

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

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**CITY COMMISSION CONFERENCE MEETING      1:39 P.M.      November 1, 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 Joel Winfrey

**EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 1:39 P.M.**

**The City Commission shall meet privately pursuant to Florida Statute 447.605 concerning collective bargaining.**

**EXECUTIVE CLOSED DOOR SESSION ENDED AT 2:16 P.M.**

**City Commission Reports**

Step-Up Program of Housing Authority

Vice Mayor DuBose asked about followup on his request of last month relating to the Step-Up Program. The City Manager indicated that ninety-five percent of the information has been collected; there should be a Commission memorandum issued this week.

Local Job Creation

Vice Mayor DuBose expressed concern about local job creation when there is so much work and money coming into the area.

Melrose Park, Sanitary Sewer Connections

The City Manager provided a verbal status report for Vice Mayor DuBose with respect to Melrose Park and sanitary sewer connections.

Mills Pond Park; Emergency Vehicle Access

Vice Mayor DuBose expressed concern about a street in the Mills Pond Park where people tend to park during events that would prevent emergency vehicle access. Frank Adderley, Chief of Police, offered to look into this, but explained that when there are detail officers onsite, they try to direct vehicles into the park. However, some times there is no police presence. Vice Mayor DuBose advised that the feedback he received is that the problem is on game days. The City Manager agreed to have the police and parks and recreation departments to work together on this.

Recent Flooding

Vice Mayor DuBose indicated that the stormwater did not recede in some areas for quite some time. He felt staff should examine those areas to see if something could be done

to avoid it occurring again. He also noted assistance provided by the Red Cross.

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#### WaterWorks 2011

With the conclusion of WaterWorks 2011, Commissioner Rogers thought it would be helpful to have a comprehensive infrastructure report. Commissioner Rodstrom noted that there were some deferred projects. Commissioner Roberts agreed that an assessment of the current state would be helpful in order to be proactive.

#### Chula Vista Dredging

Commissioner Rogers referred to the City Manager's memorandum (11-317) on this topic and the recommendation to forward it to the Marine Advisory Board. Mayor Seiler indicated if that occurs, the neighborhood should also be noticed to seek their input. He noted that the feedback is that the neighborhood does not want it done.

#### Las Olas Post Office

Commissioner Rogers indicated there is a community meeting this evening on this topic. He asked that a staff representative attend.

#### E911 Call Taking and Dispatch Services

Commissioner Roberts indicated that there are still some matters to decide upon as far as direction to staff because the extension agreed upon with Broward County expires this Saturday.

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#### Pension Plans; Investment Performance and Taxable Special Obligation Notes

Commissioner Rodstrom noted she has requested August and September reports on this topic. She also questioned when the Commission would receive an update with respect to considering issuance of taxable special obligation notes. The City Manager advised once the actuarial studies are completed, it will be scheduled on a conference.

#### Trips, Beach Regional Activity Center

Commissioner Rodstrom questioned why the City has not responded to Henry S? with respect to trips in the Beach Regional Activity Center. Greg Brewton, Director of Sustainable Development, indicated that there was a discrepancy as to how trips are counted. Staff has been working with the County to find a reasonable approach. The Commission will be informed once an agreement has been reached. In response to Mayor Seiler, Mr. Brewton explained that the disagreement revolved around the particular Comprehensive Plan level (Editions 4 or 7) to be used to calculate the trips. The Comprehensive Plan was not updated. The City Attorney explained that the Comprehensive Plan identified a particular traffic engineering manual and year, but it should have anticipated that it would be amended and referenced most recent. The County would like to use the old engineering manual, but the City wants to use the most recent information. Mr. Brewton was optimistic; he believed that the County is willing to

work with the City. Commissioner Rodstrom noted that developments are to be consistent with the Fort Lauderdale Beach Action Plan as approved by the County Commission, and as such there is an approval process in place. She wanted to get this cleared up because there needs to be a legitimate accounting of how the trips are counted.

