

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING**  
**NOVEMBER 20, 2012**

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Present: Mayor John P. "Jack" Seiler  
Commissioners Bruce G. Roberts, 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 David Cortes

### **City Commission Reports**

#### **Events and Matters of Interest**

Members of the Commission announced recent and upcoming events and matters of interest including an update on homelessness.

#### **Crosswalks; Sistrunk Boulevard**

Commissioner DuBose requested the City Manager followup with designating crosswalks with signage for Sistrunk Boulevard. He has a couple potential locations to suggest. The City Manager provided a verbal update on both the crosswalks, based upon Commissioner DuBose's comments on November 6, and a crossing guard. Broward County approval will be needed for the crosswalks and he will followup with Commissioner DuBose on the application.

#### **Sistrunk Boulevard Improvements Project**

In response to Commissioner DuBose, Albert Carbon, Director of Public Works, advised that are some minor remaining punch list items; Commissioner DuBose's comment on the lights was noted during the walk-through.

Mayor Seiler asked and there was consensus that staff not release the punch list until it is reviewed by Commissioner DuBose.

#### **Viva Florida 500**

In response to Commissioner DuBose, Chaz Adams, Public Information, advised that a meeting is scheduled next week with Parks and Recreation staff concerning this matter. The City Manager advised that there is no specific deadline to submit an event. The City's historical information has been submitted in coordination with Florida League of Cities.

#### **Florida League of Cities; Legislative Conference**

Commissioner DuBose reported on the Florida League of Cities' legislative conference. Concerning communications services tax and local business tax, he noted these have an impact of about \$17 million on the City's budget. The League will be working on these items. Mayor Seiler asked that these items be added to the work plan for the City's lobbyists.

Gate at Riverwalk and 7 Avenue Bridge and Lighting

Commissioner Rogers asked the City Manager to followup on complaints received about the gate at Riverwalk and the 7 Avenue bridge being locked as well as some lighting being out and a utility pole missing.

School Alarms; Croissant Park

Commissioner Rogers indicated that when power goes out in Croissant Park, it sets off the area school alarm. If it happens over the weekend, it is not turned off. Also, the football program in this area is not allowed to use the school's restrooms. He felt an effort should be made to resolve these issues with the new school superintendent. The City Manager explained a partnership on use of restrooms is at the discretion of the principal and there are no specific guidelines for the principal to use in making that determination. The School Board would like to be named on the City's insurance policy. The City is self-insured, but the School Board does not recognize self-insurance. The City Attorney indicated that the School Board would like a private policy for \$1 million on every facility. The City Manager indicated the last issue to work through with the School Board is how much would be reasonable to reimburse the School Board for use of facilities such as restrooms. There is the question of whether the City should pay for the School Board staffing or the City should have access and responsibility on its own. Commissioner Roberts recalled a program through the Police Department during the summer that provided programming at the high schools. The City had access. He agreed it should be pursued. Commissioner DuBose pointed out that there are interlocal agreements for parks adjacent to schools and the City does not charge a fee. In response to Mayor Seiler, the City Manager advised that Assistant City Manager Torriente and the Director of Parks and Recreation are taking the lead on this. He will also be meeting with School Board representatives. He noted that the School Board is in the process of overhauling their reciprocal use program countywide.

Returning to the issue of the school alarm being turned off on a weekend if it is a false alarm, Mayor Seiler directed the City Manager to contact the facilities manager.

Bike Racks and Recycle Containers for Boat Show

Commissioner Rogers had received complaints about there not being any bike racks or recycle containers in the area for the boat show.

City Representation on Outside Organizations by District II Commissioner

Mayor Seiler indicated that former Commissioner Rodstrom serves on several boards on behalf of the City. There was consensus on the following interim arrangements:

Commissioner Roberts will serve as alternate voting delegate to the Broward League of Cities.

Mayor Seiler will serve on the International Swimming Hall of Fame Board of Directors and Sunrise Key Neighborhood Improvement District Board of Directors.

Note: Please also see Item BUS-6 on page 3.

