

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING**  
**SEPTEMBER 7, 2011**

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**CITY COMMISSION CONFERENCE MEETING**

**1:41 P.M.**

**September 7, 2011**

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

Also Present: City Manager Lee R. Feldman  
City Auditor John Herbst  
City Clerk Jonda K. Joseph  
City Attorney Harry A. Stewart  
Sergeant At Arms Sergeant Harvey Jacques

**I-A – Proposed Changes for Homeless Assistance Center located at 920 NW 7 Avenue**

Fran Esposito of Broward Partnership for the Homeless, Inc. responded to Commissioner Rogers' question that the City's ordinance does not limit the center's footprint in terms of potential expansion. She noted 2 ½ acres to the south. The City Attorney indicated that the site plan might have to be amended. Ms. Esposito described current consideration of an expansion to the existing facility for a net of 96 new beds.

There was consensus approval to proceed as proposed.

**I-B – Valet Parking in Public Rights-of-Way and Public Parking Facilities – Code Amendment**

Diana Alarcon, Director of Parking and Fleet Services, highlighted the proposal and its development as outlined in Commission Agenda Report 11-0973. The program would sunset in a year to address anything that may arise.

Ms. Alarcon responded to Commissioner Rogers' questions about ordinance provisions, including Section 26-226(c), unmarked public parking, and off-site parking as part of application process.

Commissioner Rogers raised the possibility of a conflict between the proposed City valet service and that provided for the residents of New River Landing Condominium. Ms. Alarcon elaborated upon staff's discussion with New River Landing. Also, it was concluded that there be a linear foot limitation. If there is a problem, the idea was to consult all of the stores to secure consent for one master valet program. With a new restaurant considering opening in the same building, Commissioner Rogers thought it needs to be addressed now. The City Attorney explained there is a separation provision.

Ms. Alarcon responded to Mayor Seiler's questions about coordination with existing valet services. She also responded to Commissioner Rogers' question about coordination with services for Rare Las Olas and Yolo Restaurants.

There was consensus approval to proceed as proposed.

**I-C – Central Beach Wayfinding Phase One – Conceptual Design Including Code Amendment**

Chris Rogers of Yazi Design, City's consultant, reviewed slides on this topic. A copy of the slides is attached to these minutes.

Mayor Seiler asked whether a local sign fabricator had been pursued and whether staff had looked into less expensive versions by other cities. He thought the color is more important than the actual structure. He would prefer not to invest in custom-made. Ms. Alarcon explained the concept was uniformity and materials that would stand up to the elements. In further response, she assured that the specifications would be written to allow opportunities for multiple responses and was confident there would be good competition. Mayor Seiler emphasized his desire for competition and a less expensive version. He feared this project is like the customized lifeguard stations purchased. Lastly, he was concerned about the sign price estimates being made public. It was confirmed for Vice Mayor DuBose that the Budget Estimates slide on page 21 reflects design, fabrication and installation. Ms. Alarcon indicated in the future the City could fabricate and maintain the signs. In such case, Vice Mayor DuBose thought the dollar amounts are heavily padded. Mr. Rogers explained how the estimates were derived and was hopeful the competitive process would result in reduced numbers. The closest fabricator consulted is located just south of Palm Beach that does a great amount of work in Fort Lauderdale, however no Fort Lauderdale based fabricators were consulted for the estimating. Vice Mayor DuBose asked what would be the cost if the City wished to change the design in the future. The City Manager advised it would mean doing phase one again. Commissioner Rodstrom thought perhaps it might have been better to complete the work without having presented estimates, although she realized the approach was to provide estimates to the Commission to secure their blessing. During discussion that ensued about the cost, Commissioner Rogers pointed out that the biggest expense is the vehicular gateway signs that he did not like or feel they are necessary. Commissioner Rodstrom thought the beach should first be branded and the signs then be matched. Mr. Rogers agreed that ideally that should happen hand in hand. Commissioner Roberts wanted to see an additional one or two pedestrian kiosks although he agreed about the cost. Commissioner Rodstrom agreed with Mr. Rogers, but had some uncertainties about the sign design branding the beach. Also, placement of the signs must be flexible because other improvements and developments are coming in. Ms. Alarcon indicated that flexibility is built into phase three. Returning to Mayor Seiler's cost concerns, Mr. Rogers indicated that the estimates are not outrageous and pointed to durability. If corners are cut on the front-end, maintenance could be more. Commissioner Rogers thought this cost is not out of line when considering the magnitude of improvements contemplated for the beach from the Community Redevelopment Agency (CRA). Vice Mayor DuBose pointed out it is only a small section. Commissioner Rodstrom also pointed out that wayfinding is only successful if the concept is applied consistently throughout the area and all of the money is not coming from the CRA. Mayor Seiler noted it should at least be for the entire barrier island. Discussion turned to examples in other communities as well as durability in a harsh environment and building code specifications. Vice Mayor DuBose thought the cost goes to the design features. In response to Mayor Seiler, Mr. Rogers advised that solar would be more expensive. In response to Commissioner Rodstrom, Mr. Rogers advised that this proposal has been presented to Florida Department of Transportation and the department has given preliminary approval. Commissioner Roberts suggested putting this out to bid in a way to get more options from fabricators as to design and cost. Also, design cost is incorporated in phase one and would not be included in future

