

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
MAY 15, 2012

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CITY COMMISSION CONFERENCE MEETING 1:36 P.M. May 15, 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 Dana Swisher
Sergeant Joyce Fleming

I-A – Revised Visioning Process

The City Manager highlighted information in Commission Agenda Report 12-0947, including his communications with the Visioning Committee and an alternative for moving forward (Exhibit 1).

The following responses were provided to the Commission’s questions. The City Manager advised that in addition to the proposed \$42,000, there is roughly \$32,000 designated for telephone town hall meetings. Approximately \$236,000 was previously contemplated to finish this project aside from the approximate \$50,000 that had already been expended. The Committee will assist with formulating questions for the Meeting in the Box and help with the Social Ideation Website. He believed this approach will net the City more public outreach. He explained how high school and university students could be involved in the Meeting in the Box segment. Randall Vitale, chair of the Visioning Committee, expressed the opinion that this alternative would achieve more community outreach. The City Manager wanted to make use of this after the visioning is completed. The miscellaneous outreach item of \$18,000 would be for areas where there is a missing of the mark. It could be for newsletters, for example. He expanded on how staff will know the level of input being collected and any geographical areas that are missing. Commissioner Roberts supported the item, but asked that care be taken about timing because there are residents that are away during the summer. Commissioner Rogers supported the item, appreciated the staff buy-in and unanimous vote of the Committee. Commissioner Rodstrom apologized to the Committee for the Commission starting the process before this manager was onboard. Mayor Seiler felt the cost is more reasonable and appreciated the changes with respect to community outreach. He wanted the Committee to host one of the outreach events. He appreciated staff’s support and the cooperative approach overall. He cautioned that the Neighbor Summit be held early in November before the holidays. With some discussion about the approach of Austin, Texas, Mayor Seiler wanted to see something similar survive the visioning project with assurance as to language and personal attacks, for example. He suggested there be outreach to all of the high schools for their input.

Commissioner Roberts asked if a brief program outline could be provided so that it could be published in the district newsletters.

The Commission was unanimous in their support.

Mayor Seiler asked the Committee members to forward to him any suggestions for appointments to the Committee.

I-B – Broward Boulevard Transit Study

Jessica Jocelyn of Kittelson & Associates, Inc. (retained by Florida Department of Transportation) reviewed slides on this topic. A copy of the slides is attached to these minutes. She noted that funding in the amount of \$4 million has already been secured in the Florida Department of Transportation's work program. Mayor Seiler asked that redevelopment of the police station shown on Slide 2 be deleted. Ms. Jocelyn indicated that phase two will be the design. Alternative 3 was selected by the group. She along with Renee Cross of Transportation and Mobility explained plans for community outreach through the neighborhood meetings for the Broward Boulevard Gateway Project.

by FDOT to conduct the study, however it was paid for by the Broward Metropolitan Planning Organization.

Mayor Seiler indicated the number one complaint he receives is that the buses are not people-friendly. Ms. Cross believed that people will utilize the service more if it is convenient, reliable and accessible. Ms. Jocelyn advised that the fleet is mixed with new and old. Through a Livability Grant, nine hybrid buses are being purchased and will operate on this corridor specifically. She believed it is Broward County Transit's intent to continue to add the hybrid bus type as others reach their life cycle. She believed the nine will be purchased by 2014. She offered to find out if they will be used on any other route besides Route 22 and to also find out the total number in operation currently. Commissioner Rogers inquired about reliability. Ms. Jocelyn advised it was a part of this study; reliability is a huge topic in the industry at this time and the federal government is devoting a lot of money in this area. The study looked at headways and phase two will look at scheduling for on-time performance. She elaborated on improvements to traffic signalization that will help transit operators to stay on-schedule. In further response to Commissioner Rogers, she indicated Broward County Transit is providing for smart-phone technology and real-time information at bus stops in a separate project.

Greg Stuart, executive director of the Broward Metropolitan Planning Organization, noted the importance of coordinating projects and that it is happening.

I-C – City Multimodal Connectivity Map

Renee Cross, Transportation and Mobility, explained that the term, multimodal connectivity, refers to the transportation system that offers bicyclists, pedestrians, motorists and transit riders options that are effectively integrated to provide accessibility between the modes. The map will create the framework for development of infrastructure and measures to improve safety and convenience for all modes of travel. She went on to highlight information in Commission Agenda Report 12-0793.

Kevin Walford, Transportation and Mobility, described each component of the map. Sidewalks will be addressed separately.

Ms. Cross indicated that with Commission approval, staff will proceed with neighborhood outreach. Staff is also requesting support in restricting right of way and easement vacations until the map is finalized. Once the map is finalized, it will be presented for final approval along with a prioritization and funding plan based upon the Metropolitan Planning Organization's Long Range Transportation Plan, Florida Department of Transportation's work program, various grant opportunities and the City's Community Investment Plan.

