1990's as detailed in Commission Agenda Report 11-0305. Commissioner Roberts indicated that he had requested this item. He referred to the visioning surveying that will take some time. With the manager search occurring, he felt it might be worthwhile to conduct this type of survey. It would help with the budgeting process and to assist the new manager. Commissioner Roberts responded to a concern of both Vice Mayor Rogers and Mayor Seiler about a sampling of only four hundred. Mayor Seiler did not support it in view of the visioning surveying. Commissioner Roberts questioned how long it will take to get the visioning survey results. He did not think it will be available to have any impact on the upcoming budget or be available to assist a new manager. Commissioner DuBose raised the idea that technology today may be to a point where it could be accomplished on the website instead of telephone. Commissioner Roberts acknowledged that more information is needed including the time to complete it because he also would not be interested in proceeding unless it could be available for this year's budget process and the new manager. Price also would be a factor.

There was consensus approval for staff to secure more details about such a survey and present that information on March 15, 2011.

### **I-F – Public Safety Communications Center – Consulting Services**

Assistant Police Chief Tom Harrington noted since 1999 Broward County through the Sheriff's Office has provided personnel to the City to staff the City's public safety communications center at no cost. The City of Wilton Manors relies on this center also. The Fire Rescue Department does its own dispatching except for 911 calls. The City and County have had two, five-year agreements. The latest expired in October of 2009. The Sheriff's Office (BSO) has presented a new proposed agreement whereby the County would provide funding for the current fiscal year but if they do not provide funding in future years, the City would bear the expense. In a letter from the County Administrator to chair of the Broward County City Managers Association there are estimated costs; Fort Lauderdale's cost is shown as \$5,433,243 and \$291,000 for Wilton Manors. The agreement also calls for the City to pay \$417,000 this year and in future years for teletype related functions that have never been specified in prior agreements. The proposed agreement indicates should a countywide regional dispatch center concept materialize, BSO may elect to provide dispatch services from an alternate location. This would cause a myriad of issues as the City uses the system to capture and analyze information critical to addressing serious crime trends. Staff is requesting

authorization to create a request for proposals for a consultant to determine the best option. He reviewed the scope of services to be provided by the consultant outlined in Commission Agenda Report 11-0237.

Vice Mayor Rogers questioned if a consultant is truly needed. Assistant Chief Harrington pointed out that the City has not been in the communications business for almost twelve years and would not know how many employees would be needed. Also, the police headquarters building can only withstand a Category 2 storm. The consultant would address whether the City should build a facility that could withstand a Category 5 storm, partner with another city and so forth. In further response, Assistant Chief Harrington advised that the cost is a ballpark figure. Mayor Seiler did not approve of asking consultants for an estimated cost. He thought the City could narrow what is needed from the outside and do the rest in-house. Commissioner Roberts questioned whether staff has the resources with the time needed. He was also surprised to see a fee of \$100,000. He agreed it will need some consultant input at some point. He did not think it is smart to tie the City's future with respect to communications to the County and its political processes. It is not clear if discussion with the County and BSO is only for public safety because currently the system deals with all departments. Also, the City's system has more channels for which it fought to secure from the federal government. There is a question what the City would get in return for them. There are features in the City's system now which are not available in the BSO system. He was not convinced the City has to go with the County, although he likes the concept of regionalization. Vice Mayor Rogers thought the issues need to be more clearly defined. Mayor Seiler pointed out that a lot of cities are in the same position. He thought staff should consult with other cities and possibly share the cost. He wanted more information.

Mayor Seiler opened the floor for public comment.

Fred Carlson, Central Beach Alliance, expressed concerns about responsiveness. He wanted local residents to be used in the dispatch center. It would provide residents with connectivity to their police department. Commissioner Roberts elaborated upon the challenges for and skills of dispatch employees. He agreed community familiarity is helpful.

