

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
OCTOBER 18, 2011

<u>Agenda</u> <u>Item</u>		<u>Page</u>
	City Commission Reports	1
	1. Shippey House	1
	2. Events and Matters of Interest	1
	3. Homelessness	1
	4. White Fly	2
	5. Visioning	2
	6. Melrose Park; Sanitary Sewer Connections	2
	7. Broward County Ethics Ordinance	2
	8. Northwest Community Redevelopment Agency; Local Job Creation and Step-Up Program of Housing Authority	3
	9. Broward County Tourist Development Council; City's Representative	3
	10. E911 Call Taking and Dispatch Services; Regionalization	3
	11. Homeless Assistance Center	5
	12. Taxable Special Obligation Notes – Police and Fire Pension Fund - \$30 Million, Invitation to Bid and Appointment of Bond Counsel	6
	13. Southside School	6
I-A	Request for Proposal – Beach Equipment Rental Concession	6
I-B	Request for Proposal – State Legislative Lobbyist Services	7
I-C	Fire Rescue Stations 8, 13 and 54 – Locations	7
III-A	Communications to the City Commission and Minutes Circulated For the Period Ending October 13, 2011	8
III-B	Board and Committee Vacancies	8
	City Manager Reports	9

CITY COMMISSION CONFERENCE MEETING**1:42 P.M.****October 18, 2011**

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

City Commission Reports**Shippey House**

Commissioner Rogers advised that the property owner would like something in writing. He plans to attach the minutes to his letter that indicates the consensus and that the matter is moving forward. It may be possible to temporarily relocate the house to the Regents Bank property across the street. Mayor Seiler was supportive of such a letter. He suggested the property owner be invited to discuss the matter with the full Commission or that he would speak with him as well. Commissioner Rogers provided a verbal status report. He thought if it is moved and the outside is attractive, more time could be taken for the interior improvements. He believed there will be people coming forward to help once they know this is a viable endeavor. In response to Mayor Seiler, the City Manager offered to furnish a memorandum on alternative parking. Mayor Seiler asked that staff move this to the front burner. The City Manager indicated that the Commission had discussed the idea of using the County garage. The County administrator indicated that she would be willing to work with the City on this.

Events and Matters of Interest

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

Homelessness

Commissioner Rogers noted that homelessness was raised at the recent Visioning meeting and asked for an update from the City Attorney. The City Attorney advised that his office has been working on this and is getting ready to put a pen to the paper. Commissioner Rogers wanted to put a deadline for discussing it on a conference agenda. In response to Mayor Seiler, the City Manager advised that staff has looked at ordinances in place for other communities. He likes an ordinance in place in the Clearwater, but the City Attorney needs to examine the legal muster. The City Attorney explained the biggest problem with Clearwater is that it addresses the downtown and the beach. Fort Lauderdale already prevents panhandling on the beach and has litigated it. He would recommend concentrating on the downtown and find a rationale. The rationale for the beach is that it is an economic engine. Whatever is done it is a matter of enforcement. There are ordinances in place now that could be enforced against what is mostly complained about now. It is a matter of enforcement and the associated cost. Commissioner Roberts wanted to find a way to address downtown. There are very

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

aggressive panhandlers in the area of Oakland Park Boulevard and Federal Highway that are scaring people. Many of these people already have warrants for their arrest. They need to be contacted all of the time and for it to be known that they cannot leave the curb. He wanted to approach it in a comprehensive way. Commissioner Rogers felt this should be treated as a priority. He wanted to address this before the end of the year. Mayor Seiler agreed. Commissioner Rodstrom thought the Commission should decide upon the extent of legal liability they are willing to accept and give that direction to the City Attorney. Mayor Seiler cited a recent example where panhandlers were running through the traffic and agreed something needs to be done. The City Attorney advised that there are laws against this; it is a matter of enforcement. The City Manager indicated that people are being cited. Part of the issue is that the City cannot hold violators and the judges are being very lenient. There are cutbacks on satellite booking facilities, therefore more people are being brought to Fort Lauderdale and they are immediately released. They have no way to return to where they were. Commissioner Rodstrom thought the policy might be to return violators to the city indicated on their driver license. Commissioner Roberts felt it is important to concentrate on enforcement and eventually people will go somewhere where their enterprise system is not constantly interrupted. It is time-consuming. Vice Mayor DuBose felt the City needs to reach out to its state legislators for assistance.

