

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
DECEMBER 20, 2011

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CITY COMMISSION CONFERENCE MEETING 1:34 P.M. December 20, 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 Mike Dodson

I-A – Appointment to International Swimming Hall of Fame Board of Directors

Commissioner Rodstrom expressed a desire to continue serving. There was unanimous consensus.

I-B – Painting of NW 2 Avenue Water Storage Tank – Grant Application – Community Foundation of Broward

The City Manager framed the issue and concluded that staff would like to apply for an art in public places grant. The total cost to paint the tank would be \$300,000 which is budgeted. The grant application is \$100,000. Mayor Seiler asked if there is sufficient property around the tank to convert to park use. Commissioner Rodstrom elaborated upon her previous efforts to develop a doggy park. In response to Commissioner Rodstrom, Albert Carbon, Director of Public Works, indicated he would report back to the Commission on the timeline. Mayor Seiler asked that staff revisit whether it is feasible to develop it for park use. He asked that the president of the local homeowner association also be consulted.

In the event that the grant is not awarded, the City Manager asked whether staff should still proceed with an artistic tank. Mayor Seiler raised the idea of approaching the Art Institute. He wanted to keep options open. The City Manager advised that any design prepared would be presented to the Commission. Commissioner Rodstrom felt it should be presented to the community as well.

III-B – Board and Committee Vacancies

Mayor Seiler noted the number of term-limited members on the Fire Rescue Facilities Bond Blue Ribbon Committee and suggested this be scheduled for January. He also suggested that the Board of Adjustment be scheduled for January to select an alternate.

Aviation Advisory Board Gloria Shirley-Brown (Vice Mayor DuBose – Reappointment)

Community Appearance Board Kenneth Green (Vice Mayor DuBose – Reappointment)

Downtown Development Authority William H. Bodenhamer, Jr. (Consensus – Reappointment)

Education Advisory Board Heather P. Brinkworth (Vice Mayor DuBose – New)

Historic Preservation Board Rena Marie W. Holloway-Harrison (Vice Mayor DuBose – Reappointment)

Insurance Advisory Board Robert Geoffrey Langsett (Consensus – New)

Short Term Residential Use Committee Lula Myers (Vice Mayor DuBose – Reappointment)

Note: Please see regular meeting item R-06.

II-A – Followup Audit – Stormwater Enterprise Fund

The City Auditor explained that this was a review of staff's progress on implementation of agreed upon recommendations. Followups are typically within a year. Because a new utility billing system was being implemented and it was expected to remediate a number of the items observed in the initial audit, the followup was deferred for a period of time. He discovered that a number of agreed upon items with implementation dates back to 2008 had not been done. It was brought to the attention of the current management. To a certain degree they were not aware of the audit findings, recommendations and management's commitment to address them. The new management has committed to get these matters addressed. Failure to meet commitments made as a result of audits is a serious weakness in the internal control process. His office will followup again in a six-month period. In response to Mayor Seiler, the City Auditor indicated the former City Manager Gretsas made the commitment based on Commission direction. In response to Vice Mayor DuBose, the City Auditor indicated that it is possible that not everything will be accomplished within six months. He would be looking for progress and identified completion dates. The City Manager advised that staff is establishing a system to track both internal and external audit findings. In response to Commissioner Rodstrom, the City Auditor explained the audit applies across departmental lines. Utility billing falls under Finance and stormwater under Public Works. Coordination between departments is one of the City's shortcomings. Commissioner Roberts felt the reorganization will help with this shortcoming. Commissioner Rodstrom felt the tracking system will help detect need for training sooner. In response to Vice Mayor DuBose, the City Auditor indicated that the utility system software was completed last year. Within the same period of time there was a great deal of staff turnover. When his office tried to perform the followup audit, there was no one in some cases to be in charge of the process. This is why the followup audit was deferred.