phasing. Mayor Seiler thought by the City doing the designing, the options are limited, costs are increased and competition is decreased. Commissioner Roberts wanted the signage to be appropriate with the City's investment in the beach overall but wanted to see more options. The City Manager suggested using this proposal as a base concept and then solicit competition for final design as well as a budget which would then also be competed. There was consensus approval to proceed in that fashion. Commissioner Roberts emphasized that the City is not obliged to accept anything. He wanted to see different materials. The City Manager clarified that the successful responder on the design would be awarded phase one. The City Attorney noted that proposers would be required to use either certain materials or guarantee the product would last a period of time. Commissioner Roberts wanted to see various materials with corresponding life times and perhaps adaptability to solar when it becomes more cost-efficient.

#### **I-D – Proposals to Amend Procurement Code**

Kirk Buffington, Director of Procurement Services, highlighted the collaborative staff effort and enumerated the primary changes. The ordinance will reflect changes as a result of the organizational realignment.

Mr. Buffington responded to Mayor Seiler's contention that there is better competition if staff negotiates with the top three proposers instead of the highest one. Commissioner Rogers thought it could hamper negotiations. Mayor Seiler disagreed with the proposal to negotiate only with one. Vice Mayor DuBose agreed. Mr. Buffington suggested a revision to allow negotiating with the top three when appropriate, but it was not accepted.

The City Auditor advised that for any procurement with federal funds, local vendor preference is not permissible.

Commissioner Rodstrom asked about a provision to fully use grant funds as opposed to the lowest bidder. The City Manager believed that the grant agencies would not be agreeable to that idea. Commissioner Roberts wished the grant agency would redirect remaining funds to another City project.

Mr. Buffington clarified for Commissioner Rodstrom that language on the thresholds would be city manager or his/her designee. She wanted to wait for perhaps six months before increasing the thresholds, however no other member of the Commission agreed. In response to her question, Mr. Buffington advised that with such threshold changes, there would be very few professional service items that the Commission would not see. As to the twenty-five thousand level, they are small, task-oriented, management consultant type of things and perhaps training. The City Auditor added for smaller contracts it is cost-prohibitive to respond to a formal RFP because it is quite an intensive process. It also limits the City's ability to execute things quickly. Bids will still be secured, but not a formal RFP. Vice Mayor DuBose wanted the Commission to receive a report on these awards. The City Manager offered to provide a monthly report on anything that would have come to the Commission under the previous criteria. Mr. Buffington indicated that this approach works in many agencies. If there is a pattern with which a member of the Commission is not comfortable, it could be brought to the City Manager's attention. In response to the City Auditor, Mr. Buffington advised that the intention in Section 2-193, Professional Services, is to continue to secure quotes. Commissioner Rodstrom asked that in drafting the ordinance, the City Attorney to bring any concerns to the Commission.

