

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
NOVEMBER 6, 2012

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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 Mark Renner

BUS-1 – Partnership with IBM to Develop Resource Optimization Solution for Police Department

The City Manager advised that time is of the essence on this matter because IBM has a funding commitment that will expire by the end of the year.

David Edwards, Associate Partner, IBM, noted his experience and went on to describe IBM's three lines of business. IBM Research is one of the largest privately funded research and development organizations in the world. IBM Research's job is to invest in cutting edge thought leadership and solutions that will help IBM's clients. One way is through First Of A Kind programs (FOAK). It is a way to collaborate with IBM business lines and a customer to develop a brand new solution to a key strategic issue. IBM would like to partner with the City in a City Resource Optimization Solution. He summarized the most important points in slides that were provided on this topic. A copy of the slides is attached to these minutes. This would be a collaborative effort among IBM, Fort Lauderdale and Minneapolis.

Commissioner Roberts felt this would be a great way to optimize the City's resources which is difficult to do on a daily shift basis. The Police Department's size has not changed in the past fifteen years, for example. Criminals in South Florida are very mobile and there are seasonal aspects to the crime rate. Anything that can help would be a good choice. The City Manager responded to his question, that the City's commitment would be \$150,000 funded from the Law Enforcement Trust Fund (LETF). Vice Mayor Rodstrom agreed from an efficiency standpoint. She questioned whether the funding source is permissible. The City Attorney confirmed that for the Police Department, Law Enforcement Trust Funds can be used for any one-time program separate from what is done on a regular basis. Commissioner Roberts thought that once this moves past the research and development phase, LETF funding for a period of two years at that percentage also be planned for. Vice Mayor Rodstrom agreed. Commissioner Rogers asked if IBM was to charge for this project, what would be the dollar amount. Mr. Edwards thought it is at least \$1 million in effort and probably closer to \$2 million. The amount of effort will ultimately be defined by the nature of the solution that is developed. The objective is to have a product to sell. Pricing would be based on what was put into it in development. It would be proprietary. It is not possible to project the cost. The City Manager responded to Commissioner Rogers' question of whether this technology could eventually be used in other department. Although the goal is always to parallel activities, the goal in this instance is effective deployment of police resources which would be completely different than fire rescue resources as one is dynamic and one is static. Lessons learned that can be applied across the organization will be done. Commissioner Roberts explained the success of policing is dedicating problem-solving time to problems. This would free up time for officers. After two years, the City would well positioned to decide whether to continue. Vice Mayor Rodstrom pointed out that during the two years,

technology will improve in general. Mr. Edwards responded to Commissioner Rogers as to IBM's competitors in this area. Mayor Seiler agreed that public safety is the City's number one priority. He also agreed with use of LETF as a funding source. He asked about where Minneapolis is in comparison with Fort Lauderdale. Mr. Edwards advised that Minneapolis is in contract negotiations at this time and hopefully will be completed in the next two weeks. It is a collaborative and thus identical project. Mayor Seiler supported the concept.

The City Manager advised that the next step would be to work with the City Attorney and IBM on a contract and present it no later than December 18. The City Auditor indicated that the procurement code does not contemplate public/private partnerships, therefore it will require a waive of the purchasing requirements which could be accomplished when the item comes before the Commission.

BUS-2 – Central Beach Master Plan Public Improvement Project

The City Manager advised that the proposal presented today is as a result of modifications made after the concerns expressed at the October 16 meeting. He reviewed slides on this topic which are attached to these minutes.

The City Manager noted for Vice Mayor Rodstrom that the Florida Department of Transportation is aware of the City's plans with respect to streetscape improvements on the west side of A-1-A. Vice Mayor Rodstrom was concerned about potential issues with the State for those roadway areas that was under their jurisdiction. The City Manager thought that the City should consider taking jurisdiction over that segment of Las Olas Boulevard in this scope. It will in essence be re-built and consequently good for twenty years. Commissioner Rogers posed the idea of realigning the parking lot instead of the roadway. The City Manager explained that the goal is to expand the sidewalk. Vice Mayor Rodstrom indicated that a segment of Las Olas was just improved in 2006. She questioned doing some new so soon. Commissioner Rogers liked the plaza on A-1-A and the boardwalk experience from the Intracoastal to the beach. He referred to Slides 10 and 11 and suggested a loop be planned for pedestrians.

With a conservative estimate of 1.7 percent growth in CRA revenue, the City Manager advised that there would be sufficient funds to accomplish this. Vice Mayor Rodstrom thought there should be thought giving to the financial advisability of acquiring a portion of Las Olas Boulevard from a long-term standpoint.