In response to Commissioner DuBose, Ms. Alarcon explained that connectivity to various neighborhoods will be accomplished through the input received in individual neighborhood outreach. Established programs have been included along with what the City has already put into place (A-1-A and Flagler greenways). Staff will now reach out to the neighborhoods. This map is just the beginning. In response to Commissioner Rodstrom, Ms. Alarcon advised that it is anticipated the map would be presented next year after all of the outreach.

Commissioner Rogers raised the idea of a transportation task force but the remainder of the Commission thought the momentum with staff, existing consultants and other agencies is already ongoing. Vice Mayor Rodstrom wanted more briefings. In further response, Assistant City Manager Torriente indicated that the Sustainability Advisory Board has this topic on their radar; the Board is reviewing one chapter of the Sustainability Action Plan each month. Commissioner Roberts referred to his role on the Metropolitan Planning Organization and that this topic is moving along well.

I-D – Letter to Sun Sentinel concerning Port Everglades Sand By-Pass Project

Commissioner Rogers referred to a recent editorial in favor of moving forward with the sand by-pass. There was no mention of the City's objection to it. There now appears to be alternatives that do not involve blasting that the residents and County could live with. Commissioner Rodstrom thought the Sun Sentinel should be provided with the update.

Eric Myers, Natural Resources Administrator, Broward County's Natural Resources Planning and Management Division, indicated that he has received feedback from a number of County Commissioners that they are in support of moving forward in a way that would make people happier. He felt there needs to be outreach to communities that have objected in the past. The County consultant's agreement will need to be amended to change direction. He explained this alternative was on the table in 2004-2005. There was concern about work being done directly in front of various condominiums. The project was therefore pushed as far south as possible into the smallest possible area that created the need for blasting. He wanted to work with the community for a larger, but more shallow excavation. After working with the community, he will provide an update. He confirmed for Commissioner Rogers that it would be pushed more to the north for a wider, more shallow catch basin. The real advantage would be that it is not an area of hard materials, thus it would be easier to excavate and probably less costly. Commissioner Roberts asked about the initial 2004-2005 objections. Mr. Myers indicated he was not part of those discussions, but the notes show there as a concern about the initial construction activities and 3-6 weeks excavating the trap every three years. They moved to the smallest area which led to its own set of problems. He agreed to keep the renourishment on the front burner.

Harry Benedict, president of the Board of Governors of Point of Americas Condominium Association (Association), indicated they would be the most immediately impacted by this project. They have been opposed for years to a 50-foot trap and blasting within three hundred feet. The Association's consultant suggested an excavation to the north that could be larger and not require blasting. There is now an opportunity for harmony between the County and the residents. Nevertheless, he asked that the existing resolution in opposition to the previous design stay in place.

I-E – Cypress Creek Sand Pine Preserve – Reversion to Broward County

The City Manager outlined the history on this property highlighted also in Commission Agenda Report 12-0823. The Commission approved a final management plan that was accepted by

Broward County. The County would like to know if the City will perform under that plan. There is a company interested in a land swap for another preserve area. The western section of the City's wellfield located to the west of the Executive Airport would be suitable. The County has no defined program for sand pine mitigation, but would perhaps entertain a 2-1 with some sort of undefined sweetener. He did not hold a lot of hope for the mitigation process. He is seeking general direction on what to do with the property. He would recommend no dollars be invested into it and consider reverting it back to County ownership.