There was consensus approval for a six-month review of the new process and for the Commission to receive reports (anything that would have come to the Commission under the previous criteria).

Mr. Buffington enumerated two options if the Commission wishes enact local preference. The City Manager advised his experience is giving highest preference to a business located in the city with city residents working on the contract; giving second tier preference to a business located in the city or outside of the city and a majority of its employees working on the contract are city residents. Local preference cannot be used for contracts with state or federal funding or those under the competitive consultant's negotiations act. However, the City Manager noted that there may likely be a bill enacted by the state legislature prohibiting municipal local preference ordinances. Consensus approval was expressed in support of local preference language as described.

### **I-E – Selection and Evaluation Committees – Scoring**

Kirk Buffington, Director of Procurement Services, described the new process that is along the lines of ranking based on criteria in the RFP as well as the results of this change.

In response to Commissioner Rodstrom, the City Attorney believed that when the County adopts their ordinance on ethics, the City Commission would not be able to recommend evaluation committee members as noted in Section 2 of Exhibit 2 to Commission Agenda Report 11-0995. Commissioner Rogers suggested and there was consensus approval for the provision to be stricken. In response to Vice Mayor DuBose, the City Attorney was not aware of any conflicts with the proposed County ordinance. Commissioner Roberts asked about oversight relative to responders' financials, background checks and so forth in the short-list stage. Mr. Buffington expressed a recently adopted practice developed in collaboration with the City Auditor. As to litigation, it is almost impossible to verify if everything has been disclosed. Commissioner Rogers did not feel there is a necessity to verify it. Commissioner Roberts thought it would be vetted by others. He thought it should be included. Mr. Buffington agreed to work with the City Attorney's office on acceptable language. Commissioner Rogers asked about inquiring whether there has been a bankruptcy filing in the past. Mayor Seiler believed the question can be posed to a corporation, but not an individual. The City Attorney concurred. Commissioner Rogers thought the question could be posed whether any corporation with which the principals have been associated has filed for bankruptcy.

The City Auditor suggested a weighting factor in the ranking. The City Manager indicated the idea was evaluated; staff agrees with it. Mr. Buffington distributed and reviewed two scenarios, which is attached to these minutes. Some exchange ensued wherein questions were answered for an understanding of the scoring. Referring again to Exhibit 2 Mr. Buffington explained the intention of Section 5 for Commissioner Roberts' benefit.

Commissioner Roberts asked about advisory board members complying with the prohibition in the third paragraph under Current Process section of Exhibit 1 of the commission agenda report as to a proposer's listed references. Mr. Buffington outlined the current practice. A brief discussion followed as to orientation and training for the new process. Commissioner Rogers did not think the Commission should serve as the

selection committee. The City Auditor noted one example where the Commission could serve in that capacity would be for the external auditor. Commissioner Rogers preferred for matters coming to the Commission after being filtered by an evaluation committee. In response to Commissioner Rodstrom, Mr. Buffington advised that Broward County's code does not permit elected officials from serving on any evaluation committee. Commissioner Rodstrom agreed with that policy. There was consensus approval that the Commission would not be permitted to serve on evaluation committees.

Commissioner Roberts raised the idea of lowering the cost factor percentage to twenty-five. Mr. Buffington advised that the current percentage of thirty is a policy and not stipulated in the ordinance. The City Auditor added that a reasonable range in terms of the dollar amount may be established. For example, if two proposers are within one percent of each other, it is considered to be the same amount.

There was consensus approval as submitted with the above noted modifications.

### **III-A – Communications to City Commission and Minutes Circulated for Period ending September 1, 2011**

#### **Budget Advisory Board**

##### **Motion made by Mr. Nesbitt, seconded by Mr. Silva:**

The Board recommends to the City Commission that on an interim basis, until the revised investment policy is adopted, the number of investment managers be increased from two to three and the amount they each control be increased from \$50 million up to \$100 million. In a voice vote, motion passed unanimously.

The City Manager advised that a revised investment policy will be submitted to the Commission on September 20.

