

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
JUNE 19, 2012

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CITY COMMISSION CONFERENCE MEETING 1:33 P.M. June 19, 2012

Present: Mayor John P. “Jack” Seiler
Commissioners Bruce G. Roberts, Charlotte E. Rodstrom, Bobby B. DuBose (arrived at 2:01 p.m.) 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 Mark Renner

Mayor Seiler announced that the City has qualified to receive a TIGER grant in the amount of \$18 million for the WAVE project.

With regard to the Visioning project, the City Manager announced that the social ideation website is live. The townhall meetings will be kicked off with the first one on Monday, June 25.

The City Manager also announced that the City will be participating in the National League of Cities’ prescription discount card program that will be run through the Fire Rescue Department.

I-A – Go Solar! Broward Rooftop Solar Challenge

Jeffrey Halsey, Broward County Environmental Protection and Growth Management, advised that an interlocal agreement relating to the building permit related services will be presented to the City in August. He reviewed slides on this topic. A copy of the slides is attached to these minutes. He responded to the Commission’s questions concerning Slide 7. He also advised that the County Board of Rules and Appeals is onboard with this program. He noted that the fee is a flat fee of \$539. Some discussion ensued about having a graduated scale. Mr. Halsey pointed out that the design cost is included. This is an alternative to the traditional process that will continue to be available. All permit fee revenue will be transmitted to the municipalities from the County. July 25 is the projected go-live. Mr. Halsey responded to Mayor Seiler’s questions about coordination with private sector contractors as well as Florida Power and Light Company.

Mayor Seiler opened the floor for public comment.

Mr. Halsey responded to Fred Carlson, president of Beach Breeze Apartments, Inc., 625 Orton Avenue, indicating that this program is devoted solely to residential rooftop solar panels. Mr. Carlson raised various questions about the genesis of the plan to which Mayor Seiler provided clarity and Mr. Halsey stressed the importance of simply getting started even if this is not a perfect solution. Mr. Carlson was interested in an approach for hot water heating, however, Mayor Seiler explained there is no available grant. In response to Mr. Carlson, Mr. Halsey thought the program could probably be used for a two-story condominium, not highrises.

Commissioner DuBose arrived at 2:01 p.m.

I-B – Amendment to License Agreement – Riverfront Property – Las Olas Riverfront Associates Limited Partnership and Issuance of Invitation to Bid for Dockage

This item was removed from the agenda by the City Manager.

I-C – Shippey House Update

Mayor Seiler asked that regular written status reports be furnished by the Friends of Shippey House, Inc. He explained that the Commission was not previously receiving information on this project. Commissioner Roberts wanted to be informed of the project's progress and oversight for it.

Mayor Seiler opened the floor for public comment.

Mary Fertig, Friends of Shippey House, Inc., referred to a recent Sun Sentinel article, that stated some City officials are concerned that there is not more visible progress, and contended this is a negative spin on a positive project. She pointed out the length of time it required to work out details for relocation of the house. She elaborated upon the generous donations toward the restoration.

In response to Mayor Seiler, Ms. Fertig indicated that she is not aware of any delay caused by the City's Building Division. Mayor Seiler pointed out that the City told people this project would be quickly completed so that the parking could then be addressed. He reiterated the need for regular updates. Ms. Fertig noted the letter from ReMax Preferred attached to Commission Agenda Report 12-1118 in this meeting's backup is dated May 9. Vice Mayor Rodstrom did not want to give the impression that the Commission is shooting the messenger, a volunteer. Ms. Fertig agreed to provide information on a regular basis but pointed out that the Sustainable Development Department is aware of what they are doing. They thought the Commission was being kept advised. The goal is New Year's Eve of 2012. Discussion turned to the subject of parking for this area and the upcoming parking plan. The City Manager noted the recently adopted valet parking ordinance has provided some relief. Staff is evaluating the area private lots and developing a recommendation to address non-conforming parking lots. There have been preliminary discussions with the Downtown Development Authority (DDA) and the Performing Arts Center (PACA) about making better use of the Performing Arts Center's parking garage. The County garage is really a daytime issue stemming from where their employees park, leaving only the rooftop and far away spaces for the public. It is available at night. In response to Commissioner Rodstrom, the City Manager advised that the City's garage rate is less than the others. Commissioner Rodstrom thought perhaps the meter rate should be reduced. Mayor Seiler believed the meter rates are the same throughout. Vice Mayor Rodstrom recalled the parking incentive that was offered for Las Olas Boulevard. Commissioner Rogers emphasized the need for a plan. He felt there is enough parking, but people are not informed of the availability specifics.