White Fly

Mayor Seiler asked that Gene Dempsey, Fort Lauderdale Forrester, continue to be in the public, providing education on the issue.

Visioning

Vice Mayor DuBose referred to concern about the initial outreach. Commissioner Rodstrom indicated that the consultant is going out again for more stakeholders.

Melrose Park, Sanitary Sewer Connections

Having received more complaints, Vice Mayor DuBose asked for the City Manager to followup on what was agreed upon with the annexation of Melrose Park with respect to sanitary sewer connections. The City Manager provided a status report of staff's work on this including complications on the part of Broward County.

Broward County Ethics Ordinance

In response to Vice Mayor DuBose and other members of the Commission, the City Attorney explained his recommendation on this will be forthcoming, but it will be for the City do away with its regulations and follow that of Broward County because it is more comprehensive and in such case, there would be one ordinance to follow. The County ordinance will be effective January 2, 2012. The City's regulations are only more restrictive in the area of (campaign) contributions. This matter will be presented within the next two weeks. Mayor Seiler noted that the City Manager will need to determine the logistics of the log for emails and telephone calls. The City Manager advised that Information Technology Services is developing an application for occurrences outside of the office, so that they could be entered into the system via phone. Commissioner Rodstrom explained that her office has been logging in all appointments with lobbyists. Commissioner Roberts thought that Broward County's log-in system should be duplicated for the City Commission and the Commission Assistant Coordinator should

coordinate launching such a system with all of the commission assistants. The City Manager offered to followup with the Commission Assistant Coordinator. Nothing has been enacted with respect to employees but he anticipated it is forthcoming. A meal is considered a gift.

Northwest Community Redevelopment Agency; Local Job Creation and Step-Up Program of Housing Authority

Vice Mayor DuBose continues to receive complaints about the lack of local job creation in relation to the construction projects in the northwest CRA. He requested a report for outcomes of the Housing Authority's Step-Up Program. There is concern of the amount of repeated allocations and possible lack of outcomes and expansion of participants.

Broward County Tourist Development Council, City's Representative

The City Attorney outlined the membership guidelines and history on the topic. He explained that the membership is to include the vice mayor of the most populous city in the county. The term is four years whereas the City's vice mayor term is only one year. Commissioner Rodstrom indicated that Broward County Commission agreed to the City's policy of rotating its vice mayor annually. The City was to forward a resolution to the County every year (after the vice mayor is appointed). This has not occurred. She is hoping to be appointed vice mayor after the election and be able to serve on the TDC (Tourist Development Council).

Mayor Seiler raised the idea of rotation. Commissioner Rogers wanted to serve on the Metropolitan Planning Organization (MPO). Commissioner Rodstrom indicated if she stepped down as vice chair of the MPO, Commissioner Rogers would not be able to assume that position. Commissioner Roberts pointed out that there could be some problem with rotation because there is a learning curve. Commissioner Rodstrom pointed out that the Commission enacted the rotational policy with respect to the TDC. Commissioner Rogers thought it would be to the City's benefit for the Mayor to serve on it. Commissioner Rodstrom disagreed and elaborated upon her logic. Vice Mayor DuBose wanted to serve and agreed with the rotational approach. Mayor Seiler asked that a resolution be prepared to recommend Vice Mayor DuBose to the TDC for consideration.

