

City of Fort Lauderdale

City Hall
100 N. Andrews Avenue
Fort Lauderdale, FL 33301
www.fortlauderdale.gov



Meeting Minutes - DRAFT

Tuesday, February 4, 2014

1:30 PM

City Commission Conference Room

City Commission Conference Meeting

FORT LAUDERDALE CITY COMMISSION

JOHN P. "JACK" SEILER Mayor - Commissioner
BRUCE G. ROBERTS Vice Mayor - Commissioner - District I
DEAN J. TRANTALIS Commissioner - District II
BOBBY B. DuBOSE Commissioner - District III
ROMNEY ROGERS Commissioner - District IV

LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JONDA K. JOSEPH, City Clerk
CYNTHIA A. EVERETT, City Attorney

Meeting was called to order at 1:36 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

Present: 5 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis, Commissioner Bobby B. DuBose and Commissioner Romney Rogers

Also Present: City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph, City Attorney Cynthia A. Everett and Sergeant at Arms Sergeant Jeff Brull

CITY COMMISSION REPORTS

Events and Matters of Interest

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

Beach Renourishment

Vice-Mayor Roberts explained that beach renourishment was discussed at last night's Galt Mile Community Association meeting. Broward County District IV Commissioner Chip LaMarca was in attendance and had to answer a lot of questions about this project, which is not going well. There was consensus to move forward with a resolution supporting the County, State and Federal government. Vice-Mayor Roberts suggested this has an economic impact on hotels along the beach. It also is a quality of life and safety issue. Fort Lauderdale's beach was supposed to be renourished in 1999. State permits have been issued. Commissioner Trantalis referenced a newspaper article stating the project was scheduled for Fort Lauderdale in 2015. Vice-Mayor Roberts said the Galt Mile Community Association would like it to start sometime this year. In response to Commissioner Trantalis, the City Manager noted that unlike Miami-Dade County, Broward is prohibited from conducting beach renourishment during turtle season. Broward County Beach Erosion Administrator Eric Myers will provide an update at the February 18 conference meeting. Funding must be resolved because the County is seeking \$7million to \$12 million from the City because federal dollars are not available. The City owns that portion of the beach within its city limits. He believes the County is seeking one-third of the total cost to be paid by Pompano Beach, Lauderdale by the Sea and Fort Lauderdale, based on linear footage. During some further discussion with respect to funding, Vice-Mayor Roberts believed the total cost estimate is \$48 million and that County Commissioner Chip LaMarca had said funding would not be an issue and referenced \$44million to \$46 million of the total amount.

Commissioner DuBose noted later in the meeting that a special meeting of the Tourism Development Council is planned for February 14. The City could send a recommendation to the County Commission. This is a good opportunity because the County Mayor serves on this board.

Stranahan Park

Vice-Mayor Roberts noted there were some problems at Stranahan Park reported by the Woman's Club. The Police Department is looking into providing more permanent staffing at this location. There may be a delay in re-installing electricity because of costs and permitting. Mayor Seiler said the building has been vandalized twice. Currently there is no air conditioning and they cannot hold events there. Vice-Mayor

Roberts suggested closing this park at sunset until the fencing is installed, electricity restored and proposed ordinances are adopted because of the danger it presents when it is dark and vacant. Mayor Seiler agreed. The Woman's Club is a volunteer group. They have lost their leases because they cannot make guarantees. There were six homeless feeding events on the day the building was vandalized. There was consensus agreement. In response to Commissioner DuBose, the City Attorney did not believe there would be any legal issues if they proceed with temporary park closure.

Affordable Housing Joint Workshop, February 10, 2014 and Amplification for 8th Floor Conference Room

During a general discussion about the upcoming workshop on affordable housing, Mayor Seiler requested the workshop take place on the eighth floor. There was consensus that it would be a joint workshop.

Discussion also ensued about the sound amplification in the eighth-floor conference room. The City Clerk agreed to look into options.

Dorsey Riverbend; Vacant Lots and Garbage Containers

Commissioner DuBose advised there are concerns relating to cleanliness of vacant lots in the Dorsey Riverbend neighborhood. Also, there are a lot of rental units where garbage cans are left out for several days. The City Manager advised citations can be issued for those violations. Warnings are generally issued first. He agreed to follow up.

City Hall Parking Garage

Commissioner Rogers said he has received complaints about the new rates for City Hall parking garage. After a discussion of various options, Mayor Seiler suggested to not charge on Monday through Thursday from 6 to 9 p.m. and charge on weekends. The City Manager agreed to prepare a recommendation for discussion.

Graffiti

In response to Commissioner Rogers, the City Manager advised that there is not an active task force dedicated specifically to graffiti. If police or code enforcement officers identify graffiti, the information is sent to a designated individual in the Police Department for follow up. Commissioner Rogers felt it should be meaningfully addressed and removed quickly.