Diana Alarcon, Director of Transportation and Mobility, indicated there are planned meetings with both the DDA and PACA about employee parking effective August 1. Staff has started working on a marketing campaign to advertise the garage and establishing an hourly rate when there is no event. Valet parking is also helping. Commissioner DuBose asked about plans to accommodate upcoming new businesses. Commissioner Rogers pointed out that the AutoNation building has a garage that may welcome more revenue from parking. Ms. Alarcon advised that private facilities are also being examined. In response to Vice Mayor Rodstrom, Ms. Alarcon indicated that discussions have included the idea of adding floors to the PACA garage as an opportunity in the future although the need does not exist currently.

Returning to the Shippey House timeline, Commissioner Rogers pointed out the necessity to process changes through the Historic Preservation Board which is a sixty to ninety day process. He also emphasized that this is a volunteer effort. He referred to the timeline of other similar

projects such as the Annie Beck House. These points need to be kept in mind. He encouraged starting to think about the end-use. Ms. Fertig believed there have been ongoing discussions in that regard. In response to Mayor Seiler, Genia Ellis of Riverwalk Trust, indicated their interest.

I-D – Broward League of Cities – Issues Survey for 2012-2013

Commissioner DuBose suggested the Commission set out more specifics. One example is the E911 Call Taking and Dispatch Services. Commissioner Roberts wanted cities to have flexibility with legislation enacted at the state level and not be mandated. Pension reform is an example. Commissioner DuBose believed there is some exception with respect to pension. Commissioner Rogers referred to Chapters 175 and 185 and felt the City needs to be very specific about its priorities. There was consensus to include Chapters 175 and 185 flexibility for local usage. Commissioner Rogers suggested flood zone relief. Commissioner DuBose commented on the proposed rate increases, lifting of the cap and thirty-seven percent of the policies are in Florida. There may also be a provision that could result in homeowners getting dropped from coverage by Citizens. Coastal areas of Florida are of particular concern. Commissioner Roberts felt it impacts economic development in addition to residences.

Mayor Seiler summarized the priorities are 1) Chapters 175 and 185 local flexibility, 2) unfunded mandates and 3) flood, property and wind insurance. Commissioner Roberts wanted to include communications and dispatch. Mayor Seiler wanted to include business tax receipts. Commissioner DuBose will complete the remainder of the survey.

I-E – Mix It. Curb It - Single

Loretta Cronk, Recycling Coordinator, reviewed slides on this topic. A copy of the slides is attached to these minutes. She, other staff members and Jim High of Otto Environmental Systems North America, responded to logistical questions including pickup of existing containers in a time frame that will give the City credit for their return. The City Manager noted that this is one of the first major purchases through the purchasing card system for rebate purposes. The rebate is \$22,000. Ms. Cronk indicated that additional recycling with this program will be tracked.

I-F – Estimated Federal Housing and Community Development Funding and Proposed U.S. Department of Housing and Urban Development Annual Action Plan of Consolidated Plan – Fiscal Year 2013

Jonathan Brown, Housing and Community Development Manager, noted that not all funding was allocated when this item came before the Commission on April 17. Public Works has identified a number of neighborhood capital improvement projects already approved by the Commission that are being presented for consideration. A status report of the HOPWA Program is provided (Exhibit 2 to Commission Agenda Report 12-1120) as well as performance indicators for the public service agencies as recommended by the Community Services Board (Exhibit 3).