Mayor Seiler added more historical information. This is a park directly on the highway that the County would like the City to preserve and there is acreage behind it which would be much better for a preserve. Moreover there is a City park just a hundred yards away. He questioned preserving prime commercial frontage. It does not make sense for the City to fund two parks within a block of each other. The City Manager responded to Commissioner Roberts' question indicating the ongoing operating costs would be about \$191,000 annually as documented in the plan and a shared capital cost over a five-year period of about \$332,000. In response to Mayor Seiler, Phil Thornburg, Director of Parks and Recreation, was not aware of any County parks in the City's boundaries. Commissioner Rodstrom pointed out that this parcel was approved by the voters for conservation and open space. Mayor Seiler felt the County should pay for this. Commissioner Rodstrom elaborated upon the uniqueness of this parcel. Fort Lauderdale would be the only city in the county returning park and conservation property. Mayor Seiler emphasized that part of the County's responsibility is to provide parks. In response to Commissioner Rodstrom, Mr. Thornburg advised that City staff started to do some clearing; the cost was reimbursed by the County. There is \$250,000 remaining; there was a percentage of the purchase price that was devoted to clearing and securing the property. If there was any grant dollars, it probably would have been from a County request that the City may have supported. The County actually purchased the property and then transferred the deed to the City. Commissioner Rodstrom wanted to know how much money, if any, the City would have to give back to the County. Mayor Seiler questioned why the City would pay anything back. The City has not received any County funds except for \$50,000 the City used to clear the property. Commissioner Rodstrom felt there are more details than what has been provided. Also, people in the neighborhood were promised and wanted this park. Mayor Seiler pointed out that the park would not go away; it would simply be maintained by the County. Commissioner Rodstrom asked about what other cities did not receive conservation dollars. She spoke of the parcel's attributes and was opposed to returning it to the County. The City Manager explained that the City will have to fulfill its obligations under the plan, otherwise the County will take the park. Commissioner Rodstrom advised that today Don Burgess of Broward County indicated no pressure will be applied to the City as to the plan because of the economy. In response to Mayor Seiler, the City Manager advised that capital dollars were programmed in the Capital Improvement Program, but not the annual cost because the improvements had not yet been made. Further discussion ensued as to Mayor Seiler's idea of returning the parcel to the County to maintain and the concern that there are no County parks being provided in the City. Mayor Seiler was concerned that the City is a donor city to the County. Fort Lauderdale provides tourism dollars throughout the county. Commissioner Rodstrom questioned why she did not receive a copy of the County's letter on this parcel. During further discussion, Commissioner DuBose suggested this not be viewed as returning property to the County, but rather it is a request to the County to do something that they provide for the rest of the county. In response to Mayor Seiler, Mr. Thornburg offered to check into whether the City is tied to any grant that the County may have sought. Mayor Seiler asked Commissioner Rodstrom to share any email communications she has concerning grant funding.

In response to Commissioner Rogers, the City Attorney explained the property ownership was transferred pursuant to an interlocal agreement that has a reverter clause. If the City fails to maintain it, the County can take it back. The City cannot force the County to take it back. The City Manager did not think the City would be forced to make improvements. Commissioner Rodstrom believed the County is not enforcing cities to make improvements in these situations. Both the City Manager and Mayor Seiler elaborated upon conversations they have had with the County Administrator with Mr. Burgess in the room as well as members of the County Commission and it was clearly different than the position being expressed by Commissioner Rodstrom. Mayor Seiler questioned the original vote and Commissioner Rodstrom thought it was unanimous because it was a prestigious parcel; it is the largest conservation parcel with the highest priority for the bond issue. Further discussion ensued on the history of when the properties were being conveyed to cities and conservation properties in particular. Mayor Seiler asked that staff confirm that there are no County parks in the City's boundaries. Different than an active park, a conservation parcel would not have regular staffing and programming. With strict preservation, he questioned why the County should not assume that responsibility. Commissioner Roberts questioned if there are other City conservation parks. Commissioner DuBose wanted more information on the history. Mr. Thornburg indicated at the time the City was trying to get as much property as possible from the \$400 million bond issue. Mr. Thornburg confirmed for Mayor Seiler that the City did not get its fair share. Commissioner Rodstrom saw that as the fault of the City not pursuing acquisitions quickly. She requested more detail on the \$300,000 of funding.

The City Manager advised before this item is scheduled on the regular meeting agenda, staff will confirm with the County that 1) there are no County maintained parks within the City; 2) County does not want to pay the City to operate the park and 3) there is no money due back to the County is the property reverts back.

I-F – Service Line Warranty Program – National League of Cities

The City Manager described the program detailed in Commission Agenda Report 12-0877 and exhibits. The City would receive a royalty on each policy. Based on general participation in other cities, it could be \$100,000-\$150,000 per year if Fort Lauderdale participation mimics other cities.

In response to Commissioner Rogers, Albert Carbon, Director of Public Works, advised that replacement of a water or sewer lateral line could be between \$500 and \$1,500 depending on the leak. He did not know how many occur during the year because the City does not handle them. Commissioner Rogers questioned whether there is a disclosure that the City will receive a royalty. He wanted more information. For example, how often is there failure and associated costs. The City Manager did not think that information could be obtained because those are private transactions. Commissioner DuBose reasoned that this offer would be less than if it was offered by the private sector and it is optional. Commissioner Roberts agreed. The City Attorney advised that his office will look at this more closely when the contract is presented. Today's agenda item is only for direction. Commissioner Rogers wanted more transparency by disclosing that the City will receive income from it.

I-J – Proposed Lien Settlements – special Magistrate and Code Enforcement Board Cases

The City Manager asked that there be a separate discussion for the third case, CE06121030 (1460 SW 28 Street), which is not recommended for approval. There was consensus approval

on the first two cases: 542 SW 27 Terrace, Case CE11061517, and 1035 SW 30 Street, Case CE10090300.

1460 SW 28 Street, Case CE06121030

Brandy Tacquard, representing NBT Holdings Co., property owner, requested approval of the recommendation from Code Enforcement.