CONFERENCE REPORTS

CF-1 14-0187 CENTRAL BEACH MASTER PLAN PUBLIC IMPROVEMENT PROJECTS UPDATES

Commissioner Trantalis noted that concerns were raised at his district meeting that the study should include the marina project. The City Manager explained that because it was not included in the scope of the original proposal, it would require a new solicitation. Mayor Seiler thought delaying the Central Beach Master Plan projects by starting over would be counter-productive.

Mayor Seiler opened the floor for public comment.

Mary Fertig, 511 Ponciana Drive, was pleased that the consultant is local and working well with residents. There are several groups planning for different parts of Las Olas. She was concerned about the lack of conversation between the various groups. There is no big-picture plan that incorporates all aspects. Traffic and environmental impacts should be included.

Robert Dean, 3000 East Sunrise Boulevard, said it appears that the City is not looking to the future or planning to accommodate the marina as part of the Las Olas and beach redevelopment plan. One significant point is that no one is against it. Mayor Seiler agreed, but cost is an issue. The Commission has requested updated numbers. An expansion cannot be done at a \$20 million loss. The City Manager added that the City cannot obtain financing until they determine the model will work under the worst projections or the City would have to provide some other credit backstop to the bond holders in the event revenue projections are not met. A frequency of such practice would eventually impact the City's ability to borrow for other items in the future. Mayor Seiler added that the revenue projections vary greatly. Commissioner Trantalis did not believe the numbers were verified. This agenda item pertains to the scope of the EDSA contract. The marina was not included because it is a completely different endeavor. The City Manager pointed out that the parking garage is included, but what is done with the parking lot is undecided. Commissioner Rogers felt that EDSA will consider the parking lot and it will assist in considering the marina project. By the time EDSA has developed a design, the City will have numbers, therefore he did not think anything is being lost in the process. Mayor Seiler agreed that the parking garage and marina are not mutually exclusive.

The City Manager noted that the Thomas J. Murray & Murray Associates report "Mega Yacht Economic Analysis for the Las Olas Marina Expansion Feasibility Study" showed \$1.60 per linear foot as a prevailing rate. The City Auditor advised that the effective rate is \$1.06 which does not support the cost. Dean explained that the numbers were used, for example based on a hot dog stand instead of a steak house. Commissioner Rogers agreed it was not realistic if that is what Murray & Associates did in their analysis. The City Manager explained that similar to an appraisal the projection involved comparable properties, averages and reasonable assumptions. The City needs documentation from a professional in the field in order to get financing. The numbers could be brought down by subsidizing, but it is still use of tax dollars and a policy decision. Commissioner Rogers pointed out a decision has to be reached, considering how much should be invested to redevelop the entire area versus the marina redevelopment. The City Manager believed that the best way to determine the feasibility is to issue a request for proposals (RFP) and solicit private partners. Private partners will identify what City investment is needed if any to make the project successful or what they would invest at their own risk and how much they would pay the City. There seems to be great resistance from the Marine Advisory Board in that direction.

The City Auditor expressed concern about revisiting the assumed linear foot rate after the City has retained an expert to determine that rate. It would be difficult to challenge the conclusions of the City's own consultant. Mayor Seiler asked why the Marine Advisory Board does not favor the option set out by the City Manager in that the marine industry has expressed favor of it. Dean was uncertain that the Marine Advisory Board has actually taken a position on the concept of a public-private partnership (P3). Commissioner Rogers felt the matter needs to be looked at. In response to Mayor Seiler, the City Manager advised that staff was requested to gather more data and return to the Commission. He delineated how a relatively simple RFP could be prepared. Commissioner Rogers suggested that the Marine Advisory Board could be requested to provide feedback on a P3 option while staff is working on this simultaneously. Vice-Mayor Roberts thought the P3 is the most viable option. The City Manager felt CBRE, Inc., the City's new real estate brokerage firm, could assist with providing their network to solicit responses to the RFP. CBRE has a national network.

Jack Newton, 1 Las Olas Circle, referred to Dean's comments and said building infrastructure to attract business is a wise investment. The benefits to the city, county and state are immense. Historically, the multiplier effect on a dollar spent at the marina is four. Mayor Seiler suggested he provided this statistical information for the record. He went on to explain the economic impact does not take into account what goes into City coffers to cover expenses. Newton felt the increased economic impact would generate more sales tax, construction and so forth. Mayor Seiler pointed out that the City receives a small fraction of the sales tax revenue. Newton believed construction of two parking decks proposed to be funded with Community Redevelopment Agency funds will be a guaranteed loss. Commissioner Trantalis pointed out that this item is about determining the economic impact and expense. Mayor Seiler understood that Newton opposes the parking garages; however the City needs to provide parking for the barrier island. Newton suggested shuttle service to existing downtown parking.