In response to Commissioner DuBose, Mr. Brown explained with a \$300,000 cut in Community Development Block Grant (CDBG) funding, the Commission set aside funding in the HOME Program: a little over \$300,000 for rehabilitation and \$100,000 for first-time homebuyers. There is also the Neighborhood Stabilization Program. In further response, Mr. Brown indicated that staff has vetted with the various agencies the issue of meeting deadlines for expenditure of funds required by HUD. In response to Commissioner Rodstrom, the City Manager explained

that the issue is which part of the budget needs the most relief with use of federal programs. The Community Redevelopment Agency (CRA) has sufficient funds. This provides funding for programs that would normally be funded by the General Fund which is more stressed. In response to Commissioner Roberts' question about the performance indicators and benchmarking in Exhibit 3, Mr. Brown advised there is a pre-assessment at the beginning of the program and a post-assessment at the end of the program. Commissioner Rogers felt it would be helpful for all of the agencies receiving funding to collaborate with each other. Mr. Brown indicated staff will have the agencies present to each other and then they will look for such opportunities.

Mayor Seiler opened the floor for public comment.

Angela Dawson provided a verbal update on the law office project underway on the Sistrunk corridor with an anticipated completion date of June 30. She requested consideration for funding the Alfred Lee Washington Center for Legal Services, an additional site to be attached to the existing structure that will be a non-profit legal center and a collaboration with Nova Southeastern University Law School. The program will be an external placement internship, focusing on the elderly, battered spouses, disabled battering and abused and neglected children. She went on to indicate that her original application has been amended, reducing the funding request from \$200,000 to \$181,500 for construction costs. Phase Two is \$398,500 with \$181,500 for construction, \$217,000 for operating and \$40,000 to purchase property for parking.

In response to Mayor Seiler, Ms. Dawson indicated that of \$90,000 allocated by the City, \$50,000 is remaining. Mr. Brown indicated that the grant was for a three-year period, concluding in September. Ms. Dawson's contractor believes the project can be completed by the end of this month and the City's inspector estimates it can be completed by the end of July. Ms. Dawson indicated that Phase One was to create three new jobs and rehabilitation of an existing structure. An office manager position has been created but not yet situated on Sistrunk. The three new positions should be effective sometime in July. They are for the law office in addition to herself and an existing assistant. With respect to Phase Two, a non-profit legal center, \$118,000 is for a fulltime attorney, a receptionist, a legal secretary and a stipend for the law students of \$25,000. Mayor Seiler noted that there are already two pro-bono legal aid services in the county. He questioned creating a third. Ms. Dawson believed it is needed based on her research of federal regulations. The services to be provided and the jobs created satisfies the requirements.

Mayor Seiler wanted to see Phase One completed before proceeding with the next phase. It was noted that it was slated to be completed in 2010. In response to Mayor Seiler, Ms. Dawson indicated that the center for legal services (Alfred Lee Washington) was incorporated in 2009. Commissioner Roberts agreed that Phase One needs to first be completed. Mayor Seiler asked Ms. Dawson to have the dean contact him to discuss the program. In response to Commissioner DuBose, Ms. Dawson clarified that in addition to the \$90,000 funding, she received \$55,000 in CRA façade funding. Both Commissioners Roberts and DuBose were skeptical that the project could be completed by the end of the month. Commissioner DuBose explained that the City is looking to see outcomes and a completed project and satisfying HUD requirements before discussing a second phase.

There was consensus approval of recommendations contained in Commission Agenda Report 12-1120.