#### Visioning; Stakeholders

Commissioner Rodstrom indicated it has been suggested to her that more stakeholders be included in the visioning process and (CAP) specifically suggested that stakeholders shown in a community area planning initiative conducted many years ago be added. The City Manager explained that while phase one was a high level environmental scan of issues, phase two will have a lot more stakeholder involvement.

#### Recent Flooding

Continued from page 2

Commissioner Rodstrom noted all information her office received about the recent flooding is being sent to a specific website so that the areas may be tracked and be more prepared in the future.

#### South Middle River; Half-Way House; Crescent House

Commissioner Rodstrom was concerned about a half-way house (Crescent House) in South Middle River. She did not think there is twenty-four hour awake supervision. She felt it should be reported.

#### School Resource Officers

Vice Mayor DuBose noted in attending Broward League of Cities' meetings, he learned that Pembroke Pines is able to fund school resource officers within the allocation granted to the city by the School Board. The City Manager advised that it has been examined; there are contractual issues. Vice Mayor DuBose wanted the City to further explore the concept because of the potential savings.

#### Events and Matters of Interest

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

### **IV – City Manager Reports**

Continued from page 2

#### E911 Call Taking and Dispatch Services

The City Manager noted that the Broward Sheriff has presented a proposal to consolidate police and fire call taking and dispatch services (Public Safety Building PSAP) for a cost to the City of \$4.1 million. Netting out the \$1 million for 911 services that is allocated to the Fort Lauderdale PSAP would give the City a net cost of \$3.1 million. The City currently provides fire dispatching services for \$1.6 million, so the net

cost would be about \$1.5 million. This is not a bad number. It would take 4-6 months to implement, so there is the question of who would pay the cost of roughly \$525,000 per month until the implementation is complete. He noted that the annual cost of the service presented by the Sheriff has increased from \$5.7 million to \$6.3 million. The Broward County Administrator has indicated that the County Commission has not expressed a desire to do anything beyond the thirty-day period that is currently ongoing. The Sheriff has indicated without a funding commitment he will cease service on November 6. Currently, dispatching for Davie, Miramar, Hallandale Beach, Lauderhill and Sea Ranch Lakes is occurring from the same Public Safety Building PSAP (Sheriff's Headquarters) and there are no plans to charge those cities for the same system that Fort Lauderdale would be part of. In response to Mayor Seiler, the City Manager advised that the County Administrator is provided a status report to the County Commission today. They are also creating a countywide task force to examine the issue.

Commissioner Roberts touched on his previous thinking of the City being a regional center. He no longer thinks the City can afford it or is it able to entice other agencies to join. Therefore Fort Lauderdale needs to be part of the regional solution. He believed the cost during the transition is onerous. He felt the City needs to take the matter to court for some relief and exercise all available options to address the short-term cost. He did not think the City owes the amount that the Sheriff is requesting; it is unfair. Mayor Seiler agreed the City should take legal action. He felt the City is being treated unfairly. He would not object to joining their system in 4-6 months, if they pay some share for the transition.

Discussion ensued as to the cost inequity and the need to treat all cities in the county the same. Commissioner Rodstrom asked what should be done to protect the citizens while this is being addressed in the court system.

In response to Vice Mayor DuBose and Commissioner Rodstrom, the City Manager advised that the 12-16 fire dispatchers would cease to be City employees and the \$1.6 million and \$1.5 million would be applied to reach \$3.1 million. Vice Mayor DuBose understood that the Sheriff could fund this independent of the County. The City Manager believed the Sheriff's budget contains the same amount as it did the prior year, but it is not allocated for Fort Lauderdale PSAP. The City Auditor provided more detail on this point. The Sheriff has reduced the headcount from that amount by the 73.6 people that represents Fort Lauderdale. The Sheriff's cost for dispatch exceeds what he receives from the County's 911 surcharge. His budget was not sufficient last year as well. He has indicated that he utilized internal surplus funds to cover the shortfall. It is difficult to say what generates the shortfall. The surplus available this year is under the County Commission's. The Sheriff does not choose to use internal surplus funds.