Fred Carlson, 625 Orton Avenue, agreed with Newton's point about ancillary revenue to the marine industry in general that could come about.

Mayor Seiler requested the City Manager schedule a discussion on the marina issue once updated numbers are available.

BUS OLD/NEW BUSINESS

BUS-1 14-0010 LAS OLAS BOULEVARD STUDY

Transportation and Mobility Director Diana Alarcon provided introductory remarks, noting this matter was presented to the public last fall.

Demian Miller of Tindale-Oliver & Associates reviewed slides concerning this matter. A copy of the slides is attached to these minutes.

Mayor Seiler and Commissioner Trantalis questioned the right-turn only at 15 Avenue shown on Slide 26. Miller advised that the study period was weekday morning and afternoon peak hours. He went on to explain subsequent slides that tie into Slide 26.

Commissioner Rogers raised questions concerning Slide 30, and specifically residents of Colee Hammock being able to get out of their neighborhood. Miller advised that the belief, based on the computer model, is that when the signal timings are cleaned up, some of the gridlock at this location will be resolved.

Commissioner Rogers asked whether the restricted left turn on 15 Avenue going west on Las Olas would encourage right turns onto 15 Avenue. If one has to wait longer to proceed straight, they would probably turn right if only cutting through. Miller indicated that may be true, but it would be to such an extent that the City might not be happy with the change. Commissioner Rogers drew attention to the pedestrian problems on Las Olas. Miller explained the impact that could likely occur at Broward if all of the traffic is forced onto 15 Avenue. He suggested it be implemented as recommended with the knowledge that this option could be explored in the future. The goal is to gain some space for a bicycle keyhole and a wider lane for trucks. The only available space is the left turn lane. Once it is removed, he is hesitant to allow left turns there. Additionally, with a line of cars behind a motorist, he or she might make a poor decision. The proposal is a step-wise solution that helps bring the character of Las Olas further east, but it does not change it overnight.

Mayor Seiler opened the floor for public comment.

Sultan Khan, board member of Las Olas Village Association, agreed with many of the recommendations but felt the priorities are a little off. The major issue on Las Olas is pedestrian safety. There are concerns about lighting and sidewalks. Las Olas Boulevard, west of the Himmarshee Bridge, looks like a wasteland. There is inadequate lighting. People do not feel safe. Mayor Seiler agreed that the area is not pedestrian friendly. He believed that lighting needs to be addressed but this is a start toward creating a more pedestrian-friendly area. Kahn indicated that he is speaking about 12th eastward. Commissioner Trantalis agreed about the need in that area. Kahn reiterated their concern and asked if there are any short-term solutions that could be put in place. The existing conditions have a negative impact on the businesses. It is a concern of a lot of merchants and area residents.

Howard Kurzweil, resident of Las Olas Riverhouse Condominium, said his partner of 23 years was killed at the intersection of Las Olas and 2 Avenue in 2010. There was a painted crosswalk. In the wrongful death litigation, it was determined that no one will take ownership of the crosswalk. Six months after his partner's death, the crosswalk was sandblasted and is no longer visible. He thanked the City for adding a signal at 1 Avenue near the museum but a second crosswalk was to be added between 1 and 2 avenues, but it never happened. There are no painted stripes at 2 Avenue. Police are demonizing pedestrians in their reports by indicating jaywalking although people are walking corner to corner. The same thing is happening at 11th and 15th, where a pedestrian was recently struck by a vehicle. More crosswalks are needed. It is a simple matter of paint.

Robin Merrill, founder of the Las Olas Village Association, believed that the City needs to address the area's culture and behavior. A public information campaign is needed. The only legal place to cross the street is 15 Street where there is a lighted intersection. People need to be able to cross the street. This is supposed to be a dense, pedestrian-friendly downtown main street. She provided a copy of the police report from an October pedestrian accident. The victims were walking down Las Olas, crossing at 13 Street. The driver was not cited because the markings are unclear. She asked that narrowing of Himmarshee Bridge to one lane be prioritized along with some of the other items. She suggested that perhaps grant funding could be used to address some of these safety issues.

Lesley Grilley, 501 Flamingo Drive, said she feels trapped in her Riviera Isles home. It takes almost an hour to get out of her neighborhood. She agrees with everything in the traffic study. She is concerned that it was conducted during the summer and does not identify how extreme the situation has become. She referenced an article in the *Sun-Sentinel* about Las Olas becoming another South Beach. Some 5,000 more units are going to be built within walking distance therefore tweaking a traffic signal at 15 Street is not going to entirely solve the problem. She would like a much larger, ongoing overview. This area is only going to get busier. In response to Commissioner Trantalis, Grilley said it used to take 15 minutes to get to her gym at Broward General. It now takes 35 to 40 minutes. Commissioner Trantalis explained that a previous commission wanted to slow traffic on Las Olas and prevent it from becoming an east-west thoroughfare. This is no longer the goal. Grilley felt that every year it gets worse. There are no longer peak traffic hours because it is always busy. She cuts through 16 Avenue because it saves time. The proposed changes are good but they underestimate the problem because of when the counts were done. Miller noted that the traffic counts are seasonally adjusted. Weekends and special events are not factored in.