Commissioner Roberts voiced favor in the concept in general. Vice Mayor Rodstrom cautioned about programming on the roofs of the garages and the plaza with respect to noise.

Mayor Seiler opened the floor for public comment.

Art Seitz, 1905 North Atlantic Boulevard, supported the idea. He advocated for more parking. With reference to the Las Olas Marina parking lot and the area next to the Las Olas bridge, the felt there should be floor to ceiling glass facilities with outside balconies and such. There should be a comprehensive plan prepared by experts. He drew attention to the Miami Beach marina. People like sunsets and they will gravitate to the Intracoastal if there are amenities.

Jack Newton, representing Venetion Condominium, commented that the Venetian is the next door neighbor to three of the City's projects, that being the International Swimming Hall of Fame, Oceanside Plaza and Option two for the marina expansion. They support all of the projects in the Sasaki study for this area, except the former garage proposal. There should be

public input concerning the realigning Las Olas Boulevard. He felt the idea of adding commercial to City properties only competes with existing retail. There is concern about the parking decks being three story. He referred to the open pavilion to seat 1,900 people and cautioned against anything like a Spring break atmosphere.

Fred Carlson, representing Central Beach Alliance, agreed with most items. He wanted to know what is planned for the grass area across from the International Swimming Hall of Fame (ISHOF). He elaborated upon scenarios that could negatively impact D. C. Alexander Park. He felt the area should be protected by the City deeming it park or green space.

Ina Lee, 2200 South Ocean Lane, complimented all City staff involved in the A-1-A cleanup after the recent storm. She felt the Las Olas area should be made iconic. She hoped it will be possible to events to be held at that location and event organizers not have to bring in their own equipment. She requested that the Beach Redevelopment Board be allowed to provide input.

There was no one else wishing to speak.

Mayor Seiler liked all of the items. With respect to the Las Olas Boulevard – A-1-A part of the plan, he liked the concept but wanted to make sure funds are being used in the most efficient manner and consequently wanted a little more input. There was consensus agreement. The City Manager indicated that staff will work with the Board (Beach Redevelopment Board).

BUS-3 – Southeast Florida Regional Climate Action Plan

Assistant City Manager Susanne Torriente highlighted information in Commission Agenda Memorandum 12-2434. The Regional Climate Action Plan conference will be held on December 6 and 7 in Jupiter. Mayor Seiler will serve on a panel with other mayors from the region. Cities are being asked to support the Mayors' Climate Action Pledge which affirms support for this framework and collaboration and agree to consider integrating elements of the plan into existing local work. To the extent possible Fort Lauderdale staff is already integrating elements of the plan into existing work. He also noted that Commissioner DuBose will be sending out a letter to the League of Cities to get municipal support for what the four counties have done. She will be addressing the Broward League of Cities on December 5.

Commissioner DuBose indicated that he presented this matter at the executive board level of the League of Cities and it was well-received.

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Boulevard, was opposed to the City's police vehicle take-home policy. He felt it would save money and help the environment.

Fred Carlson, 625 Orton Avenue, elaborated upon the time and corresponding cost for police officers to transition from a private vehicle to a City patrol vehicle as well as on-site parking space needed. It is not so much about a gift to officers as it is about use of time.

There was no one else wishing to speak.

The Mayors' Climate Action Plan Pledge was distributed.

Continued on page 5.

BUS-4 – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases

There was no objection.

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

The City Clerk advised that the Education Advisory Board has requested their communication be deferred to November 20.

Planning and Zoning Board

Motion made by Mr. Witschen, seconded by Ms. Desir-Jean, to request that Staff develop a process that would not require Items such as 17R 12A and 18R12A, both of which relate to sign approval, to come before the Planning and Zoning Board (and also streamline the review process for residential uses in the residential office districts, which currently require the Board's review). Staff has prepared revised code language that will streamline the review process for signage in the Regional Activity Centers and anticipates making additional code improvements in the near future to address the communication in full.

The City Manager advised that staff has already drafted some preliminary language but first wanted to see if the Commission was in concurrence. The City Attorney advised that he has not yet seen the language. The City Manager believed the Board wanted to state they support streamlining the approval process. Mayor Seiler asked that this item be scheduled on a conference agenda.

BD-2 - Board and Committee Vacancies

Note: Please see regular meeting item R-10.

In response to Mayor Seiler, the City Clerk advised that legislation for expansion of the Citizens Committee of Recognition membership is on the regular meeting agenda, thus appointments would not occur until afterward.

Mayor Seiler asked that Donald Karney, III, be contacted to see if he is interested in serving as an alternate on the Nuisance Abatement Board.

