



|    |     |  |            |
|----|-----|--|------------|
|    | 19. | Northwest-Progresso-Flagler Heights Redevelopment Board            | 14         |
|    | 20. | Nuisance Abatement Board   | 14         |
|    | 21. | Parks, Recreation and Beaches Board                                | 14         |
|    | 22. | Planning and Zoning Board  | 14         |
|    | 23. | Board of Trustees of the Police and Firefighters Retirement System | 15         |
|    | 24. | Unsafe Structures & Housing Appeals Board                          | 15         |
|    | 25. | Utility Advisory Committee   | (Deferred) |
| IV |     | City Commission Reports  | 15         |
|    | 1.  | Shirley Small, civic activist                                      | 15         |
|    | 2.  | Citizens Volunteer Corps Projects                                  | 15         |
|    | 3.  | Green Expo   | 15         |
|    | 4.  | Beach Master Plan  | 15         |
|    | 5.  | Joint City – County Meeting  | 15         |
| V  |     | City Manager Reports   | 16         |

**CITY COMMISSION CONFERENCE MEETING 1:32 P.M. MAY 5, 2009**

Present: Mayor Seiler  
Vice Mayor Roberts, Commissioners Rodstrom, DuBose and Rogers

Absent: None.

Also Present: City Manager – George Gretsas  
City Auditor - John Herbst  
City Clerk - Jonda K. Joseph  
City Attorney - Harry A. Stewart  
Sergeant At Arms – Sgt. Dana Swisher

**I-A – Broward Alliance – Headquarters Recruitment Strategic Blueprint – Proposed Code Amendment**

Stephen Scott, Director of Economic Development, indicated there is a suggestion that the City reduce the job creation requirements in their economic development ordinance to ten in order to be more welcoming to businesses of all sizes. For example, the City may want to consider ten high-paying jobs under certain circumstances. The change would not commit any finances at this time.

Ray Ferrero, Jr., Chairman of the Broward Alliance Board of Directors and CEO Council, indicated that the Broward Alliance is the private sector economic development arm for the community. He elaborated upon how the Alliance reinvented itself in recent years to include more private sector involvement. They believe the major area businesses need to play a significant role in promoting greater Fort Lauderdale. Twenty major corporations in Broward County have committed for at least three years with major financial commitments to this process. The thrust of the CEO Council is part of Accelerate Broward which is essentially to attract new corporate or regional headquarters and to retain existing businesses and help existing businesses to grow. When they started the process it was apparent that some base information was missing. Two studies were initiated; one to analyze how this community stacked up and the other was a strategic plan. Both studies have been completed. The community can do a better job at competing. Also, it is necessary to establish a brand. Both reports indicate that greater Fort Lauderdale is an inclusive term and more recognized than Broward County. The reports suggest to the City and the County that greater Fort Lauderdale, Broward County is a much more recognizable brand. Secondly, the criteria for grants needs to be changed. It is important to adjust the number of employees upfront because companies will mark Fort Lauderdale off their list of considerations for that reason. He hoped the City will make this change. They will also be suggesting this change to Broward County. He noted that there are already 150 national or regional home offices in this area; 75% of whom do not have a hundred employees there, but they all are high-paying jobs. Ten employees is also the state requirement.

Mayor Seiler expressed support in the request. He went on to explain the role that Mr. Scott is envisioned to play on behalf of the City. There was consensus approval. The City Manager indicated the ordinance will be presented at the May 19, 2009 meeting.

**I-B – Aquatic Complex – Redevelopment Feasibility Study**

Cate McCaffrey, Director of Business Enterprises, provided the historical chronology on this

item detailed in the Commission Agenda Report 09-0576. Leisure and Recreation Concepts, Inc, (LARC) was retained to provide a feasibility study and a conceptual plan.

Michael Jenkins of LARC, highlighted information about LARC. LARC was retained to create a plan, maintaining the character of the International Swimming Hall of Fame and the Fort Lauderdale Aquatic Complex total. They felt that neither one of those are viable on their own. There needs to be a synergy of a number of items diverse, family oriented, high quality that would draw people to the area. The key is to build it small enough to be economically sound, but large enough that creates a length of stay to capture other revenues. He expanded briefly on financial aspects including support of debt service. The goal was to include components that would attract private investment. As to the current state of the economy, this is the best time to do this.