E911 Call Taking and Dispatch Services; Regionalization

Commissioner Roberts noted that if this function moves to being regionalized, there are some steps that need to first be taken. One is developing a fair way of paying for the system until decisions are made on the final outcome. Also, he would like to evaluate the business plan for regionalization as well as consider the City being the regional center. He expanded on his thinking concerning this matter. If the City executes something for an expectation of services, he did not want for it to change as the years go on. For example, the City has had experiences with the jail system and different sheriffs that did not pan out. There are also legal issues and the question of who is responsible for the cost. The City may have to go to court to settle who is responsible. Overall he felt it will take longer than six months. The City Manager reported on the meeting that he and the City Auditor had with the Sheriff and his staff, the Broward County Administrator and Pete Corwin, Assistant to the County Administrator. The next steps are for the Sheriff to develop a proposal on the cost to consolidate the City's Public Safety Answering Points (PSAP) with the Public Safety Building PSAP. The City Attorney is to

provide an opinion on proper use of the 911 reserve fund. Broward County is to provide the distribution formula for the 911 funds. The County receives \$10 million of 911 money and keeps a portion to pay for the telephone system and a reserve for capital improvements. About six million is distributed to the various PSAPS and the Sheriff receives about \$4.4 million of the \$6 million. The City's share of the \$4.4 million is roughly \$1 million. The distribution is based on calls for service and not population. He believed it should be based on the communication service tax formula that is based upon where the dollars come from with the City's share being closer to \$1.6 million. Staff is working on a contingency plan on how to proceed when the Sheriff's deadline of November 7 occurs. Both the Sheriff and the County do not seem willing to share in the short-term funding solution. The City Auditor noted that when he raised the point that the Sheriff's budget contains funds to cover the City's costs, the Sheriff refused to discuss it and indicated it would be an argument among auditors. He seemed more interested in making a political statement than to find a working solution.

The following information was furnished in response to questions raised by members of the Commission. The City Manager indicated other cities receiving funding are receiving service from the Public Safety Building PSAP. He had asked the Sheriff whether there is a written contract with those cities and the response was that there is no written contract nor are there any funds coming from those cities. Commissioner Rodstrom thought that Fort Lauderdale was being treated similarly until it was requested to pay. In The City Auditor advised that there is nothing in the Sheriff's budget to show what is being used for the other cities. Fort Lauderdale is easier to carve out because it is a separate location. The City Manager advised that the Sheriff has provided a city by city breakdown of his public service building PSAP based upon calls for service. Almost \$7 million in all that was funded out of his budget. The City Auditor advised that there are two funds, a 911 wire line and a 911 wireless. Some of these funds are transferred to the Sheriff's main operations fund where the PSAP'S are covered. The residual amounts left over (in the two funds) becomes essentially a total fund balance that is \$13 million. Expenditures out of the 911 reserve would occur at the direction of the County. The Sheriff submits a budget and whatever is left over becomes his reserve that is carried forward from year to year. The Sheriff paid for Fort Lauderdale last year from his own reserve. The City Manager read an email from Pete Corwin, Assistant to the County Administrator. Fire Rescue Chief Justinak estimated the response time delay after the November 7 deadline between nine seconds and two minutes. Commissioner Roberts felt such a delay should not be tolerated. He thought the City should seek court relief to keep the system in place in the interim. Chief Justinak explained there is no interface between systems, causing the delay. The City Auditor advised that the Sheriff receives funding all at once from the County and funding from the State would come in the form of communications service tax.

Mayor Seiler requested a comprehensive memorandum of all of the remedies and rights. The City Attorney advised if the City filed suit, it would most likely be for declaratory judgment. The likelihood of getting injunctive relief is not high without some indication of who would pay in the interim. Commissioner Rogers noted the emergency that exists and the need to get an answer of what is fair and who should pay for what. The City Attorney explained that the City was notified over a year ago and the line was drawn in the sand, but nothing happened. The line was drawn a second time and nothing happened. This is the third line in the sand and it is because of inaction on the City's part. The likelihood of injunctive relief to require the County to continue to provide the service and to pay for it is not high. He would recommend the City pursue declaratory judgment and get a remedy consistent with that decision (reimbursement).