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| Budget Advisory Board | Jonathan Macy (Commissioner Rogers- New) |
| Community Appearance Board | Kelly Blume (Mayor Seiler - New) |
| Education Advisory Board | Angela Sebaly (Commissioner Roberts - New) |
| Parks, Recreation and Beaches Board | Cate Gundlach (Commissioner Rogers - New) |

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| Planned Unit Development Zoning District Advisory Committee | Peter J. Henn (Mayor Seiler - Reappointment) Catherine Maus (Vice Mayor Rodstrom - Reappointment) James C. Brady (Consensus - Reappointment) Leigh R. Kerr (Commissioner Rogers - Reappointment) Jason Scott Crush (Commissioner DuBose - Reappointment) Bradley Deckelbaum (Commissioner Roberts - New) Mary C. Fertig (Consensus - Reappointment) |
| Police and Firefighters Retirement System Board of Trustees | Jim Naugle (Consensus - Reappointment) Dennis Hole (Consensus – 7 th member recommended by the Board- Reappointment) |
| Sustainability Advisory Board | Darin Lentner (Commissioner Rogers - New) |

BUS-3 – Southeast Florida Regional Climate Action Plan

Continued from page 3.

After having reviewed the Mayors' Climate Action Plan Pledge, there was consensus approval of it.

City Manager Reports

911 Dispatch and 800 MHz Radio System Conflict Resolution Update

The City Manager referred to the Broward County Administrator's letter (October 18, 2012) provided as Exhibit 1 to Commission Agenda Memorandum 12-2389. Their position has not changed since the October 2, 2012 meeting. Mayor Seiler believed it is slightly different; it totally defers the issue with the Sheriff to the City. He understood if it is not pursued by the Sheriff, it will not be pursued by them. The City Manager believed that the Sheriff feels he must pursue it. Assuming the City is not in agreement, he will inform the County. As to the conflict resolution process, the City Attorney advised that there are timing issues but they are flexible. Mayor Seiler suggested deferring to November 20, giving time to communicate with the Sheriff. There was no objection.

Bahia Mar Lease Negotiations

The City Manager advised that the planned unit development (PUD) that the Commission adopted on June 21, 2011 required a new lease agreement, which requirement was extended through November 6, 2012. The City is not close to an agreement with Bahia Mar (Blackstone) representatives. He recommended the Commission take no further action and as such the PUD would expire today. Mayor Seiler suggested a fifteen or thirty-day deadline to allow time for representatives to report back to the company. If it is not possible without adoption of a resolution, he preferred to simply allow it to expire today. The City Manager indicated that staff spoke with representatives on October 23 and Bahia Mar delivered their last and final offer to the City on October 26 which was provided to the Commission as Exhibit 2 to Commission Agenda Memorandum 12-2389. There was consensus approval as recommended.

America's Backyard (111 Properties)

The City Manager requested an additional extension to November 20, 2012 in order to finalize the settlement agreement. There was consensus approval.

Rain Tree; 424 SW 4 Avenue; Broward County Commission Public Hearing to Consider Designating as Historic – Marina Lofts

The City Manager drew attention to an additional item on this topic. The Commission received a copy of a letter from Henry Sniezek, Broward County Environmental Protection and Growth Management, dated October 29, 2012. This would have an impact on the proposed Marina Lofts development. Both the City and applicant would be required to secure approval from the County Commission before any relocation of the tree. There is a jurisdictional question. The City Attorney explained that the question is whether the authority to regulate trees designated by the County as historic is also the authority to so designate. In 1987 the City designated this tree as historic. Vice Mayor Rodstrom questioned whether the difference between the City and County regulations is significant. Mayor Seiler did not believe the County would prevail if someone was to file suit on the issue. Also, he questioned the County getting involved in such designations countywide. He did not think the City has anything it can do. Commissioner Rogers felt the City should respond to their letter and address it with respect to jurisdiction. He was concerned about adding another layer to the process. He did not believe the County has jurisdiction. Vice Mayor Rodstrom was concerned about repercussions. Broward County still has a lot to do with flex units in the downtown and a board that approves development in the downtown. Commissioner Rogers indicated that the City has an ordinance protecting this tree. Commissioner DuBose pointed out once it is designated by the County as historic, it would prohibit removal or relocation unless approved by the County Commission. The two ordinances could be in conflict. Mayor Seiler believed this takes away home rule from the City. The City Attorney advised that the County claims their jurisdiction is under their charter preemption language. The County relinquished that control when they certified the City's tree protection program, giving the City absolute power. In that waiver, the County reserved certain actions to their benefit and one of the actions is authority to regulate trees located on certain properties that he went on to delineate. The technical question is whether their reservation of the right to regulate property designated by them as historic was part of the retaining environmental authority. He confirmed for Commissioner DuBose that the County first has to designate, but after the designation, it meets the criteria in order to preempt the City. The City Manager commented that it becomes even more complicated, there was an index of historic trees in the county and this tree was not among those trees at the time the City was certified. In response to Commissioner DuBose, the City Attorney indicated that the County could amend their ordinance to take back the authority. Commissioner Rogers felt it should be clarified. He did not think the City should allow the County to take this power. Mayor Seiler felt the issue should be with the property developer. Commissioner Rogers suggested the City Attorney respond to the letter and staff address the County Commission at the public hearing. There was no objection.