I-G – E911 Call Taking and Dispatch Services – Police and Fire

The City Manager indicated that there are two issues. The first is with regard to paying for E911 Call Taking and Dispatch Services for the Police Department. Last year Broward County Commission did not fund the Sheriff's budget sufficiently to fund the Fort Lauderdale PSAP (public safety answering point). Under protest, the City started making payments for the service starting roughly in November. It was also communicated that there would be progress made toward a 2012 countywide program treating all cities equally. The Consolidation Communications Committee submitted a report to the County Commission that was accepted. The County then formed an implementation board. He did not think anything will happen until October 2014. There is no indication that the County will require any other entity to start paying for services in October of this year. The City has stopped paying. The Sheriff's response is provided as Exhibit 1 to Commission Agenda Report 12-1013, indicating services will be discontinued in September. He understood this matter will be discussed at the June 26 County Commission meeting. He listed those cities that will continue to receive funding for services from the County General Fund and ad valorem taxes: Cooper City, Dania Beach, Davie, Hallandale Beach, Hillsboro Beach, Lauderdale-By-The-Sea, Lauderdale Lakes, Lauderhill, Lazy Lakes, North Lauderdale, Oakland Park, Parkland, Pembroke Park, Sea Ranch Lakes, Southwest Ranches, Tamarac, Weston and West Park. Four of these municipalities have their own police departments. While the County would like Fort Lauderdale to pay, it has not made a likewise demand of Wilton Manors which receives services out of Fort Lauderdale's PSAP as well.

In response to Mayor Seiler, the City Manager estimated the cost of the City providing its own services would be a little under \$5 million. About \$3.5 million would have to be added to the General Fund with no corresponding revenue. A lengthy general discussion ensued as to whether this decision is that of the Sheriff or the County. The City Auditor indicated there are items in capital side of the Sheriff's budget that could have been allocated by the County to carry Fort Lauderdale until the issue is resolved in a more global fashion. Money that went into the capital was actually surplus from prior years' operating funds which would require a decision by the County. The City Manager indicated that in fiscal year 2011, the County requested numerous reductions and notified several cities that they would have to begin paying for services. At the last minute, they decided to fund it another year. This year the Sheriff requested funding for all other cities except Fort Lauderdale. The City Manager noted a County charter amendment some time ago that required the County to pay for radio infrastructure. There are several cities, including Fort Lauderdale, that have continue operate their own radio systems with no contribution from the County. As to the \$40 million radio system fix project, he was told there is no funding for Fort Lauderdale. The City just funded \$3.5 million in a seven-year fix to its system. The ultimate cost will be between \$11 and \$20 million. He would like to ask the County to provide dispatch services until it begins funding the City's radio system or absorbs it into the countywide system. The County is not paying toward any municipal radio system at present. He estimated the soonest that the City could integrate into the County radio system and the cost would be borne by the County would be 2015 or 2016 because of capacity issues. The City Attorney explained that the charter amendment addresses fire and medical calls, not police; it is titled communications infrastructure. In response to Mayor Seiler, Commissioner Roberts recalled at the time the charter amendment was put before the voters, it was considered public safety dispatch. The City Manager indicated that the County acknowledges it means the radio system that carries both fire and police because it is the same system, not E911.

Commissioner Roberts agreed with Commissioner Rogers that a legal answer is needed. Discussion ensued about positions to take in a legal proceeding. Commissioner Rogers wanted the City's response to the Sheriff should include a request that he include in his budget funding for Fort Lauderdale as he has for the other cities.

The City Manager presented an alternate revenue proposal (Exhibit 3 to commission agenda report) attached to these minutes. He explained that this proposal has been presented to the other cities and he hopes to hear their feedback at the next meeting on Thursday. He is also seeking input from the Commission. Commissioner Roberts added that Fort Lauderdale is paying \$36 per call whereas other cities are paying \$18.50 which is another issue. The City Manager explained that this price is driven by staffing. He has never been able to get a definitive answer for the deviation. In comparison with Pompano Beach staffing, Fort Lauderdale has twice as many calltakers for ten percent more calls than Pompano Beach. The Sheriff has stated this is the amount of staffing needed. A MSTU (municipal service taxing unit) would mean \$3.3 million from Fort Lauderdale property taxpayers and on a per-call basis it would be \$1.9 million.