#### **I-A – Operation of South Side School – Status**

Phil Thornburg, Director of Parks and Recreation, advised that there are mainly two unresolved issues. First is community use. He recommends a split of 75/25 percent of operating hours. The community meetings as well as community programming would be part of the 25 percent. He anticipated sixty operating hours per week, understanding the building would be open five days a week, 9 a.m. to 9 p.m. There has been subsequent discussions that operating hours may be more than sixty, therefore the Friends of South Side would like to consider 75 operating hours. Second is the term and capital outlay into the building. It is estimated that Nova will invest \$350,000. The Friends have suggested a sinking fund for repairs. Any additional revenue above the operating cost could be put in that sinking fund that could be used at a later date. The change order and an agreement is scheduled for action at the regular meeting if it is possible to reach an agreement.

Mayor Seiler asked about City programming of the building. Mr. Thornburg indicated he would have a concern about coordinating community programming for inside of the building if the City was a tenant. He thought the easiest approach would be to require



Nova to handle it. If the City was to program the building, staff would have to analyze it with the community and partners in the neighborhood. In response to Commissioner Rodstrom, Mr. Thornburg advised that the City's facilities for programming are sometimes at capacity and at other times not used. The idea with South Side was that the programming would all be cultural related. In response to Mayor Seiler, Mr. Thornburg advised that non-visual would be required for 25 percent of the 60 operating hours (per week) or 3,120 hours in the course of a year. This is based on four classrooms. With 75 hours per week, it would be 3,900 hours in a year.

Mayor Seiler opened the floor for public comment.

David Rose, 701 Coconut Drive, (member of the Friends of South Side, Inc.) advocated planning with defined objectives. The contract term is twenty years with extensions is a long time. He supported Nova operating the building, but he had concerns with some details in the contract. He felt the \$350,000 contribution by Nova should be more clear. The duties of the advisory board are unclear. The method of determining compliance needs improvement. There are references to fees and backup documentation. The backup documentation is not available. The fees and accessibility for children needs to be addressed. The public use clause needs to be more clear as to who can teach non-Nova classes. The language on naming the facility and emphasizing the historic name needs to be more clearly set out. The language needs to be implementable.

Mr. Rose responded to Mayor Seiler's question as to how much time the civic association would need to use the facility. Mayor Seiler noted that Nova is suggesting that the Museum of Art would be available for largely attended meetings. Mr. Rose noted that parking is an issue.

Marvin Chaney discussed factors generally the Commission may consider when making decisions about applications. He is a resident of the city, member of the Board of Governors of the Museum of Art and graduate of Nova Southeastern University. He expressed support of Nova's efforts to establish a new art school at South Side. He believed that a professionally programmed curriculum managed by professionals and not subsidized by tax dollars is right for the community.

Alan Levy, member of the Board of Governors of the Museum of Art, talked about the history of South Side School, his efforts to acquire the property through the Broward County bond issue, to prevent it from being used as a courthouse site and his service on the Friends of South Side. After learning that one organization was not designated to operate the building, he resigned from the Friends. He felt the entire city should be able to enjoy this facility. He supported Nova Southeastern efforts on this matter, emphasizing their quality of corporate citizenship. One entity should operate the facility. He noted that the greatest art schools in the country are owned and operated by museum.

Kathleen Ginestra, a member of the Friends of South Side, Inc., outlined the recent history on this item, emphasizing the out of box collaboration. She did not think the Commission can defend the position of giving a building to Nova for sixty years. She urged a five to ten year term. In response to Mayor Seiler, Ms. Ginestra indicated she has been on the South Side board for two to three years. She did not know how much money was raised for South Side. Currently Coleman Prewitt is the treasurer, and previously John Wilkes.

John Wilkes, chair of the Friends of South Side, Inc., emphasized that the Friends of South Side have been involved in this project for over six years. He discussed the value of the facility and noted the City's 10-11 percent recovery on its facilities. He referred to the Friends' proposal in September of 2010 with a 45-50 percent recovery and the Friends working with the City's Parks and Recreation Department. Some facilities have a greater return and South Side is one of them. In order to get a release for the City on funding the shortfall, the Friends had to give up something which will be addressed later in the discussion. As to availability of funds, the Friends have about \$70,000. They have never gotten a commitment from the City on its intentions. The building was not completed on time. The Friends have not pursued fundraising, but they believe the building will be a success.