Emails to District II Commissioner

In response to Mayor Seiler, the City Attorney indicated because District II candidates have requested emails that are directed to District II, it would be appropriate to respond by providing the emails which are public record. Public records requests do not have to be made in writing. Mayor Seiler asked Scott Wyman, District II Aid, that qualified candidates for District II along with the full Commission be provided with all incoming emails for District II. From an administrative aspect, Maxine Singh, Commission Assistant Coordinator, will work with Mr. Wyman and from a policy standpoint, Mayor Seiler will work with Mr. Wyman.

**CF-1 – Quarterly Investment Report – period ending September 30, 2012**

There was no discussion.

**City Commission Reports**Draft Historic Preservation Ordinance – Historic Preservation Board

In response to Mayor Seiler, the City Attorney advised that the Historic Preservation Board would like to explain their position on a few items that did not get incorporated into the re-write ordinance. Commissioner Rogers requested a side-by-side comparison of existing and proposed language. The City Attorney indicated that this could be provided on December 4. Mayor Seiler concluded that a decision could then be made as to whether the Commission should speak to members individually or the matter be scheduled before the Commission.

**BUS-6 – Appointment of Vice Mayor and Selection of City Representative to Broward Metropolitan Planning Organization**

Commissioner Rogers offered to serve and there was consensus approval for him to represent the City on the Broward Metropolitan Planning Organization (MPO). Commissioner Roberts noted that the MPO vice chair position is now vacant (Former Commissioner Rodstrom had served in this capacity) and there will be nominations at the next meeting. Commissioner Roberts indicated that he will be pursuing the position.

As to vice mayor, Mayor Seiler noted that Commissioner Roberts would be next to serve next year. He felt it makes sense for Commissioner Roberts to be appointed vice mayor now for this interim period and then continue for the full term. There was consensus approval. Commissioner DuBose will continue to serve as the City's representative on the Tourist Development Council.

**BUS-2 – All Aboard Florida Project Environmental Assessment – Request for Letter of Support**

Mayor Seiler expressed support for the request. The City Manager as well as the City Attorney indicated they have reviewed the letter and have no objection. The City Attorney indicated that customarily the City does not pre-approve projects, but in this instance the pre-approval is a concept. It does not take the position that the City is pre-approving any development application that may come before the City in conjunction with this project.

Commissioner DuBose was concerning about reference to closure of NW 2 Street. The City Attorney advised that the City is not locked into closing 2 Street. Debbie Orshefsky,

representing All Aboard Florida, indicated that this reference is included because it is contained in the environmental impact statement under review. One option would place the station north of Broward Boulevard and essentially adjacent to Broward County bus facility. The platform is 800 feet and it would extend into 2 Street. Rerouting options are being explored. As part of the development review process, all options would be presented. The environmental assessment identifies all of the pro's and con's of all of the options. One con of the north of Broward option is the potential closure of 2 Street. Approval of such a closure is not occurring, but rather it is being identified as a negative that will have to be addressed. Although he does not wish to stop consensus approval of the request, Commissioner DuBose wanted to be clear that he is adamantly opposed to closing NW 2 Street. Ms. Orshefsky reiterated that the environmental assessment is also not comfortable with such closure and it states that this will have to be addressed if this option moves forward. There was consensus approval as presented.

### **BUS-1 – Status of Public Safety Radio System**

The City Manager explained when the E911 call taking and police dispatch services topic was discussed on November 6, his report made reference to some failures occurring with the 800 MHz public safety radio system and Commissioner Roberts had requested a more extensive review.

Mike Maier, Chief Technology Officer, reviewed slides on this topic. A copy of the slides is attached to these minutes. The City Manager advised that maintenance of the 800 MHz radio system is part of the City's conflict resolution discussions with Broward County which by county charter there is an obligation on the part of the County with respect to infrastructure for a countywide public safety network. If the City ultimately joins the 800 MHz radio system at the county level, which the County Administrator has indicated has an associated ten-month lead time for implementation, this would not be necessary. However, if the issues cannot be resolved, the City will have to make a judgment call as to continuing to operate under current conditions or make a capital investment to make this fix and ultimately the P25 migration. Overall, it is about \$11 - \$16 million for the final end product. He has been told that Broward County's system is also at its end of life and they have similar issues. That cost is in the area of \$56 million.