#### **Cemetery System Board of Trustees**

##### **Motion made by Ms. Sallette, seconded Mr.**

Witherspoon, to request that the City Commission visually inspect the Sunset Memorial Gardens fence and support replacement of the fence in its current location. It would be impractical to move the fence due to the location of the graves, irrigation main line, fiber optic cables, and mature trees. Future Gravesites [sic] could not be hand dug at that location, maintenance of existing gravesites would be impeded and the ability to inter [sic] pre-sold sites would be impractical. In a voice vote, Board unanimously approved.

The City Manager advised that the City was denied a setback variance from the Board of Adjustment. Cate McCaffrey, Director of Business Enterprises, indicated that thought is being given to applying for a public purpose use from the Planning and Zoning Board. She explained the Board of Adjustment's feedback for not agreeing to a variance. Mayor Seiler suggested the matter be presented to the Planning and Zoning Board.

Community Services Board

**Motion by Mr. Whipple, seconded by Ms. Hinton, that** the City Commission meet with the Board regarding the Community Development Block Grant Program as soon as possible. In a voice vote, the motion passed unanimously.

Mayor Seiler was agreeable to the chair and vice chair being invited to a conference meeting.

Education Advisory Board

**Motion by Mr. Foulkes, seconded by Ms. Elijah, that the** Education Advisory Board recommend to the City Commission of Fort Lauderdale to hold a series of community forums around Fort Lauderdale in consultation with the charter school systems of Pembroke Pines and Coral Springs to explore the “who,” the “what,” the “when,” the “where,” the “why” and the “how” for one or more charter schools in the City of Fort Lauderdale. In a roll call vote, the motion passed (6-4) as follows: Mr. Cella, yes; Ms. Cirillo, yes; Ms. Clark, yes; Ms. Elijah, yes; Mr. Foulkes, yes; Ms. Green, no; Ms. Halliday, no; Dr. Persi, no; Ms. Bucolo, no; Chair Lewis, yes.

**Motion by Ms. Green, seconded by Ms. Cirillo, to ask the** City Commission for the source of the interest in charter schools in the City of Fort Lauderdale. In a voice vote, the motion passed unanimously.

The City Attorney noted this topic was referred to the board by the Commission. It also was raised at the Charter Revision Board that likewise asked about the source of the interest. Commissioner Rogers recalled it was his idea to refer this to the board. He believed that the City’s middle school system needs help. The State administration is promoting charter schools; money is available. Therefore, he felt this is the time to investigate the idea. Vice Mayor DuBose felt more vetting and a comprehensive examination is warranted. He believed that middle schools are a county-wide issue. He did not think the City gets its proportionate share from the School Board. Referring to the charter school in Pembroke Pines, the City Auditor pointed out that the municipality is looking at a \$5 million budget deficit. Some discussion followed of examples in other Florida communities.

Mayor Seiler thought the board should receive an explanation as to the source of interest as expressed today. From a fiscal standpoint, he pointed out that Fort Lauderdale pays the most dollars of any city in the county and the Broward County School Board is the largest tax collector within Fort Lauderdale. He preferred to focus efforts on making the county school system better. Commissioner Rogers commented that the system is one of the largest in the country and there are associated problems. He wanted to look into a middle school or a viable alternative. Commissioner Roberts agreed. Vice Mayor DuBose reiterated it should be looked at comprehensively because there are a lot of factors. With more investigation, it may not just be a middle school issue. He would not support such a focus.

Mayor Seiler asked the City Auditor to provide a status report on the charter schools in Coral Springs and Pembroke Pines. This item should be rescheduled on a conference agenda.

Fire-Rescue Facilities Bond Issue Blue Ribbon Committee

**Motion made by Mr. Nesbitt, seconded by Mr. Kirsch,** to recommend the City use funding sources other than the Fire Bond Funds to purchase land at 3201 NE 33<sup>rd</sup> Avenue, controlled by PNC Bank, for Station 54 while continuing to operate Station 54 at its current location. Upon completion of construction, the property is to be sold and the proceeds used to reimburse the funding source. In a voice vote, motion passed unanimously.

The City Manager advised that staff is exploring a different option for Station 54 and the initial blush appears that a trade will not be necessary.

