

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
FEBRUARY 21, 2012

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CITY COMMISSION CONFERENCE MEETING

1:31 P.M. February 21, 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 Bill Schultz

City Commission Reports

Public Rights of Way and Other Properties

Commissioner Roberts felt that budget cuts in the past couple years for maintenance of rights of way and other public properties were too much. He has asked the City Manager to make adjustments in the coming budget.

Police Athletic League

Commissioner Rodstrom provided information about a police athletic league in Melbourne, Florida. She was interested in implementing one and using law enforcement trust funds. The City Manager mentioned the idea is to have a dedicated facility. There is a State facility across the street from Home Depot that has some amenities, but could use more. Mayor Seiler did not think that purchasing a building is the answer. He felt existing City facilities can be used; it is a matter of getting better organized. Commissioner Rodstrom agreed and concluded that such direction has therefore been given to the City Manager today. Vice Mayor DuBose thought there is an existing program citywide. Mayor Seiler requested this item be scheduled on a March conference. Commissioner Rodstrom explained that she is not seeing enough relief for District II with respect to supervised teen activities that are free of charge.

Broward County Complete Streets Initiative

Commissioner Rodstrom provided information on this Metropolitan Planning Organization new money initiative and responded to some questions about it.

Broward County; Ethics Reform to Apply to Employees

Commissioner Rodstrom wanted to know if there is any interest in considering an ordinance on ethics that would apply to employees. Vice Mayor DuBose noted the League of Cities' work on this topic and noted a countywide ordinance that would apply to staff has not yet come forward from the County. The City Attorney indicated that ordinance is being developed by the County Attorney; it will apply to city staff. Vice Mayor DuBose wanted to wait until the ordinance comes forward from the County. The City Attorney explained that the County ordinance will apply to cities without the cities having to vote on it.

Homeless

Mayor Seiler wanted to address this topic later in the evening. He remarked about the growing population of homeless and difficulties in Stranahan Park. See continuation on page 11.

Events and Matters of Interest including Waste Water Pipe Break in Riverland area

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

I-A – Short Term Residential Use Committee Final Report

Marilyn Mammano, chair of the Committee, recapped the topic's chronology. Mayor Seiler noted what was included on this topic in the Florida League of Cities efforts with respect to state legislation. He was frustrated that local decision-making was preempted, that is, home rule. Because the City did not have a final report from the Committee, it was not included in the City's legislative package. The City Manager explained there was no legislation for the City to comment on. Vice Mayor DuBose thought this year might have been different because of redistricting. However, the City may need to revisit the issue. He recommended the City request the Broward Legislative Delegation to sponsor some type of legislation.

In response to Commissioner Rogers, Chair Mammano advised the committee unanimously recommended there be a regulatory framework to deal with conflicts that will arise between vacation and short-term. Currently, they are not permitted. Homeowners and the industry both are not satisfied. Proceeding from that point, the course of events in Tallahassee occurred. She emphasized the desire for regulatory framework first be put into place. Commissioner Rogers asked about the sense of the Committee if the City could regulate. Solely from an individual perspective of the Committee's position, Chair Mammano thought crew quarters was a must. There was thought on regulating the time frame of the uses. No one favored overnight or weekend uses; perhaps a one-week minimum but preferably a month. There was also discussion on location situations; perhaps it is not appropriate on a largely residential dead-end block or in the heart of a community. Mayor Seiler pointed out those items that the Committee unanimously recommended: registration and an corresponding fee and issuance of a license. If there is any opportunity, the Commission needs to be prepared to act on these three recommendations without delay. Chair Mammano urged the Commission to do whatever is possible to get into a position where something can be done. Commissioner Rogers questioned if a determination was made of how many rentals are not paying the bed tax. Chair Mammano elaborated upon the information that the Committee found, that essentially the State is only interested in collection of fees, not regulation. The Committee did not make such a determination.

