

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
MARCH 6, 2012

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CITY COMMISSION CONFERENCE MEETING

1:37 P.M. March 6, 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 Michael Dodson

City Commission Reports

Proposed Pain Clinic in Wilton Manors within 500 feet of City Limits

After being brought to the Commission's attention by Commissioner Rodstrom, there was consensus approval to forward a letter of opposition drafted by Commissioner Rodstrom signed by the Commission individually.

Upcoming Undergrounding Utility Lines; City-Backed Bonds

Commissioner Rodstrom referred to pledging of City-backed bonds in a matter on the Community Redevelopment Agency agenda and wanted the same consideration for neighborhoods coming forward for undergrounding utility lines

Funding Source for Upcoming Projects: Rivermont Property Acquisition, The WAVE and Athletic Field, Track at Joseph C. Carter Park and Performing Arts Center

Commissioner Rodstrom wanted to earmark funding for projects so it is available as the come online in the future.

E911 Call Taking and Dispatch Services

Commissioner Roberts provided a verbal status report on the Broward County Consolidation Communications Committee and the subcommittees. He provided a copy of the Funding Subcommittee's memorandums of February 29, 2012 and March 2, 2012 concerning public safety answering point (PSAP) direct costs and funding analysis which is attached to these minutes. He noted the projected implementation date has been pushed to not the coming fiscal year, but the next. He was confident that the County will accept the recommendations. Implementation is yet to be finalized. However, it is leaning toward the sheriff running the organization and the executive director answering to the board of directors on which every city would have a voice. The board would hire and fire the executive director. Currently no city has refused. As to finances, it is moving toward MSTU (Municipal Services Tax Unit) basis. It is good to have the closest unit response and the system to facilitate it, but Fort Lauderdale would not want assume an undue workload. There is still a lot of work to be done on the subject.

The City Manager indicated the need for an interim decision if implementation takes three years which has been mentioned. There is the question of equity between Fort Lauderdale that pays the Sheriff for service and other cities that are not paying anything.

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

At the outside it is a budgetary need of \$5.2 million approximately. In response to Vice Mayor DuBose, Commissioner Roberts explained that MSTU is an assessed millage to all participants based on property value. The City Manager pointed out that Alternate 6 is a regional system and Alternate 5 is a continuation of the current system. Commissioner Rogers asked whether the Subcommittee considered privatization. Commissioner Roberts advised that the thinking was state legislation to enable levying of a tax and further delay. It was agreed that ideally that would be the way to go. He went on to comment on control participating cities would have in hiring and firing the executive director and every city would have a voice at the table but large cities would have more say in an arrangement involving population like the interlocal agreement with the School Board. In response to Vice Mayor DuBose, Commissioner Roberts indicated that phasing is an option. He explained that the Implementation Subcommittee will be working through this. More discussion followed with respect to implementation wherein Vice Mayor DuBose pointed out that it would be unfair for Fort Lauderdale to incur upfront costs, considering other cities are being subsidized. The City Auditor explained the difference between a MSTU and a MSBU (Municipal Services Benefit Unit) and suggested this be discussed in the deliberations. More discussion followed as to the need to determine the benefit and a rational nexus. Commissioner Roberts emphasized that the Subcommittee was concerned about having a dedicated funding source that is transparent.

Public Hearings for New Traffic Control Devices; Broward County

Vice Mayor DuBose referred to a memorandum from the Broward League of Cities seeking feedback from cities concerning Broward County requiring municipal public hearings for new traffic control devices. It is a home rule issue. He suggested it be scheduled on the March 20 agenda. Mayor Seiler wanted the municipality to be allowed to establish its own procedures concerning the hearing process. There was consensus approval of Mayor Seiler's suggestion. The City Manager questioned whether the conclusion reached as a result of a public hearing at the municipal level would be respected. In response to Commissioner Rogers raising the issue of liability, the City Attorney indicated that the County is responsible for signs and signals; if the request does not meet the engineering warrants, it is not installed. Mayor Seiler requested the item be scheduled on the March 20 agenda.