In response to Commissioner Roberts, the City Manager indicated that based upon his understanding of the case, how long it progressed, the owner at the time, he did not agree with a four percent of the value reduction. He believed a counter-offer at ten percent of the lien was made but it was not satisfactory to the property owner. The matter rests with the Commission.

In response to Commissioner Rogers, Ms. Tacquard indicated the NBT purchased the property in 2003-2004. Commissioner Rogers asked if NBT did work without a permit. Ms. Tacquard did not think so, but could not recall for certain. Mayor Seiler noted from the backup that the property was acquired in 2000. Work was done without a permit. He agreed with the City Manager that the problem was not inherited. Commissioner Roberts agreed. The City Manager recapped the chronology of this case. Mayor Seiler reasoned from the backup that the violations may have been as a result of this owner, but wanted clarification. Ms. Tacquard confirmed for Commissioners DuBose and Rogers that NBT purchased the property in 2000 and it is a rental. In response to Commissioner Rodstrom, Ms. Tacquard indicated the \$2,500 was offered in December of 2011. In response to Commissioner DuBose, the City Manager outlined past practice in handling these matters. He was concerned about the lack of consistency. When this case came before him, he decided not to recommend approval. Under the existing procedural resolution, the item would remain unsettled. However, Ms. Tacquard wanted to address the Commission. He was not comfortable with the procedure in general, but it will take some time to correct. Commissioner Rodstrom was concerned about the backup indicating \$2,500 and that the settlement is being increased to \$5,705. Mayor Seiler pointed out that the City Manager has clarified information in the backup. Historically, if a property owner inherited the problem, they deserve a big break. However, it appears that this property owner did the work without a permit. Ms. Tacquard did not know if that was the case. Commissioner Rodstrom understood if one could not produce a permit, they could be cited. The City Manager advised that this is being addressed.

There was consensus to accept the City Manager's recommendation to reduce the lien to \$5,705 or ten percent, except Commissioner Rodstrom. Based on a 2005 resolution, the City Attorney explained the process is that the Commission has thirty days to call-up this item. Otherwise, the Manager has the authority to settle for this recommended amount. He concurred with the recommendation. Some discussion followed about the length of time given for compliance.

I-H – Amendments to City Charter, Articles III, VI and VII – Government of City and Form of Government, Civil Service System and Elections – Recommendations of Charter Revision Board

Judy Stern, chair of the Charter Revision Board, explained that everything was examined from a fiscal responsibility standpoint. The cost of elections now is about \$400,000. Fort Lauderdale is the only municipality that has a primary. She understood that the City could save the base Supervisor of Elections' staff by moving to November. The next question was how to address

moving from odd-numbered years. Other cities have extended terms to November and she went on to highlight what was done in Hollywood. Staggering terms could result in extensions of almost six years. The decision was made not to recommend staggering at this time for this reason. The Supervisor has a deadline of June 8 in order to place questions on the November ballot. She suggested placing the dollar amount on the ballot question so that the voters know the fiscal impact. She emphasized that the final decision will be made by the voters.

With respect to the Civil Service System, Ms. Stern indicated information was furnished by the City Manager after the joint workshop; the Board adopted his recommendation.

With respect to term limits, Ms. Stern indicated that the thinking was that the first term is a learning experience and an elected official can really achieve accomplishments in the second term. There were split feelings about having two terms being experienced.

Mayor Seiler opened the floor for public comment.

Robert Walsh, 401 E. Las Olas Boulevard, indicated he was the only resident in attendance at the Board meetings. He did not favor staggering. With respect to the Civil Service System, he had received input from employees in favor of preserving it. He elaborated upon advantages of maintaining it. The City Manager has established a 401A Plan with a blended rate of return of 26.6% while all of the other employees are receiving 8-9 percent. He wanted to avoid layoffs and emphasized if layoffs are necessary, it should be based on the last hired. He supported moving the elections to November.

There was no one else wishing to speak.

Commissioner Rodstrom favored eliminating primaries. Moving to November would also be a savings. She believed November would favor incumbents and it would be difficult to advertise when there are a lot of candidates on a November ballot. As far as staggering, she has not researched it. It would be preferable to have at least two members that would carry over. She was hesitant about staggered terms. She did not know how to address the length of term in order to move to November. Ms. Stern felt the cost of a campaign in competition with a national election would need to be addressed but this is not in the charter. Commissioner Roberts agreed with moving to November. As to staggering, the term extensions needed would be too long in his opinion and he did not recall a full commission replacement in the City's history. However, Commissioner Rogers pointed out that term limits are now a factor. Discussion ensued about the potential for a full commission not being replaced even without imposition of staggered terms. Commissioner Roberts thought over-complication of the ballot could result in a rejection. He wanted to accept the Board's recommendation. He did not favor shortening terms in that people may tire of supporting campaigns. Commissioner DuBose emphasized that the ballot needs to be clear. He pointed out that the Commission gave the Board this charge. Ultimately, however, the citizens will make the decision. He felt changing to November will take away from the apathy. It will save money. The topic was well vetted by the Board and a city of similar size (Hollywood) has already dealt with this issue. Commissioner Rogers indicated he has received the most comments about the savings. There is no need for a primary. He felt there will be a better turnout in November. In the past the objection has been that the municipal election would get lost in the larger election. There is now early voting and absentee. He did not know how to address staggered terms, but he agreed that too much on the ballot will be confusing. He is uncomfortable with extending his term even by recommendation but shortening would be acceptable. Commissioner Roberts commented that November elections will introduce more partisanship into the process. Commissioner Rodstrom thought that people