Mr. Wilkes provided a list of highlights of issues of concern/objection to the most recent version of the proposed operating agreement. A copy of the list is attached to these minutes. With respect to time reserved for city use being 75/25 percent, he contended that is not true. The original request was 30 percent of 9,643 and Nova proposed 48 events which could be 480 hours. Consider there would be 42,673 operational hours of classroom space, he felt the proposal was abysmal. Discussion has now turned to 3,900 hours of classroom use subject to the operator's designation, scheduling and no conflicts with visual arts programming provided by Nova. This equates to 12.8 percent. The agreement now calls for 3,120 hours based upon 60 hours of operation with the 48 events included in those hours plus four special events with no specified times. This needs to be provided in the agreement.

Mr. Wilkes continued to the second issue having to do with capital/term. He understood this comes under the City's purchasing code which he found unusual because of the sixty-year term. He thought Chapter 8 (Charter) concerning long-term leases is more appropriate. It calls for public notice. Not many people know about this. The issue was not brought before the Parks, Recreation and Beaches Advisory Board. He agreed if Nova comes forward with capital investment, the City should give them terms. The highlights note \$200,000 estimated initially for furnishing the building, which is the same amount the Friends and City have estimated. If more is needed, the City should provide it because that commitment is needed according to Chapter 8 of the Charter. He also drew attention to the change order on the regular meeting agenda and requested more careful review because it contains a credit for removal of amenities that were designed at the City's expense. Additional construction is now called for in lieu of the (performance) stage, but it is not reflected in the agreement at this time.

Mr. Wilkes continued to the third issue of operation costs and fees. He noted if the \$350,000 is gross, it is less than what the City was going to expend without generating recovery of fees. In September, the Friends presented an estimate of \$500,000 to \$650,000. The Commission is looking at the net of \$350,000 because it correlates with what the City would not be expending if it operated the facility or total expenses less fees. The City must provide accessibility or programs at reasonable fees and monitor those fees with securing an annual report. The City needs a guarantee to cover any shortfall. He discussed ways to address it and indicated he hoped options could be devised to reduce the \$350,000 to zero. If there is a shortfall, he suggested a reserve fund be established. In this way Nova is not paying to the City but reinvesting in the facility.

Mr. Wilkes reviewed the fourth item having to do with naming the facility.

Mr. Wilkes drew attention to the fifth and last item having to do with completion of improvements to the building not within the City's contract.

Mayor Seiler was interested in knowing who were the original members of the Friends. He listed those that he found on the Friends' website. In response to Mayor Seiler, Mr. Wilkes had not spoken with any of them recently on this topic. He indicated that David Rose and himself are original members. Mayor Seiler referred to the initial proposal without Nova and asked how the shortfall was to be addressed. Mr. Wilkes indicated it provided for a request to the City for as much as \$200,000 in the first year and moved downward to \$50,000 in the fifth year. Mayor Seiler asked how the shortfall was to be covered. Mr. Wilkes advised that they would lower expenses but cited the cost for teachers is high. Mayor Seiler thought the City would be responsible for the electricity bill, for example, if South Side did not pay it. Mr. Wilkes indicated if the City is looking for a deep pocket, it is not the Friends. Mayor Seiler referred to the 3,120 hours and questioned what the Friends have committed excluding 50 hours for Tarpon River Civic Association. Mr. Wilkes indicated there are some 35-50 groups who would like to bring their programs to this facility. He believed without hesitation that they could fill those hours. In response to Commissioner Roberts, Mr. Wilkes confirmed the Friends had requested 3,900 hours of classrooms plus 222 for special events. Commissioner Rodstrom noted the special events could be held at other facilities. Mr. Wilkes understood it will be a shared use. Commissioner Rodstrom asked if the Friends at some time during the term of the agreement are not able to use that many hours and Nova needs more usage to survive, there should be some language to address this. Mr. Wilkes indicated it is addressed; the number is a minimum. In such case, Commissioner Rodstrom questioned there being another change made to the agreement.