Doug Eagon, 2400 Castilla, indicated he is a resident of the Isles, works downtown, previously served on the Downtown Development Authority and owns property on Las Olas Boulevard. He noted the importance of the Las Olas corridor as an economic engine. A balance must be established. Las Olas is

a major arterial into downtown. One reason for the businesses on Las Olas has to do with the traffic from all over town. Some of the concepts being discussed, such as a permanent reduction to one lane, could create congestion. Most relevant to today's discussion is the question of how to move traffic on 15 Avenue between Las Olas and Broward Boulevard. He shared concerns about feeling trapped in his neighborhood. Initiatives are being discussed that would shut down portions of Las Olas on Sunday mornings and the traffic route would be similar to what is used for the art shows. This idea has merit, but there needs to be a way for better flow through 15 Avenue. It could be very difficult for people to get around. There was a marathon recently and all of Las Olas Boulevard from downtown to Riviera Isles was shut down. People did not have access to their homes. Overall this is a good start but there should be a balance between the downtown economic engine and residential access.

Michael Weymouth, Las Olas property owner, agreed with Eagon's comments. This topic has been kicked around for a long time, since changes that were made in the roadway configuration. He thanked Commissioner Rogers for keeping this issue in the forefront and staff for soliciting feedback. He urged the City to proceed.

Mary Fertig, representing Idlewyld Improvement Association, discussed some of the history around Las Olas. The Commission has decided to add 5,000 housing units, have a thriving Las Olas corridor and locate garages at the beach end of the boulevard which will encourage motorists to use Las Olas. The appropriate infrastructure is needed to make those decisions succeed. Last spring, residents compiled a list of suggestions that was submitted to the City. She provided a summary of key points, which is attached to these minutes. The study only focused on SE 12th to the Intracoastal Waterway. Because of that, the residents confined their comments to the section that was studied. She took issue with the study being conducted in the summer. Input from residents in the area was not sought. Transportation and Mobility Director Alarcon clarified that staff did not line up stakeholders for Tindale-Oliver to speak with. The idea was to bring in stakeholders after traffic patterns were examined. Fertig expressed concern about residents being trapped in their neighborhoods. She urged a collaborative approach and asked for continued community dialogue meetings.

Bob Cole, board member of Colee Hammock Homeowners Association, said three years ago a decision was made that 15 Avenue should be the connector between Broward and Las Olas boulevards. People were encouraged to use that roadway, which would keep them out of the Colee Hammock neighborhood. He noted his experience and credentials as an engineer for Broward County. He referred to the slide titled "Mid-Term Recommendation – 15 Avenue," and discussed concerns about the proposal for the intersection of Las Olas Boulevard and 15 Street. It is not really a right-turn lane but rather a travel lane that one must turn right on. Bicyclists will be directed to go across traffic to get into the keyhole. A traditional right-turn lane is a separate lane. If the lanes are narrowed to 10 feet, it would be possible to fit everything including the left turn lane southward. He was opposed to the crosswalk for safety reasons. Mayor Seiler agreed. Cole suggested an additional crosswalk at Tarpon. He felt the stop signs should be eliminated. The reason some favor the stop signs is for pedestrians, not vehicular traffic. He liked the idea of table tops (traffic calming) within the neighborhood and agreed that the signalization could be modified.

Charles King, 105 North Victoria Park Road, discussed the history around this topic particularly with respect to community segments that voiced their positions. This is the heart of the city connecting two major portions of the city to downtown and the beach. He thought there should be signs on Las Olas designating a pedestrian-friendly zone. He did not think that Las Olas is a thoroughfare. There are a lot of good ideas in this plan. He was concerned that the surveying was not done on the weekend when people use Las Olas to go to the beach. He felt some of the streets from 15th should be opened and table

tops added. He suggested a dedicated turning lane from Broward. Miller advised that could possibly be accommodated. Commissioner Trantalis explained the consultant understands there are different levels of traffic which would not change their recommendations. The point is well taken but it is a matter of degree. Miller advised that the traffic counts were annualized to show peak season. It is a matter to accomplishing the low-hanging fruit, observing the results and then deciding whether to accelerate the longer term items.

Ed Smoker, 901 East Broward Boulevard, commented that this has been underway for 14 years and nothing has happened. This is a fairly good study with a lot of diverse input. It does not answer all of the questions, but it is time to get something done. The proposal seems to be a very good cross-section of the input provided.

There was no one else wishing to speak.