voting in March for municipal candidates are more inclined to be more knowledgeable about the candidates than they would in November. People may not even make it to the municipal candidates on a November ballot.

In response to Ms. Stern, the City Attorney advised that the Commission would have to be unanimous with respect to shortening the terms. Mayor Seiler indicated that he would not vote to extend his term although he agreed with the Board from a fiscal standpoint. Commissioner Rodstrom said her position is the same. Commissioner Roberts indicated that he would not vote to shorten his term.

Some discussion followed concerning input on the Civil Service System recommended amendment. Ms. Stern advised that no one spoke before the Board in opposition. Commissioner Rogers indicated it is only being removed from the charter; the rules are not being changed. It will allow the City Manager to make recommendations that the Commission can vote on as opposed to a vote of the public. The City Manager explained that the charter requires pay plan amendments to be accomplished by ordinance. He would recommend they be accomplished by resolution because it is quicker, however, it cannot be done without a charter amendment. Changing who is a member of the non-classified service requires a charter amendment or staff has to find a way to work around it. In response to Commissioner Rodstrom, the City Auditor explained that his office and the City Clerk's office are non-classified. The City Manager explained the amendment would allow changes to be made by ordinance instead of charter amendment. Mayor Seiler supported the recommendation. Commissioner DuBose pointed out that generally things are put into the charter for a reason. He was uncertain about the exposure to this class of employees. He was not in favor. Mayor Seiler indicated that no one has said anything about this to him. The City Attorney indicated if the purpose is to make it easier for the City Manager to make staffing changes, he has worked for the City ten years and worked with five city managers. He questioned if over a period of ten years, the Commission would want to make those kinds of changes five times.

In response to the City Clerk's concern about the time needed for an ordinance to be adopted, the City Attorney advised that placement of a charter amendment question on the ballot could be approved by resolution and the ordinance considered afterward. Ms. Stern asked about putting two questions on the ballot to let the voters decide whether to shorten or extend terms. The City Attorney indicated that shortening terms would require a unanimous vote. Commissioner DuBose did not think that could be simply put forward in a question. Ms. Stern added that another consideration between 2014 and 2016 is municipal elections with the presidential or governor. In response to Mayor Seiler, the City Attorney advised that a charter amendment question could go directly to the voters through a petition process. Commissioner Rogers suggested a question asking whether elections should run with presidential or gubernatorial elections is clear. Commissioner Roberts agreed that it is straightforward. Discussion followed on the pros and cons of holding municipal elections with the presidential or gubernatorial elections. As to Commissioner Rogers' suggestion, the City Attorney explained that question does not substantially set forth the changes. Senior Assistant City Attorney Paul Bangel added that if one of the options is to shorten terms, it must be a knowing, voluntary and intelligent waiver of the elected officials' property rights. Commissioner DuBose pointed out that some voters might not want to shorten or extend terms and reiterated his concern about clarity of the question. The City Attorney also pointed out that the results of two questions could conflict with each other.

In response to Mayor Seiler, Ms. Stern advised that Fort Lauderdale is the only city (in Broward) with a primary. There was unanimous consensus to eliminate the primary. She noted those

cities that still have March elections. The City could save more if the election would coincide with that of another city. However, because most have four-year terms, there is no consistency on what other city or cities would hold an election in the same year as Fort Lauderdale. She suggested considering switching to a four-year term in order to move to an even-numbered year. The City Manager suggested at the end of the current term in March of 2015, the next term could extend to November of 2018, and then four-year terms from that point forward. Those individuals elected in 2015 would have a slightly longer term based on a vote of the people, but the Commission would not have to vote to shorten or extend their terms. He suggested that staggered terms be considered in November of 2018 in the interest of continuity. The City Attorney explained that the ballot language must be no more than seventy-five words. Commissioner DuBose did not want to entertain staggered terms. Mayor Seiler agreed with the City Manager's suggestion because the question is in the hands of the voters. There was consensus agreement with the City Manager's suggestion excluding that speaking to staggered terms. The City Attorney advised that the matter will be presented on June 5.