**Motion made by Mr. Nesbitt, seconded by Mr. Kozich,** to recommend the City Commission direct the City Manager to capitalize all City-provided engineering, architectural and construction management fees from the General Fund rather than charge these fees to the Fire Bond program. This is consistent with the decision the Commission made in the past, with its direction to the prior City Manager. Charging these fees to the Fire Bond Fund would jeopardize the program's ability to complete its mission to build the ten designated new Fire Stations as set forth in the Fire Bond referendum. In a voice vote, motion passed unanimously.

The City Manager confirmed for Mayor Seiler that he would charge these fees to the bond program. He believed the committee's concern is that there will not be enough funds to complete the program, however, he believed the program will be within budget. The City Auditor responded to Commissioner Rodstrom's question, indicating the construction management fees are overhead costs associated with construction. Construction costs includes all costs associated with getting the facility ready and useable. Mayor Seiler indicated they would be legitimate expenses in a private individual scenario.

Historic Preservation Board

**Motion made by Ms. Thompson, seconded by Mr. DeFelice,** to ask the City Commission to direct staff to move forward with an application for local historic designation of the Eula Johnson House. In a voice vote, motion passed 8 – 0. In a voice vote, motion passed 8 – 0. [sic]

Commissioner Rodstrom noted the additional expense associated with historical structures over the long-term. There was consensus approval for Vice Mayor DuBose to



present this matter at the next District III meeting and report the results at the following conference meeting.

Marine Advisory Board

**Motion made by Mr. Tapp, seconded by Mr. Herhold,** that the Marine Advisory Board recommends the Las Olas Marina expansion project as presented; they also strongly recommend that "Plan C" be considered because of its ability to optimize the use of the docks for vessels of all sizes, and to increase income revenue to the City of Fort Lauderdale. In a voice vote, the motion passed unanimously. [Backup material regarding this project is attached to this Communication.]

Commissioner Rodstrom wanted additional time. Commissioner Roberts requested a copy of Plan C be provided.

Police and Firefighters Pension Board

**The Board anticipates that the City will save** approximately \$290,000 by making a prepayment of their employer contribution.

**The State has reviewed and approved the 2010 Annual Report(s)** for the Fort Lauderdale Police Officers' and Firefighters' Pension Fund.

No comment.

Short Term Residential Use Committee

**Motion made by Vice Chair Forman, seconded by Ms. Ellis,** to transmit the Committee's recommendations, which include the Committee's motions from the June 23, 2011 meeting and a summary of the Committee's motions from the April 28, 2011 meeting, to the City Commission. In a voice vote, the motion passed unanimously. [A copy of the summary is attached to this Communication.]

In response to Mayor Seiler, the City Attorney believed the only alternative would be to continue with current procedures. One lawsuit has been won. There are three more similar cases pending.

Marilyn Mammano, chair of Short Term Residential Use Committee, provided a verbal status report. Currently, the City would not be able to regulate something that it does not permit. The current system is not working for neighborhoods or the industry. The Committee would like the Commission to change its regulations regarding short-term residential rentals. The only recourse would be to approach the state legislation and explain the unintended consequences.

Ron Mastriana, member of Short Term Residential Use Committee, thought there was an exception in the legislation for cities that have an ordinance. He elaborated upon the challenges being faced by code enforcement staff. The City Attorney explained that the exception is actually a grandfathering provision and does not allow any changes to be made to it. The best that can be hoped for is to be able to enforce the current ordinance in the manner that it has been interpreted. The ordinance itself does not address short-term rentals. In those instances where a short-term rental becomes a commercial use, a zoning violation citation is issued. The City could make this matter part of its legislative agenda. Commissioner Rogers suggested the Committee provide a final report. Mayor Seiler indicated the report could then be included in the legislative agenda.

#### Sustainability Advisory Board

**Motion made by Dr. Goetz, seconded by Ms. Walter, to inform the City Commission that the Board supports the Wind Turbine proposal at the Hilton Hotel on Fort Lauderdale Beach, and that the City should execute any necessary agreements to absolve itself from any liability caused by a wind turbine becoming detached in extreme weather. In a voice vote, motion passed unanimously.**

There was no objection.