Mayor Seiler concluded the City should look in this direction over the long-term and the Manager should determine what the City would be offered for the short-term transition. Otherwise the City should file suit. Fort Lauderdale is the largest single taxpayer in the county. Fort Lauderdale seems to have a lot of the County's headaches, with the homeless being an example. Commissioner Rodstrom contended that this Commission assumed the homeless problem and made it a City problem and now wants to hand it back to the County. Mayor Seiler disagreed. Commissioner Rogers commented that the reason for looking at the problem was that the County was not doing anything. Mayor Seiler did not think the County's position on E911 call taking and dispatch services makes any sense.

Commissioner Roberts thought the County may be responsible for funding the \$1.5 million cost for the City. He reiterated his desire to seek legal action for a decision. The short-term and long-term issues are totally different. Commissioner Rogers questioned why the same formula is not being used for both short and long-term. He suggested the Sheriff be put on notice of what needs to be resolved otherwise suit will be filed. As to what entities would be sued, the City Attorney advised there is approximately \$13 million in reserves that could be allocated to current operations or capital outlay, but not until a request is made by the Sheriff and the County approves it. In response to Commissioner Rodstrom, Mayor Seiler explained that this is an issue between the Sheriff and the County; he did not want to take on their budget problem. The City Manager added that the Sheriff characterizes this as an issue between the City and County; the County characterizes this as an issue between the City and Sheriff and the City characterizes it as an issue between the Sheriff and County. The City has indicated a desire to participate in a regional or county-wide solution. Commissioner Rogers pointed out that all three parties agree there is disparity between the cities in this loop, but they are saying they will not fix it. The City Manager advised that the Sheriff's response is that twenty years ago those were the cities that opted into the system. He has not heard the County's position. The City Auditor did not think that logic continues in that Fort Lauderdale's building will be used for services provided to those cities and the Sheriff will continue to pay for that.

Mayor Seiler concluded this topic will likely need to be revisited this evening after it has been discussed by the County today.

#### **I-A – Proposed Ordinance – Prohibition of Panhandling**

The City Manager advised that information provided in Commission Agenda Report 11-1663 contains what other cities throughout the state are doing. Staff favors the Clearwater model which he described. There would also be a public education campaign including signage. He displayed signs used in various cities throughout the United States. A copy of the slides used is attached to these minutes. The intention is to return to the Commission with a full campaign.

Mayor Seiler agreed with the proposal and asked how quickly could it be accomplished. The City Attorney noted the City's ordinance with respect to the beach has been argued in federal court and upheld. A study similar to what was done for the beach needs to be conducted to show the reasons, public benefit and so forth. Mayor Seiler indicated that when the City is sued, he would be willing to testify about panhandlers get into disputes in traffic and arguments at car windows. There are people in traffic throughout the downtown. The City Attorney advised that an ordinance is not needed for that. There are current laws against that which are not enforced. A policy was enacted by the Police Department in 2004. The City Manager agreed that clearly the City can enforce the problem of panhandling in the street under both state law and local ordinance. Panhandling on the sidewalk is permissible. With this proposal, panhandling would be prohibited anywhere in the designated zone. Mayor Seiler was agreeable to a study on this, but wanted to know about enforcing the existing laws with respect to traffic. He elaborated upon how the problem has expanded from newspaper sales to children in traffic, trying to collect for programs. Vice Mayor DuBose agreed. He asked about other areas of the city. The City Manager believed that panhandlers are attracted to where there is a high volume of activity, but this approach cannot be citywide. Vice Mayor DuBose wanted a more comprehensive approach because the problem is everywhere. The City Manager noted two areas where the City cannot be aggressive, those being