Yasmin Wasserman, member of the Friends of South Side Board of Directors, indicated she is also the executive director of Youth Center for the Arts, relating to visual and performing arts, across the street from South Side. She believed that demand for programming is overwhelming. She thought all of organizations in the arts would love to have access to a cultural arts center. The level of programming currently is very low and people are going to other cities. The Broward Center would like to conduct a year-round educational program, but does not have the facility. As to using other facilities, she explained that cultural arts programs have certain needs that do not exist in a community center. Fort Lauderdale does not have the tools of other metropolitan cities. They loved the idea of Nova being a partner, but she did not see this as a true partnership. The Friends are only being given a small slice and Nova is maintaining control. There must be some sort of an agreement on how the programming is chosen. It should be opened to the entire community as a resource. She responded to various questions posed by Mayor Seiler: She agreed that Nova will attract people from all over South Florida in visual arts. In the operation of her facility she pays \$25 per square foot. For The Cultural Arts Center proposal (Friends), the concept was to have a curriculum facilitated by the group and a portion of time allocated for community use where people could rent classroom space for what she believed was \$25 per hour. Mayor Seiler disagreed with Ms. Wasserman that the previous proposal had details about costs. He explained this is not a giveaway facility but rather a way to get access to a facility for the public and civic associations in the area and for the City to be able to limit its exposure and cost. Ms. Wasserman indicated there is no doubt that the South Side facility could generate the revenue shown in the proposal. They compared countless other community centers for the arts and cultural arts programs and their numbers were in line. Mayor Seiler questioned how they intended to cover all of the costs because \$25 per hour for 4,000 hours only generates \$100,000. Ms. Wasserman explained that is only 12 percent of the

programmable hours. There was an entire program for the other hours. Those programs are not happening now which is why this effort is underway. The Friends compared their numbers to the arts and cultural center in Hollywood. Mayor Seiler thought that facility had financial problems. Ms. Wasserman explained the only reason for their problem was the rent being \$25,000 per month. The facility was generating \$75,000 per month in gross revenue, but in addition to the rent, there was a substantial loan for building renovation. The operator was breaking even at \$75,000. The City was providing a subsidy of \$150,000 to \$250,000 annually and when they pulled that back, there was a problem. The building was 11,000 square feet. The proposal provided to the City includes capital costs and overhead. There is a revenue breakdown including an amount programmed by the Friends and the percentage rented as community space. In response to Mayor Seiler, she did not know the exact amount of time set aside for community meetings, but indicated there was no charge for it.

George Hanbury, president of Nova Southeastern University, indicated they never intended to create enemies or for people to have the impression that the City was giving the university anything. Unfortunately, there have been misunderstandings and miscommunications. He stressed the need for stability and professionalism. When Nova heard of this opportunity that would provide the community what they had been talking about for six years and bring in a knowledge-based component to the creative industry, they thought they could help accomplish it. He explained how this opportunity accidentally came to Nova's attention. They have tried to do everything that the community and the City wanted and still meet their programming needs and break even as a not for profit. They believe they are meeting their core values of being community involved and for the common good. He noted that he did not know anything about the 75/25 split until the morning of the last Commission meeting. And today he has not seen anything that was circulated by Mr. Wilkes. Nova has agreed to the 75/25 split. They also agreed to not counting the Tarpon River Civic Association meetings in the 75/25 or the 48 events. The 3,120 hours does not include Tarpon River Civic Association. Nova feels it has done all that it can. They must get into the building in July. Nova even agreed for need-based students, they would have a minimum of \$50,000 in scholarships and a 75 percent reduction. All of these concessions were requested by parks and recreation staff. He thought that Mr. Thornburg developed recommendations he thought to be fair. Nova would like performance standards. The 60 (weekly operating) hours and the \$350,000 (investment) are minimums. Nova is also guaranteeing perpetual maintenance for the building.