Mayor Seiler agreed with the entire proposal with the exception of the two items Mr. Cole mentioned (bike lane and crosswalk locations). Commissioner DuBose was also concerned about the bike lane. Miller offered alternative ideas and agreed it is not an ideal situation. After more discussion on this point, Mayor Seiler concluded by asking that the details on this point be further analyzed. Miller discussed the crosswalk idea and recommended it be the type that requires the pedestrian to press the crossing button.

Commissioner Rogers agreed with the recommendations although he is not convinced the left turn onto 15 Avenue should be eliminated. He also felt the stop sign should not be eliminated until other features are implemented and there is certainty it needs to be eliminated. He felt Phases I and II should be done simultaneously because this has been underway for quite some time, Las Olas generates a great deal of revenue and it is a safety matter.

Miller explained that while Phase II was originally projected to cost between \$1.3 million and \$2.7 million, alterations presented by staff brought that number down by almost half. Mayor Seiler suggested proceeding with Phases I and II. Miller indicated that the brick and mortar road diet was originally part of Phase II but it was moved to Phase III, therefore the cost estimate for Phase II is less than half of what is shown. Vice-Mayor Roberts suggested the left turn lane be moved during the study phase while it is only a matter of paint to see how it works. Commissioner Rogers was agreeable to that suggestion and went on to suggest that the additional crosswalk on 12th suggested by Mr. Cole be added. Alarcon noted that staff is studying the feasibility of a crosswalk at Tarpon. They are waiting on product delivery for the crosswalk at 13th. The City Manager noted that the City still has to go through Broward County on permitting. Alarcon added that 13th has been approved.

Commissioner Rogers raised the question of using parking revenues for street improvements. The City Auditor advised that in the past, parking fine revenue has been used for these types of projects. He was unsure about the nexus with respect to parking revenue. Anticipated parking revenue, to a certain extent, is incorporated in the budget. It may be pledged toward something, and in some cases there are associated operating costs. There are future anticipated capital needs for the system. In order of priority, the needs of the parking system should be funded by parking revenues. They are already factored into the annual budget.

There was consensus to move forward with Phases I and II, moving hardscape improvements to Phase III and addressing the issues raised by Mayor Seiler and Commissioner Rogers.

BUS-3 14-0122 MIDDLE RIVER TERRACE ADDITION - OPEN SPACE SITE 145
(OS-145) - INTERLOCAL AGREEMENT WITH BROWARD COUNTY

Director of Parks and Recreation Phil Thornburg explained that as part of the 2000 County parks bond issue, staff has been working to acquire this site which is just south of the current Middle River Terrace Park. Staff has negotiated and renegotiated with different property owners and gotten nowhere. Staff does not think the property is worth the cost to clean it up. Even so, there are some groundwater issues. The County has asked for a decision.

Commissioner Trantalis said the contamination appears to be a sticking point. No one wants to touch it. The responsibility seems to fall on the owner. He asked if there are plans to enforce the code and have the owner rehabilitate the property. The City Manager explained that the City does not have jurisdiction on environmental matters such as arsenic. It lies with the State, and in Broward County's case, it has been delegated to the County. Six years ago the County started studies on the property, which are still in the works. Commissioner Trantalis found it troubling that children are playing in the park and there is contamination. This remains in the study phase while there may be a dangerous condition that exists. Mayor Seiler pointed out that it is not the City's responsibility to address it.

Donald Burgess, representing Broward County's Natural Resources Planning and Management Division, reviewed the history of the property. When a contract was in place in 2008, soil and groundwater testing was conducted, but the property owner at that time did not want to address it. Broward County took the property owner to court, and it ultimately was seized by a bank. It remains contaminated. An area in the northwest section has the highest concentration of arsenic. If the property is developed as an industrial use with parking on it, it may not be necessary to address it. Different standards apply for a park versus an industrial site. The County is not currently enforcing codes but site assessment reports are reviewed. The source of the contamination is unknown. There was previously a nursery on the site and this may have contributed to the groundwater contamination. He explained the next step after the study phase.

Commissioner DuBose expressed concerns about children being exposed to contamination. Burgess explained that the State delegated authority to Broward County to determine how to mediate the property. The final solution could be to pave over the arsenic and not use the groundwater. Most of the exposure has to do with groundwater. If the water is not pulled out of the ground, there is no contact. The arsenic in the soil is in the backyard of a residence where there was a garden which could be covered with an impervious surface such as asphalt. Vice-Mayor Roberts believed there is no requirement to clean it up until a use is determined. The City Manager indicated that final use will determine how the site is cleaned up. There are two issues today: groundwater and arsenic in the soil. The City is not pulling water out of the ground and using it on the adjacent park. The arsenic in the soil is limited to the backyard of a house. Burgess advised that the testing confirmed soil contamination under the house but it was not dispersing further. There was evidence of continued groundwater to the northeast and northwest. Adjacent properties have not been tested. The City Manager confirmed that soil has not been tested on the City's property. Commissioner Trantalis believed the soil would have had to be tested before the City acquired it. Vice-Mayor Roberts noted the immediate issue is to determine what to do with Open Space Site 145.