Mayor Seiler requested a list of audits with outstanding items be furnished to the City Manager to allow him time to respond and only unresolved items come forward to the Commission. He was concerned about audit findings being ignored. More discussion ensued about the delay on staff's part and the thinking that items would be addressed when the new utility billing system software was put into place wherein the City Auditor reiterated that there were items that could have been addressed independent of the software. In further response to Mayor Seiler, the City Auditor indicated that his office backed off on a number of items that they would have otherwise been examining over the last year or two in order to be sensitive to the transition that was occurring. The City Manager noted that a corrective action plan is developed for all audit findings.

III-A – Communications to City Commission and Minutes Circulated for Period ending December 15, 2011**Marine Advisory Board**

Motion made by Mr. Herhold, seconded by Mr. Moss, that with 167 miles of waterway to patrol, and numerous marine events including the world's largest Boat Show, the world's largest Boat Parade, the New River Raft Race, and the Air and Sea Show, the Board recommends the Police Chief evaluate marine staffing needs, now and on an annual basis, particularly with regard to reinstating scheduled nighttime patrols. In a roll call vote, the **motion** passed 13-0.

Police Chief Frank Adderley advised that this item is being looked into by his staff. The Commission will be apprised.

Planned Unit Development Zoning District Advisory Committee

Motion by Ms. Fertig, seconded by Vice Chair Kerr, requesting the City Commission to approve the creation of a subcommittee of the PUD Committee for drafting proposals of a replacement PUD ordinance, and that those members interested in being on the subcommittee can join. In a voice vote, the motion passed unanimously.

Commissioner Rogers suggested the most efficient approach would be to come early or stay late at the full committee meetings. Greg Brewton, Director of Sustainable Development, agreed. He explained that there were several opinions on an approach to put into ordinance form and the thinking was that a subcommittee to focus primarily on writing might be better. Mayor Seiler and other members of the Commission were concerned about potential Sunshine issues. He agreed with Commissioner Rogers and noted a quorum is only needed to vote on the finished product. Mr. Brewton indicated the thought was that they might invite resources that might not be available at the meeting itself.

Mayor Seiler concluded that it be suggested to the committee that the Commission would prefer it be addressed by meeting earlier on the scheduled meeting date or after the agenda is concluded.

Short Term Residential Use Committee

Motion made by Mr. Mastriana, seconded by Ms. Ellis, to send the Committee's final report as a communication to the City Commission. In a voice vote, the **motion** passed unanimously.

Motion made by Ms. Ellis, seconded by Mr. Mastriana, to send a second communication to the Commission requesting direction as to whether the Committee should continue to meet and advise the City Commission, or if the

Commission prefers to retire the Committee and reconstitute it at a later time as new information becomes available. In a voice vote, the **motion** passed unanimously.

There was consensus that this item be placed on the February 7 agenda with the request that the chair provide a summary of the final report.

Sustainability Advisory Board

Motion made by Dr. Goetz, seconded by Ms. Eckels, to ask the City Commission to direct staff to present the proposed urban agriculture and community gardens ordinance (presented under New Business) to the Sustainability Advisory Board before it is presented to the Planning & Zoning Board. In a voice vote, motion passed unanimously.

No objection.

Motion made by Ms. Eckels, seconded by Ms. Castoro, to recommend the City Commission pass the attached FPL resolution (repeal of early cost recovery statute relating to electric utility charges). In a voice vote, motion passed 8-1 with Mr. Pollitt opposed.

A Resolution Of The City Commission Of The City Of Fort Lauderdale, Florida, Urging The Public Service Commission To Deny Approval Of Any Further "Early Cost Recovery" And Urging The Florida Legislature To Repeal The "Early Cost Recovery" Statute Relating To Electric Utility Charges For The Siting, Design, Licensing, And Construction Of Nuclear Plants; Providing For An Effective Date.