Mr. Jenkins displayed the master plan, which is attached to these minutes. He went on to describe and elaborate upon each of the components and their location on the site, with the assistance of some renderings. He assured there would be a number of developers who would work on the water park and related pools, the aquarium, and restaurant. He touched on the financial feasibility aspects that were looked into. He believed it is potentially viable and the time is right.

Commissioner DuBose raised the question of the beach tie-in. Mr. Jenkins indicated that they found in Galveston, Texas, that their water park outdraws the beach. The same has occurred in Virginia Beach. People want to go to the ocean, but once they have sunbathed for three hours, they question what to do next. An aquarium that is air conditioned is very complimentary to the ocean.

Commissioner Rogers liked the design. Mr. Jenkins responded to Commissioner Rogers' questions as to why a wave pool is not recommended and use of Alexander Park; that the estimated project cost may have changed for the better since the 2007 estimate and that the market has not affected the cap rate more than 2%. In response to Commissioner DuBose's further question about a connection to the beach, Mr. Jenkins discussed other potential ideas. Mr. Jenkins commented about the marketing approach of discounting tickets for multiple attractions at this site in order to keep people in Fort Lauderdale longer.

Vice Mayor Roberts acknowledged the existing facility is outdated and under-utilized by the public. He also raised the issue of connecting Alexander Park and making sure this fits in with beach master plan. Specifically, he mentioned a walkway along the Intracoastal side. Overall he liked the concept and the idea of not operating at a net loss. He questioned the data showing the peak times being June, July and August which is not traditionally the peak season. Mr. Jenkins explained the goal was to broaden the season.

The City Attorney indicated there are some impediments to use of Alexander Park in the form of deed restrictions and reverter clauses and in order overcome that, eminent domain may have to be used. The City Manager wanted to focus on financial viability first and that is why the project did not include Alexander Park. Conceivably there could be free events at Alexander Park which may not be legally problematic. Commissioner Rodstrom did not think due diligence was done about the deed restriction prior to the Commission getting excited about this plan. There was not a full discussion about what could be done with Alexander Park and that limited the scope. Originally, there was the idea of a tunnel across the street, Venice of America, was the whole idea. LARC was not given the information in order to include that thinking.

Commissioner Rodstrom commented that there are not enough activities on the barrier island for people to want to stay longer. This would bring something that is needed. In response Commissioner Rodstrom's question about the competitive swim factor, Mr. Jenkins indicated that the design will actually enhance the competitive swim factor.

Commissioner Rogers expressed concern about an aquarium and its financial viability. Mr. Jenkins explained the idea was not to build the largest, but rather the most successful elements financially and from an entertainment value point of view are recommended. He noted the goal is to have 1.5 entertainment units per person per hour, so that people are not standing in lines, but actually are participating. From forty-two aquarium possibilities, they selected eleven. Discussion turned to whether there would be one admission, a combination or a season pass that may appeal to local residents.

Mayor Seiler opened the floor to the public.

Art Seitz, resident, expressed support in the proposal. He asked about the width of the sidewalk on Seabreeze to the east of the site. Mr. Jenkins estimated twelve to fifteen feet minimum. In further response to Mr. Seitz, Mr. Jenkins indicated there would be a number of bicycle racks. The idea of a pier was not considered; it would have to be studied. Mr. Seitz felt there should be a pier.

Miranda Lopez, resident, recommended implementing the Sasaki plan for a public promenade for pedestrians and bicycles all around the site. She did not want to lose the importance of the international swimming aspect at the current facility. She supported integrating Alexander Park.

There were no other comments from the public.

Commissioner Rodstrom referred to the Sasaki beach master plan and the greenway along the walkway. Mr. Jenkins indicated that could be done. In further response, Mr. Jenkins indicated they discussed this idea with representatives of the boat show. Ms. McCaffrey advised that the boat show was not specifically in the RFP.

Mr. Jenkins responded to Mayor Seiler's questions concerning parking and the parking garage, peak times, length of time people would stay at the facility. People would be encouraged to come by trolley, bicycle or walk. Mayor Seiler was concerned about traffic congestion on Seabreeze. Mr. Jenkins explained how the traffic flow is envisioned. Mayor Seiler suggested an alternative exit with one-way traffic. Mr. Jenkins agreed that one-way traffic is always best. He noted this is conceptual to be further defined.