The following information was furnished in response to the Commission's questions: Mr. Maier advised that the equipment is proprietary. The City Manager indicated that today's information reflects a \$4.4 million bandaid that will give the City another five years' use of the system. However ultimately the entire system needs to be upgraded to a P25 which is the reason for the additional noted cost. Commissioner Roberts pointed out that choosing one of the options in today's information does not preclude the City from consolidating in the future. The City Manager agreed, but pointed out that the question is whether the cost could be recovered. Commissioner Roberts felt the consolidation will be delayed; there will be some hold-outs. He referred to the CADD system and questioned whether the City would be downgrading the quality of its communications by consolidating. He touched on the timeframe for P25 compliance. He felt there are aspects as discussed that will take time Mr. Maier pointed out if the system failed tomorrow, he could not get it operational under Option Three (Slide 12) for nine months. Commissioner Rogers questioned whether it is actually at a stage of duct tape and wires. Further, he questioned a ten-year obligation when technology changes so quickly. Mr. Maier indicated this is the best product available now. Technology is like a train going down the track. One has to get on at some point, but as soon as he or she does, they are out of date. This is a crossroads. Option Three for ten years was chosen because of the price. Commissioner Roberts pointed out that the City has been sitting on this issue for a couple of

years. Mr. Maier indicated that in June he commissioned Tusa Consulting and their recommendation was also that the City needs to do something. Mitchell Nowak of Motorola advised that the lease can be paid off at any time without penalty. Mr. Nowak went on to explain that the equipment is built to be used for a period of twenty years, understanding that municipalities cannot afford to replace it frequently. It could be migrated if the City goes with the County in the future, provided the County chooses Motorola. Infrastructure is vendor specific. Radios are an open forum. This solution is an overlay for police and fire only on twelve of the City's twenty-six channels; it is all infrastructure. If the City had already consolidated with the County, it would be a County expense. The number of channels provides more capacity which is a positive for the City. With a City system, growth, updating and regulating are under the City's control. The main advantages to staying independent are capacity and control. The City Manager advised that the fixed lease rates are pretty competitive. Commissioner Rogers preferred a lease as opposed to a lease/purchase. Commissioner DuBose pointed out that with there being others vendors in the market, the City does not know if it is getting the best rate. He was concerned about being locked in for ten years. If something else happens with the other balls that are in the air, the City would not have the ability to benefit from anything. Mr. Nowak indicated that the County is in a similar position to the City. He commented that the County is already purchasing Motorola digital radios. Troy Bailey, Information Technology Services, explained in that case, all of the City's radios would have to be replaced, which is why the goal would be to go to P25 phase one and stay analog. Unlike the County, the City does not have a capacity issue. If the City went with another vendor, all radios would have to be replaced. In 2009, the City spent approximately \$2.49 million on radios with a 7-10 year life cycle. He elaborated upon upgrade planning ideas and noted that Oakland Park, Wilton Manors and Pompano Beach also use the City's system. He felt too much is invested for the City to go with the County. Commissioner DuBose did not see that there is any other good financial option. Mr. Maier advised that the City is in a bandaid situation if it does not do anything. Parts are not available. At some point, police and fire will have less channels from which to work. For this \$4,420,788 investment, Mr. Bailey indicated the City will have a 12-channel P25 state of art system that will carry the City for the life of that electronic equipment itself. The City Manager was reluctant to use the state of art term because that would be full digital. Mr. Bailey did not see any need to go to digital which would be phase two because all radios would have to be changed out. The City Manager felt there is an extreme value from an operational standpoint in a fully digital P25 if funds were unlimited. There are more features and interoperability. Mr. Nowak advised that the only difference between phases one or two is bandwidth. Staying with 800 MHz enables the City to get a better lifespan from its current radios. Commissioner Roberts emphasized that the City cannot afford to have a system that fails. The City could migrate to a County system even if this option is exercised now.

