

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
OCTOBER 16, 2012

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	None	

Present: Mayor John P. "Jack" Seiler
Commissioners Bruce G. Roberts, Charlotte E. Rodstrom, Bobby B. DuBose and Romney Rogers

Absent: City Manager Lee Feldman

Also Present: Assistant City Manager Susanne Torriente
City Auditor John Herbst
City Clerk Jonda K. Joseph
City Attorney Harry A. Stewart
Sergeant At Arms Sergeant Mike Dodson

BUS-1 – 2012 Election Updates

Linda Levinson, Finance Director, Broward County Supervisor of Elections (SOE), advised that the SOE is presenting election information to all of the municipalities in the county. She reviewed slides on this topic. A copy of the slides is attached to these minutes. She noted in 2008 Fort Lauderdale had 108,000 voters and now has 118,000.

Mayor Seiler asked whether it would be possible for ballot information to be broadcast on the City's governmental television channel. He suggested information on early voting and absentee voting be broadcast on the City's governmental television channel. He asked that the Public Information Office coordinate with the SOE. Commissioner DuBose suggested a sample ballot for Fort Lauderdale voters. Mayor Seiler asked that the SOE provide it for the City to broadcast. He was concerned about the time it will take for each voter on election day.

Mayor Seiler opened the floor for public comment.

Robert Walsh, 401 East Las Olas Boulevard, questioned the multiple increases in the District II special election cost projections. Mr. Levinson indicated that initially Hallandale was included which is no longer the case. She estimated a cost of \$134,634.34 for January. She was not certain how many cities will be participating in March. Based on a projection of ten other cities, Fort Lauderdale's cost for twenty-nine precincts would be \$78,051. There are 26,533 potential voters. The City Clerk noted that in addition to each of those numbers is \$6,600 for what the City handles.

BUS-2 – Port Everglades Sand By-Pass Project

Eric Myers, Broward County Environmental Protection and Growth Management, requested the Commission reconsider its Resolution 09-11 that opposed this project in 2009. The County believes the objections at that time were primarily based on the prospective use of blasting to excavate the sandtrap and impact to the beach and quality of life during construction and operation of the project. After coordination with some of the residents nearest to this project, the County is contemplating a re-design with the goal of avoiding the use of blasting. By decreasing the depth of the sandtrap and increasing the spacial extent slighting, the hard layer of rock will be avoided. Project elements on the north side including the sandtrap, jetty improvements and removal of a portion of the rubble shoal will take 4-5 months. Dredging will take place during a portion of that time. Removal of sand from the sandtrap would then follow every two to three years and take six weeks to two months to do. The County believes this will improve beach

conditions immediately north of the inlet. There should only be minor fluctuations in the beach position during by-pass events. The resolution also requested that Segment II beach renourishment project be completed before a permit for the sand by-pass project is issued. The County is continuing full speed ahead with the renourishment permitting with a goal of starting after the 2013 sea turtle nesting season. He noted their upland project. He anticipated permitting not occurring until 2014-2015. To accomplish the sand by-pass redesign, the County Commission will need to approve an amendment to the consultant's contract. He wanted some formal reconsideration of the City's objections from this Commission to bring forward to the County Commission.

Mr. Myers outlined for Commissioner Rogers the community outreach that has been accomplished. He has not had success scheduling a time to present to the Central Beach Alliance. In further response, Mr. Myers anticipated the dredging to be 24/7 and the other components during daylight hours. He did not think the dredging noise would be that different than normal ship traffic through the port routinely. It would be further offshore than ship traffic. Commissioner Rogers asked if the City could be furnished something in written form as to noise level. Mr. Myers thought he could furnish something. Scheduling would have to occur November through March, the non-nesting season. Commissioner Rogers wanted more information about sound level and the work schedule. He preferred the summer months. In further response, Mr. Myers indicated that the pipe will be run across the island near Whiskey Creek which was used in 2006.

Mayor Seiler opened the floor for public comment.