In response to Commissioner DuBose, the City Attorney advised that the charter provides for three terms.

Returning to the Civil Service System recommended amendment, Mayor Seiler reiterated that he has not received any input on this item. The City Manager noted the Commission's charge has been change and for the organization to be able to rapidly adapt to change. The more rules related to change, the harder it is to accomplish and to have a flexible organization. Civil service was designed to prevent patronage which is not the situation in the organization. He wanted to be able to effectuate change quickly. Matters would be handled by ordinance instead of ballot. Commissioner Roberts felt it is about job status. The City Manager felt if there is a manager that is not treating employees fairly, the Commission would deal with the manager. Commissioner Roberts understood that job protection and safeguards would remain; the change has to do with where they are located. The change would give the manager over any other manager flexibility and ability to act more quickly. Commissioner Rogers thought a telling fact is that the Civil Service Board has not convened in ten years. Ms. Stern recapped the chronology of this item coming to the Charter Revision Board. Mayor Seiler noted that it will go to the voters. It is an archaic system. Robert Walsh is the only individual besides the City Attorney who has provided input and Mr. Walsh is not an employee. Commissioner DuBose had concerns with the protection of this class of employees. Had this come forward during the former city manager's tenure, he doubted the conversation would have been the same. There may be hesitation with people coming to the Commission. There is a reason that the provision was put into the charter. He completely disagreed that everything would stay the same because it would mean that changes could be made with three votes whereas it is now at the discretion of the citizens. He saw it as a big difference. In response to Mayor Seiler, Commissioner DuBose did not think that provisions put into the charter a long time ago are obsolete because of that. The change would impact a couple hundred people. In response to Commissioner Rodstrom's question, Assistant City Manager Hawthorne explained that something as simple as a title change requires an ordinance amendment. In the perspective of the reorganization, seventy-five positions have been recommended to be eliminated. Departments now need to make adjustments. A code amendment is required and then the position needs to be advertised. They are having to wait months. In the case of the unions, the action can take place and items of that nature are on the evening agenda. For those positions not in the union, the process is laborious. It is really about efficiency. The City Manager clarified for Commissioner Rodstrom that these were vacant positions in addition to those employees who elected the Bonus Incentive Retirement Program. Before that program, he was dealing with 252 management confidential employees including directors. He elaborated upon the frustration at the department level in filling positions. The

closest title for a position to help with process improvement is financial management analyst. In order to change the title, there is a convoluted ordinance procedure. Mayor Seiler reiterated his belief that the system is archaic. There is no civil service board because there are no issues. The City Manager noted that according to the charter, he should go before the board to effectuate the title changes, but there is no board. Commissioner Rodstrom questioned why there are no members on the board in that it has not been abolished. In response to Mayor Seiler, the City Manager believed this group of employees is under two hundred. Commissioner Rogers pointed out that this is keeping the City Manager from doing what the Commission hired him to do, that is, reorganization. Commissioner Rodstrom was concerned about the long-term. In response to Mayor Seiler, Averill Dorsett, Director of Human Resources, indicated that no employees have come forward officially, but she understood that employees are inquiring and want to know about the item. She was not aware of any complaints. As to when the board last met, Senior Assistant City Attorney Bangel believed there was a Civil Service Board meeting in 2003 or 2004 relating to application of personnel rules. This board also reviews changes to personnel rules before presentation to the Commission. Regardless of whether the board has met, Commissioner DuBose felt it is about protection. The issue is about taking it out of the charter and putting it in the hands of three individuals. This class of employees does not have the same protection as other employees. This would move them into another situation. No one knows who the city manager will be ten or twenty years into the future. Commissioner Rogers felt the protection is having the board which is not being eliminated. Commissioner DuBose pointed out that items in the charter are stronger and there is more protection. He did not accept the argument that this is hampering efficiency because he felt the City has been efficient over the years. He agreed with the City Attorney. Commissioner Rodstrom indicated she also agrees with the City Attorney.

The City Manager asked that Charter, Section 6.02, relating to designation of non-classified employees, be accomplished by resolution. Commissioner Roberts agreed with the request. Commissioner Rodstrom thought the hesitation has to do with the enormous number of people previously hired and given contracts and the desire that this not happen again. She did not want to make a decision now.

The City Manager also requested that Charter, Section 6.05, relating to the pay plan and personnel rules, be moved to the code so that the City could be more streamlined in its ability to change the system under which it operates. The code could then be amended so that the pay plan could be adopted by resolution. Mayor Seiler suggested a charter amendment question, asking if the Commission could establish a pay plan by resolution. The City Manager noted the next sentence provides for anything disapproved by the Civil Service Board requires an affirmative vote of four members (of the Commission). Mayor Seiler thought that is the protection of Commissioner DuBose and Vice Mayor Rodstrom are concerned about, so it could stay in place. In such case, the City Manager felt the Commission needs to get a board up and running. Commissioner DuBose wanted to be informed of all of the related changes when the Commission is considering this item and not piecemeal. The City Manager explained that ordinances come before the Commission three times. He would like to make the process quicker and therefore recommends moving it to the code and providing for approvals by resolution. He also mentioned the idea of incorporating the pay plan in the budget.