The City Manager indicated that the Implementation Board's (Broward County Consolidated Communication Implementation Advisory Board) report will be presented on December 4. A big part of the report is that some twenty-eight cities have agreed that there should be a countywide funding source for E911 call taking and police/fire dispatch. If that is the case, it makes sense to participate. If the County opts not to go with a countywide funding source, it is staff's opinion that an independent system is probably best. The County will not be receptive to letting the City join the 800 MHz system and there will be a legal battle. He recommended the City wait to see the County's final action on a regional system in the February time frame. Commissioner Roberts pointed out the time required once a course of action is decided upon. Conditions are getting worse. Staff is practicing fail-soft procedures. If there is a way to proceed on both tracks simultaneously, it would be his preference. Mayor Seiler agreed, but did not want to make a long-term policy decision based on this short-term issue. He did not want to close the door on the County. Commissioner Roberts was concerned about further delays. The City Manager felt

on December 4 it will be possible to get a good sense whether a countywide funding source is in play. Commissioner DuBose understood the potential failing risk, but felt if an additional \$4.4 million is invested, the door is truly closed. Commissioner Roberts was not willing to wait much longer than December 18. He was prepared to move forward now. With some twenty-eight cities expressing interest in joining a countywide system, Mayor Seiler was concerned about Fort Lauderdale, the largest municipality in the county, turning away from the County. With a countywide system, Commissioner Roberts pointed out that the City would also be giving up a lot. Fort Lauderdale is not like the other municipalities.

There was consensus approval to place this topic on the December 18 agenda. Commissioner Rogers reiterated his request for a lease proposal. Mayor Seiler and Commissioner DuBose concurred.

Mr. Nowak thought the City would likely still pay \$4 million for a short-term lease. The equipment is customized. Mayor Seiler raised the idea of such a system being used in the future by the County. Mr. Nowak was not certain of the County's implementation timeline, but saw mention of 2017 online. Every vendor meets the twenty-five standards associated with P25 and then each vendor goes above and beyond in certain aspects. Therefore infrastructure is not interchangeable. Motorola has won every bid in Florida. Commissioner Rogers felt Motorola should look at how it does business and consider making equipment compatible with another vendor. Mr. Nowak indicated in the P25 realm there are components that can be put into place to talk to other vendors. However, when relying on someone to be responsible for the integrity of their system, one would not put together parts from different companies together. It would be preferable to put the weight on one entity. Commissioner Rogers understood the risk, but wanted Motorola to look into any possible areas of compatibility to put the City in a better position. Mr. Nowak noted that many of the cities using the County system today have Motorola tier 2 radios and use of the advanced features on those radios will only be possible with certain infrastructure. There is probably a lot of push for Motorola because of this fact. The City Manager noted that the County took the communications infrastructure away from the Sheriff this year and made it part of the County organization. Mayor Seiler wanted to be reimbursed if this investment was made and the City subsequently joined the County.

### **BUS-3 – Job Accelerator Zone “JAZ” Program**

Alfred Battle, Economic and Community Reinvestment Manager, highlighted information in Commission Agenda Memorandum 12-2334. Michael Goldstein of The Goldstein Environmental Law Firm, P.A., reviewed slides on this topic. A copy of the slides is attached to these minutes. Over the past fifteen years since enactment of the State Brownfield Program there has been a tremendous amount of private capital toward sites that are economically marginalized whether it be real or the perception of environmental contamination. A pre-existing area-wide Brownfield designation would rapidly accelerate the number of private sector dollars toward environmentally challenged areas in the city that are also economically challenged. It was confirmed for Mayor Seiler that Wingate would be eligible if it was in the area designated. Mr. Goldstein went on to elaborate upon other benefits that would apply to Wingate as a Superfund site.

Mayor Seiler asked what would be the down side to a Brownfield designation. Mr. Goldstein indicated there will be questions about the designation creating a stigma or some sort of economic challenge. Some agencies have opted to use a different term. The City Attorney pointed out that it must actually be designated a Brownfield from a legal standpoint. Mr. Goldstein explained that admission of property being a Brownfield is not an admission as to any

specific fact or circumstance related to the actuality or perception of contamination. Discussion ensued about a lawsuit alleging contamination wherein the City has denied there is none and subsequently the area is designated as a Brownfield. Mr. Goldstein commented that evidence of contamination is proven by scientific data whereas this is a classification relating to the economic use of a property and does not turn on the documentation of any particular contaminant of concern subject to environmental regulation. The statute does not require any particular finding one way or the other. It says that the Commission must consider factors in the slide titled "Local Government Brownfield Designation Criteria Pursuant to s. 376.80(a), Florida Statutes". However, the statute does not require the Commission to come down on one side or the other. The proposed area of one-third of the city is broad but not more broad than what other communities have designated.