Mayor Seiler opened the floor for public comment.

Cathy Sweetapple of 101 North Gordon Road, advised that she resides in a single-family home (RS-8 zoning) on a dead-end street. She shared the particulars of weekly rentals that occurred over the last holiday season across the street. She wanted to be assured existing protection is not being relaxed. Mayor Seiler advised no and explained the history of this topic. The City Attorney advised it is being enforced on a case by case basis. He outlined the process and status of cases being appealed in circuit court. Ms.

Sweetapple indicated she filed paperwork with the City because this home is being advertised for nightly and weekend rentals.

Collins Forman, member of the Committee, discussed abuses and that there is no regulatory scheme in the city for all rentals. He felt the City could address uniform regulations having to do with parking, garbage, traffic and so forth. Most of the people that came before the Committee favored short-term rentals. Weekend rentals are gone before Code Enforcement can get there. Weekend staffing could be helpful. Forty percent of the houses sold in 2010-2011 were for ex-patriots who are putting the properties on the market to rent for most of the year. Regulations should not be based solely upon the classification use or occupancy as vacation rentals. Mayor Seiler reiterated his belief that the focus should be on registration and licensing. He noted the importance of this topic to the marine industry and the need for a balance. Commissioner Roberts indicated that adjustments have been made for code enforcement coverage on weekend. Mr. Forman added another area is halfway houses for individuals being released from correctional facilities.

Chair Mammano indicated that the Committee received a lot of input from the short-term rental industry. She thought that industry would have a vested interest in changes being made in order to avoid a just say no result. The answer is licensing and revocation for violations. Mayor Seiler hoped there would be continued involvement and pursuit of compromises.

There was no one else wishing to speak.

Mayor Seiler indicated that the Committee will be contacted if the Legislature takes actions. In response to Chair Mammano, the City Attorney indicated that the Committee will automatically sunset.

I-B – Repeal of Early Cost Recovery Florida Statute Relating to Electric Utility Charges for Nuclear Power Plants

In response to Mayor Seiler, Albert Carbon, Director of Public Works, advised that (state) legislation on this matter has not gotten out of committee. The City Manager outlined available options would be to adopt a resolution in support or opposition or do nothing. Mr. Carbon indicated this would involve the Florida Legislature as well as the Public Service Commission.

Mayor Seiler opened the floor for public comment.

Cara Campbell, resident of Tarpon River, indicated that she has solar panels but it still paying Florida Power and Light Company (FPL) because she is paying for early nuclear cost recovery. It is a monopoly situation with not much of a choice. Early cost recovery means that the ratepayers bear the entire cost of new nuclear plants and get no return on the investment. The companies have guaranteed return with no risk. Between 1974 and 1995, ninety-eight nuclear power reactors were canceled. Many were financed by similar schemes. A position should be taken regardless of whether there is pending legislation. Mayor Seiler believed all of the information is needed before taking a position on something.

Valerie Amor, member of Sustainability Advisory Board, indicated that the House of Representatives bill on this matter is still alive. Additionally, there are three private

taxpayers with lawsuits as well as the Southern Alliance for Clean Energy pursuing this. She agreed with Ms. Campbell that the Commission should take a position on this topic. As to job creation, she indicated that FPL has historically outsourced these jobs. She did not think any would be filled by a south Floridian. In the Port Everglades project of 1990, FPL outsourced jobs. With respect to climate change, she referred to a report that indicates by 2030, the water level will have risen 3-7 inches. The subject area will be under water, therefore she questioned plans to build a nuclear power plant there. She questioned the gas fuel plant is being contemplated in Cape Canaveral if the goal is to remove dependence on fossil fuel. She quoted costs and other information from a Tampa Bay Times news article and offered to furnish a copy. She also referred to comments by FPL representatives in their presentation before the Sustainability Advisory Board as to a pay as you go concept and indicated that it does not appear to be what is being done. The City should take a position that would protect the consumer.