Ina Lee, Point of Americas Condominium resident, did not think the neighborhoods have approved this and still have the same objections aside from the blasting not occurring. She was unclear about the impact to the beach; what the operation will look like. This is one opportunity for people going out on cruise ships to see Fort Lauderdale's beaches. She was concerned that this is no longer being funded by the federal or state governments. She questioned the funding availability from the Tourist Development Council. She wanted to know more about the 80,000 cubic yards of sand being moved to the south side. She asked that the City not change its position until more questions are answered.

Richard Whitecloud, Sea Turtle Oversight Protection, felt this approach would be far less invasive than any other approaches that could be anticipated. This location has dense nesting, therefore anything done during the nesting season could catastrophically disrupt the nesting in that area. He pointed out that there is a sand by-pass dredge in-place in Boca Raton. The equipment is not loud. He urged a cooperative spirit in working toward solutions in order to accomplish something that will be better for everyone in the long-term.

Mr. Myers responded to questions as follows: With respect to the 80,000 cubic yards of sand, the Corps of Engineers is responsible for maintenance dredging at Port Everglades. They are planning a project to take out about 300,000-400,000 cubic yards of sand. About 80,000 cubic yards around the north jetty on the inside of the channel are good quality beach sand. The Corps asked the County whether they had an interest in contributing the difference in cost between off-shore disposal and putting it on John Lloyd. The County agreed to participate in this option. It is about 1/8 of what was placed on John Lloyd six years ago. In response to Vice Mayor Rodstrom, Mr. Myers indicated that this sand is probably about the cleanest fresh washed sand in the county; it is high-quality. It needs to be placed on a beach for use. Some of the cost would be mitigated by this. As to the dredge equipment, he anticipated it will be bigger and more robust than the inlet management systems used in Boca Raton and Hillsboro. The

bigger equipment will allow for the work to get done faster. It is a trade-off between time and production. In further response to Vice Mayor Rodstrom, Mr. Myers advised that it is anticipated the County (25%) and State (75%) will bear the cost of the sand by-pass project. Although the State's revenue source of documentary stamps is down, sand management is a priority. He did not know when all of the funding will be available. His intention is to move ahead with the permitting side of the project. In response to Commissioner DuBose, Mr. Myers advised that County funding would come from tourist development tax dollars. Mayor Seiler pointed out that 52% of the tourist development tax dollars are paid by Fort Lauderdale. Commissioner Roberts emphasized that this project should not impact Segment II whatsoever. He felt community communication seems to be lacking. In response to his question, Mr. Myers elaborated upon upcoming tasks associated with getting a better idea of the timeline and indicated his focus on getting a meeting set with the Central Beach Alliance.

Commissioner Roberts wanted to know if the 80,000 cubic yards could still move forward if the sand by-pass does not. Mr. Myers outlined the Port dredging timeline particulars and noted the goal for placement of the 80,000 cubic yards should be between January and March. It will happen far in advance of both Segment II and the sand by-pass and it will definitely be used regardless of either of those projects.

Mayor Seiler opened the floor for public comment.

Fred Carlson, 625 Orton Avenue, asked if the sand to the north mandated to be placed on the southern side. Mr. Myers indicated that there are two reasons that mandate moving the sand toward the south. There is a State-adopted plan that calls for the orderly transfer of sand in the same general direction that currents would drive it. Also the permits that have been issued require the sand to be placed on John Lloyd. Mr. Carlson asked if there is any prohibition for the City moving sand from the south to the north part of the beach. Mr. Myers understood that the beaches in the southern part of the city belong to the adjacent upland property owners to the mean high-water line. He went on to explain how state sovereign submerged land is designated at the mean high-water line in renourishment projects. Property to the south is state land.

Mr. Myers understood the Commission's direction it to work more with the community and provide specific expectations as to construction timeframes and noise level. Mayor Seiler concurred.