Mayor Seiler opened the floor for public comment.

Laura Croscenco, 1616 North Dixie Highway, said she contacted the Florida Environmental Protection Agency (EPA) and was told there is a high level of toxic arsenic underneath this property. It is 20 times higher than the EPA allows. She asked the Commission to hold the roughly \$1 million it would cost to purchase the property. Once it is clean, it could perhaps be used for park parking. The highest

concentration of contamination is on the north corner. She contended that there is contamination in the park underground, where children are playing and people are gathering. She does not believe the City or County ever tested the groundwater or soil of the park. She would like the City to investigate whether it could force the bank to remediate the property based on a due care state law. Vice-Mayor Roberts agreed that the City should force cleanup of Open Space Site 145 but did not want the City to purchase the property and then become responsible for the cost.

Charles King, 105 North Victoria Park Road, felt the bank, as the property owner, should be more cooperative in facilitating the City acquiring it. Commissioner Trantalis explained the City is prohibited from using the funds to purchase a contaminated site. The County has not attempted to force the property owner to remediate it. King questioned whether the seller of the park disclosed the contamination.

Steve Stahl, 1709 NE 8 Avenue, suggested paving over the property to use for basketball courts. Mayor Seiler explained that it would be irresponsible to purchase property knowing it has an environmental hazard.

Art Seitz, 1905 North Atlantic Boulevard, said any time recreation funds can be secured, it is wise to spend those dollars on a park. This Commission and previous commissions have been more inclined to give away public property. He believed that the population of Fort Lauderdale and Broward County will double and more recreational space is needed. Burgess explained that through their bond program the County bought more than \$27 million worth of property in Fort Lauderdale that is being managed by the City.

There was no one else wishing to speak.

Commissioner Trantalis was disappointed that that the County did not take action against the property owner and now the City has to revoke its park bond funds. It is putting adjacent property owners at risk. Commissioner DuBose suggested the City conduct due diligence on this matter. The City Manager said he would send a letter to the Broward County Administrator regarding enforcement, and he encouraged the Commission to speak with County commissioners involved in this matter. In response to Commissioner Trantalis, he said he has spoken to the bank about taking independent action to clear the property and perhaps donate it but due to the clean-up costs, the bank was not in a position to do so. The County has risk criteria that triggers enforcement. He assumes this site has not met that level. It is limited to soil behind the structure and no one has access to, and the groundwater is not being pumped. Mayor Seiler reiterated the risk exposure if circumstances changed in the future.

There was consensus not to purchase the property.

BUS-7 14-0215 FINANCE DEPARTMENT - INFORMATIONAL PRESENTATION

Director of Finance Kirk Buffington reviewed slides concerning this matter. A copy of the slides is attached to these minutes.

Controller Linda Logan-Short continued review of the slides, relating to core services of the financial administration section.

Revenue Collection Supervisor Arnette Torrence continued review of the slides, relating to utility billing.

Senior Accountant Pamela Winston continued review of the slides, relating to revenue and debt.

Manager of Procurement and Contracts Mike Walker continued review of the slides, relating to procurement. Walker and Buffington responded to technical informational questions. Buffington continued review of the slides, relating to future projects.

The City Commission recessed at 5:45 p.m. and reconvened at 8:29 p.m. to address Item BUS-2 in the City Commission Chambers on the first floor of City Hall

BUS-2 14-0099 SOUTH SIDE SCHOOL UPDATE

The City Manager highlighted information in Commission Agenda Memorandum 14-0099. This is a follow-up discussion to previous talks about Parks and Recreation staff occupying the building. Staff has prepared floor plans and is seeking direction to proceed so the procurement process can begin. He recommended moving forward with a traditional design-build-bid procurement option.

Mayor Seiler opened the floor for public comment.

Steve Buckingham, president of Tarpon River Civic Association, said the Association is supportive of moving forward with South Side School. He spoke with Broward County Vice-Mayor Tim Ryan about assistance with parking. He remains committed to working out a compromise with the City if additional parking is needed at the County's parking garage.

There was no one else wishing to speak.

Commissioner Rogers said he would like to move forward quickly. He agreed with the City Manager's approach. Public Works Director Hardeep Anand announced that Senior Project Manager Irina Tokar will lead this effort.

Commissioner Rogers raised the issue of programming the first floor. Vice-Mayor Roberts said he has not heard of any parties interested in providing programming for the first floor. The City Manager indicated that staff was planning to handle programming unless a party came forward. The project has been publicized enough that if there are interested parties, he felt they would know. There continues to be some interest from the YMCA. Staff would reach out to any groups identified by the Commission.