newspaper sales and registered charities. The City will be initiating a permitting program with respect to registered charities. For other areas of the city when arrests are made, people are released on their own recognizance from the jail that is downtown. Moreover with closing of satellite booking facilities, violators throughout the county are brought to Fort Lauderdale's downtown jail and released on their own recognizance. This is the reason for such a large concentration in the downtown. In response to Commissioner Roberts, Frank Adderley, Chief of Police, clarified that traffic citations are issued. Commissioner Roberts explained challenges around making a physical arrest. He felt the beach and downtown should be addressed and whatever else will enhance enforcement. Mayor Seiler felt the City should address it from all angles. Commissioner Roberts indicated that was his point. The City Attorney responded to his question about camping in parks. Mayor Seiler emphasized the safety aspect and need for enforcement. He agreed with conducting a study if one is needed for the downtown. In response to Commissioner Rodstrom, the City Attorney articulated the reason for a study. Commissioner Rogers supported moving forward and getting underway with a comprehensive mindset. He felt the problem is that abnormal is turning into normal. It is also a housing problem. Although the City cannot solve everything, it can look at some part comprehensively. Commissioner Roberts pointed out that with the collection of data, it can be used in the future to support the need for social services. Mayor Seiler advocated directing people to the homeless assistance center where they can receive meaningful help. Commissioner Rogers remarked on the need for that center to expand and he felt the City's support in that regard is part of addressing the problem comprehensively. Commissioner Rodstrom suggested equal contributions from the City and County community redevelopment agency (CRA) funding sources that would be less burdensome to each and marry the City to the County in solving a regional problem.

Mayor Seiler requested data on the number of people being released in the downtown that were previously released elsewhere. Commissioner Roberts indicated that there has always been a problem with people being released in the downtown but it is now exacerbated and looking at the legislature with respect to social service support, he felt it will worsen. He pointed to the cost not to incarcerate an individual. Without keeping people incarcerated for awhile, they will recommit the same crime. Also, there needs to be social service support for people who are released.

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, indicated that Fort Lauderdale has the highest traffic death rate per capita in the country. Discussion ensued about boy scouts soliciting in the medians and the state law that permits them to do so.

Mayor Seiler concluded there is consensus to conduct a study as recommended by the City Attorney. As to enforcement, the City Manager agreed to present a public education campaign. However, Vice Mayor DuBose wanted to know the associated cost and specific areas. He was not prepared to agree without that information. The City Manager advised that he will present the item at a future conference meeting with the cost and so forth. As suggested by Mayor Seiler, there was consensus to immediately display the attached slide on the City's website and governmental television channel with the goal of refining it for the long-term campaign.

**I-B – Assigning Housing Opportunities for Persons with HIV/AIDS (HOPWA) Grant Program RFP Award Recommendation Review to Community Services Board – Designating Four Seats**

In response to the Commission's previous interest in creating a new board or assigning this function to an existing board, the City Manager explained that staff's recommendation is to assign it to the Community Services Board. There are four open seats on the board and staff has made a recommendation on how to designate them. With consensus, an ordinance would be presented to accomplish this. It was also brought to his attention that the Commission previously assigned cultural affairs and tourism to this board and it is not in keeping with their mission. He suggested moving cultural affairs and tourism to the Economic Development Advisory Board. There was consensus approval.

Mayor Seiler asked that staff make sure such a new assignment would be acceptable to the Community Services Advisory Board. In response to Vice Mayor DuBose, Jonathan Brown, Housing and Community Development Manager, advised that the Commission had requested to meet with the Board about public services, and it was contemplated for this meeting, but he realized changes to the commission agenda report need to first be made. Mayor Seiler asked that the chair and vice-chair be invited to the meeting when this report will be considered (November 15).

Mayor Seiler noted with four HOPWA specific seats being added to the Board, the entire mix and weighting of the Board is changed. There is too much weight in that area. Also, he did not want to preclude someone from serving because he or she wants to keep their HIV status private. Perhaps an agency could designate an individual that could be appointed. Discussion ensued on the idea of a subcommittee, composition of the board and membership criteria. In the alternative, Mayor Seiler suggested the membership be increased by three, with one Ryan White Care Act representative, one from a public housing agency in Broward County and a one from an advocacy group that would not conflict with providers (who are awarded funding). The appointment process would be two for each member of the Commission and five consensus appointments with three of those five in the specific areas just articulated. Commissioner Rodstrom commented that there may be some current members who are serving on the Community Services Board because of their interest in cultural affairs and tourism that will want to now serve on the Economic Development Advisory Board. There was consensus approval.