Board and Committee Meetings; Telephonic Participation

Vice Mayor DuBose wanted to discuss this matter in more detail. The City Attorney explained that even with telephonic participation, according to an Attorney General's opinion, a quorum must be physically present. Therefore, if a quorum is physically present, they could conduct business anyway. He went on to note the current policy established by resolution. Mayor Seiler suggested this matter be scheduled for the April 3 meeting along with information of what other cities and counties are doing.

City Attorney Recruitment

Vice Mayor DuBose wanted to use the same recruitment model used for the city manager recruitment. He mentioned that Bob Murray was used for the recent Broward County Attorney recruitment. Mayor Seiler asked the City Manager to determine what Bob Murray would charge and schedule the topic on a conference agenda.

Flooding, FEMA Public Hearing

Vice Mayor DuBose noted an upcoming public hearing by FEMA and indicated that there is a funding source for areas that have experienced flooding twice within a ten-year period. The City Manager indicated that staff will attend. Commissioner Rodstrom noted upcoming changes to the building code relating to elevation. She asked for a summary of the hearing. Commissioner Rogers requested more thorough distribution of a notice of the hearing.

South Federal Highway Repavement Project

Commissioner Rogers provided a verbal status report on the project. The project manager has assured him that a fire has been lighted under the contractor and deficiencies letters will be issued. A construction open house will be held on March 27 at the library. Also, concerning a safety issue found by area residents, Florida Department of Transportation has agreed to redesign the left-turn lane at Ponce De Leon Drive that will also require moving of trees.

Events and Matters of Interest

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

I-A – Broward County Beach Renourishment Project Segment II

Eric Meyers, Natural Resources Administrator, Broward County Environmental Protection and Growth Management, reviewed slides on this topic that are attached to these minutes. With respect to Slide 7, he noted to the extent the project impacts the hardbottom, mitigation will be required which will be an additional project cost. It will also mean less sand on the beach. Construction will occur during winter season or non-turtle season. Truck hauling (\$45 million) is more expensive than offshore approach (\$38 million). In response to Commissioner Rodstrom, Mr. Meyers indicated that Hollywood just completed a renourishment using sand from the same general source as proposed here. He displayed a sample.

Mayor Seiler asked about the time limit on the sand source decision. Mr. Meyers indicated he would like to submit feedback from the municipalities to the County Commission in April. The information is required before the permit application can be submitted. The Commission received responses to various questions as follows: Mr. Meyers advised that the sand sources (Slide 13) are within the capital budget proposed to the County Commission. The project was initially approved as a federal reimburseable project. It will take a four-month period for two to three years depending upon the access points and efficiency. Chris Creed of Olsen Associates, Inc., consultant for Broward County, indicated they are planning for a period of two years. Mr. Meyers advised that monitoring is included in the time frame. As to the project's life expectancy, Mr. Meyers commented on other projects. Mr. Creed indicated that Segment II has a low erosion rate relative to other areas of the county and is expected to have considerable longevity. No sand has been placed in this segment since 1983 except for the bypass project. Commissioner Rodstrom liked the sand placed at Birch Finger Streets and remarked trucking was used which went smoothly. Generally, the federal share is in the fifty percent range and the state would pay about half of the remaining share. The County has historically shared the remaining twenty-five percent with the cities 75/25 (County – 75 percent of \$11.5 million for the Upland Trucking approach). About sixty percent of

the project is in Fort Lauderdale. It would need to be revisited if the federal government is not reliable. With construction not starting until the beginning of fiscal year 2014, the big construction dollars would not be budgeted until that time. Commissioner Roberts spoke in favor of the Upland Trucking approach. Mayor Seiler was concerned about trucking occurring during the tourism season. He suggested it occur during the night. Mr. Meyers thought there could be a zoning prohibition in a residential area. Mayor Seiler asked this be looked into, including a discussion about the hours. As to sand, Mr. Meyers indicated they are having conversations with the Bahamian government but the federal government requires all local sources to first be exhausted. Funding would be derived from the Tourist Development Council (TDC).