Commissioner Rogers raised an issue with the money that flows from the State to the County for the E-11 tax, and the County saying that the City's money was already paid to the Sheriff. The City Attorney did not have all of the information on the money but more money is paid out than received for the 911 service. Looking at information furnished by the City Manager, Vice Mayor DuBose noted that it appears Fort Lauderdale is almost double what is charged other cities. The City Attorney indicated that the lawsuit would be to determine who is responsible for 911 call-taking and who is responsible for dispatch. The state statute indicates money collected for the 911 system goes to the County. The Florida Administrative Code says that the County is ultimately responsible for the 911 operating system. The State plan for the 911 system says the same thing as the administrative code. Therefore, he believes that as far as the call-taking is concerned, the 911 system is a countywide responsible. Until July of last year, dispatch was not considered part of the services that 911 dollars could be spent on. The statute was amended to allow dispatch services to be funded with 911 dollars from the State however that does not clarify where the responsibility lies. Discussion ensued on the 1/3, 1/3 and 1/3 agreement and staffing per call ratios, staffing levels and interim planning with respect to staffing. The City Manager pointed out that the City will be receiving 55 people who are not experienced with the City's Computer Automated Dispatch (CAD) System. Commissioner Roberts wanted to keep the same people already on-staff in order not to jeopardize the response time. Mayor Seiler suggested the Commission meet individually with the City Attorney including the City Manager and City Auditor with respect to the merits of filing suit. The City Manager noted that the earlier a decision is made the more leverage the City will have in negotiating a short-term solution. The City Auditor added that there may be need for an agreement to pay the Sheriff for the 55 people for an interim period of time. Commissioner Rogers thought it might be possible to convince a judge to require that the status quo be maintained for a certain period of time.

Homeless Assistance Center

Commissioner Rodstrom raised the idea of providing northwest Community Redevelopment Agency (CRA) dollars to help with the Homeless Assistance Center expansion of one hundred beds. Vice Mayor DuBose suggested it be referred to the advisory board. Mayor Seiler did not want to offer capital dollars. Commissioner Rogers supported the idea. Mayor Seiler pointed out that this problem is not the City's financial responsibility. Vice Mayor DuBose agreed because the City needs to make sure the County is at the table in solving this problem. Commissioner Rodstrom contended that the County is at the table with the TIF (tax increment financing) funds. Vice Mayor DuBose noted those funds are for only a small portion of the City of the County. Commissioner Rogers thought the thinking at the conclusion of the recent City/County Summit (October 6, 2011) was that the City did not wish to work with the County on anything. Mayor Seiler did not think that is the philosophy of any member of the County Commission. He did not think that the expansion would go toward Fort Lauderdale residents. Commissioner Rodstrom raised the idea of extending the CRA and designating those TIF dollars to the expansion. Vice Mayor DuBose noted that this is not in the CRA master plan. The idea is to enrich the CRA area. This would be taking on responsibility from many other areas that do not contribute their TIF. Commissioner Rogers wanted to have the idea vetted by the advisory board. Mayor Seiler disagreed that this CRA is to address slum and blight in the downtown or the beach. Commissioner Roberts agreed with referring the idea to the advisory board. He pointed out that the County has not stepped up to their obligations in other areas, such as the

Performing Arts Center. Commissioner Rodstrom felt this would be something in addition to and not a substitute for other projects in the CRA.

There was a consensus of Commissioners Rodstrom, Roberts and Rogers to refer the suggestion to the Northwest Progresso Flagler Heights Redevelopment Board.

Taxable Special Obligation Notes - Police And Fire Pension Fund - \$30 Million, Invitation to Bid and Appointment of Bond Counsel