**II-A – Friends of the Shippey House Relocation – Analysis of Business Plan**

The City Auditor noted that the Commission requested that he review the business plan prepared by the Friends of the Shippey House. He has posed questions and not received responses to date and therefore cannot opine on the plan. The questions are included in the backup provided to the Commission (Exhibit 2 to Commission Agenda Report 11-1719). Commissioner Rogers elaborated upon the depth of the business plan and that these volunteers have been asked to do more than any other volunteers. He could not think of a better time than the City's centennial to save a ninety-eight year old house in a historic district. A business plan and operating cost estimate were not required before the Annie Beck House was moved. He felt it is reasonable to allow the funds to be raised and ask that there be enough funds to move and secure the house along with exterior painting. Mayor Seiler pointed out with the Annie Beck House, revenue-producing property was not being taken away. This will cause an annual parking revenue loss of \$72,000. It must be determined whether there is appropriate



funding and resources to properly relocate this house because simply moving it onto City property is not a solution. He wanted the house to be temporarily moved to a third-party site. Commissioner Rodstrom thought this is a matter of whether the Commission desires to salvage a home from the city's past even if there are challenges. She stressed that there are beautiful rehabilitated structures in the City that have been through a similar process. The Shippey House would fit perfectly in the proposed area. She asked for an update from staff on options to offset the revenue loss. Commissioner Rogers pointed out that it was determined that there is only a perceived parking problem in the area. Although he expressed support of historic preservation and the aesthetics of the final product, Commissioner Roberts was concerned that the City would be saddled with funding it. He recalled that there were challenges with prior, similar projects. Commissioner Rogers felt it is in the best interests of the city because it preserves the city's heritage and compliments the entire village where it is to be located. He did not think the amount of revenue loss is significant when considering that the city's history will be preserved. He felt it has not been possible to raise enough funds is because the house is in limbo. He believed there should be three funding criteria satisfied before the City proceeds: 1) relocate; 2) secure once relocated and 3) make the house look presentable once relocated. Lastly, he mentioned Mayor Seiler's idea of a demolition bond.

Mayor Seiler asked about the cost to re-do the parking lot. The City Auditor advised that one of his questions was source of funds. He does not know if there is enough funds to move the house. Commissioner Rogers thought there is some confusion as to whether all of the funds have to be raised before the house can be moved. In response to Commissioner Rodstrom, Assistant City Attorney Dunckel indicated that the City did not require funding be available before the Annie Beck House was moved. Commissioner Rogers did not think the City should impose restrictions; it is about the owner. Discussion ensued as to various costs. Commissioner Rogers recommended if the four items (relocation \$18,000; foundation \$14,000; exterior painting \$20,000 and parking meter relocation – estimated at \$52,000) are satisfied, the Commission agree to the relocation. The City Auditor indicated that there will need to be escorts during the move. Commissioner Rodstrom thought that it might be possible to secure those services privately versus Fort Lauderdale police detail. Commissioner Roberts raised concern that a demolition bond be posted. The City Manager indicated that a demolition bond should also include restoration of the parking lot.

Mayor Seiler concluded that the Friends produce the funds for Phase I, Phase II painting, demolition and restoration bond for \$52,000 plus the bond cost. Commissioner Rogers felt inkind should qualify. Mayor Seiler agreed that would be acceptable for everything except the bond. Vice Mayor DuBose asked about potential legal issues. The City Attorney explained that they had anticipated drafting a lease, but did not have all of the revenue numbers. At this point, he would bring forward a license agreement with the terms that the Commission would approve, providing that if they have the money to move the house and complete Phase II, the City would grant them a license to go onto the property. There would also be provision for a demolition bond. They would receive a bill of sale for the house. The license would be temporary because he anticipated it would be some four months before there would be enough information to prepare a long-term lease. Vice Mayor DuBose asked how long the City would allow the house to sit on the property before making a call on it.