In response to Mayor Seiler, Ms. Amor indicated that she is personally opposed to nuclear power as well as cost recovery. Commissioner Rogers understood from another news article that if nuclear power plants were shut down, rates would rise. Ms. Amor pointed out that the Turkey Point plant is not at the proper elevation for climate change, therefore she did not see any sense in expending money on that plant. There are other ways to produce energy. Mayor Seiler wanted to have the benefit of the studies being referenced by Ms. Amor before voting on a position. He was concerned that FPL was not originally invited to comment to the Sustainability Advisory Board (Board). Because the Board is knowledgeable on this subject, she indicated that testimony of FPL did not bring any additional information forward. Mayor Seiler saw the purpose of a board/committee is to have issues vetted from all sides. He reiterated his concern that people who would be directly impacted and those who had been working the issue in Tallahassee were not involved in the presentation. Ms. Amor did not believe the Board was one-sided or blinded to FPL's position. Mayor Seiler asked if anyone in support of nuclear energy came before the Board to present that side. Ms. Amor indicated she has heard testimony before the Nuclear Regulatory Commission and shared that information with the Board. Mayor Seiler supported nuclear energy and felt this issue is not about FPL. Ms. Amor commented on disadvantages of nuclear energy. Mayor Seiler agreed about the impacts associated with nuclear energy and this is why he believes there is a value to such energy in certain uses. He wanted boards/committees to have a full discussion on the pros and cons of issues. Ms. Amor noted that the resolution does not express a position on nuclear power, but rather that money not be put aside for something that may not happen. There are better approaches.

Lynn Shatas, representing Florida Power and Light Company, thought there should be an opportunity to discuss every point that has been raised. Ninety percent of the money being devoted to existing plants to increase their output is resulting in fuel cost savings. Also, FPL has the lowest rates in the state. Diversification of energy sources is important. She noted other points raised today and wanted to know if the Commission would like FPL's nuclear project manager to address them. In response to Mayor Seiler, Ms. Shatas indicated that FPL was not notified when this topic was discussed by the Board. She noted that FPL as well as Florida Progress have nuclear plants in Florida and indicated their locations. She was not aware whether Florida Progress was notified of the Board's meeting.

Based on the status of the legislation in Tallahassee, Commissioner Roberts did not believe it is imperative to act on the resolution now. He supported diversification of energy sources including nuclear. He wanted more information with respect to costs.

Vice Mayor DuBose indicated that the Broward League of Cities initially adopted a similar resolution that was subsequently withdrawn after a presentation was made by FPL. Both he and Commissioner Rogers supported first having a full discussion.

Ms. Campbell explained this is not about a position on nuclear energy. It is about whether the ratepayers should pay for something for which they do not benefit from any financial return but bear the entire risk. There is no choice. If FPL believes so strongly in this source of energy, she questioned why it does not pay for it. Mayor Seiler felt the issue is clouded by the nuclear debate. Ms. Campbell contended that Wall Street does not lend financial support to nuclear because it is too risky. Vice Mayor DuBose indicated that the League discussion included cost recovery and there was additional information across the board. In response to the question of when the Public Service Commission (PSC) will hear the matter, Ms. Campbell believed that the PSC is so much in the pocket of FPL and Florida Progress, that they will not pass anything. Passage of the proposed resolution by the City Commission would be purely a noble gesture.

Ms. Amor noted that her comments about climate change are derived from the compact (Southeast Florida Regional Climate Change). The Broward League of Cities chose not to join the other counties which is counter to the compact. She went into more detail on the anticipated future rising water level in relation to the (Turkey Point) plant elevation as well as changes to the City's water supply infrastructure generally based on information in the compact. She explained that the Board does not invite industries to presentation information, but rather they rely on the expertise of the members and the goal of sustainability. Mayor Seiler hoped that dissenters have input on issues.