Mayor Seiler opened the floor for public comment.

Jordana Jarjura, representing Marina Lofts, believed that this is clearly within the authority of the City. The intent of municipal certification is to avoid double overview of governmental agencies. The City has already deemed it protected. The County's designation would be unilateral. Only one of the three criteria would have to be met. She requested that the City respond to the letter and advise that it is not appropriate for the County to be reviewing this matter based upon the

City's certification and that preservation was contemplated in the certification approved by the County in 2003.

There was no one else wishing to speak.

City Commission Reports

Public Safety 800 MHz Radio System

Commissioner Roberts emphasized that this system is in a serious state at this time. The system is on the verge of failing. He felt this matter should be scheduled on the conference agenda. He was looking for a solution to allow the City to maintain the system without failure and give the City flexibility to move into consolidation or whatever is done with respect to Broward County. The City Manager believed that the County acknowledges responsibility for the 800 MHz radio system, but they are tying it to a settlement with the City involving the E911 dispatch, even though the charter provision (5.03) is clear that the County has responsibility for infrastructure. In the meantime the City has a \$4.1 million expense in order to keep the radio system up to speed. The question is how fast the City should pursue a resolution with the County that would make them responsible for that payment. If possible, Commissioner Roberts wanted to pursue all of the roads at the same time. Mayor Seiler requested both topics be scheduled on the November 20 conference agenda.

Contract Award for Marine Facilities Improvement Services from Engineer Control Systems Corporation; PUR-9 on Regular Meeting Agenda – Seawall Repair

Vice Mayor Rodstrom advised that the appointments to the Marine Advisory Board requested that the Board have an opportunity to review matters of this nature.

South Middle River Implementation Proposal; Unpaved Roads

Vice Mayor Rodstrom provided the implementation proposals for both the initial phase and Phase II for the Commission's information during the District II vacancy.

Hurricane Sandy; Beach Erosion

In response to Vice Mayor Rodstrom, the City Manager advised that the governor has asked the president to make a declaration. The City is providing cost information to Broward County Emergency Management. If eligible, the City will seek reimbursement.

Bike Lane Pavement Coloring

Vice Mayor Rodstrom provided examples of bike lane pavement coloring options from the A-1-A Greenway Study. These options have been approved by the Florida Department of Transportation. She had received a complaint about one in the downtown that is too bright.

Open Space 145 - (Middle River Terrace)

Vice Mayor Rodstrom urged that this property be maintained as open space. Broward County has offered two options. She referred to information from Don Burgess of Broward County Natural Resources Planning and Management Division. As to purchasing, the County would pay for one appraisal to determine the fair market value. If it is under \$500,000 and the City chooses to negotiate with the property owner or contract purchaser, the County will bring forward an amended interlocal agreement reflecting the new amount. If it is in excess of \$500,000, the County would request that the City pay for a second appraisal. The City could negotiate based on the average of the two appraisals. Although she did not agree with it, the third option would be to terminate the idea. She asked the Commission to consider moving forward with an appraisal. There is no guarantee that the funds that would be used for this property would still go to Fort Lauderdale if this is not pursued for Middle River Terrace. She offered to furnish pertinent emails. The City Manager indicated that there is a question whether the original purchase agreement is in force. The City Attorney indicated that the owner with whom the City had a contract was foreclosed upon. The contract for sale was assignable but it was not assigned. He thought the County's position that the City pay for both appraisals. Vice Mayor Rodstrom agreed to email the information to the Commission and City Attorney.

Commissioner DuBose requested the City Attorney provide a summary of this matter. Mayor Seiler did not think that the contract survived the foreclosure. He indicated was contemplated to be on the November 20 conference agenda.

Fort Lauderdale High School; Public Use of Swimming Pool

In response to Vice Mayor Rodstrom, the City Manager that he is working on this matter. The City is self-insured, but the request is for them to be furnished with an insurance policy and to be named as an additional insured.

The meeting adjourned at 3:28 p.m.