Commissioner Rogers felt both the reality and perception could be troublesome. He was concerned about using a broad brush. Mr. Goldstein suggested the City proceed with the public hearing process as well as individual meetings with members of the Commission. In response to Commissioner Rogers as to whether this has been done in any South Florida cities, Mr. Goldstein indicated Miami and it is in the works in North Miami Beach and Miami Gardens. In further response, Mr. Battle outlined services that The Goldstein Environmental Law Firm, P.A. will provide. The proposed area was selected in terms of areas that would have the best opportunities for job growth and where businesses would benefit from this type of incentive for new investments. During further discussion ensued concerning the definition of Brownfield and the fact that there are two processes for designation; one being for individual developers and the other for city and county governments. Commissioner Rogers was not comfortable with the process. He felt it should be very strategic. Mr. Battle thought perhaps it might be best to start without focusing on any areas. Mr. Goldstein indicated that the area designation can be modified. Mayor Seiler also agreed with a very targeted concept. Mr. Battle indicated that properties can opt out.

In response to Commissioner Rogers, Mr. Goldstein advised that his contract is a fixed amount and would not end until the City is satisfied.

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Boulevard, was opposed to designation of one-third of the city. Mayor Seiler agreed. Mr. King felt this would promote construction of low-income housing. It is not a jobs program.

Fred Carlson, 625 Orton Avenue, was opposed to this item. It sounds like a scheme to socialize the investment base of the community and saddle it with sub-par tax revenues forever.

There was no one else wishing to speak.

Mayor Seiler wanted to see a targeted concept and did not favor designating a third of the city. Commissioner Rogers looked to Bokamper's as an example of something the City would encourage. With this direction, Mr. Battle indicated an update will be provided.

#### **BUS-4 – Information Technology Services Department Strategic Plan**

Mike Maier, Chief Technology Officer, reviewed slides on this topic. A copy of the slides is attached to these minutes. He noted that the plan has been presented to and approved by the Budget Advisory Board. It has also been presented to the executive staff.



Commissioner Rogers asked about the cost comparison of purchasing four-color printing equipment versus running print work through the existing two-color printing equipment. Mr. Maier indicated the plan is to lease the equipment. Donna Perez, Information Technology Services, added that part of the cost for two-color press is outsourcing (print and plate production) and then there are supplies. The inhouse cost is \$47,000 versus \$28,000. The City Manager mentioned that the City does work for other municipalities. With more capacity, the City will have more opportunity to recover costs by doing jobs for other cities. Mr. Maier indicated that staff will be reaching out to non-profit organizations to generate revenue.

The following information was furnished in response to the Commission's questions: Mr. Maier advised that there will be 2,500 new 2010 Microsoft Exchange licenses citywide. Currently the City has 2003 on all operating systems and when this is updated, the licenses for Exchange will already have been purchased. Some discussion ensued about staff's thinking on virtual desktop infrastructure (VDI). There are no funds budgeted this year. A twenty-five user pilot will be used, working with Citrix. Mr. Maier indicated he is attempting to get the pilot at no cost. As servers age out, staff has been instructed to evaluate cloud solutions and go forward with a cloud solution if it is cost-effective. There are assurances as to the security of information in the cloud concept. Everything cannot be moved to a cloud because it involves an internet connection which impacts band width. Some applications cannot be moved to a cloud due to the cost. If they are critical, they will be moved to the Emergency Operations Center. He elaborated upon the reasoning for continuing to use the Dell brand, some facts: cost, State contract, users like them. He elaborated upon the Bring Your Own Device concept wherein employees would select what software applications they would like and they would be loaded on the device. Information Technology Services would control the container or the applications, not the device. Commissioner DuBose noted that there will be associated policy considerations for the Commission going forward. With reference to Goal 7, Create a PC Replacement Plan to standardize software and hardware, Mr. Maier advised that there has not been any policy for replacement. At one time there was a policy for replenishment. Now that all departments are under Information Technology Services, it will be possible to standardize throughout the City. At this point, staff is leaning toward purchasing computers. A lease situation would have to be replenished in three years. After 4-5 years, the City might as well have purchased the computer. Commissioner Rogers concurred with the information concerning email. He also encouraged prioritizing dollars toward things that touch the public. However, he would not favor high definition. The City Manager explained the enhancements that have been made to the governmental television channel.