Ms. Shatas emphasized that FPL is environmentally conscious and their rates are the lowest in the state. Sea level at Turkey Point has been addressed. FPL believes there is misinformation in the resolution and FPL has not had an opportunity to respond. She asked that the Commission not pass the resolution.

There was no consensus to adopt either resolution attached to Commission Agenda Report 12-0525 attached to these minutes.

I-C – Renewal of Employment Contract – City Attorney

Mayor Seiler explained that the issue today is not renewal, but that the City Attorney tendered his resignation and indicated that he would be taking the retirement bonus incentive. He has asked the City Attorney to stay until a replacement is selected. He referred to institutional knowledge and the over one hundred employees leaving. He mentioned the savings that occurred with the replacement of the former city manager and the excellent feedback received on the current city manager. He commented on the money the City Attorney has saved the City and that he is one of the most respected government attorneys in this part of the state. He thought that the City Attorney's replacement will likely result in a savings to the City. A short-term agreement needs to be reached and secondly he wanted to create a search committee similar to what was done for the City Manager. He suggested outside attorneys, including individuals from public and private sectors and perhaps former elected officials that are attorneys. The replacement could be internal or external. A timeline commitment from the City Attorney needs to be decided upon. He thought the compensation package would be different (during this period), that is, no pension, but he believed the salary and other benefits should remain the same.

In response to Commissioner Rodstrom, the City Auditor noted that no committee was used for his position, although there was a search firm. He confirmed that candidates were interviewed by the Commission. Commissioner Rogers thought the committee could screen applicants based on criteria furnished by the Commission. Vice Mayor DuBose was concerned about subjectivity. He appreciated the credentials of the search firm used for the city manager selection process. He would not have the same comfort level with the suggested approach. Commissioner Roberts pointed out that the City Manager Search Committee. It narrowed down the number of candidates. Vice Mayor DuBose pointed out that the search firm recruited the candidates. Committee Roberts thought a committee could handle sixteen or twenty candidates. Vice Mayor DuBose pointed out that his concerns for diversity were addressed by the search firm. He appreciated having the search firm for that reason that would be different from members of the Commission whose profession is the practice of law. Commissioner Rogers did not think there are search firms that specialize in city attorney recruitment. Mayor Seiler did not think this will be finalized today, however, he wanted to know if there is consensus on creating a search committee. He was agreeable with a search committee and screening committee or just a screening committee. Today, he wanted to know if there is any problem with proceeding to work out a short-term agreement comparable to the current contract on the same salary terms. Because he is retiring, Mayor Seiler did not think the contract can be amended. As to possible committee members, he mentioned former Commissioner John Aurelius, W. George Allen who has worked for the school board and cities and counties, and Jean Pettus who has worked for municipalities and Dennis Lyles, former City Attorney. He thought the City could find someone in the legal field to handle the initial search. Vice Mayor DuBose clarified he is not advocating for a search committee or the firm used for the city manager recruitment. Rather, he wanted to be sure care is taken in deciding upon the process. Commissioner Roberts thought that the next time the topic is discussed the Commission should be prepared to have a recommendation with respect to a screening committee. Commissioner Rodstrom thought the question of the City Attorney staying on until a replacement is made should have come forward to the full Commission and Mayor Seiler indicated that is today's discussion. The City Attorney indicated the regular meeting agenda item is not a contract renewal but rather conversion to month to month. The contract would run until the Commission makes a decision. Commissioner Rodstrom noted that she did not support the retirement bonus incentive program and elaborated upon her thinking on the topic looking at the upfront cost exposure. Mayor Seiler pointed out that the City Auditor has indicated the program will result in a net savings. Commissioner Rodstrom pointed out that the City Attorney will have no break in service where six months is required for retirees in the Florida Retirement System, for example. This agenda item does not specify any terms and conditions or time frame. Mayor Seiler clarified that he asked the City Attorney to stay; it is not the City Attorney making such a request. Commissioner Rodstrom contended there is no incentive to find a replacement. There are employees in his office that could perform some of his functions. She wanted to know the cost for him to stay. Mayor Seiler indicated the incentive is that a replacement would be for a lower salary. Commissioner Rogers explained it would be the same compensation without the pension and a sixty-day notice. Some discussion ensued about potential pay increases during the period of time he would stay and Commissioner Rodstrom's emphasis concerning the dollar amount he will receive upon his departure. Vice Mayor DuBose pointed out that the Commission voted for the retirement bonus incentive program which is a separate matter. Commissioner Rodstrom explained that she disagrees with him staying on a month-to-month basis and a sixty-day notice provision. People have indicated a concern that he is already making too much. Commissioner Rogers commented that the legal community views Harry Stewart