Commissioner Rodstrom discussed parking, how trolley service and the Sasaki plan could be integrated into this. Mr. Jenkins indicated the Sasaki plan was not accomplished at the time, but he has since seen pieces of it; it would work.

Vice Mayor Roberts wanted to make sure the view from the deck would not be impeded thinking of the fourth of July and the air and sea show. Mr. Jenkins indicated there would not be any obstruction of view and agreed those would be prime spots.

In response to Mayor Seiler, Mr. Jenkins elaborated upon the development aspect, whether it would be done individually or by one developer and that the City would probably handle the parking facility.

In response to Commissioner Rogers, Mr. Jenkins thought it would be logical to contract for the facility use. Ms. McCaffrey explained the RFP asks how the City should go forward with this and financing, not design. Mayor Seiler wanted to make sure it is all integrated. He felt it is important to hear from people who operate such facilities. In response to Mayor Seiler, Mr. Jenkins indicated that LARC is an operator and would bid on the entire project, with the exception of the parking garage. The next step is to define which approaches work best and bringing developers forward who could do components, joint venture or all of it. Commissioner Rogers commented in the perfect world the City could hire an owner's agent to get the joint venture together, present how it works and pays for itself, as opposed to entertaining proposals from multiple developers on each component. Mr. Jenkins believed that is basically the next proposal.

Ms. McCaffrey indicated the RFP was issued. There were six bids, which have been ranked. In response to Commissioner Rodstrom, the City Manager indicated with the Commission's conceptual approval, the RFP would be scheduled on the agenda. Ms. McCaffrey indicated funding would be from the CRA.

Mayor Seiler agreed with Commissioner Rogers' idea of an owner/operator. Ms. McCaffrey offered to furnish the RFP. The RFP was based on the previous Commission's input. In reviewing the RFP, one will see that it is asking what is the best way to go forward and not, here is what we want. The respondents are supposed to advise as to what makes the most sense, what is financially feasible, what has longevity and how to proceed. One option would be to have one developer.

Commissioner Rodstrom was concerned that the RFP language does not include mention of the boat show. Don Morris, Beach CRA Director, noted the RFP provides for the developer to go out to the stakeholders and the boat show is a stakeholder. In response to Mayor Seiler, the City Manager indicated the Swimming Hall of Fame is also a stakeholder. Ms. McCaffrey did not believe the RFP specifically speaks to the Hall of Fame. Mayor Seiler was concerned about government getting involved and causing a problem in the running of the project. The City Manager clarified the private sector believes this is viable. For checks and balances, the City wanted their own experts to confirm that it is viable and how could it be done most efficiently relying on the private sector. The idea of going purely with the private sector that was of concern was that sometimes private sector comes up with ideas that are not necessarily viable and it is City property. Therefore, the staff wanted some checks and balances. In terms of the Swimming Hall of Fame and all of the components, the RFP relies on this concept which includes the Hall of Fame.

Mayor Seiler requested the RFP be provided to the Commission. He wanted to talk individually with Mr. Jenkins. In response to the City Manager, Mayor Seiler suggested the responses be on the May 19, 2009 agenda. The City Manager noted that LARC has submitted a proposal.

**EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 2:49 P.M.**

**The City Commission shall meet privately pursuant to Florida Statute 286.01(8) regarding evaluation of the following case:**

**MEETING RECONVENED AT 3:02 P.M.**

**I-C – Operating Commercial Businesses on Public Waterways**

Cate McCaffrey, Director of Business Enterprises, reviewed the history outlined in the Commission Agenda Report 09-0536. The Unified Land Development Regulations preclude vessels from spudding down at will to set up a stationary business of fueling for passing vessels. The matter was discussed by the Marine Advisory Board and Commission in 2001, wherein the Marine Advisory suggested such commercial operations be allowed if rules and regulations were developed, however, no action was taken by the Commission. Although the practice has gone on for many years, the City has recently received complaints about the Peterson Fuel operation. She detailed arguments against allowing such practice.