Mayor Seiler pointed out that Fort Lauderdale is a donor city on almost every project. Commissioner Roberts saw savings in the future with consolidation, but the next two or three years will be difficult. In response to Commissioner Rogers, the City Manager advised that the MSTU would be the County Commission. Sixteen cities are better off paying one way and the other fifteen are better off paying the other way. The City Auditor suggested a flat availability fee and then per call. The City Manager explained with the County paying \$19 million along with the State funding, those funds are considered the availability cost and were used to arrive at the per call rate. In response to Commissioner DuBose, the City Auditor explained that the Sheriff believes he can achieve a higher level of productivity from his facility than is currently being done. The City Manager added that the Sheriff would require the City to reduce their radio channels from three to two that would require reconfiguration. Commissioner Roberts indicated that would not work, although consolidation would mean less supervision staff. He went on to expand briefly on service complaints in the county.

Mayor Seiler asked the City Manager to pursue consensus amongst the other cities on the alternate revenue proposal (Exhibit 3), and to meet with the City Attorney as to pursuing a legal answer and come back to the Commission. Commissioner Roberts pointed out that this matter is needed by the July 10 meeting.

I-I – 111 Properties, Inc. v. City – Land Use Dispute Resolution Action – Special Magistrate's Report and Recommendations pursuant to Section 70.51, Florida Statutes regarding property located at 109 SW 2 Avenue

Steve Tilbrook, representing III Properties, Inc., advised that this is the site of America's Backyard Revolution Live. This relates to a code complaint from over a year ago. The Special Magistrate recommended that the code provision as applied to America's Backyard was unreasonable or unduly burdensome and recommended seven alternative means for accomplishing the public interest. III Properties is willing to waive the time requirement, would like to work with City staff and present a recommendation within ninety days.

There was consensus approval as requested.

I-H – Capital Projects Reallocation

This item was placed on the agenda at Commissioner Rogers' request. He did not object to closing projects and returning surplus funds. However, there were policy decisions made by staff that the Commission should address. He referred to Exhibit 2 of Commission Agenda Report 12-1112, SE 15th Street Boat Launch & Marine Complex. Staff has indicated that the contractor was going to be terminated and the project rebid. But for having to terminate the contractor, this project would have already been started. He felt this project needs a placeholder. The project was approved. There is grant funding available. With respect to 2007-2008 Annual Dredging, he wanted to keep this as a placeholder as well until the Commission is informed of the priorities and big picture. The Commission has not decided on which areas should be done. Las Olas Transportation Plan Implementation and City Centre Posts and Signs are other examples of projects that should have a placeholder. Commissioner Roberts remarked about conduit boxes and wiring from WaterWorks 2011 needing attention in the Sunrise Intracoastal area that is not on the list although he has emails, indicating it should have been included for the next five-year cycle. The Commission should be able to decide how to use the funds from projects coming out of the list. Another item is a feasibility study for a sound barrier wall at Palm Aire Village West that was promised with the annexation in 2003.

Commissioner DuBose thought staff's proposal speaks to what this Commission has been discussing. He felt the discussion is getting off-track. Vice Mayor Rodstrom commented about past practice of projects being placed in the CIP (Capital Improvement Program) even though there was no funding. She did not agree with tying up dollars with placeholder projects. Commissioner Rogers stressed his desire to keep projects on the radar which does not involve expending any dollars at this time. In other words, he wanted to keep the projects on the list. The City Manager explained that the CIP will have a list of unfunded and funded projects. Projects that the Commission wants to move forward with should be placed in the strategic plan. Commissioner Rogers pointed out that there is not a list of all CIP projects, approval dates and funding. Commissioner Roberts liked the idea of having a list of funded and unfunded projects. Mayor Seiler concluded the discussion by noting that a list of funded and unfunded projects will be provided.

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

No objection.

II-A – South Side School Update

Mayor Seiler asked this item be rescheduled on the July agenda.