Jackie Scott, representing the Friends of Shippey House, indicated that the property owner wants the house moved. She felt a dangerous precedent has been set as to what

people have to do to succeed in preservation. She believed this house has tremendous merit. This city has a great historic district with a parking lot in the middle. The parking lot is under-utilized. There are areas of the city where meters could be installed in order to capture the lost revenue. One example is in front of Pinecrest Apartments. By putting the bar so high, the Commission is really saying they do not want to do this. Unless something happens today, the house will be demolished tomorrow. In response to Mayor Seiler, Ms. Scott advised that above \$8,000 has been raised. She was opposed to asking for contributions until there is a confirmation on the house being moved. Mayor Seiler recalled the chronology of how and when this became a City issue just relatively recently when the lawsuit was lost. The City has been very open about relocating the house at this location, but without financial conditions, the City cannot afford it. There was disagreement about whether the Commission had previously given direction to proceed. Ms. Scott reiterated the difficulty in fundraising when it was not clear that the Commission would consent to the relocation.

Alysa Plummer, president of Friends of Shippey House, indicated that an alternate location in the neighborhood was found, but the property owner has the same requirement as the property owner for the first choice site, that is, a letter from the Commission expressing the City's commitment. Commissioner Rogers thought it should be made clear that the City will accept the house under certain conditions and then the property owner can decide upon how much time to grant. Ms. Plummer thought it would be helpful if the City would extend the demolition permit beyond its current expiration date of December 16 that she thought would be helpful in giving the property owner some level of comfort. Assistant City Attorney Dunckel believed that the property owner should decide upon a time frame. He believed the property owner is looking for a solid commitment of when it will be done. Ms. Scott noted the length of time this has been going on. Mayor Seiler felt if the demolition permit is extended, there is no deadline. Based on his conversations with John Hemmelberg, representing the property owner, he believed the only real deadline is the demolition permit. He suggested proceeding with a sixty-day period and the four conditions previously stated. He also felt the demolition permit expiration date could be extended as a courtesy. After some discussion about whether it could be extended, Assistant City Attorney Dunckel indicated there is additional time beyond the expiration date in order to comply with established procedure and Ms. Scott suggested Mayor Seiler communicate either by email or letter and indicate the Commission's approval with the request of an additional sixty days. Ms. Plummer felt such a letter would be helpful for fundraising.

There was consensus on the previously noted four conditions along with a letter to the property owner, indicating that the City is granting sixty-days for the Friends to meet those conditions in order to relocate the house to City property, and is extending the demolition permit expiration date. Commissioner Rogers did not think the letter should specify a timeframe. Ms. Plummer felt as much time as possible should be given. Assistant City Attorney Dunckel suggested the Commission consider a walk-on item at the evening meeting to consider a revocable license for a four-month term or when an extended lease could be negotiated. It would allow for relocation when the conditions are met. Commissioner Rogers asked that there not be any time frame specified in the letter. Ms. Scott thought and Commissioner Rogers agreed it would be a stronger message to send a letter simply setting forth what needs to take place. There was consensus to instead send a letter with no specified timeframe but reference to a revocable license and the four conditions.

Note: The Commission recessed at 5:07 p.m. and reconvened the conference meeting at 9:57 p.m. on this item.

**II-B – Audit Report – Code Enforcement Lien Process**

The City Auditor indicated that the settlements seemed to be somewhat variable in nature, therefore his office looked at the process. He highlighted the seven findings in the report. There were material weaknesses found in Findings 2 and 3. It is estimated that the current code enforcement receivable is in the neighborhood of \$150 million although it is recognized that it is not all collectable. Management has reviewed all of the findings. They have concurred with the findings and recommendations. He agrees with the policy changes that the City Manager would like to bring forward to the Commission.