#### Visioning Committee

**Motion by Mr. Ladd, seconded by Ms. Buchan, to ask the City Commission to provide feedback as to the role of this Committee moving forward in the visioning process with the consultant. In a voice vote, the motion passed unanimously.**

No comment.

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

With respect to the Beach Business Improvement Committee, the City Clerk advised that the W Hotel has requested an alternate be allowed and offered the name of Scott Brooks. There was no objection.

Beach Business Improvement  
District Advisory Committee

Kenyata Allain (Consensus - Reappointment)  
Bill Cunningham (Consensus - Reappointment)  
Jim Oliver (Consensus - Reappointment)  
Amaury Piedra (Consensus - Reappointment)  
Dale Reed (Consensus - Reappointment)  
Scott Brooks (Consensus/Alternate - Reappointment)  
Alfred Rosenthal (Consensus - Reappointment)  
William Stanton (Consensus - Reappointment)

Budget Advisory Board

Frederick H. Nesbitt (Mayor Seiler - Reappointment)

Community Services Board	James H. Currier (Mayor Seiler - Reappointment) Richard Whipple (Mayor Seiler - Reappointment) Earl Bosworth (Commissioner Rodstrom - Reappointment)
Parks, Recreation and Beaches Board	Curtiss Berry (Mayor Seiler - Reappointment) Tommy Knapp (Mayor Seiler - Reappointment) Richard Zaden (Mayor Seiler - Reappointment)
Unsafe Structures Board	Joseph P. Crognale (Consensus - Reappointment)

Note: Please see regular meeting item R-06.

**Non-Agenda – International Alliance of Theatrical Stage Employees (IATSE) (M-15)  
War Memorial Auditorium – Termination of Local 500 Working Agreement**

The City Attorney advised that on several occasions he has asked for this matter to be raised because it is like an ever-going contract. It is almost like a collective bargaining agreement except they are not the registered representative certified by PERC (Public Employees Relations Commission) to represent the employees. It has never been bid. It must either be PERC representation or contractor, and if it is a contractor, it needs to be bid. The City is paying health benefits to the union whereas the City's policy is not to pay health benefits to part-time employees and these are all part-time employees. They are registered with PERC, but not recognized or certified as the bargaining unit. The City Manager advised that staff is very satisfied with their level of work, professionalism, and would like to continue to utilize the same personnel. Staff would prefer not to go through a union and pay health care benefits outside of the City's system. The employees receive health insurance through the union and not through the City's risk pool. He commented on the length of time it has been occurring.

Commissioner Rodstrom asked about the number of employees involved. Orlando Castellano, War Memorial Auditorium Manager, advised it is handled on a per-call basis depending upon the number of events and personnel required for each event. It is not a set number of hours. Cate McCaffrey, Director of Business Enterprises, confirmed for Commissioner Roberts that the employees could be retained as part-time without insurance benefits.

Alan Glassman, business manager of IATSE Local 500, suggested a collective bargaining agreement similar to all of the other buildings in the city. Ms. McCaffrey explained that the City pays a percentage of the number of hours worked that is deposited into an account for health insurance. About \$13,000 is budgeted annually. In response to Commissioner Rodstrom, Mr. Glassman indicated that the Local 500 provides staffing also for the Broward Center for the Performing Arts and the Broward Convention Center. Local 500 contracts with these entities are identical to that of the City and is now contracting with Miami Dade County. Local 500 contracts with the Performing Arts Authority for the Broward Center and the building management company for the Convention Center. He offered more specifics about the percentage levels and that there is also a contribution for the retirement annuities. Mayor Seiler and Commissioner Rogers thought the course of action should be to put this out for bid. Ms. McCaffrey pointed out that being a union, Local 500 could not bid on it. Mr. Glassman noted facilities that are staffed by non-union employees. Mr. Castellano indicated that the Parker Playhouse has a talent pool of event workers that could be pursued. In response to Vice Mayor DuBose, Mr. Glassman advised that Local 500 is about to sign a