as a premier city attorney, probably not only in the county, but the state. He agreed with Mayor Seiler asking him to stay. He referred to the money he has saved the City and believed he is worth every penny of his compensation. He thought the City will save on his replacement because they will not find someone with such experience. It is important that the City has the best possible representation. Mayor Seiler pointed out that this Commission has never increased his salary or that of the City Auditor. In response to Mayor Seiler, there was no objection to the City Attorney staying at his current salary level, except Commissioner Rodstrom who wanted the salary to be less. The City Attorney explained that the regular meeting agenda item would change the contract to month to month, eliminates retirement benefits, severance or liquidated damages and would be effective at the close of business on March 16.

Discussion turned to composition of a search committee as well as the net result of the retirement bonus incentive program. In response to Mayor Seiler, the City Auditor expressed the belief that the program will result in a net savings based on staff's analysis. Based on the actual number of employees participating, the City Manager advised that there will be a net savings.

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, suggested the salary level be lowered to the next highest city attorney in the county. Some discussion followed wherein the City Attorney quoted his current base salary and last year's dollar amount for the retirement benefit. The City Attorney understood if he was given sixty days notice on March 16, he would receive ten months beyond that of health insurance by virtue of the retirement. If he was no longer employed by the City after six months, he would receive an additional six months of health benefits because the retirement benefit is for a year, starting in March. Because the retirement program includes health, Mayor Seiler pointed out that there is a savings provided it is no longer than a year. Moreover there is no pension cost.

Tim Smith, former City Commissioner, indicated that he was serving on the Commission when the City Attorney was hired and he was in favor of it. He believed that the City Attorney has saved the City a lot of money.

With more review of the contract, the City Attorney did not see any reference to health benefits but thought it would be the same as any employee would receive. In response to Commissioner Rogers, the City Attorney indicated that the contract provides that he would continue to accrue vacation leave. Mayor Seiler enumerated the other benefits in the contract and suggested that, with respect to health insurance, there should be a provision added to clarify that it is not provided under the contract and as a retiree. The City Attorney offered to develop some language to address this point. There was consensus to address the item at the regular meeting this evening.

Note: The City Commission recessed at 4:19 p.m. and convened as the Community Redevelopment Agency Board of Directors and then reconvened at 4:26 p.m.

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

No objection.

III-B – Board and Committee Vacancies

Mayor Seiler asked the City Clerk to make telephone contact with Insurance Advisory Board member, Robert Langsett, and advise the Commission tonight as to whether he wishes to serve on this board.

Board of Adjustment

Charlie Ladd (Consensus – Alternate - New)

Cemetery System
Board of Trustees

Mark Van Rees (Commissioner Roberts - New)

Note: Please see regular meeting item R-02.

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 4:32 P.M.

The City Commission shall meet privately pursuant to Florida Statutes 768.28, regarding the following:

- 1) **Samuel Yeboah v. City of Fort Lauderdale (Case 07-02009.02)**
- 2) **Robert Yontz File WC-10-14296**

CLOSED DOOR SESSION ENDED AT 4:50 P.M.