The City Attorney indicated this practice is not permitted according to the Unified Land Development Regulations. He reiterated the same history noted by Ms. McCaffrey. It is permissible to fuel one's boat behind their house from a barge or in commercial areas. It is treated like a wet street. The City Manager added that there was no enforcement until the recent complaints occurred.

Sergeant Andy Pallen, Marine Unit Supervisor, responded to questions about complaints. The complaints started last August and had to do with being a zoning violation, noise, unsightliness and odor. There have been small, minor spills and blocking navigation. There were several complaints, including homeowner associations. Complaints were sporadic and then increased.

Commissioner Rodstrom wanted vessels to be able to purchase fuel along the Intracoastal. Sergeant Pallen indicated this is only about delivery of diesel fuel which means only large boats. He went on to enumerate fueling locations and indicate that fuel can be delivered to one's home. Commissioner Rodstrom was concerned about the area north of Bahia Mar as to fueling accessibility. Sergeant Pallen explained the large vessels do not usually go north of Sunrise Boulevard. In further response, Sergeant Pallen explained the business serves vessels that do not have local residences. It is less expensive.

In response to Commissioner DuBose, the City Attorney indicated his office believes that the zoning regulations apply and it is not allowed in this district whereas the opposing side has made arguments that the zoning does not apply. The question is whether the staff should find a place for this business to take place. Mayor Seiler wanted to make sure such a business would have to pay the City in order to be able to do so because fixed locations have such overhead and are governed by regulations. The City Attorney indicated the City would need to look into whether they could charge for a location; it is the City's jurisdiction, but it is not the City's underlying land or waterway.

Commissioner Rogers wanted to ensure a level playing field, proper precedent and the best interests of the public. Vice Mayor Roberts agreed. Commissioner Rodstrom also agreed there should be a fee.

Amy Huber, representing Maritime Petroleum Associates, L.L.C. doing business as Peterson Fuel Delivery, indicated they have been operating in this area since 1998 without issue until recently. In 2001, both the Marine Advisory Board and Commission were unanimous in wanting the City to proceed with developing regulations for this use. Since last fall, Petersen has been working with the City to try to find an amenable solution. Petersen does not believe that the City has jurisdiction; that federal and state regulations preempt the City from adopting regulations that prohibit this activity. In an effort to resolve

this, Petersen has chosen not to operate since January at a significant loss. If this is not promptly resolved Petersen will be forced to go out of business. She elaborated upon Petersen's contributions to the City in taxes and has always operated under a business license and provides a significant service to the marine industry. Petersen has proposed several locations that they believe would be appropriate and are willing to work with the City. If an in-depth study is desired, Petersen requests one temporary location be granted. She provided detail of environmental regulations, permits and licenses under which they operate. A vessel of this type is valued at \$850,000 to \$1 million and requires maintenance. They are highly regulated by Congress and controlled by the Coast Guard. There is overhead.

Discussion turned to how Petersen operates. Ms. Huber indicated fueling is by appointment only. Robert Lambert, owner and operator of Petersen Fuel, indicated about 30-35% of the vessels meet the Petersen barge in the waterway. They operate three barges, two in Fort Lauderdale and one in Miami. They want to cooperate and have operated with very little problem since 2001. In terms of a desirable location, he noted the area near the Hall of Fame Marina. He provided a brochure about Petersen's operations. He went into detail about the business operation and associated regulations. He noted that after Hurricane Wilma they operated twenty-four hours a day, fueling condominiums along the Intracoastal.

The City Auditor noted the City charges a franchise fee for right of way use for propane transmission lines. Perhaps something along the same lines may be appropriate.

Discussion returned to the business operation. Mr. Lambert explained that it is a major undertaking to move a large vessel whereas Petersen delivers. There are no lines drawn across the lawn or fuel spills in the yard.

Vice Mayor Roberts was concerned with neighborhood integrity, but he felt it appears to be a top-notch operations. He wanted more information and suggested a sixty-day trial location be provided during the interim.

In response to Mayor Seiler, Mr. Lambert indicated their business is by appointment, although occasionally fuel is provided to a passing vessel. Sergeant Pallen disagreed and elaborated upon information that can be regularly heard on the radio. Commissioner Rodstrom pointed out that this emphasizes the need; this is the Venice of America. Sergeant Pallen explained it is a matter of price because fuel is available in the marinas.