contract with Miami Dade County for their new south Dade cultural arts center wherein they will pay for insurance. Commissioner Roberts noted that the City is not providing insurance, but rather it is paying a fee. The City Auditor explained it is essentially a pass-through now. As such, Commissioner Roberts suggested the City pay for the event worker and the event worker pay the union for their own insurance. Mr. Glassman advised that the union can self-pay into the health benefits, but not the retirement annuities. Mr. Castellano explained that each employee has a level of pay based on their level of training. The City pays a percentage above the rate of pay directly into the union's annuity fund. The City Manager noted that the check does not go to the employee. It was confirmed for Mayor Seiler that the City is essentially paying health and retirement benefits for these part-time employees and no other City part-time employees.

The City Manager explained the recommendation is to terminate the agreement and use the same individuals without paying for these benefits. Mr. Glassman advised that would not be possible. In such case, the City Manager indicated the City would have to use a talent pool or another option. Vice Mayor DuBose and Commissioner Rodstrom preferred to look at restructuring before terminating the agreement. Ms. McCaffrey advised that the agreement term rolls over automatically if it is not terminated on September 30. Mayor Seiler suggested Local 500's attorney speak with the City Attorney. He stressed that the City cannot pay retirement and insurance benefits to part-time employees. It is a fairness issue. With an RFP, Local 500 could link with a third-party. There was consensus approval to defer (including Regular Meeting Agenda Item M-15) this matter to September 20, 2011.

**EXECUTIVE CLOSED DOOR SESSION WAS HELD FROM 4:15 P.M. TO 5:20 P.M.**

**The City Commission shall meet privately pursuant to Florida Statute 447.605 and 768.28 (16) respectively concerning the following:**

- 1) **Norbert Keim vs. City of Fort Lauderdale File VA GL 10-352**
- 2) **Collective Bargaining**

**MEETING RECONVENED AT 9:55 P.M.**

**IV-A – Change Orders for Sistrunk Boulevard Project – Community Redevelopment Agency**

The City Manager noted he will be reexamining how change orders are handled and particularly looking at Sistrunk. The Sistrunk purchase order will be on the September 20 agenda. The contractor has requested fifty-six additional days for an estimated completion date of June 13, 2012. This will not be the final change order; there will be another in roughly the amount of \$350,000 as well as disputed claims probably in the amount of \$250,000. He believed that staff needs to do a better job of reviewing plans before they are released for RFP. Steps will be taken immediately to correct this for all future projects. In addition, he felt the staff needs to work better with Broward County especially with regard to transportation to ensure that the County is also reviewing the plans. A new construction contract template needs to be developed. Language is needed as to the contractor's responsibility to inspect the site prior to contract award. There should be clear language as to change orders. Better language in the architect's and engineering contracts is needed to hold them responsible for cost overruns due to their errors and omissions. He wanted to approach the recently awarded twelve to

fifteen continuing contracts and request the revised language be added. If there is not cooperation, consideration should be given to termination. The City should look at how it approaches construction projects in general. In summary, new practices moving forward will be adopted. Public Works will be taking a more active role in the Sistrunk project from this point forward.

In response to Mayor Seiler's question, Paul Bohlander, Assistant Utilities Services Director, explained what happened with the sixty water meter boxes that will need to be replaced. This is something that should have been anticipated and included in the original contract. He further explained that the drainage modifications were as a result of unforeseen conflicts. Mr. Bohlander elaborated upon why there may be some facilities that exist that one would not know the locations. He did not know if all of the drainage modifications are as a result of conflicts. The City Manager noted that the City retained a professional engineer and architect and they have some responsibility which will have to be reviewed as to what level at the end of the project. Further discussion ensued on the point of not knowing the location of all facilities. Albert Carbon, Director of Public Works, noted there were Broward County Traffic Control and AT&T lines installed between the time of the survey and when the contract was awarded. In response to Commissioner Rodstrom, he offered to provide her with the survey date. He went on to comment that City staff has and continues to work very closely with Broward County on this project. The City Manager responded to Commissioner Rogers' question about phasing, explaining that because of a lot of lost time at the beginning of the project, the phasing approach was dropped and a decision was made to do all of it. Commissioner Rogers was concerned with a three-block area taking eleven months. The City Manager indicated that there was a problem with Florida Power and Light Company (FPL) in that section which really resulted in a delay. He believed the City is close to resolving the issues with FPL.