Broward County Commissioner Chip LaMarca noted that the Upland Trucking approach is advantageous from the environmental impact perspective although it is more expensive. Rail would be helpful. He has requested the County Administrator to rename the TDC reserve for this project and there is an allocated line item in the TDC budget forecasted over the next three years. Most of the \$45 million is there. The City's share would be about \$3.5 million. Mayor Seiler noted 60 percent of \$11 million is \$6.7 million and 25 percent of \$6.7 million is less than \$3 million. Discussion returned to trucking during night hours and how it would be received by residents in considering the alternative of more traffic during the day.

Mayor Seiler opened the floor for public comment.

Ina Lee, Fort Lauderdale beach resident, asked various questions concerning scope and funding including \$25 million allocated for the bypass project. Mr. Meyers and County Commissioner LaMarca responded to her questions. County Commissioner LaMarca indicated that he would support moving the bypass funding to this higher priority project.

Former City Commissioner Tim Smith emphasized that this is a critical project. He felt the item should be given to the City's state and federal lobbyists as perhaps a priority with respect to funding. County Commissioner LaMarca believed that this is a priority both at the state and federal levels.

Commissioner Rodstrom asked about funding to construct a higher wave wall in the renourishment area. Mr. Meyers offered to look into it, but indicated it is not typical to a renourishment project.

There was no one else wishing to speak.

There was consensus approval for the Upland Trucking approach. Albert Carbon, Director of Public Works, advised that a resolution with the findings reached today will be presented on March 20, along with any advisory board input.

I-B – Anti-Panhandling Public Education Campaign

Chaz Adams, Public Information Specialist, reviewed slides on this topic that are attached to these minutes. Commissioner Rodstrom wanted attention given to the intersection of Interstate 95 and Sunrise Boulevard, however, Mayor Seiler wanted to limit the focus at this time to key areas. The City Manager indicated the information will also be placed on the graphic interfaces of parking meters.

Mayor Seiler opened the floor for public comment.

Lorraine Wilby, Task Force for Ending Homelessness, questioned whether parking meters will be utilized for donations. Mayor Seiler thought all funds should go directly to charities. In further response to Ms. Wilby, Mr. Adams noted that she may contact him to obtain information about how a Fort Lauderdale 501(c)(3) charitable organization can be included on the City's (charitable organization) web page. Mayor Seiler pointed out that the services must be performed in Fort Lauderdale.

Mayor Seiler responded to operational questions raised by Janet Riley, Legal Aid Services. He indicated that the website would not be operational until approved by the Commission.

Jarek Loovali, resident of Sunrise, thought panhandling is only the symptom. The problem is a large homeless population. In response to Mr. Loovali, Mr. Adams explained that the City's claim that panhandling causes violent crime is based on an Urban Institute study. Mr. Loovali added that the Urban Institute contended that panhandling laws do not change the (homeless) problem. Mr. Adams pointed out that, according to the Urban Institute, education is also a key component. Mr. Loovali thought the City should, instead, spend these funds on treating the homelessness problem. Mayor Seiler explained this is an educational campaign that will not require a large expenditure. Hopefully, citizens will want to give more to support the homeless. A significant amount of tax revenue is devoted to the homeless. The City cannot solve the homeless problem on a county, state, or national level; the City's objective is to efficiently utilize resources to solve this problem in Fort Lauderdale. The City attracts homeless from beyond its borders that is presenting a challenge.

Charles King, 105 North Victoria Park Road, expressed support of the item, as well as Commissioner Rodstrom's bumper sticker idea. He thought the Homeless Voice organization has been a cause of the problem, in terms of panhandling. He questioned whether that organization should receive funding. Mayor Seiler pointed out that the City will determine which organizations will take part in this program.

P.J. Espinal, member of South Middle River Civic Association, volunteered to serve on any board or committee that is focused on homelessness. The only solution is jobs. Panhandling is ineffective and disrespectful. She elaborated upon the measures she took to relieve herself of homelessness which included obtaining three jobs and not panhandling. She did not want the homeless in the parks and near schools.

There was no one else wishing to speak.