In response to Commissioner Rodstrom, the City Manager explained this regular meeting agenda item. The \$30 million payment is funded in the General Fund. With this approach, the City would only have to pay \$28.7 million. Commissioner Rodstrom asked why the City's practice has been to make this payment in arrears (September 30 instead of January). The City Manager advised this has been a historical practice that the City could get out of by doubling its payment in one fiscal year. Commissioner Rodstrom felt this topic should have occurred during the budget process. Although it is a savings, it is also repetitive borrowing and the Commission may have chosen to forego other expenses. Mayor Seiler commented that this has been the City's practice for fifteen years. It should have been discussed when this Commission was seated. Commissioner Rogers did not think there was \$30 million in the budget that could have been cut. Both Mayor Seiler and Commissioner Roberts pointed out that the City netted a savings with the employee raise; not a loss. The City Manager advised that this discussion was started during the budget process, but it was preempted by discussion of the pension obligation bonds. In further response, he indicated that the two items were independent of each other. In response to Vice Mayor DuBose, the City Auditor advised that the City has historically budgeted the interest or late fee. He went on to explain that borrowing to make the payment earlier will reduce the interest. The City Manager advised that \$28.7 million was budgeted. The City Auditor indicated that the topic was discussed during the budget process, but not that it would occur annually. He did not think that interest rates for the City's short-term borrowing would approach 7.75 percent, and consequently there will always be a difference. It was confirmed that the cost of borrowing was factored into the \$28.7 million and the savings was factored into the budget balancing. Commissioner Rogers pointed out that by making the payment earlier the pension plan has an opportunity to earn more if the market conditions permit. Commissioner Rodstrom asked if there is any plan to begin paying this down. Mayor Seiler indicated that it should be a part of the five-year financial plan. The City Auditor commented that future budget discussions could include establishing a sinking fund to accumulate sufficient reserves to get caught up eventually. Commissioner Rodstrom thought there should be something perhaps put into place to guarantee an agreed upon reserve level. The City Manager agreed, because it is unrealistic to continue to budget with the same tax rate being the same or lower and fees being the same or lower. Costs continue to go up. There are things beyond the City's control.

Southside School

Mayor Seiler was frustrated with the Southside School project, noting the recent account of mold. He requested the City Auditor perform a comprehensive audit on this project.

I-A – Request for Proposals – Beach Equipment Rental Concession

The City Manager highlighted the chronology on this topic. He noted that staff does not object to Commissioner Rodstrom's suggestion to amend the RFP to include the sale of

non-alcoholic beverages. Staff has worked with the current vendor and structured the annual minimum fee into a monthly payment. This language is already in the existing RFP.

There was consensus approval.

I-B – Request for Proposals – State Legislative Lobbyist Services

The City Manager advised that the current agreement expires in December however the Commission expressed concern about moving forward with an RFP just before the beginning of the legislative session. He recommended deferring issuance of an RFP until the conclusion of the legislative session which would mean the current contract would have to be extended to May 30.

There was consensus approval.

I-C – Fire Rescue Stations 8, 13 and 54 - Locations

The City Manager explained that it is proposed that Station 8 would be located on the northwest corner of Hardy Park just west of Southside School and east of the railroad tracks. This would impact the bocce ball and croquet players, therefore staff is looking to accommodate those uses at Holiday Park. Using City property would save a little over \$1.2 million.

Phil Thornburg, Director of Parks and Recreation, indicated one idea for the bocce ball and croquet was to use one of the roller hockey rinks that are currently under-utilized. With an artificial field installed in the rink, it could also be used for children's soccer. Staff has not yet consulted the bocce ball and croquet players to determine whether the space could be shared with children's soccer. Mayor Seiler supported the proposed fire station location, but he thought bocce ball and croquet use could be located separate from the soccer. Mr. Thornburg offered to look for another location, but noted that the grass has to be like a golf green.

In response to Commissioner Rogers, the City Manager advised that a determination on parking and whether any would be available for the recreational use has not yet been made. The proposal is still conceptual. However, this point will be explored.

With respect to Station 13 located at Birch State Park, the City Manager advised that staff is working with the State in finalizing a specific location. The plan is to relocate ocean rescue to this facility, giving them access to the Intracoastal Waterway. He provided information on where the two fire boats are located.

The City Manager explained it is proposed that Station 54 would be situated in the right of way. The parking will be preserved. The roadway will be used for bay entrances. In response to Mayor Seiler's question about the old station, the City Manager advised the plan is to develop surface parking to support the station and the area. Commissioner Roberts advised that his initial conversation with the area association was pleased with the proposal. The City Manager advised no parking will be lost, but rather a parking gain for the area.