There was consensus approval for the City Attorney to present the charter amendment questions in resolution form on June 5, 2012.

I-I – Pay Plan Amendments

The City Manager noted this item has to do with establishing new classes. Mayor Seiler and Commissioner DuBose inquired about the fiscal impact. The City Manager advised that they are consistent with similar classes across the organization. Assistant City Manager Stanley Hawthorne advised that there will be more detail provided in the ordinance. The 75 position savings (Bonus Incentive Retirement Program) will cover this. The City Manager confirmed for Vice Mayor Rodstrom that there could be any number of employees in one of these new classes; the Commission approves the number of positions in the budget. In response to Commissioner DuBose, Averill Dorsett, Director of Human Resources, indicated that the benefits associated with each of these new classes would be reflected in the pay plan and the assigned management category. The City Manager explained that the deputy director class, for example, could apply across the organization departmentally. In response to Mayor Seiler's thought that this applies to positions that will be in the upcoming budget, he explained that some are in the current budget as staff tries to catch up. Commissioner DuBose was concerned about associated benefits but decided to discuss it further with staff. Sometimes it is helpful to see items multiple times.

Note: The City Commission recessed at 5:29 p.m. and reconvened at 7:50 p.m. to address Item I-G in the City Commission meeting room on the first floor of City Hall.

I-G – Capital Project Portfolio Evaluation and Reallocation

The City Manager advised that based on this evening's input, a budget amendment will be presented on June 5, 2012. He has asked staff to look at all of the capital projects in all of the various funds that impact the General Fund and determine those that are still active projects, those funded through bond issues and the validity of such and make sure that bond proceeds are being expended timely so as to avoid arbitrage issues. The analysis provided (Exhibit 1 to Commission Agenda Report 12-086, Memorandum 12-135) starts to designate which projects should be closed and monies moved back to the fund balance, which should be removed from the 2011 Special Obligation Bond Funds and replaced with other projects that meet the requirements of the bond proceeds and make sure that all bond funds (2011 and 2008B Special Obligation) are allocated and will be timely spent. With respect to a FEMA Hazard Mitigation grant received by the City, in the amount of \$1,130,000, to retrofit City Hall for wind hardening, a total of \$2.1 million is needed to complete this project. He recommended the City not proceed with this project and that the grant funds be returned to FEMA. He recommended the following projects be charged against the 2011 Special Obligation Bonds: 1) Orange Bowl Committee improvements (Joseph C. Carter Park) in the amount of \$1.5 million; 2) completion of Southside School in the amount of \$800,000 and 3) Riverwalk lighting in the amount of \$150,000. There is a balance of \$1,931,000. He would like to devote these funds toward technology improvements. He intends to present a proposed list in the next thirty days that meets bond proceed requirements.

The following information was provided in response to Vice Mayor Rodstrom's questions: The City Manager confirmed that maintenance items have been removed and will be budgeted year to year until the City is in the position to establish a perpetual maintenance fund. He went on to explain that past practice has been to place funds in holding accounts and draw from those accounts for specific projects. He would prefer that the City budget for specific projects. Some projects listed on Exhibit B of Exhibit 1 or Memorandum 12-135, entitled General Capital

Projects Fund – Projects Recommended to Close, have some remaining funds that can go back to the General Fund and others are either maintenance or those that will not be done. Maintenance will be done based on staff's recommendations as to priority and approved by the Commission. With respect to Sistrunk Park Addition - Open Space 88, the \$1,975,000 is what the City put aside in anticipation of receiving funding from the County. However, the County did not move forward with the project. Vice Mayor Rodstrom indicated the last appraisal in 2008 showed a value of close to \$4 million. She thought it might be possible to acquire the property without the County. The area neighborhood wanted the property to be a park. Commissioner DuBose thought it is an odd place for a park. Vice Mayor Rodstrom indicated at one time the property was owned by Paul Hugo.

Rather than pocket parks that would be passive, Mayor Seiler wanted to find a way to provide more active sports field space. Soccer and Lacrosse programs are growing. The City Manager advised that he and the Director of Parks and Recreation will be meeting this week with the School Board's Superintendent to pursue more partnering with the school sites to provide more recreational space. Commissioner DuBose added that he has also spoken with the City Manager about potential areas for expansion and he hoped staff is pursuing those ideas.