Note: The Commission reconvened the conference meeting at 7:48 p.m. in the Chambers on the first floor of City Hall to address Agenda Item I-E.

I-E – Community Investment Plan Prioritization Matrix Relative Weight Determination

The City Manager explained that the Commission is being requested to provide input on the weight of the various categories for ranking the projects in the Community Investment Plan (CIP).

Vice Mayor DuBose explained a criteria such as federal, state and other legal requirements could be a first priority for a project or fifth. He felt this concept places him in a vacuum. As to the criteria of costs and sources of funds, he wanted flexibility to not weigh something so much on cost. He was more comfortable looking at projects individually. The City Manager indicated that this scoring will only be an initial step. He intends to present the entire project list to the Commission. The City Manager indicated that the alternative would be for staff to score the projects, however, he is trying to get as much input as possible on the front-end of the Commission's priorities. Commissioner Rogers supported the request, commenting that ultimately the Commission will vote on it. Commissioner Rodstrom viewed it as an experiment and had no objection. Commissioner Roberts agreed about the need for flexibility but was willing to move forward with it. Vice Mayor DuBose clarified that his comments were about a concern, not necessarily opposition. For example, he felt the full Commission views public safety as a priority, but there could be different stances on a given item. Commissioner Rogers emphasized the need for a realistic CIP project list. The City Manager explained that the objective is to develop a rolling five-year work plan.

There was consensus approval.

II-A – Quarterly Investment Report for Period Ending December 31, 2011

Commissioner Rogers observed the City has nothing of its investment pool in commercial paper. With only two investment managers, staff is trying to manage \$200 million at any point in time. In other words, in the toughest environment for earning return on one's investments, the City is without professional management. The City Auditor agreed. The City Manager also agreed and indicated that ultimately he will be recommending there be an investment monitor to make sure the investment managers are performing to the level they can be. The City Auditor agreed and referred to the model in place for the pension funds. The City Manager indicated that after it is confirmed that the City's policy permits, he will be recommending the City's entire portfolio be divided among four managers along with an investment monitor. The monitor is compensated based on a percentage of the portfolio value. Mayor Seiler requested confirmation that both the police and fire and general employees' pension funds use investment monitors. Commissioner Rogers agreed with the City Manager. He explained the retention process for the police and fire pension. He emphasized the need to concentrate on earning a return.

The City Manager believed the City's policy permits hiring additional investment managers. However, hiring of an investment monitor is not in the policy and would therefore be brought back to the Commission for its consideration. There was consensus approval, with the request for more information.

I-F – Visioning Initiative – Consulting Services

Susanne Torriente, Assistant City Manager, advised that the Visioning Committee (Committee) recommended that the City move forward with subsequent phases of Wallace, Roberts & Todd's (WRT) contract, that is, phases two, three and four. Mayor Seiler asked about increased staff involvement for possible savings. Ms. Torriente indicated that she as well as Amy Knowles, Assistant To The City Manager, have been involved. The vision of the community will drive everything, from the strategic plan to all of the annual plans. Staff's environmental scan will be used for this effort and staff will use some of Visioning's work from the community forums. Alternative 1 for approximately \$236,000 was reduced by staff to \$184,000 approximately. The City could contract with a local university, do a new procurement or tap into the City Manager's professional network. This was fully debated and it ended with a 6-4 vote in support of WRT. Mayor Seiler supported WRT, but wanted to know if efficiencies can be achieved. The City Manager indicated that discussions have been held with WRT and WRT does not feel the expected product can produced below the quoted amount. Commissioner Roberts was concerned that there may not have been as much grass roots reach to the community that should have been done. He was interested in exploring the idea of contracting with a university going forward. Ms. Torriente indicated that staff believes there is a need for analysis of the work done, outreach results and help producing the final product. Commissioner Rodstrom agreed with the idea of a university.