Commissioner Rogers thought there needs to be a backstop. The backstop is that Parks and Recreation has the capability to do some programming. They have stated that arts is not their area of expertise, and they would need to add staff for that purpose. He intends to ask the Friends of South Side whether they would be interested in crafting a proposal. Vice-Mayor Roberts noted that the conceptual design of the first floor appears to be compartmentalized. He would like to see more flexibility. Commissioner Rogers felt it needs an operational kitchen. Vice-Mayor Roberts indicated he was thinking of a design similar to the beach community center, with small rooms, a kitchen and a large multi-purpose room. The City Manager pointed out in the backup the load-bearing walls that cannot be moved.

There was consensus to proceed as recommended.

BUS-4 14-0071 PARK IMPACT FEE UPDATE

The City Manager advised this item was presented in December. Since that time the acquisition of the Rivermont property, to which \$900,000 of park impact fee funds were allocated this fiscal year, was purchased by another individual. A new five-year plan is being presented today.

Commissioner Trantalis did not agree with Exhibit 4, titled "Park Impact Fees Proposed Expenses" that is attached as part of the record. He would like to consider a workshop to further discuss this. Park impact fees are intended to mitigate the impact of development in a particular area. The area surrounding the development should be given first priority. If it is determined the funds are not needed for that area, they could be spent in other areas.

In response to Vice-Mayor Roberts, Parks and Recreation Director Phil Thornburg confirmed the plan has been discussed with the Parks, Recreation and Beaches Advisory Board, although not specifics. Vice-Mayor Roberts, Mayor Seiler and Commissioner Rogers said they would like the Board's feedback. Commissioner Rogers did not want to lose traction on the items on which there is consensus, such as the soccer fields. Thornburg agreed to bring up the matter to the Board at their next meeting and bring the item back to the Commission in March.

BUS-5 14-0023 NEIGHBORHOOD COMMUNITY INVESTMENT PROGRAM AND
BUSINESS COMMUNITY INVESTMENT PROGRAM PROJECTS
UPDATE

The City Manager made introductory remarks, noting this is an update.

Vice-Mayor Roberts thought it is important to maintain the Neighborhood Community Investment Program (NCIP) program because it plays an important part in what the neighborhoods want. Commissioner Rogers believed it has to do with managing expectations. It galvanizes a neighborhood even if they have to wait several months. He agrees that the program should remain active. He believed people understand that there can be a backlog.

The City Manager said they are planning the budget around continuing the program. However, at some point, funds need to be flagged for maintenance. Some neighborhoods are not able to handle this aspect. Consequently, improvements fall into a state of disrepair. Some of the improvements have the potential to become a liability. Commissioner Rogers suggested segregating funds from the grant for maintenance.

In response to Commissioner DuBose, the City Manager said he believes Community Development Block Grant (CDBG) funds can be used for maintenance. However, some of the neighborhoods with which the staff is having issues are far from being CDBG-qualified.

Mayor Seiler opened the floor for public comment.

Genia Ellis, 1801 Marietta, said her neighborhood was one of the first to use this program and the self-assessment program, which appears to no longer be active. She would like the Commission to consider reinstating it. This is where a neighborhood can elect to assess their area to pay for the improvements. There are neighborhoods willing to do this. It stopped due to a lack of staff resources. She believes it will pay for itself. The improvements are actually in the public right of way, so they improve the city. She supported the program and suggested the Commission also consider raising the level of funding.

In response to Commissioner DuBose, Neighbor Services Manager Hal Barnes said the biggest backlog in funding is with the CDBG projects. Staff does not anticipate receiving matching grants until 2017. There are about 25 projects that have been approved. Public Works has crafted a design schedule for the approximately 20 projects that are fully funded. The City Manager noted that each year as the City

approaches the CDBG deadline, they are often looking for projects. He has directed Public Works that to prepare four projects beyond the shelf. Therefore, if CDBG dollars have to be spent, those projects are ready to go out for bid and be constructed within the time frame. While the CDBG funds are not currently allocated, this could change as the summer months approach. Commissioner DuBose did not think the City should continue to add to the project list. Because it has been on hold, this is a good opportunity to clean up the pipeline. They need to be diligent in determining how many can be managed each year. Commissioner Rogers suggested making the program competitive. There could be fewer, larger projects that have a bigger impact. It will generate the same interest. The process and having a goal is important. He wanted to ensure the momentum is maintained. He does not want to pause the program. He would like staff to analyze the feasibility of fewer large-scale projects and clearing out the backlog. Commissioner DuBose was concerned with getting them completed. It is already a competitive process. He wanted the process fine-tuned by staff looking at the data and determining what can realistically be accomplished. He wanted to ensure the projects are completed in a timely manner.

In response to Mayor Seiler, the City Manager said the revised program will provide if there are maintenance issues with a particular project, that neighborhood will be disqualified from the application cycle until they identify how to address those issues. Mayor Seiler agreed.