BUS-3 – Initiating A Code Enforcement Lien Amnesty Program

Greg Brewton, Director of Sustainable Development, recalled this was previously discussed wherein questions were posed. He went on to provide an overview detailed in Commission Agenda Memorandum 12-2311. Commissioner DuBose was concerned about individuals who own multiple properties. Mr. Brewton advised that all properties of a property owner must be in compliance. The resolution contained in today's backup will be presented on November 6. As opposed to direct City costs, Mayor Seiler preferred to specify any City costs. Mr. Brewton advised that time spent on a violation that has existed over a period of time is carefully tracked and defined as direct City cost. The entire process is directed toward assuring that all costs are recovered. The City Attorney was comfortable with this aspect. The following responses were provided to additional questions posed: Mr. Brewton advised that the previous amnesty program in 2004 was for a three-month period. The \$100 non-refundable fee is not considered part of the fifteen percent lien reduction amount.

Mayor Seiler opened the floor for public comment.

Former Commissioner Tim Smith noted that the 2004 program was deemed tremendously successful. He went on to comment on how volunteers helped.

There was consensus approval to present the proposed resolution on November 6, 2012.

BUS-4 – Florida Constitutional Amendment 4 – November 6, 2012 General Election Ballot

Assistant City Manager Stanley Hawthorne noted that this amendment would have a significant adverse impact on City property tax revenue. The Florida League of Cities has asked cities to adopt a resolution informing residents of the fiscal impact. The City's preliminary calculation of the main provision of reducing the ten percent assessment cap to five percent, based on annual growth of ten percent or higher is around \$3 million the first year and as high as \$265 million over a ten-year period. Because this benefit would go to non-homesteaded properties, ultimately if cities opted to maintain some level of that revenue, then the adverse impact would be felt by homesteaded property owners. Commissioner DuBose noted that the realtor association is behind this amendment. The City's main revenue source is property taxes and taking away from it would force the City to raise the millage on full-time residents or reduce services. Mayor Seiler pointed out that too many issues have been combined into one proposal. Discussion ensued as to the unfairness of the amendment, impact on the City's revenue and its ability to provide services.

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, was concerned about the public sector profiteering from the rise in property values. Mayor Seiler noted that this Commission has lowered expenses every year. Mr. King pointed out that there was a massive budget increase but the same services and number of employees. Mayor Seiler pointed out that this amendment would exempt the School Board which is the largest collector of taxes and went on to elaborate upon inequities in this proposal. He did not think there is any disagreement with the recapture clause. He emphasized that taxes are not being increased. Commissioner DuBose pointed out that some communities such as Lauderdale Lakes have property owners with so many exemptions that they do not pay any or little taxes. This amendment would contribute to that problem. Mayor Seiler believed it is unfair because that budget has to be balanced on the backs of commercial property owners and those residents without exemptions. He mentioned that thirty-five percent of his taxes goes directly to the School Board yet the schools are not up to an acceptable quality level. In response to Mr. King, Commissioner DuBose explained that the City is a member of the Florida League of Cities. The purpose of information in the backup for this item is to make information available for public discussion because there has been misleading and one-sided information. Discussion ensued about the tax structure and the history of it.

Stephen McWilliam, president of Greater Fort Lauderdale Board of Realtors, clarified that Amendment 4 lowers the rate that a property can rise in assessed value from ten to five percent. It has to do with the growth of budgets and the inequities that have been created by Save Our Homes. It would be fifty percent off the County's median value of property now, which is about \$200,000. It would be phased out over a period of five years. It would allow first-time homebuyers to be able to purchase. Second homebuyers would only get a cap. Dialogue ensued between Mr. McWilliam and Mayor Seiler on inequities for anyone who has purchased property in the last three years. Mayor Seiler questioned if there is in fact no fiscal impact on cities and counties, why was the School Board exempted. He believed there will be a fiscal impact. Mr. McWilliam felt there is a perception that there will be an impact. There should be