Vice Mayor Rogers pointed out that what Dr. Hanbury has just stated is not reflected in the highlights prepared by staff (Exhibit 1 to Commission Agenda Report 11-0289) attached to these minutes. The 48 events and Tarpon River Civic Association meetings are included in the 25 percent. Mayor Seiler thought that there is agreement that this has been changed. Vice Mayor Rogers was concerned about the term. Because of these unique circumstances, he wanted to provide for enough time for Nova to get underway, but not so long as to prevent the City from having another look at it. Also, he understood Nova will be providing non-visual arts programming or dance, yet the change order provides for amenities relating to dance to be removed. Pete Witschen, representing Nova Southeastern University, advised that accommodation for dance is on the second floor. Nova will address whatever is needed for dance programming. Vice Mayor Rogers recalled changes were originally discussed in the neighborhood of \$500,000 and now are at \$37,000. He asked why. Mr. Witschen explained that originally the contractor was not giving a full credit for the deducts and charging a premium for the adds. Some of Nova's wants were reduced, but the building is still

functional. The contractor reduced the net cost from close to \$200,000 to \$37,000. It was also explained by Mr. Carbon and Mr. Witschen that Nova's proposal for parking was reduced due to the fire code. Nova plans to extend the parking lot in the future without operational disruption to the building or the park. Mr. Witschen added that the change order is open-end not to exceed \$37,000; Nova hopes to bring the number down more.

See Items M-08 and M-12 of the March 1, 2011 regular meeting.

### **I-B Planned Unit Development Zoning District**

Mayor Seiler favored a moratorium while a task force is created to develop revised language. He did not want applicants to be able to rush in and submit proposals under the current ordinance.

Greg Brewton, Director of Planning and Zoning, was not opposed to a moratorium. The City Attorney referred to his memorandum 11-0087 (Exhibit 1 to Commission Agenda Report 11-309) and indicated is essentially that existing applications are grandfathered-in. Commissioner Rodstrom referred to the third bullet "An existing application for rezoning to PUD filed prior to January 19, 2011 would continue to be reviewed under current PUD zoning district regulations." She pointed out the City has an agreement with the Bahia Mar developer, indicating he would proceed at his own risk. Mayor Seiler interpreted that to be if the lease component was not approved with the City, whatever the developer did with the PUD application was at his own risk. And whatever was done with the lease was at his own risk if the PUD application was not approved. Commissioner Rodstrom had some confusion about this. She noted that the draft lease showed the zoning as PUD. Also, this application has to do with the use of public land. She was concerned about setting a precedent. The City Attorney clarified there is fifty-three years remaining on the lease; they still have leasehold property rights. The PUD is requesting changes to their leasehold property rights. January 19, 2011 is the first day the Commission mentioned moratorium and is a zoning in progress date. It would not apply to applications already in the queue. The purpose of giving them vested rights was to avoid the kind of litigation that occurred with Palazzo. The risk they accepted was not a change to moratorium. Mayor Seiler thought a distinction about public land in the language would weaken the ordinance because it refers to all land.

Some discussion ensued about the timing and the role of the planning and zoning board. The City Attorney clarified that the moratorium does not go to a board; it is done by the Commission. The ordinance is required to go to the planning and zoning board. Mayor Seiler referred to the last paragraph of the City Attorney's Memorandum 11-0087 that he thought indicates the moratorium ordinance must be presented to the planning and zoning board. The City Attorney was not certain that the moratorium has to go to the board, but they must weigh in before the land use itself is amended.

There was consensus approval to set a moratorium and create a task force. The City Attorney was requested to draft the necessary legislation. Vice Mayor Rogers felt the task force should have direction as to start and end dates. In response to Commissioner Rodstrom, the City Attorney indicated a moratorium could extend up to a year. Commissioner Roberts suggested seven members. Mayor Seiler suggested a membership of seven with each member of the Commission nominating one individual and two members being appointed by the consensus method.

Note: The City Commission recessed at 5:42 p.m. and addressed Conference Item I-B at approximately 8:56 p.m. in the City Commission meeting room on the first floor of City Hall.