II-B – Fiscal Year ending September 30, 2011 Single Audit Report and Management Letter

Scott Johnson of C. Borders-Byrd, CPA, LLC, indicated that a presentation was made to the Audit Advisory Board. Overall, the report shows significant progress in terms of compliance. Both the number and severity of the findings have decreased. Ten programs were tested. There were eleven findings as compared to seventeen in the prior year. There were no new findings this year. Management has addressed the findings. There are still has some problems in the area of sub-recipient monitoring with HOPWA and Community Development Block Grants (CDBG). These were the two qualified findings. The other eight programs have unqualified findings meaning that the findings, if any, were less severe. Overall management's responses to the findings this year were much more corrective-action oriented.

In response to Commissioner Rogers, Mr. Johnson explained that approximately half of the sub-recipient expenditures were not properly monitored.

Vice Mayor Rodstrom referred to 2011-8 Statutory Earmarking – SHIP (Page 163) and questioned the statement that the staff will seek Commission approval to increase the administrative funds from 5 percent to 10 percent. Mr. Johnson advised that the statute allows 10 percent. Jonathan Brown, Housing and Community Development Manager, advised that the City has not received any SHIP funds and no changes to administrative fees have been approved. Vice Mayor Rodstrom thought from a process standpoint, the increase should happen before the City accepts funding. Mayor Seiler elaborated that at the Florida Urban Partnership meeting, concern was expressed by all of the mayors of the ten largest cities about the lack of SHIP funds. There may be an opportunity for some funding to be forthcoming directly from the executive branch.

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 5:14 P.M.

The City Commission shall meet privately pursuant to Florida Statutes 768.28(16), regarding the following:

- 1) Winston Dudley v. City of Fort Lauderdale (File PP L 10-1118)**
- 2) Estate of Richard Sanzare v. City of Fort Lauderdale (File VA GL 09-980)**
- 3) Dorothy Sanzare v. City of Fort Lauderdale (File VA GL 09-98111-61801)**
- 4) Edlyms Gonzalez v. City of Fort Lauderdale (File VA GL 11-1043)**

CLOSED DOOR SESSION ENDED AT 6:01 P.M.

Note: After the closed door session, the meeting reconvened on the first floor at 7:28 p.m. for City Commission Reports.

City Commission Reports

Utility Graffiti

Commissioner Roberts provided a photograph of spray painting by utility work crews in the Galt Ocean Mile area. The paint is on sidewalks, paver bricks and landscaping. He requested the City Attorney and staff develop an ordinance to enforce use of products that are less enduring. Vice Mayor Rodstrom suggested organizing efforts for people to attend upcoming construction open house forums and voice their concern.

Events and Matters of Interest

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

III-A – Communications to City Commission and Minutes Circulated for Period Ending June 14, 2012

Board of Adjustment

Motion made by Mr. Stresau, seconded by Mr. Madfis,
to request the City Commission consider amending the

ULDR to provide for the posting of notice on motions for re-hearing. In a voice vote, motion passed 7-0.

Greg Brewton, Director of Sustainable Development, indicated there would not be a problem with this suggestion.

Police and Firefighters Pension Board

The 2011 Audit was presented with a clean opinion. The actuary presented the five-year experience study. This study revealed that having members enter the DROP at a later time does indeed save the City money.

III-B – Board and Committee Vacancies

Please see regular meeting item R-01.

City Manager Reports

IV-A – Fuel Price Risk Management Program to Authorize Allowable Investments for Safeguarding from Fuel Price Volatility

The City Manager advised that the City would use the services of an advisor. An RFP has been issued and a response received from Linwood Capital, LLC. The fee would be \$2,000 per month. The contract would be for one year with one-year renewals. This matter will be presented at the July meeting. During discussion of this item, the City Manager noted this program and advisor was used successfully in Palm Bay where he was formerly city manager. In response to Vice Mayor Rodstrom, the City Manager advised that the item will be on the July 10 agenda.

There being no other matters to come before the City Commission, the meeting was adjourned at 7:50 p.m.