

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
JANUARY 5, 2012

<u>Agenda</u> <u>Item</u>		<u>Page</u>
	City Commission Reports	6
	1. E911 Call Taking and Dispatch Services	6
	2. Sales Tax on Internet-Only Retailers; Broward League of Cities	6
	3. Low Income Home Energy Assistance Program; Broward League of Cities	6
	4. Sunset Memorial Gardens Cemetery; Fence	6
	5. Burglaries; Youth; Truancy Officers	6
	6. Flooding; Low Interest Loan Application Deadline	6
	7. Quarterdeck Restaurant; Outdoor Event	6
	8. Water Main Break; December 24, 2011	7
	9. Burglaries; Youth	7
	10. Housing and Community Development Services; Request for Proposals	7
	11. Events and Matters of Interest	7
I-A	Internet Sweepstakes Cafes	1
I-B	Draft Regional Climate Change Action Plan – Southeast Florida Compact Counties	2
I-C	Proposed Resolution Urging Repeal of Early Cost Recovery State State Statute Relating to Electric Utility Charges Relating to Nuclear Power Plants	3
I-D	Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases	3
III-A	Communications to the City Commission and Minutes Circulated For the Period Ending December 29, 2011	3
III-B	Board and Committee Vacancies	5
	City Manager Reports	7

CITY COMMISSION CONFERENCE MEETING 1:43 P.M. January 5, 2012

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 – Internet Sweepstakes Cafes

The City Manager noted this topic was raised during the Commission's previous discussion on gambling. There are three such cafes in the city. Two are actively operating and one is for sale as noted in Commission Agenda Report 12-0078. He went on to highlight calls for service from the Police Department relating to these businesses.

Commissioner Roberts raised the idea of being proactive. The City Manager felt this is a real problem in central Florida because there are no other gaming alternatives. He did not think there is a market in this area. In response to Commissioner Rogers' question about the type of business license that is issued for this activity, the City Manager explained how they operate. He believed that the business license category is broad, as such categories were established even before there were video rental businesses. There is a state statute governing adult arcades that have nothing to do with the internet. He confirmed that currently they are operating legally. The legislature is working on this loophole. Both Mayor Seiler and Vice Mayor DuBose saw no harm in moving forward with taking a position on this topic regardless. Vice Mayor DuBose pointed out that pain clinics were initially thought to be an east-county problem and it was then discovered they were also locating in the west. Commissioner Roberts agreed. Commissioner Rodstrom thought if the City proceeds with an ordinance on any issue, it should have regulations in-place. Mayor Seiler noted a moratorium could be imposed until an ordinance is complete. Commissioner Rodstrom first wanted more information. Vice Mayor DuBose clarified that he is not advocating proceeding with a resolution now, but that the City Attorney's Office look into it so that the City can get ahead of the curve. Commissioner Rogers indicated that an ordinance adopted in Seminole County was challenged in federal court. The preliminary ruling was that they did not enjoin its enforcement. If the City proceeds, the City Attorney suggested the City follow the Seminole County lead because it has already been litigated. In response to Commissioner Rodstrom, the City Attorney highlighted the process for enactment of ordinances. For a moratorium, a problem must be identified. Mayor Seiler requested the City Attorney look into enactment of an ordinance and schedule discussion on a conference agenda.

Casinos

Commissioner Rogers noted the Commission's previous discussion about taking a position on expanding legalized casinos. Commissioner Rodstrom did not want to combine the two issues. Mayor Seiler was opposed to casinos. Commissioner Rogers discussed what was passed by Miami Beach and the justification. Commissioner Rodstrom felt information on this topic should be broadly publicized so that everyone can

weigh in on such a decision. In response to Vice Mayor DuBose, Mayor Seiler noted that procedurally the resolution indicates where it will be sent. He agreed in this case, the resolution should be sent to Broward County, the State and all members of the Senate and House of Representatives. Commissioner Rodstrom indicated that in District II, there are residents in opposition and businesses in favor. Mayor Seiler indicated that the feedback he has received from hotels is not being in favor of it. It would interrupt a steady economic recovery. Commissioner Roberts noted his attendance at the Chamber of Commerce forum on gambling and that the represented hotels were not in favor. Mayor Seiler requested a resolution be scheduled for discussion at the January 17 conference meeting and that it then be considered as the last resolution on the regular meeting.

I-B – Draft Regional Climate Change Action Plan – Southeast Florida Compact Counties

Assistant City Manager Susanne Torriente reviewed slides on this topic that are attached to these minutes. The plan was released in early December. Mayor Seiler wanted the public to know that there is a comment period for the plan. A brief discussion followed concerning outreach. Ms. Torriente responded to Mayor Seiler's question of the degree of assistance from the South Florida Water Management District (District), mentioned the staff reductions and dedication of those from the District that still serve. Mayor Seiler was concerned about the lack of involvement by the District. He favored adopting a resolution encouraging the District to take a leading role. Ms. Torriente continued her review of slides. The slides contain examples of plan recommendations that the City is already doing and those that fit into the City's agenda. Mayor Seiler asked that a sixty-day extension to the comment period be requested. Commissioner Rogers asked if there is any attention being given to building codes relating to solar or wind. Ms. Torriente recognized that local governments are not moving as fast as the market. The first to happen in Fort Lauderdale will likely be a revision to the code with respect to lighting for parking garages. Commissioner Rogers commented about development of the code that could serve as a model. There are clip-on solar panels available that could be removed before a storm but the code only accommodates permanent installations. Commissioner Rodstrom noted that the City may petition for changes to the building code. Perhaps staff should explore what should be brought forward. Vice Mayor DuBose agreed that the District must be more involved. He emphasized the need for attention with respect to flooding. Commissioner Rogers agreed and emphasized the need for public comment. Commissioner Rodstrom added there is also fresh water intrusion.