In response to Commissioner Rodstrom, Randall Vitale, chair of the Visioning Committee, indicated the stakeholder/opinion leader interviews list of 91 individuals who were able to make it was derived from a much longer list that was created by the Committee. Those initial stakeholders were to share the process and build momentum. They were not meant to be the conclusive group. He indicated that the role of the individuals on the list was clear to both the Committee and WRT, however some members thought the original list should be expanded. Therefore, thirty-three more

interviews were conducted. Chairman Vitale explained what happened with individuals in the Executive Airport area that did not respond. Interviews were only one piece. The initial outreach was open houses in each district. The purpose of Phase 1 was to build momentum but there has now been several months of lag. Further discussion ensued relating to enthusiasm and outreach. Commissioner Rogers thought the option of a university might be worthwhile when thinking about broadening outreach. The City Manager believed future phases have more community meetings than interviews. Chairman Vitale indicated that the Committee discussed the idea of engaging a university and did not think that would be the best route. Vice Mayor DuBose was not necessarily concerned with having more interviews, but rather that the outreach be expanded beyond individuals that are already active. For example, younger residents may be more inclined to participate using social media.

Mayor Seiler did not want to put any more obstacles in the Committee's way and losing momentum. He supported the Committee's recommendation which is \$100,000 less than the original proposal. There was some misunderstanding as to the first interviews as clarified by Chairman Vitale. The next phase is community-wide. Vice Mayor DuBose agreed, but indicated that he still feels strongly about outreach. One alternative has less outreach. In response to Commissioner Rogers, Ms. Torriente explained with respect to Alternative 2, instead of immediately going back out to the community, staff would use Phase 1 results and staff's strategic planning environmental scan and then proceed to the community forums. As to why more Committee members voted for Alternative 2, Chairman Vitale explained that their desire is for more community involvement, they see it as the most important. It was a modified Alternative 2 for additional input. Ms. Torriente indicated that the numbers would have to be negotiated. Chairman Vitale indicated that the Committee supports moving forward with the Commission taking a leadership role in the community. With so many other projects, Commissioner Rodstrom thought that the Commission may have interfered with the momentum somewhat.

Robert Walsh, 401 East Las Olas Boulevard, was opposed to the expenditure and suggested using a university. He believed the Committee is in disarray.

There was no one else wishing to speak.

Commissioner Roberts wanted more information as to why the university idea was rejected. He felt more input is needed in order to achieve the project's goal and was concerned about WRT delivering the product that is needed, although he fully supports this visioning and the expenditure. Commissioner Rogers also wanted to see more information or alternatives, although he understood that this has been vetted by the Committee. Chairman Vitale explained the Committee conversation was to have the best thinking available to help shape the community. As a member of the RFP Evaluation Committee, he indicated that WRT, above the others, had successfully started, built and executed citywide visioning efforts. He felt the process in this type of endeavor is the hardest part. However, a university could supplement. Commissioner Rogers wanted staff's opinion about adding a university. Commissioner Roberts wanted to add a university as a supplement or partner. In response to Mayor Seiler, Chairman Vitale felt the Commission should make this decision; the Committee feels the most important thing is to make a decision so the project can move. There was consensus approval to move forward with WRT and pursue a university supplement.

III-A – Communications to City Commission and Minutes Circulated for Period ending February 16, 2012**Historic Preservation Board**

Motion made by Ms. Thompson, seconded by Ms. Flowers, to inform the City commission that the HPB wanted the Preservation Commendation Awards to be given during Preservation month, on May 25, 2012, at 6 P.M. The Commission would be provided with an updated document and the application would be posted online for nominations. In a voice vote, motion passed unanimously.

Greg Brewton, Director of Sustainable Development, advised that staff is moving forward with this matter. Mayor Seiler provided some insight with respect to programming.

Marine Advisory Board

Motion made by Mr. Herhold, seconded by Ms. Scott-Founds, to request that the City Commission work with the County Commission toward the mutual goal of developing improved seagrass mitigation prospects, streamlining associated County processes, and exploring the negotiation of reduced alternative mitigation options. In a voice vote, the **motion** passed unanimously.