Commissioner Rogers agreed with foregoing retrofitting City Hall for wind hardening. He wanted more information concerning the two Harbordale project fund amounts. The City Manager explained this is a good example of past practice. When a grant application was made, money was set aside, but money was never released from the other funding source. The project list for the 2011 Special Obligation Bond proceeds does not make sense. The money was borrowed and it has to be expended within a specified period of time. Nevertheless Commissioner Rogers wanted some detail about the Harbordale fund amounts. As to the criteria that a project is no longer necessary, Commissioner Rogers indicated that is a policy decision that the Commission should be making. The City Manager advised that these are staff's recommendations; the Commission must decide. Commissioner Rogers wanted to see the history of those projects where holding accounts were established. Commissioner Roberts agreed that for those projects that are already completed, the funds could be moved. They would not require anything further. Commissioner Rogers thought those projects already funded in another fund or through the operating budget also do not require anything further.

Commissioner Roberts appreciated eliminating the holding account approach because it brings more clarity to funding overall. Vice Mayor Rodstrom agreed and added that separation of maintenance is also a good idea. She returned to the Sistrunk Park Addition - Open Space 88 project to note a current appraisal of \$640,000; it is 2.01 acres.

The City Manager introduced new staff members, Laura Reece, who will be heading up capital projects and grants in the Budget office and Linda Logan-Short, Controller.

III-A – Communications to City Commission and Minutes Circulated for Period Ending May 10, 2012

Marine Advisory Board

Motion made by Chair Flanigan, seconded by Mr. Rensing, that the Marine Advisory Board encourages the continuation of night patrols by the Marine Unit, which are made possible by an Enhanced Marine Law Enforcement

Grant (EMLEG). In a voice vote, the **motion** passed unanimously.

The City Manager advised that this is being addressed by the Chief of Police.

Northwest Progresso Flagler Heights Redevelopment Advisory Board

Motion made by Mr. Wilkes, seconded by Mr. Sterner, that the Board renew their request to rename the portion of NE 6th Street from Federal Highway to the City limits as Sistrunk Boulevard. In a voice vote, the **motion** passed 12-1 (Mr. Lambrix dissenting).

Vice Mayor Rodstrom indicated that the Victoria Park neighborhood would like that portion that extends through Victoria Park to remain unchanged. Mayor Seiler believed it is only from Federal Highway west. Commissioner DuBose noted the advisory board's consideration of this matter on two occasions. The name stops at the railroad tracks which is where the city at one time was divided. It is a scar on the city's history. Dr. Sistrunk did great things in Fort Lauderdale. Streets named after individuals in other cities are not usually stopped at neighborhoods. There is really no reason not to show how far the city has progressed. Mayor Seiler wanted joint names from Andrews Avenue to Federal Highway and east of Federal Highway, it remains 6th Street as it is known. Vice Mayor Rodstrom indicated that Flagler Village is also opposed to the renaming. Mayor Seiler explained that the street would be known as Sistrunk and 6th. The portion that has a dual-name could serve as a transition. He suggested the item be brought back for discussion so that people can weigh in. Commissioner DuBose thought this issue will become county-wide. There is a lot of passion about the history.

III-B – Board and Committee Vacancies

Please refer to Regular Meeting Agenda Item R-03.

City Commission Reports

River Oaks, Flooding

Commissioner Rogers asked the City Manager to followup on flooding that is occurring in the River Oaks neighborhood.

Riverland Road Resurfacing

Commissioner Rogers indicated there are swale issues associated with the Riverland Road resurfacing that residents have reported could be a safety concern. He asked the City Manager to followup.

Building Permits Prior to 2007

In response to Commissioner Roberts, the City Manager advised that today he directed staff to discontinue the past practice of pursuing expired building permits for those issued prior to 2007 when the code changed. Those prior to 2007 will be addressed when the property owner applies for a new permit or when the property is being sold. Contractors will not be released

from a current job until a certificate of occupancy is issued or they are replaced by another contractor. In response to Commissioner Rogers, the City Manager indicated that to his knowledge he does not believe contractors are being penalized for expired building permits.

Florida Atlantic University

In response to Commissioner Roberts, Mayor Seiler advised that he sent a letter today, expressing the City's opposition to Florida Atlantic University closing its downtown Fort Lauderdale campus. He added that the Downtown Development Authority wants to join the City in this effort. Commissioner Roberts emphasized the importance of the City doing anything possible to keep Florida Atlantic University in the downtown.

Events and Matters of Interest

Members of the Commission announced recent and upcoming events and matters of interest including Commissioner DuBose noting that a code of ethics for employees and advisory boards will be forthcoming (from Broward County).

City Manager Reports - None

There being no other matters to come before the City Commission, the meeting was adjourned at 8:51 p.m. The Commission then convened as the Board of Directors of the Community Redevelopment Agency.