In response to Commissioner Roberts, the City Auditor agreed that problems with the Community Plus software are not new; they were identified several years ago. A followup to this audit will be conducted within six to twelve months. A status report would then be provided to the Commission as appropriate. Commissioner Rogers pointed out that once there is a written policy with a graduated scale according to steps taken toward full compliance, the one hundred percent fine is ignored. Another criticism is that there is no policy with respect to enforcement, because it is really case by case. The City can really only afford to foreclose a code lien on those properties with a lot of equity. He suggested an amnesty program. The City Auditor agreed that is an option. There is a matrix for WaterWorks violations which works well. People have an expectation of being treated equitably. Within the current process, he does not see that the outcomes are equitable across the board. There have been settlements ranging from one to fifteen percent. He recommended the Commission establish a threshold amount below which they will not settle and that there be some quantifying in a way that mirrors what was done with the WaterWorks matrix. The City Manager disagreed with a quantifiable formula because it does not take certain factors into consideration such as effort made, whether the lien was inherited, ability to pay and gravity of the initial violation. The next step is to look at the validity of the \$150 million because some liens may have been wiped out through foreclosure actions. Staff is committed to going through each of the liens to make that determination, but he did not know how quickly it could be accomplished. He will be recommending an amnesty program which he felt should be formula-driven. As to the future, he will be recommending the establishment of an independent special magistrate who would hold a hearing and use criteria contained in the statute to reduce the fine. The Commission would need to decide whether final authority should be delegated to the magistrate. Although the current approach is subjective, Commissioner Rogers felt ultimately it is applying the facts to the reality of the situation. He also felt that WaterWorks is different. He preferred to make adjustments rather than developing a new process. The City Manager did not think that staff should be both the entity that cites and then negotiates it down. Another idea is allowing for mitigation which results in an improvement to the property and neighborhood. Commissioner Rogers favored the magistrate suggestion and went on to comment that there could be a discount if an individual paid at the time of the hearing which would prevent lingering cases. The City Auditor indicated the major deficiencies they believe are the City's inability to come up with a number, inability of the information system to produce necessary information in a timely manner and poor collection experience. Although he believed there is an issue with respect to the settlement process, it is not a major concern. The deficiencies cited bear the greatest risk to the City. He appreciated new management's cooperation and commented that it was a refreshing process.

Mayor Seiler was concerned with Finding 5, indicating that twenty-nine percent of the lien settlements have not been paid. The City Auditor explained there is no followup process. He went on to highlight their recommendation contained in the report. In response to Mayor Seiler, the City Manager understood that the lien is not released until paid. Mayor Seiler thought after sixty days of non-payment, the former lien is put back into place. In the future he requested lien settlements presented to the Commission have deadlines. The City Auditor indicated that payment within thirty days, for example, could be a condition of approval.

**II-C – Replacement of Two Air Conditioning Units – Beach Community Center – Emergency Purchase**

No discussion.

**II-D – Pool Filtration System Repair – Aquatic Complex – Emergency Purchase**

No discussion.

**III-A – Communications to City Commission and Minutes Circulated for Period ending October 27, 2011**

**Beach Business Improvement District Advisory Committee**

**The Beach Business Improvement District Advisory Committee (BID)** agreed by unanimous consensus that they would like to investigate the hiring of a part-time contract employee in the position of Executive Director.

Mayor Seiler referred the request to the City Manager.

**Economic Development Advisory Board**

**Motion made by Vice Chair Dickey, seconded by Mr. Mihaiu**, that the Board supports the Florida Department of Transportation's (FDOT's) initiatives for the FEC corridor development. In a voice vote, the **motion** passed unanimously.

Mayor Seiler noted that the Commission has already taken the same position.

**Community Services Board**

Addressed under Item I-B on page 7.

**Visioning Committee**

**Motion by Vice-Chair Gabriel, seconded by Ms. Buchan**, to make a communication to the City Commission acknowledging the termination of the Committee on December 31, 2011, and recommending the City Commission extend the Committee's term through completion of the Vision Action Plan. The Committee also

requests a confirmation or further clarification of the Committee's duties during that time period. In a voice vote, the motion passed unanimously.

There was no objection.

**Motion by Vice Chair Gabriel, seconded by Mr. Eichelbaum**, to acknowledge the outreach done by the City departments for District 3, advising the citizens of the workshops that they just had, and should be continued in the future. In a voice vote, the motion passed unanimously.

There was no objection.

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

Note: Please see regular meeting item R-6.

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Note: The Commission convened as the Community Redevelopment Agency Board of Commissioners from 10:30 p.m. to 12:34 a.m. and returned to the regular meeting for two event announcements.

There being no other matters to come before the City Commission, the meeting was adjourned at 12:35 a.m.