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

Albert Carbon, Director of Public Works, noted Commissioner Rodstrom requested reconsideration of the project selection. He went on to highlight information contained in Commission Agenda Report 11-0318 concerning the projects selected on February 15, 2011 including that the first phase of the Northwest Neighborhood project is under construction. Commissioner Rodstrom would like consideration of Birch State Park Shared-Use Trail. With respect to the possibility of the State Park System applying for these funds, staff determined that applicants must be certified under the local agency program and could find no state agencies in District 4 (area of park) with such certification. The City has received the application packet. He noted a correction, that the funding cycle is fiscal year 2014-2015. The maximum amount has been increased to \$1 million with a deadline of April 4, 2011. An authorizing resolution would be presented on March 15, 2011.

In response to Mayor Seiler, Mr. Carbon advised that staff did not inquire whether there have been any successful projects where a municipality applied on behalf of the state.

Vice Mayor Rogers raised a question as to the procedure for reconsiderations. Mayor Seiler pointed out that this was not a vote therefore the same rules do not apply. Vice Mayor Rogers disagreed with the fact that without rules anyone can bring something back at any time and bog down the agenda.

Mayor Seiler opened the floor for public comment.

Mary Fertig, 511 Poinciana Drive, urged support of the A-1-A Greenway project for submittal this year. She also urged a comprehensive examination of Las Olas Boulevard.

Jackie Scott, 1626 SE 1 Street, disagreed about the need for study of Las Olas Boulevard. Colee Hammock has been waiting since 2000 for a study to be implemented to resolve the area traffic problems. She was disappointed that the matter was discussed at a later point in time after the conference discussion on February 15. She believed the entire 2000 (Las Olas) transportation study should be implemented in its entirety and not piecemeal. She was concerned about adverse impact to the neighborhoods. In response to Commissioner Roberts, Ms. Scott concurred that by deduction she favors the greenway plan.

Art Seitz, 1905 North Atlantic Boulevard, spoke in favor of the A-1-A Greenway. He noted that Greg Stuart, Executive Director of the Broward Metropolitan Planning Organization, has expressed support of the greenway. The Birch State Park Shared-Use Trail is a key component of the A-1-A greenway. He mentioned a recent traffic fatality and contended such fatalities could be avoided with such an alternative route.

There was no one else wishing to speak.

With respect to Las Olas, Mayor Seiler now understood that the grant could only be used for landscaping and medians and as such he questioned an expenditure of \$1 million. Mr. Carbon advised the area between 12 and 17 avenues is estimated at \$450,000 for landscaping. In response to Vice Mayor Rogers, Mr. Carbon indicated that this is a transportation enhancement program and traffic calming is not considered an enhancement. He noted the various permissible options. If street-side landscaping, sidewalk widening, and bulb-out are added the project would be \$650,000. Vice Mayor Rogers reviewed the 2000 Las Olas transportation plan scope. He thought the scope fits exactly into the intent of this grant program and implementation has been waiting for ten years. He emphasized the parking revenues generated on Las Olas and the need to do something for the area now. He did not want to submit an application of \$1 million in landscaping when that is not possible. Mr. Carbon noted the grant program sets a funding range of \$250,000 to \$1 million. A brief dialogue ensued as to the amount of funding allocated to Broward County Metropolitan Planning Organization. Commissioner Rodstrom asked if any other funding sources have been explored for Las Olas Boulevard. Mr. Carbon indicated it is in the City's Capital Improvement Program and legislative agenda. He mentioned a parks grant he learned of today and that information was forwarded to Jim Gibson, Park Manager, Hugh Taylor Birch State Park. Commissioner Rodstrom felt the best leverage of the grant funding would be to apply for the maximum and search for other sources for Las Olas. She pointed out that the A-1-A greenway is a legacy project and many members of the Commission said during the campaign that they would try to get it underway. She was a homeowner association president in 2000 and participated in discussions about the 2000 plan. The residents did not like it from the neighborhood perspective. There is not enough neighborhood mitigation. Commissioner Roberts commented that Ms. Scott was suggesting a holistic approach to Las Olas so that the neighborhood impacts are part of it. There are suggested modifications to it. He emphasized the importance of the A-1-A greenway. Vice Mayor Rogers reiterated that a lot of money is generated from Las Olas, yet no one wants to discuss anything about it. With Senator Bogdanoff's support and being regional, Commissioner Roberts thought it might be more likely to succeed. Vice Mayor Rogers referred to various questions that come to mind with Birch State Park but he agreed it may be more likely to get funding. Commissioner DuBose summarized what he has gleaned from the discussion. He stressed that Commissioners Roberts and Rodstrom, as the City's representatives on the MPO, support both applications. Mr. Carbon responded to Mayor Seiler's question as to why only the segment between 12 and 17 avenues was selected. If the scope was extended further than 17<sup>th</sup>, the City would have to find other funding sources for the actual concrete portion of the median. Mayor Seiler concluded that the cutoff was essentially arbitrary between the State jurisdiction delineation is 16<sup>th</sup>. He asked about funding for non-landscaping portion between 12<sup>th</sup> and 17<sup>th</sup>. Mr. Carbon advised an additional \$450,000. In further response, Mr. Carbon confirmed the State funding cycle would be 2014-2015. Future years of the Capital Improvement Program (CIP) do not show funding, but Las Olas is reflected in the CIP in 2014-2015.