Continued on page 9

**EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 4:30 P.M.**

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

**Girvan Coley (Files WC-09-13871, WC-10-14199 and WC-11-14392)**

**CLOSED DOOR SESSION ENDED AT 5:20 P.M.**

Note: The City Commission reconvened at 7:41 p.m. in the City Commission Chambers on the first floor of City Hall.

**BUS-4 – Information Technology Services Department Strategic Plan**

Continued from page 8

Commissioner Rogers requested a summary of the priorities. The City Manager advised that there is \$1.9 million in bond proceeds from the 2011 bond issue has been set aside for technology improvements that will meet the test of bond financing. Commissioner Rogers reiterated his request for such information in one document. He wanted to know what would be the action plan for this year. Mr. Maier indicated the telephone upgrade (phases two and three) and Microsoft Exchange which was on this evening's regular agenda. He would like to find \$100,000; start doing the evaluation for financial modules; establish a governance board and retain a consultant to assist with selecting the top five to work on the following year. Commissioner Rogers wanted more information on replacements as to timeliness, type and why. Mr. Maier indicated he is still in the process of deciding how many employees will fit into the VDI solution with Citrix. It will have an impact on whether to purchase a PC or a smart terminal. Once those numbers are determined this fiscal year, he will be prepared to plan for replacements in the future. With respect to telephone hard lines, Mr. Maier advised that voice and data are being used over the same line to reduce expenses. Cisco is being used. It is already in the works. Both Mayor Seiler and Commissioner Roberts stressed the importance of this topic and the task of getting up to date. With respect to town hall meetings, Mr. Maier indicated that the City does not have the tools to produce them inhouse. The City Manager commented that most of the cost is for air time through AT&T. Commissioner Rogers thought an inhouse approach could be a source of revenue if it could be made available to other organizations.

**City Commission Reports****Winterfest Boat Parade**

In response to Mayor Seiler, the City Manager advised that Winterfest Boat Parade could be aired on the City's governmental television Channel 78, but not a live broadcast. Mr. Maier offered to try to coordinate a live broadcast with Winterfest.

**BUS-5 – South Side School Update**

Commissioner Rogers thought the City could move forward with the plans that were prepared before Nova Southeastern University came into the picture and complete a shell so that air conditioning (HVAC) could be installed. Simultaneously, he suggested an RFP be issued with the terms of a lease that the Commission has already approved. Mayor Seiler felt the City will have to target entities that may be interested. Commissioner Rogers did not see the wisdom of waiting; he wanted to be more proactive. Mayor Seiler suggested a determination be made whether there is any entity that has any interest. He did not want to do any more construction or expenditure until end users indicate the bare minimum of what they would want. It should be presented as a building shell along with possibly the HVAC. Mayor Seiler touched upon the history associated with this project. Commissioner Rogers noted that like Nova, an arts program with some community time is a workable model and there could be another entity that could do this also. He wanted the City to be more proactive about finding such an entity. It seems that Nova is not willing to commit unless the City is ready to change things and even so, the City cannot guarantee them that all permits are issued and they can move in. He did not think that guarantee can be given. Mayor Seiler reiterated that he is unwilling to expend any more money on the building because the end user could want a different configuration from

what the City may do beforehand. Commissioner Rogers thought it could be figured out. Mayor Seiler agreed with respect to the HVAC. Commissioner Roberts felt the City needs to move forward with respect to the HVAC and mold remediation.