Commissioner Rogers was supportive and wanted to move forward with every avenue the City already has underway, including enforcement. He wanted to elevate the existing task force and help coordinate efforts by various groups. It is a broader issue than panhandling. Vice Mayor DuBose agreed the approach must be comprehensive and the proposal is just one piece. Mayor Seiler confirmed that this is a citywide initiative. He wanted this piece to be launched and then proceed with other pieces. The City Manager asked the Commission to provide him with any locations in need of attention. Commissioner Roberts agreed with the holistic approach and emphasized the need to regain the parks. Commissioner Rodstrom referred to the appearance of Stranahan Park and raised the need for general maintenance. Phil Thornburg, Director of Parks and Recreation, explained that this is not the growing season. Vice Mayor DuBose questioned if a part of the park could be closed in order to address sod. The City

Attorney indicated that it would be closed temporarily for maintenance purposes. Mayor Seiler asked the City Manager to followup. In further response to Commissioner Rodstrom, Mr. Thornburg advised that electricity at Stranahan Park is controlled by the City and shut off until there is an event. There was consensus approval.

I-C – Light It Up Blue Campaign – Autism Awareness

The City Manager highlighted information in Commission Agenda Report 12-0607. Mayor Seiler noted if this is done for one organization, other organizations will want the same. He pointed out that the private sector as well as houses of worship could do this. Commissioner Rogers was interested in more lighting citywide. If organizations could assist, he thought it would be a win win. Mayor Seiler did not want the City to incur any cost. Commissioner Rogers referred to the publicity achieved with the 100 Year Centennial Light. He thought it is possible to find a way to promote, but understood the fiscal implications.

I-D – 2012 Neighborhood and Business Capital Improvement Programs

Hal Barnes, Assistant To The City Manager, highlighted the recommendations and funding shown in Commission Agenda Report 12-0496. There was consensus approval.

Commissioner Roberts pointed out that there are some very active neighborhoods that are not recognized. Twin Lakes North is an example. He asked the City Manager to help such neighborhoods with the process.

I-E – Selecting Boards and Committees to have Staff-Generated Minutes in Lieu of Contractor-Generated

The City Manager noted that the Commission Agenda Report lists his recommendation of which board and committee staff liaisons could prepare minutes in lieu of a contractor for a savings of approximately \$35,000. Commissioner Rogers thought and Commissioner Rodstrom agreed that the Police and Firefighters Retirement System Board of Trustees should remain unchanged because of the amount of money involved and fiduciary aspects. Vice Mayor DuBose wanted minutes availability on occasions when there are controversial issues and indicated that the City Manager assured him that could be done. Mayor Seiler agreed. Commissioner Roberts noted there was discussion about giving this approach a one-year trial. He also agreed with Commissioner Rogers' request. There was consensus approval except that the Police and Firefighters Retirement System Board of Trustees minutes preparation would remain as is. Vice Mayor DuBose asked that staff notify the Commission of a hot topic as to direction of the board or committee and perhaps include minutes for that segment.

I-F – City Property Insurance Renewal

Guy Hine, Risk Manager, indicated this item was placed on the agenda at the request of Vice Mayor Dubose. He explained information received initially is what was reviewed by the Insurance Advisory Board on February 9. The City's agent will continue to negotiate this. Since February 9, the prices have changed and there are options. Direction received today will be presented to the Board tomorrow and the item scheduled on the March 20 regular meeting agenda. Because the renewal date of April 1 is popular, it is recommended to be changed to February 1. As requested by Commissioner Rogers, the stadium coverage was changed from replacement cost value to cash value for a

savings of a little less than \$50,000. In response to Commissioner Rogers, Mr. Hine was not aware of any other buildings that could be handled the same way. Commissioner Roberts liked the idea of moving the cycle (February 1). Mr. Hine explained the Board's thinking about recommending \$50 million coverage for a total reduction of \$50 million for Commissioner Roberts; essentially the City's limits were reduced based on wind modeling. In response to Commissioner Rogers, he indicated that the deductible is the same across the board, a \$5 million flat deductible. In looking at other governmental agencies, Fort Lauderdale is on the upper end. The City Manager advised that for a named storm, the City would still apply for assistance. The purpose of FEMA is actually to assist with a deductible. Because the City has previously received assistance, it is required to maintain certain levels of insurance.