more transactions which will grow the economy. People are now forced to lower the value of their homes in order to sell because of the tax bill. This will allow for homes to be sold for more. Mayor Seiler emphasized that the economic growth will be at the expense of the cities and counties. With the tax rate in Fort Lauderdale being one of the lowest in the state, it may not be able to provide services in the face of such economic growth. It may be helpful to other cities that have higher tax rates. Mr. McWilliam pointed out that the tax base will grow, but capping the amount that an individual property can increase. He reiterated that the proposal will address problems that have been created by Save Our Homes. He confirmed for Vice Mayor Rodstrom that the proposal will facilitate the sale of homes that have been sitting vacant. Mayor Seiler pointed out that it will not be helpful taking into consideration the fifty percent reduction if they are sold for less they are currently being taxed at. Mr. McWilliam explained that the new homebuyer does not get sticker shock of an increase in the taxes. He agreed with Mayor Seiler that the new homebuyer is getting a break from the individual who already bought. Mr. McWilliam believed the proposal has to do with slowing the level growth (of revenue) that cities can impose. Commissioner Rogers pointed out that Fort Lauderdale will suffer by having a low millage because this proposal intends to cap the valuation. More discussion ensued as to the unfairness of the amendment, impact on the City's revenue and its ability to provide services. Mayor Seiler pointed out that this has to do with the first-time homesteader, not necessarily a first-time homebuyer. Mr. McWilliam agreed this has the potential for closings to be deferred until after the election. He concluded by indicating that it appears there is 62 to 64 percent voter confidence in this proposal.

Brenda Ghibaudy, member of Greater Fort Lauderdale Board of Realtors, commented on the importance of home sales in Florida. This is about promoting homeownership. In this economic recovery, home prices have increased fifteen percent this year in Florida. Mayor Seiler questioned if multiple sales of a property would result in multiple fifty percent reductions in city/county taxes and whether the five-year clock would continue to reset. He understood what the amendment would do in terms of economic impact, but believed it would be at the expense of cities and counties. Fort Lauderdale is half the millage rate of some other cities. This amendment would have a greater impact on Fort Lauderdale because it has kept its millage rate down. Ms. Ghibaudy emphasized that the realtors consistently lobby for homeownership. Their goal is to bring more people into Florida and create more jobs.

Beth Daly, member of Greater Fort Lauderdale Board of Realtors, believed the first-time homebuyers between the ages of 25 and 45 will benefit the most by this amendment. Buying a home from someone who has owned it for many years means a substantially higher level of taxes that impacts whether a homebuyer can qualify for the mortgage. Further discussion ensued on the actual first-time homebuyer savings and impact to the City in dollars based on a home valuation of \$300,000 including input from Mr. McWilliam. Commissioner Rogers noted that the majority of people are not buying new homes and they will be forced to pay more in taxes. Commissioner DuBose pointed out that more people equates to more services. Mr. McWilliam indicated it is not a situation of new home construction. He emphasized the positive economic impact by the sale of homes. Ms. Daly pointed out that it is not possible for everything in life to be even, therefore some people will benefit and others not, based on timing. Mr. McWilliam clarified that this has to do with first-time homesteaders, not first-time homebuyers, therefore it would have an impact in 2013. Based on previous comments about the City's expenses exploding over the last decade, the City Auditor noted that the City's expenses have actually only increased three percent annually. It was noted that the City's overall reserves are in the vicinity of \$178 million.

In response to Mayor Seiler, Mr. Hawthorne advised that the City is still working with the Property Appraiser's Office on numbers in the second resolution provided to the Commission. Commissioner Roberts was not convinced either way on the topic. Mayor Seiler questioned why the School Board would be held harmless if there was not a fiscal impact. Commissioner DuBose felt it should be viewed from the cities' perspective.

There was consensus approval to consider the resolution provided by the Florida League of Cities as a walk-on item at the regular meeting.