There was consensus approval.

III-B – Board and Committee Vacancies

Board of Adjustment	Roger Bond (consensus/Seiler)
Budget Advisory Board	Brady Cobb (Rodstrom)
Parks, Recreation And Beaches Board	Brad Hubert (Roberts) Angela Ward (Rogers)

Mayor Seiler asked that the City Clerk followup in publicizing the need for applicants to serve on the Enterprise Zone Advisory Board.

In response to Mayor Seiler, the City Clerk offered to followup on determining whether Terry Murru is interested in continuing to serve on the Utility Advisory Committee.

III-A – Communications to City Commission and Minutes Circulated for Period ending October 13, 2011**Budget Advisory Board**

Motion made by Mr. Silva seconded by Mr. Williams, to amend the reserve policy so that the unrestricted fund balance be increased from 10 to 15% to no less than 17% of the total appropriations for operating expenditures and required transfers out, in accordance with the rules of the Government Finance Officers Association (GFOA). In a voice vote, motion passed unanimously.

The City Auditor explained that the Government Finance Officers Association modified their recommendation on the level of fund balance reserve to two months of operating expenses which equates to 17 percent. This is the basis of the board's endorsement. The City Manager has asked the board to make a recommendation on the level of reserves for all of the City's funds. In early spring, all of the board's recommendations as to where the City should be from a budget standpoint. In response to Commissioner Rodstrom, the City Manager advised that the board was provided with a fund by fund accounting of reserve levels and offered to furnish a copy also to the Commission.

Motion made by Mr. Snead, seconded by Mr. Timiraos, that the City establish a policy that when any enterprise fund's working capital balance appeared to be in danger of falling below 45 days of operating expenses, a plan of action would be developed to ensure a return of it to the 90-day level. In a voice vote, motion passed 4 – 3 with Mr. Williams, Mr. Cross and Mr. Silva opposed.

The City Manager explained in this case the board is interested in raising the enterprise fund reserves to at least 45 days and ultimately 90 days of operating expenses.

The City Manager indicated that he has asked staff to solicit input from boards on issues that are on staff's minds.

Northwest Progresso Flagler Heights Redevelopment Board

Motion made by Mr. Williams, seconded by Ms. Burrows, that the Board supports the overall concept and direction of the Flagler Village Civic Association Improvement Project. The Board reserves the right, however, to make its final comment or recommendation on the Project when more details, including cost, are available. In a voice vote, the **motion** passed unanimously.

Commissioner Rodstrom noted the board is looking for the Commission to support the overall concept and direction of Flagler Village Civic Association's improvement project. She had obtained a copy of the information and asked that it be furnished to the full Commission. In the future she asked that information be furnished to the Commission when they are being asked to take a position on it.

Alfred Battle, Northwest Community Redevelopment Agency Director, explained that Flagler Village Civic Association came before the Northwest Progresso Flagler Heights Redevelopment Board about improvements they would like to see along north Andrews Avenue and north 3 Avenue. Some portions are outside of the CRA (Community Redevelopment Agency). Steve Lucas, chair of the Northwest Progresso Flagler Heights Redevelopment Board, advised that a meeting is set with Transportation and Mobility and Sustainable Development. Mr. Battle described what would be addressed in phases one and two. Mr. Lucas explained it is essentially a median project on Andrews and perhaps space for a bikepath on 3rd; it is very preliminary. There are no conflicts with the future Wave and it gives the City a great opportunity for parking. Mr. Battle advised that before expending any funds or making any decisions, the project would be presented to the Commission after more work at the staff level.

Commissioner Rogers cautioned against a piecemeal approach as previously discussed. Secondly, he felt there are many areas of the city that would benefit from streetscape improvements as funds become available. Commissioner Roberts agreed. Projects need to be ready when funds become available. Commissioner Rodstrom commented when it is possible to leverage CRA dollars for other areas, this is what should be done.

Mayor Seiler requested information be brought back to the board before it gets too far along.

City Manager Reports - none

There being no other matters to come before the City Commission, the meeting was adjourned at 4:31 p.m.