Some discussion followed concerning Vice Mayor DuBose's question about Option 4 for \$65 million and hardening of the insurance market wherein Mr. Hine explained it was a mid-point considered because a \$50 million cut in limits is substantial and it would be a challenge to regain that threshold from a cost perspective. A copy of the additional backup used in the discussion is attached to these minutes. Vice Mayor DuBose indicated as such the savings may not be that significant if the City wants the additional coverage in the future. Joe Piechura, member of the Insurance Advisory Board, favored Option 2 because it holds the limit, it is better pricing and opens the door for next year's negotiation. Because final negotiations have not taken place, it could be lower. When limit is cut and one wants to return to that limit, the price generally is higher. Vice Mayor DuBose agreed. James Drake, member of the Insurance Advisory Board, explained that interest rates are a factor for increased insurance rates.

Alan Flores of Risk Management Associates, Inc. d/b/a Public Risk Insurance Agency, City's Agent, indicated that negotiations are still underway but coming to a conclusion. He agreed with Mr. Piechura's statement. He elaborated upon the thinking historically in making decisions on limits, hardening of the market place and went on to indicate he would not think the City would want to go lower than \$50 million. The City is purchasing 30 percent of its total insured value for a limit. He would not advise going less than 30 percent. In response to Commissioner Rogers, Mr. Flores advised that a one-hundred year storm event is a \$20 million probable maximum loss. Most aim for a 250 year event, although Florida is comfortable with one-hundred years. Commissioner Rogers was concerned with such a substantial drop in coverage.

Vice Mayor DuBose recommended Option 2 and there was consensus approval. Mr. Hine noted that \$2.5 million has been budgeted. Mr. Flores indicated it may be possible to get better pricing now that an option has been selected although a 10 percent increase is reasonable.

I-G Code Amendments Relating to Parks and Recreation

Phil Thornburg, Director of Parks and Recreation, indicated the amendments represent an update of ordinances relating to parks and recreation. The amendments were reviewed by the Parks, Recreation and Beaches Advisory Board. One item is going from three to five years for beach equipment rental concession. In response to Mayor Seiler, Mr. Thornburg indicated all of the amendments received unanimous approval of the Board.

In response to Commissioner Rodstrom's question about Section 8-55.1(b), Recreation Concessions, Mr. Thornburg advised that there is no change to this code provision and

the City Manager indicated the discrepancy will be worked out with the existing RFP. In response to Commissioner Rogers, Mr. Thornburg suggested there could be consideration of only allowing cooking in certain areas. Commissioner Rogers wanted to be strategic and take care with changes. He was concerned about relaxing regulations. Mr. Thornburg advised that this gives staff more flexibility, but special events must be approved by the Commission. In response to Commissioner Rodstrom, Mr. Thornburg explained that all of the fees are authorized by the city manager except canine beach and the request is to move canine beach fees under the city manager purview. Commissioner Rodstrom was hopeful that the fee schedule for canine beach not be changed in the foreseeable future and asked she be notified. Mr. Thornburg indicated the purpose was organizational.

Consensus approval.

Commissioner Rogers asked that a press release be prepared relating to the Parks and Recreation Department receiving accreditation.

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

Commissioner Roberts and Mayor Seiler discussed the pros and cons of establishing a standard settlement amount above cost. Commissioner Roberts advised that he has asked the City Manager to look at some percentage amount above cost. The City Manager advised that an ordinance is forthcoming to move negotiations to the special magistrate. The City Auditor indicated this was observed in the recent audit by his office. Mayor Seiler disagreed with the idea. Commissioner Rogers was interested in an amnesty program. More discussion followed on the nuances of the cases in general.

There was no objection to the proposed lien settlements.

I-I – Offer to Settle Code Enforcement Lien – 11 SW 11 Avenue

The City Manager advised that past practice has been not to settle any liens until the property comes into code compliance. In this case, the property owner has indicated the property would be brought into compliance within eighteen months of receiving the permit. He has requested a reduced fine. Both Mayor Seiler and Commissioner Rodstrom saw this as precedent setting. Commissioner Rogers indicated this historic property on the entranceway makes it unique. There would be a tax roll impact once the property is productive.

Mayor Seiler opened the floor for public comment.

Charles Jordan, 1225 SW 4 Court, agreed with Commissioner Rogers as to the uniqueness. These historic houses could be demolished for \$5,000. The feasibility of the project is impossible with the lien. He is involved as a member of the Sailboat Bend Civic Association Board of Directors and general contractor. The Association endorsed the owner's plan (Bernie Petreccia). His contract is on hold because it is impossible to secure an investor until there is an agreement with the City.