Mayor Seiler summarized there is consensus to: 1) request an extension of the comment period; 2) request via resolution that the South Florida Water Management District take a larger role in this regional matter; and 3) look for opportunities to get ahead of the curve with respect to code updates.

Mayor Seiler opened the floor for public comment.

Valerie Amor, Fort Lauderdale resident and owner of Drawing Conclusions, noted her expertise and involvement in regard to the built environment. She is a member of the Sustainability Advisory Board. She elaborated upon upcoming changes to the building code that will include more green initiatives. She appreciated the Commission requesting an extension to the comment period. She announced a planned youth summer camp relating to climate change and architecture for a hundred years from now.

I-C – Proposed Resolution urging repeal of Early Cost Recovery State Statute relating to Electric Utility Charges relating to Nuclear Power Plants

Mayor Seiler opened the floor for public comment.

George Cavros indicated that he is a Fort Lauderdale based attorney with a practice focused on electric utility regulations. He urged the Commission to adopt such a resolution. People will soon see rate increases because of these projects. The law shifts the early costs and risks of building the plants to the rate payer.

Valerie Amor, member of the Sustainability Advisory Board, provided another sample resolution with stronger language. In response to question of whether the Broward League of Cities has taken a position on the matter, Vice Mayor DuBose advised that the resolution provided to the Commission with Commission Agenda Report 12-0079 has been adopted by the League.

Vice Mayor DuBose wanted to move forward with the resolution. He noted it is an undue burden on the residents. Commissioner Roberts agreed and commented that he did not think the process is right. Ms. Amor provided some insight on the Village of Pinecrest's involvement and what is occurring with the issue. Commissioner Rogers wanted to make sure the resolution is accurate; he questioned the phrase, dramatic increase (fourth whereas clause). Mayor Seiler wanted to delete the last whereas clause indicating that nuclear reactors have become the most expensive way to produce electricity. Mr. Cavros concurred. There was consensus to make edits to the resolution content as suggested by Mayor Seiler and Commissioner Rogers. There was also consensus to consider the resolution at the regular meeting.

I-D – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board

No objection.

Note: recessed at 3 p.m. and convened as the CRA and then reconvened at 3:18 p.m.

III-A – Communications to City Commission and Minutes Circulated for Period ending December 29, 2011**Beach Business Improvement District Committee**

Motion made by Mr. Oliver, seconded by Mr. Rosenthal, to reduce the current beach cleaning contract from eight hours to five hours a day, seven days a week, and to reduce the powerwashing contract services by 50%. In a voice vote, the **motion** passed unanimously.

No objection.

Beach Redevelopment Board

Motion by Ms. Jarjura, seconded by Ms. Lee, that the Board recommends RDC as the selected bidder to the RFP (Aquatic Complex Redevelopment) which is consistent with

the Beach Redevelopment Plan; the Board supports the alternate proposal by RDC which includes a children's play area, public restroom, and landscaping and sidewalk. Further, the Board recommends that the City work with RDC to ensure that the project meets the City's financial goals and objectives. Finally, the Board recommends the allocation of \$25 million from the Beach CRA fund for this project. In a voice vote, the motion passed (8-1) with Chair Deckelbaum opposed.

No objection.

Budget Advisory Board

Motion made by Mr. Snead, seconded by Mr. Cobb, to forward to the City Commission the amended Memo of Understanding (attached), the goal of which is "to establish a working arrangement between the Fort Lauderdale City Manager's Office and the Budget Advisory Board and the Fort Lauderdale City Commission to promote increased efficacy, communication, productivity and transparency related to matters of the city budget and finance" with a recommendation for approval, with the caveat that this was the first step toward a process of amending the current ordinance (that established the Budget Advisory Board) to embody the intent of the document. In a voice vote, motion passed 8-0.

The City Manager explained that the Board was contemplating requesting an ordinance amendment. Staff suggested to the Board that the same objective could be accomplished by a memorandum of understanding amongst the Board, staff and Commission. Mayor Seiler liked the concept. The City Attorney indicated it could be approved by consensus and the City Manager could sign it. If it is to be signed by the Mayor, it would need to be voted upon.

There was consensus approval for the City Manager to sign it. The City Manager indicated his desire to create memorandums of understanding for other boards so that roles are very clear.