Vice Mayor DuBose liked the City Manager's described approach for future projects. He was troubled that this item was discussed when he was not present. He did not want this project to become the poster child for the City's procedural problems. He pointed out that it has been years since infrastructure in this corridor has been addressed. He recalled the fighting that went on between the City and County in the past. He was concerned about meeting the timeline. There are some variables unique to this project in comparison with other projects which is reflective of how this area was treated. Mayor Seiler did not disagree, but emphasized he would have had the same frustration regardless of the area of the city. It needs to be closely monitored as to cost and timeline. Vice Mayor DuBose did not want something so over due and positive to be stained. These infrastructure problems would not occur in another area because it would not have been so long since they were last addressed. For example, there was not as much time spent on Southside.

Mayor Seiler concluded by saying he believed there is a full consensus on the City Manager's approach.

### **City Commission Reports**

#### **Events and Matters of Interest**

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

### Speed Humps and Sidewalks

Commissioner Roberts planned to discuss the process and prioritization for speed hump installations as well as sidewalks with the City Manager and decide whether to schedule it for an upcoming October conference meeting.

### Redistricting

Vice Mayor DuBose had received some concerns about the deadline set for submittal of proposed redistricting maps as well as notice of the meeting on this topic. He asked that the deadline be extended.

In response to Mayor Seiler and Commissioner Rogers, the City Attorney explained that after the 2000 census the next municipal election was in 2003, so there was more time. The law does not set forth a timeline. He did not anticipate the City's precinct lines would be redrawn as a result of any redistricting on the part of the legislature. Due to the shortness of time, he had attempted to maintain the existing precincts and draw district lines to be co-terminus with the precinct lines. He confirmed for Commissioner Rogers that the supervisor of elections and, or legislature would not change whatever the City does in redistricting.

Commissioners Rodstrom and Roberts felt it is important to complete the redistricting before the election. Some discussion ensued about what would be considered a reasonable period of time in which to complete redistricting from when the information is provided. The City received the information in April, May. The City Attorney indicated that the Supervisor of Elections wanted the information in September. He believed the matter would have to be decided at the second meeting in October and provided to the Supervisor. Mayor Seiler pointed out that the City has a shorter time frame than any other governing body.

At Vice Mayor DuBose's request, there was consensus approval to extend the deadline of September 8 by two weeks. Some discussion ensued as to information sources. The City Attorney noted this would require two readings, with the first scheduled on October 4.

### Pioneer Day Event

Chaz Adams, Public Information Office, responded to Vice Mayor DuBose as to the number of nominations Fort Lauderdale, as the host city, could submit. The tentative event date is November 12. The deadline for submittal of nominations has passed. Mayor Seiler asked that staff follow-up on determining the total number of nominations to determine if the City should request accommodation for more than five.

### Realignment – Reorganization

The City Manager responded to Commissioner Rodstrom's question, explaining the process for implementing the realignment that will occur over a three-month period.

### Budget Advisory Board

In response to Commissioner Rodstrom, Mayor Seiler indicated that the City Manager has been meeting with the Budget Advisory Board.

Pension Obligation Bonds

Commissioner Rodstrom indicated that she has invited Broward County Vice Mayor John Rodstrom to speak at the September 20 meeting about the pension obligation bonds from a taxpayer's perspective.

Crime

Commissioner Rodstrom noted the increased statistics on crime in District II, including the Isles; announced the upcoming District II meeting on this topic and urged the police to continue to be responsive.

2012 Lewis Hine Awards

Mayor Seiler asked the Commission to offer nominations for the Lewis Hine service to children and youth awards.

Special City Commission Meeting regarding Fire Assessment

Mayor Seiler announced the upcoming special City Commission meeting concerning the fire assessment.

There being no other matters to come before the City Commission, the meeting was adjourned at 10:44 p.m.