Commissioner Trantalis requested a summary of the pending projects.

Charles King, 105 North Victoria Park Road, felt this is one of the more important things that cities do. Improving neighborhoods is more important to the residents. A motorist ran off the road in Victoria Park and destroyed a decorative sign which is not the fault of the neighborhood. The residents know what is most important to them. He emphasized the need for investment in infrastructure instead of personal services.

There was no one else wishing to speak.

BUS-6 14-0200 PROPOSED POLICY - REASONABLE OPPORTUNITY TO BE HEARD - FLORIDA STATUTES, SECTION 286.0114

Deferred to February 18, 2014.

BD BOARDS AND COMMITTEES

BD-1 14-0129 COMMUNICATIONS TO CITY COMMISSION AND MINUTES CIRCULATED - period ending January 30, 2014

Sustainability Advisory Board

On November 25, the SAB was given a presentation on inductive reactor technology. This technology is applicable to all City facilities and will contribute to a reduction in a facility's KW demand, and correspondingly, a reduction in the City's greenhouse gas emissions. This technology is already in use at the City's GTL WWTP (George T. Lohmeyer Wastewater Treatment Plant). We recommend that the City Commission direct staff to begin expanding the use of this technology to help meet the Energy and Air Quality Goals outlined in the Sustainability Action Plan. A broader use of inductive reactor technology has far reaching consequences for our community.

As we learned from a NYSERDA (New York State Energy Research and Development Authority) report referenced in the presentation, a reduction in distribution losses and lower demand at the end-user facility saves approximately three times the amount of energy that must be generated at the source power plant. Using existing energy sources more efficiently benefits everyone.

After considering the Sustainability Advisory Board meeting minutes above, Mayor Seiler questioned the cost associated with inductive reactor technology. Deputy Director of Public Works Julie Leonard said some of these devices are installed at the City's wastewater plant. It is a surge protector that regulates electricity to pieces of equipment. A bid was issued in October 2012. She did not have the bid results. She agreed to provide more details.

BD-2 14-0130 BOARD AND COMMITTEE VACANCIES

Please see regular meeting item R-3.

CITY MANAGER REPORTS

Solid Waste Hauler

The City Manager noted a new waste hauler, Republic Services, has been operating since February 1. He has not heard any negative feedback. Mayor Seiler believed some of the pickups were late, but that is understandable since this was their first week of their route.

Building Owned by General Employees Retirement System

The City Manager drew attention to a building at 300 NE 3 Avenue that is owned by the General Employee Retirement System. It was purchased in November 2011 for \$3.5 million and is now scheduled for demolition. He is not sure of the rationale for the demolition. He has concerns about purchasing real estate instead of participating in real estate funds. He was uncertain what the resolution would be other than drastic changes to the composition of the board. He does not believe the investment will be supported. He does not believe they are under contract to sell it for development purposes.

Mayor Seiler requested the City Auditor's input. The City Auditor said this is an ongoing topic at the Board's meetings, even though it represents a small fraction of their invested assets. The Board's decision to pursue individual property strategies pre-dated his attendance at their meetings. There is an individual who handles property management. There has been discussion about assembling a larger site for this property and selling it as a package to a developer. Mayor Seiler thought this looks like real estate speculation, which is a concern in that the City is a backstop. The City Auditor agreed. Real estate is a valuable component in a diversified portfolio. It acts differently than equities and bonds. However, he does not believe they have the necessary geographic diversification, classification of property diversification nor the expertise to appropriately manage that asset category. He has encouraged the Board to consider divesting themselves of individual properties and moving them into the Real Estate Investment Trust (REIT). He believes the fund is overly exposed to the Fort Lauderdale market. Over the 20-year or 30-year life of a pension plan, it may not always be on the upswing like it is now.

The City Manager said the composition of the Board is governed by ordinance and is employee retiree dominated. The Commission can consider replacing the Board with professionals who have expertise in investment management. Commissioner Rogers suggested a joint meeting with the Board. The City Manager felt the Board would remain autonomous until the ordinance is changed. He believed the

members understand that being real estate managers was not the best course of action, but that decision has already been made. He is concerned about their actions in the future that could impact the fund. Both Vice-Mayor Roberts and Mayor Seiler agreed with Commissioner Rogers' suggestion of a joint meeting. Mayor Seiler noted the current membership composition. Commissioner Trantalis wanted to know the Board's rationale for the demolition. Commissioner Rogers pointed out that overall, the performance has been very good. Such an investment does not seem to fit, but he does not know all of the circumstances. Mayor Seiler thought the demolition seems odd. The City Auditor noted that Assistant City Attorney Bob Dunckel has been the Board's attorney for many years and may be able to shed some light on it.

There being no other business to come before the Commission, the meeting adjourned at 9:14 p.m.