The City Manager advised that there is no air conditioning now and there is mold. In order to install a HVAC system, a floor plan is needed for circulation issues. Albert Carbon, Director of Public Works, explained changing from a community to a school use would double the A.C. unit size. Moreover the A.C. unit dictates some other installation processes. Commissioner Roberts asked if there is a bare minimum A.C. that could be installed for the mold remediation. Mr. Carbon explained that the duct system might then have to be upgraded later on. Commissioner Rogers asked about the difference in cost in duct system sizes. Commissioner DuBose emphasized some type of A.C. system is needed. The duct work cost differential could be significant. The A.C. system cannot be installed until the remediation is completed. Not knowing the size of a system because of the use will create a financial guess. A temporary measure could result in mold within the duct system. Mr. Carbon advised that is exactly why they cannot move forward. E.E. & G. is on-call for mold testing. Commissioner Rogers contended it would still be better to have some level A.C. installed as well as walls, floors and restrooms. He wanted to know the cost differential between high-end and lowest A.C. systems. He also wanted to know the cost for these minimal improvements and the time needed.

As to use, the City Manager explained that there are severe restrictions in the covenants on use. If Nova does not choose to go forward, they will probably stay in their current location across the street, which means the City should probably not duplicate the use. He was not certain whether the City can support programming it from a budgetary standpoint. No entity has come forward with regard to alternatives. Commissioner Rogers suggested inquiring whether The Wasie Foundation would be interested. He wanted to actively pursue finding out if there are any interested entities.

The City Auditor recalled that staff's recommendation during the time of the audit was that the City move forward with a larger A.C. unit because it would always be suitable for whatever program became the case. Mr. Carbon indicated that such information may have come from staff, but not him. The A.C. for Nova was significantly larger than that originally designed for the Parks and Recreation Department. A modular concept would have significantly increased the cost even more. He offered to followup with the City Auditor.

Mr. Carbon outlined the history around the timeline of issuing an RFP and the delay. The City Manager advised that staff is prepared today to issue an RFP on a community center floor plan that does not work for Nova. It has been delayed so as to get a final decision with respect to Nova. For something other than a community center floor plan, the City would need to work with an end user. Nova's two threshold issues. One is for the City to advise that their intended use meets the restrictive covenants. The City would like Nova to make that determination. Commissioner Rogers did not think the City can guarantee that the Historic Preservation Board (Board) will come to a conclusion that the Commission does not vote on. The City Manager advised that ultimately the Commission would in fact vote on it. The code allows the Board not to make a decision and the item never goes to the Commission which is a concern for Nova. Commissioner Rogers felt Nova will have to take that risk or the City will have to find another tenant. The City Manager felt the City is at the latter stage. Consequently, Commissioner Rogers wanted to go forward with the necessary rudimentary things that any tenant would require. He would not object if the A.C. system costs a little more. Commissioner Roberts understood the A.C. issue, but nothing can be accomplished until the mold is remediated. He agreed that the City should start pursuing another tenant. He would not support the City

programming it. Although it is not his first choice, Commissioner Rogers wanted to see what could be done by the Parks and Recreation Department in terms of programming. Perhaps it could be used for office space. The City Manager was not certain it could be used for office space and emphasized that use is very restricted. Mayor Seiler reiterated that the options are limited. Some not-for-profit organization to operate the building is needed. He supported proceeding with HVAC, but nothing more. The restrooms will differ based on the use. The City needs to find a tenant. The biggest problem is that the City acquired a building without an end user. Commissioner Rogers felt there is no alternative, but to go forward. He wanted the A.C. to be installed and the building cleaned up while the City Manager goes about finding a tenant. Mayor Seiler asked that staff provide pricing on A.C.

### **City Manager Reports**

#### **911 Dispatch and 800 MHz Radio System Conflict Resolution Update**

See Agenda Item BUS-1.

#### **America's Backyard (111 Properties)**

With respect to the proposed settlement agreement, there was consensus approval for an additional extension to the December 18, 2012 meeting to afford additional review time.