Community Services Board

Motion by Ms. Gonsler, seconded by Ms. Richards, that the Community Services Board requests that the City Commission remove the responsibility for approval of vehicles of public conveyance as it is no longer aligned with the responsibilities of the Community Services Board. In a voice vote, the motion passed unanimously (8-0).

The City Manager advised that the ordinance is being amended for functions dealing with tourism and the arts to be moved to the Economic Development Board. Perhaps this function could be moved to that board as well. Mayor Seiler asked the City Manager to followup.

Economic Development Board

Motion made by Mr. Riehl, seconded by Mr. Calloway, to request that City Staff consider the adaptive re-use of light poles removed from the beach for Business Capital Improvement Program (BCIP) proposals from the 13th Street Alliance, the Fort Lauderdale Beach Merchants' Association, and the FAT Village Arts District, as all three applicants have proposed lighting improvements for their respective areas; furthermore, the Board recommends that the FAT Village Arts District proposal undertake lighting as the first phase of their project. In a voice vote, the **motion** passed unanimously.

The City Manager indicated that staff is finding that about one in three of the lights is reuseable. It was noted that there are at least five areas that have expressed an interest in such lighting. Commissioner Rodstrom thought the City should look for alternative funding sources. Commissioner Rogers raised the idea of having a uniform style. The City Manager indicated that even those lights that are salvageable will have a very limited useful life. Mayor Seiler requested a memorandum on this matter.

General Employees Retirement System Board of Trustees

The Public Pension Coordinating Council awarded the Public Pension Standards Award GERS for Funding and Administration for 2011.

No discussion.

III-B – Board and Committee Vacancies

Beach Business Improvement District Advisory Committee	Marco Borrás (Consensus – Bahia Mar Representative – New)
Code Enforcement Board	Eugenia “Genia” Ellis (Consensus – Reappointment)
Sustainability Advisory Board	Alena Alberani (Commissioner Rodstrom - Reappointment) Dana Pollitt (Commissioner Rodstrom - Reappointment)
Visioning Committee	Stanley Eichelbaum (Mayor Seiler - Reappointment) Tim Smith (Mayor Seiler - Reappointment) Randall Vitale (Vice Mayor DuBose - Reappointment) Alan L. Gabriel (Commissioner Roberts - Reappointment) Charles B. Ladd (Commissioner Rodstrom - Reappointment) Gary T. Sieger (Commissioner Rodstrom - Reappointment) Peg Buchan (Commissioner Rogers - Reappointment)

Note: Please see regular meeting item R-01.

Note: The Commission recessed from 3:33 p.m. to 3:37 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 the Governance Subcommittee.

Sales Tax on Internet-Only Retailers; Broward League of Cities

Vice Mayor DuBose raised the idea of adopting a resolution similar to that adopted by the Broward League of Cities. The City Manager indicated that there is some discussion that if legislation is passed by the State, the revenue will not be distributed according to the normal sales tax formula. Mayor Seiler asked that the City's resolution stipulates that there is return to the local governments.

Low Income Home Energy Assistance Program; Broward League of Cities

Vice Mayor DuBose raised the idea of adopting a resolution similar to that adopted by the Broward League of Cities, supporting the Low Income Home Energy Assistance Program.

Sunset Memorial Gardens Cemetery; Fence

In response to Vice Mayor DuBose, the City Manager indicated that the City must go before the Board of Adjustment for the remainder of the fence to be installed. His intention is also to review the permitting process.

Burglaries; Youth; Truancy Officers

Vice Mayor DuBose noted one residential street where ten burglaries occurred. He emphasized the need to address the issue of youth being convinced by adults to burglarize and thereby finding a loophole in the law. It has come to his attention that there is only one truancy officer for the entire city. He added that there is poor lighting in the alley behind the residential area. People are afraid to leave their homes unattended. Commissioner Roberts emphasized that there needs to be constant attention to this particular area, taking youth back to school or to their home. He suggested the truancy officer be devoted to this area for a month or two. Mayor Seiler asked the City Manager to determine the number of truancy officers on staff.

Flooding; Low Interest Loan Application Deadline

Commissioner Rogers announced the application deadlines associated with the recent flooding and low interest loans being offered.

Quarterdeck Restaurant; Outdoor Event

The City Attorney explained when a special event permit is required for Commissioner Rogers' benefit in discussing a recent event held in the parking lot of the Quarterdeck Restaurant.

Water Main Break; December 24, 2011

The City Manager explained the technology used to telephone residents of the emergency. These calls are made to every household with a listed telephone number. Individuals may also request a text message; those households with unlisted telephone numbers, may also request to be notified. An after-action report will be forthcoming.

Burglaries; Youth

In followup to Vice Mayor DuBose's comments, Mayor Seiler elaborated upon his efforts in cooperation with the City Manager on the problem of youths being convinced by adults to commit crimes. A general discussion followed.

Housing and Community Development Services; Request for Proposals

Vice Mayor DuBose wanted a Commission discussion on the request for proposals for Housing and Community Development Services before it is released. Many of these services affect District III.

Events and Matters of Interest

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

City Manager Reports - none

There being no other matters to come before the City Commission, the meeting was adjourned at 4:14 p.m.