In response to Mayor Seiler's question, Mr. Carbon indicated that the estimate for the shared-use trail in Birch State Park is about \$1.4 million total. Commissioner Rodstrom thought it was a little less, however, Mr. Carbon mentioned in-kind services and that the State could handle the design and environmental parts. Mr. Carbon confirmed for Mayor Seiler that with the \$1 million transportation enhancement funds and State funds, this project could be completed without any other funding. Mayor Seiler questioned if it would be permissible for the State to expedite the project if the City knew it was going to be awarded the \$1 million grant. Commissioner Rodstrom believed that in such case, the

State would immediately begin the design and engineering. Mr. Carbon noted restrictions on the point of reimbursement in the grant guidelines. He thought that the State's staff could complete the design and environmental.

In response to Mayor Seiler, Mr. Carbon supported Las Olas over Birch State Park because he believed the funds should be used within the City. State parks have other funding sources.

Vice Mayor Rogers noted that traffic calming is noted for the Northwest Neighborhood Improvement Project 3. Alfred Battle, Director of Community Redevelopment Agency (CRA) (Northwest), advised that a roundabout is being installed in the current phase and others in the total scope of the project. CRA dollars are being used for those non-eligible items under the transportation enhancement program. In response to Vice Mayor Rogers' question about use of transportation enhancement funding within the CRA, Mr. Battle explained this allows for leveraging of dollars and to more quickly make capital improvements in the CRA. If the funds were delayed another year, Vice Mayor Rogers questioned if the CRA would reassess whether CRA dollars should be used. Mr. Battle explained the process. If this project was to be submitted, he would recommend requesting \$1 million. In further response, Mr. Battle believed \$750,000 would cover about a four block radius for landscaping, sidewalks, lighting and traffic calming. The specific area has not been identified, but he noted the boundaries of the entire project. It may be possible to do a little more, depending upon pricing. The previous grant award was awarded in 2005-2006. This application is an extension from that area. Mayor Seiler pointed out that is a positive sign because the MPO has looked at it and believes in it. Vice Mayor Rogers asked about the theory that because the area has already received funding, the MPO may decide to award to another area. Mayor Seiler noted the area needs the funds, has matching funds and the project is ready to go. Commissioner Rodstrom added that the MPO considers whether there are matching funds.

Mayor Seiler believed Las Olas is a better project for the City if the funding was available. However, he was concerned about matching funds and other issues to be worked out. Vice Mayor Rogers pointed out that there is \$3.2 million in the Parking Reserve. Commissioner Rodstrom noted that the application is due April 4<sup>th</sup> and the plan needs to be updated. She supported the greenway. Commissioners DuBose and Roberts supported the greenway. Mayor Seiler supported Las Olas.

In response to Mayor Seiler, Mr. Carbon understood staff needs to determine if a local agency has ever submitted an application for a state project. Mayor Seiler was concerned about a municipal submittal when sources are already set aside for the state to apply for funding. If this is a problem, he would prefer to apply for Las Olas. Commissioner Rodstrom wanted to know if there is any other funding source for a comprehensive approach to Las Olas.