Mayor Seiler wanted to first look at the referenced statute. Commissioner Rodstrom also wanted to review the franchise agreement. There was consensus that this item be placed on the January 5 agenda. Vice Mayor DuBose asked the City Clerk to determine if other Broward cities have adopted similar resolutions. He offered to check into the League of Cities' position. Mayor Seiler asked that the City lobbyist team advise on the status of this bill by Senator Fasano (Senate Bill 740).

IV-A – Conflict Resolution Proceedings by Housing Authority – Sunnyland Homes

To avoid any conflict with the Sunshine Law, the City Manager suggested one member of the Commission attend the conflict assessment meeting. The City Attorney indicated that the public may attend. If more than one member of the Commission was appointed, minutes would have to be taken. There was consensus for Mayor Seiler and Vice Mayor DuBose to attend. The City Manager advised the meeting is scheduled for February 6 in the 8th floor conference room of City Hall. As a matter of procedure for the future, Mayor Seiler advised that he would want the district commissioner to participate in such meetings.

The City Manager introduced the new Budget Administrator, Nora Ostrovskaya.

Note: The Commission recessed at 2:29 p.m. to convene as the Community Redevelopment Agency Board of Directors and return to the conference meeting for Commission Reports at 4:03 p.m.

City Commission Reports

E911 Call Taking and Dispatch Services

Commissioner Roberts provided a verbal status report on the Broward County Consolidation Communications Committee and upcoming meetings.

Sunset Memorial Gardens Cemetery; Fence

Vice Mayor DuBose requested a status report on the fence construction at Sunset Memorial Gardens Cemetery.

School Resource Officers

Vice Mayor DuBose noted discussion at the League of Cities relating to school resource officers and indicated that in Miami Dade County the expense is covered by the County.

Affordable Housing Request for Proposals

In response to Vice Mayor DuBose, the City Manager advised that the commission memorandum will be forthcoming to perform an affordable housing inventory and strategy. Vice Mayor DuBose commented that the skill sets of the Affordable Housing Advisory Committee may be sufficient.

Rivermont Property

Commissioner Rogers advised that the appraisal for the Rivermont property is about \$1 million. He felt there is potential to partner with the Florida Trust for Historic Preservation. The Trust would purchase the property provided there is an end purchaser or pay-out in the neighborhood of three years. He requested staff followup on the maintenance cost and so forth. He believed the bank will be putting the property on the market again so there is a short window. The City Manager indicated it is thought the price would be about \$1.2 million. The Trust would front the money with the City repaying it over a period of time. He believed the longest period of time is three years, but perhaps four. Staff estimates about \$300,000 for it to be put in a useable condition for the public and \$100,000 annual maintenance. Commissioner Rogers felt it is worth trying to find a way to acquire the property. In response to Commissioner Rodstrom, the City Manager was uncertain whether the house on the property could be demolished and noted that the \$300,000 does not include rehabilitation of it. Commissioner Rodstrom wanted more detail on the cost to bring it up to code; three estimates.

Orange Bowl Committee; Artificial Turf Field and Track; Joseph C. Carter Park

Mayor Seiler indicated that the Orange Bowl Committee is interested in providing an artificial turf field and track at Joseph C. Carter Park, contributing some \$1 million with some community support. The goal would be to open it next December. The project would be similar to Moore Park in Miami. There was consensus for staff to work with the Committee.

South Middle River; Recent Disturbance

Mayor Seiler indicated that he will be meeting with the president of South Middle River Civic Association, Police Chief and City Manager tomorrow evening relating to a recent disturbance in that area.

Events and Matters of Interest

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

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 4:25 P.M.

The City Commission shall meet privately pursuant to Florida Statutes 768.28(16) concerning:

Maritime Petroleum Associates, LLC d/b/a Peterson Fuel Delivery v. City of Fort Lauderdale Et Al (Case 10-62463- Civ-Zloch/Rosenbaum)

EXECUTIVE CLOSED DOOR SESSION ENDED AT 5:00 P.M.

There being no other matters to come before the City Commission, the meeting was adjourned at 5 p.m.