BUS-5 – Code Amendment – Sections 28-28 – 28-257, Sewers and Sewage Disposal – to Comply with Revisions to Florida Administrative Code by Florida Department of Environmental Protection – Industrial Pretreatment Programs

In response to Mayor Seiler, Todd Hiteshew, Public Works, advised that this has to do with Environmental Protection Agency streamlining rules and based on the State's recommendations from their annual inspections of the City's industrial pretreatment program. He went on to highlight information in Commission Agenda Memorandum 12-2327. He responded to Commissioner Rogers' question of whether the changes would result in increased costs. The limits are not being changed, however the fine amounts have been updated. Albert Carbon, Director of Public Works, indicated that direction is being sought for an ordinance to be drafted and presented at a future meeting. Mr. Hiteshew explained that this has to do with making sure waste coming into the City's plant would not jeopardize the plant. Mr. Carbon explained that the City issues a permit to such users.

Mr. Carbon advised an ordinance will be presented in December. There was consensus approval to proceed with drafting of an ordinance as recommended.

BUS-6 – District II Special Election

Mayor Seiler opened the floor for public comment.

Fred Carlson, representing the Central Beach Alliance, spoke in favor of having representation for District II during the interim. He urged the Commission to make an interim appointment.

Robert Walsh, 401 East Las Olas Boulevard, felt there should be a shorter period of time between the primary and special election. He agreed with Mr. Carlson. He questioned leaving the commission aides on-staff, Scott Wyman, if an interim appointment is not made. Mayor Seiler posed an arrangement for all incoming emails to be sent to all members of the Commission and all candidates that have qualified for the seat. He suggested that Mr. Wyman report to him during the interim.

In response to Commissioner DuBose, the City Attorney advised that the charter provides that commission aides are hired and terminated by the Commission. Subsequently a resolution was adopted that gave authority to each commissioner to hire and terminate their particular aid. In the event of an absence, the aid would become a Commission employee. Mr. Walsh felt that Mr. Wyman should answer to the full Commission.

Charles King, 105 North Victoria Park Road, opposed an interim appointment. He felt the Mayor could assist during this period.

Fred Carlson emphasized the need for representation on the Commission for District II during this period.

Mayor Seiler reviewed the City's history of resignations on the Commission and how they were treated. The City Attorney outlined the charter provisions relating to vacancies. Under the rules of statutory construction, when a way to do something is listed, it is to the exclusion of alternatives. Appointing an interim would put at risk any action taken by the Commission on a three to two vote.

There was no objection to the proposed dates.

Mayor Seiler reiterated his suggestion that all incoming emails be sent to all members of the Commission and all candidates that have qualified for the seat. He suggested that Mr. Wyman report to him during the interim. This would not take place until after the date of Vice Mayor Rodstrom's resignation. With respect to the public perception as to fairness, Commissioner Roberts suggested that the Commission Assistant Coordinator have some oversight in the dissemination of emails. Mayor Seiler felt there is sufficient oversight with emails being sent to all members of the Commission and the fact that they are public record. There was consensus approval of Mayor Seiler's suggestion. Commissioner Rogers hoped if something was to happen that Mr. Wyman decided to leave the City's employ, Vice Mayor Rodstrom would notify the Commission so that there would not be a gap in coverage. Note that Vice Mayor Rodstrom did not participate in this discussion.

Vice Mayor Rodstrom noted the charter provision that specifies if only one candidate qualifies for the office, no regular election will be held and the Commission shall certify such candidate to be elected. This could be accomplished by December 10.

BUS-7 – National League of Cities Annual Business Meeting – December 1, 2012 – Voting Delegate and Alternate

There was consensus approval for Commissioner DuBose to serve as voting delegate and Mayor Seiler as the alternate.