This item will come forward as a resolution on March 15, 2011.

#### **I-H – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases**

No objection.



**II-A – January 2011 Monthly Financial Report**

In response to Vice Mayor Rogers' question about the shortfall of Arts and Science District garage revenues, Diana Alarcon, Director of Parking and Fleet Services, explained effective October parking for the performing arts center is being prepaid at the box office. The City will be reimbursed in the next month. The revenue is a little low, but with more shows contemplated, revenue will increase. In further response, Ms. Alarcon indicated there is a contract in place for juror parking during the courthouse construction project, but the project has been deferred. Mayor Seiler did not think the revenue will be reflected this year. Vice Mayor Rogers noted a shortfall in water and sewer revenues. Albert Carbon, Director of Public Works, indicated it usually occurs early in the budget year due to the rainy season. Doug Wood, Director of Finance, noted also at the end of the year some revenues billed in October are applied to September.

**III-A – Communications to City Commission and Minutes Circulated for Period Ending February 24, 2011****Affordable Housing Advisory Committee**

**Motion made by Mr. Deckelbaum, seconded by Mr. Walters,** requesting the City Commission to instruct staff, particularly the Director of Economic Development, Housing and Community Development Manager, and any other staff member responsible for the disbursal of properties on the surplus property list, to collectively work to look at each property on said list and determine whether or not they are suitable for affordable housing in any form, and recommend that such lots that are suitable for affordable housing be transferred to the appropriate department for that purpose. In a voice vote, the **motion** passed unanimously.

Mayor Seiler believed this is being done.

**Community Appearance Board**

**Motion made by Vice Chair Mammano, seconded by Mr. Nielsen,** inviting the City Commission to the Community Appearance Board's Annual Event on Thursday, May 12, 2011. In a voice vote, the **motion** passed unanimously.

Mayor Seiler noted the invitation.

**Economic Development Advisory Board**

**Motion by Ms. Burt-Stewart, seconded by Mr. Denison,** requesting the City Commission consider specifically rescinding Resolution 10-198 and/or reconsidering that there be a physical disability or some kind of illness the primary purpose for being allowed to participate in a meeting telephonically, [and] recommend that this not be

the sole purpose or indicator as to why a member would be restricted from participating in a meeting via telephonics. In a voice vote, the motion passed unanimously.

Stephen Scott, Director of Economic Development, explained the board does not like the prerequisites. Mayor Seiler recalled this was discussed and was not certain this would be revisited, at least not this evening.

#### Historic Preservation Board

**Motion made by Mr. DeFelice, seconded by Mr. Morgan,** to request that the City Commission declare a moratorium on any Certificate of Appropriateness for Demolition on any property listed in the Master Site File until the new historic ordinance was complete. In a roll call vote, motion passed 6 – 0.

Vice Mayor Rogers supported the request. The City Attorney explained one problem is a life and safety issue with unsafe structures. Also, the board would like it tied to a master site file that is not within the City's control. There is no requirement that the property owner be notified that they are in that file. In response to Mayor Seiler, the City Attorney advised that the State controls the master site file. Recommendations are submitted and simply added to the file. Vice Mayor Rogers noted the City is proceeding with addressing a flaw in the Sailboat Bend Historic District ordinance. He did not think it is any different than the PUD. Mayor Seiler requested this item be scheduled for the March 15 conference and that more information be furnished.

#### Police and Firefighters Retirement System Board of Trustees

**One contract with new fixed income manager Boyd Watterson** has been signed. The plan achieved a 12.48% rate of return, putting its 20-year average over 9%.

Mayor Seiler noted the good news in the communication.

#### 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.

Albert Carbon, Director of Public Works, drew attention to the first motion concerning the U.S. Mayors Climate Agreement. Mayor Seiler requested it be rescheduled on the conference. As to the quality management item, he is working with the City Auditor of this and it will be brought forward when it is ready.

### **III-B – Board and Committee Vacancies**

Note: Please see regular meeting, Item R-02.

### **City Manager Reports - None**

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