Mayor Seiler supported the request. There was no objection.

Nuisance Abatement Board

Motion made by Mr. Gatano, seconded by Ms. Dowdy, to advise the City Commission to take action against the Parisian Motel property, 519 NW 23 Avenue, based on the Code Enforcement liens and to take into consideration how many times the property had been before the Nuisance Abatement Board, the fact that it was under their jurisdiction now and to instruct the City Attorney's Office to take action. Mr. Gatano also wanted the City to speak with the Fort Lauderdale Police Department to see if they could conduct surveillance on the property. In a roll call vote, motion passed 5-0.

Motion made by Mr. Wolf, seconded by Mr. Hoover, to recommend to the City Commission that alternate Cindy Smith be appointed a regular member of the Board. In a voice vote, motion passed 5-0.

Mayor Seiler asked that the Board be informed that such appointment could be made when there is an opening.

City Commission Reports – continued**Homeless**

In response to Mayor Seiler, the City Attorney indicated there are two issues, one being homeless in the parks and the other is panhandling. He has been working on panhandling. Staff needs feedback on boundaries of panhandling restrictions in the downtown area. A map would need to be drawn to show the most impacted areas and the governmental interest being served. If the Commission decides upon the area, an ordinance could be presented within six to eight weeks. He explained the current ordinance extends the City's beach park rules to the sidewalk on the other side of A-1-A. Commissioner Rogers advised that McDonalds and CVS have retained security personnel. There was panhandling in the drive-through. He believed the zone should be at least from Federal Highway to Andrews Avenue, perhaps the railroad tracks and south to the river including Las Olas Boulevard. The City Attorney confirmed the area is too broad and would be unenforceable. Discussion ensued on boundaries. The City Attorney explained with an overriding governmental interest, there may be regulations on the time, place and manner. It is possible to prohibit in certain areas as long as a reasonable alternative for free speech is provided. Case law is clear that panhandling is a form of free speech. He went on to explain the logic applied to the beach. From a defense standpoint, the broader it is made, the more weak it becomes. Commissioner Rogers felt it is important that business not be jeopardized. The City Attorney agreed that a governmental interest can be found, the issue is how broad of a brush can be painted with it. It must be narrowly tailored in order to uphold a time, place and manner regulation.

Mayor Seiler outlined provisions put in place by Saint Petersburg. The City Attorney indicated there are a number of good models, being Gainesville, Clearwater and Saint Petersburg, although Clearwater and Saint Petersburg have some infirmities. If the Commission could identify an area to protect, he could take from all of them. Commissioner Roberts liked the idea of addressing sidewalk cafes. The Riverwalk is part of the park system and should be included. He believed that delivery of social services within the parks should be prohibited, which means there needs to be alternative locations. He liked the Saint Petersburg approach. There needs to be education and continued outreach. During further discussion of other models, the City Attorney noted the panhandling component of Orlando's model and acknowledged the enforcement challenges it presents. Commissioner Roberts thought uniformed presence needs to be increased in the subject areas especially when the program is initiated. There are certain illegal activities that an officer must observe in order to make an arrest. There may be some overtime funding available from the Law Enforcement Trust Fund in starting this new program. Commissioner Rodstrom suggested asking the Downtown Development Authority (DDA) if they would fund an officer for Stranahan Park. Commissioner Rogers agreed with Commissioner Roberts that the approach must be comprehensive. Mayor Seiler suggested asking the Broward Partnership for the Homeless what they could do with respect to services and outreach.

Mayor Seiler requested an ordinance be presented in six to eight weeks. He asked that the DDA and Broward Partnership for the Homeless also be consulted.

City Manager Reports - None

There being no other matters to come before the City Commission, the meeting was adjourned at 9:33 p.m.