#### **BD-1 – Communications to City Commission and Minutes circulated for period ending November 15, 2012**

##### **Budget Advisory Board**

**Motion made by Mr. Cross, seconded by Ms. Hankerson, to** state that the BAB supports Mr. Maier, Information Technology Systems Director/Chief Technology Officer, moving forward with Phase I of the Kronos (time-keeping software) implementation as presented. In a voice vote, motion passed unanimously.

The City Manager believed the intent of this motion is to show support of the direction that staff is working on.

**Motion made by Mr. Cross, seconded by Mr. Ridgway, to** support the proposed Financial Integrity Principles and to recommend the City Commission adopt all three policies. In a voice vote, motion passed unanimously.

The City Manager advised that ultimately the Commission will need to discuss this topic as it will have a direct impact on the budget. The Board would like to discuss this at the next joint meeting.

**Motion made by Mr. Cross, seconded by Mr. Nesbitt, that a** City policy be adopted to ensure consistent treatment between the managerial and confidential group and the general employees' union regarding wage adjustments and salary ranges. In a voice vote, motion passed unanimously.

Mayor Seiler did not support this item. He felt the City should try to assure some consistency, but not entirely. Commissioner Rogers agreed.

Police and Firefighters Pension Board

**The investment performance for the third quarter of 2012 was 4.52% and for the trailing one year was 15.91%.**

**The Board renewed its fiduciary insurance policy.**

The information was received.

Middle River-South Middle River-Sunrise Boulevard Advisory Board

**Motion made by member Smith and seconded by member Gibson,** requesting the allocation of the necessary resources to implement a crime prevention program similar to the one in the Northwest Progresso Flagler Heights Community Redevelopment Agency to address concerns about crime in the Middle River South Middle River Sunrise Boulevard Community Redevelopment Advisory Board area, motion passed unanimously, 8-0.

Alfred Battle, Economic and Community Reinvestment Manager, advised that the request is for an action plan similar to the one being employed in the Sistrunk area. The City Manager believed the reference has to do with the no tolerance policy (police) which is being funded from the General Fund. It would be an issue of resources. Mayor Seiler asked the City Manager to report back to the Commission.

**Motion made by member Harmerling and seconded by member Gibson,** requesting input/suggestions from the Community Redevelopment Agency Board for a new name for the Middle River South Middle River Sunrise Boulevard Redevelopment Advisory Board, motion passed 7-1, member Thrower voted no.

There was consensus approval to ask the Board to recommend a new name.

**Motion made by member Smith and seconded by member Gibson,** requesting the allocation of the necessary resources to implement a crime prevention program similar to the one in the Northwest Progresso Flagler Heights Community Redevelopment Agency to address concerns about crime in the Middle River South Middle River Sunrise Boulevard Community Redevelopment Advisory Board area, motion passed unanimously, 8-0.

Shannon Harmerling, Vice Chair of Middle River South Middle River Sunrise Boulevard Redevelopment Advisory Board, believed that this CRA includes funds or provision for public safety. The City Manager advised that public safety in excess of what is normally provided is a function for the CRA. However, this CRA has no incoming revenue. When revenue is available,

this is one of the legitimate uses. Ms. Harmerling did not wish to tap into resources already being used elsewhere. With reference to the no tolerance policy, Commissioner DuBose advised this strategy is temporary and elaborated upon why it was put in place. There are varying strategic plans throughout the city. It could be implemented anywhere in the city; it is a matter of prioritizing resources. Ms. Harmerling was very pleased with the Police Department.

**Motion made by member Thrower, seconded by Member Weinbaum** requesting the Community Redevelopment Agency Board to instruct city staff to make contact with the owners of the government-owned properties to make them available for redevelopment, motion passed unanimously, 8-0.

In response to Mayor Seiler, Mr. Battle indicated that there are government-owned properties at the corner of Sunrise Boulevard and 4 Avenue. He believed they are owned by the School Board and the State. He offered to contact the property owners and report back to the Board and Commission.

**BD-2 - Board and Committee Vacancies**

Note: Please see regular meeting item R-6.

The meeting adjourned at 8:23 p.m.

Note: The Commission convened as the Community Redevelopment Agency Board of Commissioners from 8:23 p.m. until 9:09 p.m.