South Side School

OB

Assistant City Manager Susanne Torriente advised that the City is trying to secure written confirmation from Nova Southeastern University (Nova) as to their needs or whether Parks and Recreation will be programming the building. Commissioner Rogers felt the City needs to impose a deadline and develop a plan for a solution to the end game. He raised the idea of looking into leasing. It becomes a question of who has the financial backing with respect to programming and what would be the more efficient and effective way to address this. He felt the matter should be revisited with Friends of South Side. Commissioner Roberts agreed that the project cannot come to completion without an end game. Several initiatives, perhaps an RFP, should be brought forward to see what would be the best course of action. Commissioner Rogers requested staff look at the plans as they exist to date and advise what has to be done to finish the project from the perspective of not having any entity to take control of it. Ms. Torriente explained that the City can finish the exterior, but needs to know Nova's position before completing the interior. Commissioner DuBose wanted the City to first finish its conversation with Nova. Mayor Seiler felt the matter should be scheduled on the November 6 agenda. Ms. Torriente indicated staff will continue work on the exterior.

Note: The City Commission recessed at 4:47 p.m. and convened as the Community Redevelopment Agency Board of Commissioners from 4:47 p.m. until 5:03 p.m. The City

Commission then reconvened the conference meeting at 5:03 p.m. to address Items BD-1 and BD-2, then recessed at 5:13 p.m., and reconvened in the City Commission Chambers at 7:26 p.m. to address City Commission Reports.

BD-1 – Communications to City Commission and Minutes circulated for period ending October 11, 2012

Historic Preservation Board

Motion made by Mr. DeFelice and seconded by Ms. Scott to recommend the City waive any fees for an historic designation application for any City-owned property. In a voice vote, motion passed 10-1 with Mr. Schulze opposed.

In response to Vice Mayor Rodstrom, the City Attorney advised that it is not permissible to waive fees.

Middle River-South Middle River-Sunrise Boulevard Advisory Board

Motion made by member Vonder Meulen and seconded by member Gibson that the City Commission make a request of the Broward County Board of Commissioners to provide funding from the redevelopment capital bank as soon as possible for projects in the Middle River - South Middle River - Sunrise Boulevard CRA. Motion passed 9-0.

There was consensus agreement with this motion. In response to Mayor Seiler, Alfred Battle, Director of Community Redevelopment Agency for Middle River-South Middle River-Sunrise Boulevard area, advised that in response to the City previous resolution to Broward County on this matter, the County deferred development of a process for disbursement. Mayor Seiler suggested and there was consensus for the City's resolution to be re-stated. Vice Mayor Rodstrom suggested a request for expeditious response also be included.

Police and Firefighters Pension Board

The Board has prepared an RFP for a new actuary, which will be released on October 1, 2012.

Pension obligation bond funds will be invested according to existing asset allocation policy.

A Retirement Seminar will be held on Thursday and Friday, September 27-28, at 9:00 a.m.

Vice Mayor Rodstrom requested a copy of the existing asset allocation policy.

Sustainability Advisory Board

Please see attached communication from the Board's September 24, 2012 meeting.

Mayor Seiler asked that Assistant City Manager Torriente re-submit this item once the Commission has time to review the information.

BD-2 - Board and Committee Vacancies

There were no appointments.

City Manager Reports

Assistant City Manager Torriente announced that a public hearing will be held on November 6, at 6 p.m., with respect to Brownfield designation for property located 3115 NE 32 Avenue (Bokamper's Bar and Grill project).

City Commission Reports

Events and Matters of Interest

Members of the Commission announced recent and upcoming events and matters of interest, including announcement by Commissioner Roberts that the pain clinic on North Federal Highway will soon be closing.

Florida League of Cities; Legislative Policy Committee for Finance, Taxation and Personnel

Commissioner DuBose advised that the Committee has narrowed the issues for the upcoming legislative agenda to two issues: 1) pension and local business tax were combined and 2) communications services tax. The League's legislative agenda will be finalized next month.

Crime

Commissioner Rogers as well as Commissioner Roberts were interested in staff videotaping crime meetings so that they could be broadcasted on the City's governmental television station.

Inline Check Valves

Vice Mayor Rodstrom questioned whether the inline check valves could be provided by the State for that portion of Las Olas Boulevard under their jurisdiction. She provided photographs showing flooding conditions in this area that were made a part of the record.

The meeting adjourned at 7:49 p.m.