Bernie Petreccia indicated he is the owner of this property. He explained because the State challenged the sale so title was not secured until a year after the fines started. He did not create the problems with this property. He inquired before acquiring the property

and was informed by the City that demolition would be permissible. It was later found that because the building were constructed prior to 1942, they could not be demolished. It was not feasible to rebuild in their existing location. After meeting with the Association and District Commissioner, he has agreed to reproduce the properties as far away as possible from Broward Boulevard. Mayor Seiler explained this has to do with the existing policy and problems with deviating. In response to Commissioner Rodstrom, Mr. Petreccia indicated it would cost about \$150,000-\$200,000 to come into compliance. He was concerned about making such an expenditure without an agreement from the City to reduce the lien amount. Mayor Seiler noted that the Commission has been very supportive of Sailboat Bend. He suggested Mr. Petreccia meet with the City Manager. There was no consensus approval other than Commissioner Rogers (Vice Mayor DuBose was not present during this discussion).

Note: The City Commission recessed at 4:55 p.m. and convened as the Community Redevelopment Agency Board of Directors and then reconvened at 5:07 p.m. for the executive closed door session.

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 5:07 P.M.

The City Commission shall meet privately pursuant to Florida Statutes 286.011, regarding the following:

- 1) **Henry and Andrea Bonner v. City of Fort Lauderdale Case 08-037302 (05)**

CLOSED DOOR SESSION ENDED AT 5:29 P.M.

Note: The Commission reconvened the conference meeting at 8:52 p.m.

II-A – Audit Report – Parking Citation Process

The City Auditor provided an overview of the report. Reorganizational changes that have since occurred are thought to resolve issues noticed in the report. Additional training and supervisory review is needed for some activities such as voiding citations. Overall the review findings were positive. In response to Commissioner Rogers, the City Auditor indicated no software deficiencies were detected.

III-A – Communications to City Commission and Minutes Circulated for Period ending March 1, 2012

Education Advisory Board

Motion by Mr. Discepola, seconded by Ms. Kelly, to submit the attached draft letter (regarding the co-applicability of the site-based, school-based management system) to the City Commission for their review. Should the City Commission agree with the letter, to further request the City Commission to send the letter under Commission authority on behalf of the Education Advisory Board. In a vote by roll call, the motion passed (9-5) as follows: Ms. Brinkworth, yes; Ms. Bucolo, no; Ms. Cirillo, yes; Ms. Clark, no; Mr. Discepola, yes; Ms. Elijah, no; Ms. Halliday, yes; Ms. Kelly, yes; Mr. Ludwick, no; Dr. Persi,

yes; Mr. Scott, yes; Ms. Small, yes; Vice Chair Ripple, yes;
Chair Lewis, no.

Hal Barnes, Assistant To The City Manager, responded to Vice Mayor DuBose's question about five no votes. He indicated some members felt policy was already in place by the School Board and the letter was unnecessary. The Board asked if the Commission agreed, the letter be forwarded under the Commission's authority. Mr. Barnes indicated that the policy is administered differently by schools; the recommendation is that it be system-wide. The 12-1 vote was when the letter idea was initially raised, but issues arose when specifics of the language in the letter. Vice Mayor DuBose remarked on the experience of the membership and believed the concept was thought through. There was consensus approval. Mayor Seiler asked the City Clerk to prepare the letter for his signature.

III-B – Board and Committee Vacancies

Note: Please see regular meeting item R-03.

City Commission Reports - continued

Retiring Staff, City Attorney's Office

Mayor Seiler wished the retiring employees well and thanked them for their service. In response to Commissioner Rogers, the City Attorney explained staffing changes that have been made.

Resource Recovery Board

Mayor Seiler noted an elected official from a neighboring city has challenged whether Fort Lauderdale's service on the board may violate the new ordinance. A legal opinion is being obtained. There is an anticipated rate savings.

City Manager Reports – None

There being no other matters to come before the City Commission, the meeting was adjourned at 9:07 p.m.