In response to Commissioner Rogers, Mr. Lambert detailed the safety precautions, training and capabilities of Petersen. He believed that Petersen is more skilled than marina employees. In response to Mayor Seiler, Mr. Lambert indicated Petersen is docked at Lauderdale Marine Center. None of the marinas along the river sell fuel. These marinas allow Petersen to come onsite and fuel their clients' vessels.

Vice Mayor Roberts favored a sixty-day period while working toward a permanent solution, but did not want to go in the direction of numerous businesses coming into the area.

The City Attorney indicated thus far, staff has treated this as a zoning matter, but they could look at a franchise. Staff could report back at the next meeting (May 19, 2009) on a trial and shortly thereafter about regulations and a franchise fee.

John Terrill, Chair of the Marine Advisory Board, noted that in addition to 2001, in April of 2007 the board considered this. There was one individual spoke against Petersen. The



board decided Petersen should be allowed to continue operations; they were concerned about jurisdiction. There were no other complaints at the meeting and there was no further action. The board has not heard of any complaints since that time. He works as dock master at Lauderdale Marine Center. He has an opportunity to watch Petersen in operation every day. There are no environmental concerns in their operation at Lauderdale Marine Center. There is a great demand for their services. He favored consideration of regulations so that they can operate. The service is important to the economy and the marine industry.

In response to questions posed by the Commission, Mr. Terrill indicated the concept of a franchise was not discussed by the board. Lauderdale Marine Center offers competition to Petersen with welcoming fuel trucks. Ms. McCaffrey offered to furnish a copy of the 2007 Marine Advisory Board meeting to the Commission.

Mayor Seiler opened the floor for additional public comment.

John Aurelius, resident, commented about a vessel that regularly travels along the Intracoastal, selling pottery. Another issue is advertising on vessels. Essentially, the City should decide what to do about infill water use. He supported allowing this business. The City Attorney indicated that advertising has been litigated and the City was successful.

Mayor Seiler was concerned about spudding, not the delivery.

Justin Cook, Scheduler for Petersen Fuel, clarified a possible misconception. People heard on the radio are instructed to call the office where he makes arrangements for them.

Kelley Drum, owner of 15<sup>th</sup> Street Fisheries marina, was opposed to allowing spudding and avoiding the same issues as fixed facilities.

Bruce Schattenburg, representing Sachs Group Yachting Professionals, indicated they have about thirty yachts in their charter management division and arrange for around 200 charters worldwide, but many are in this area. He also indicated he is president of Florida Yacht Brokers Association with a membership of some 1,200. An overwhelming majority of the membership supports the service provided by Petersen. Large yachts that take in excess of five hundred gallons of fuel have very limited options of where to get fuel. Diesel is more expensive on the waterway at a fuel station than at a roadside service station. These yachts need to get their fuel some place. The association does not want them to leave Fort Lauderdale to get fuel. Each yacht leaving is a loss of a lot of jobs. He elaborated upon the current drop in sales and so forth. This could hurt the marine industry. Mayor Seiler clarified what is being addressed by the City as it relates to the service provided by Petersen.

An unidentified individual who said he was a captain of a 150 foot vessel and noted his preference to fuel from Petersen versus Bahia Mar, for example, for safety and environmental reasons not price.

Steve Johnston, owner of Shoreline Marine and Tanker Oil, indicated they are a direct competitor of Petersen. He commented how the yachts must defuel to move along the river and emphasized that it is imperative to have wholesale service in a deep waterway.

Jamie Hart, Supervisor of Marine Facilities, indicated there are opportunities other than Petersen. The code allows tanker trucks who are charged docking space alongside the boat. He noted where vessels over one hundred feet can be accommodated.

In response to Commissioner Rogers, the City Attorney indicated his office would have to look into whether a franchise fee would be feasible. If so, it probably would not be exclusive. He agreed that certain areas could be identified.

The Commission looked to identifying a temporary location for Petersen and received information about the four locations set forth in the Commission Agenda Report 09-0536 and feedback on complaints. He felt the safest would be in the area of Marker 8. There was consensus approval of this location temporarily. The matter was referred to the Marine Advisory Board. The City Attorney will report back on how to regulate and so forth.

### **I-D– Lease Agreement – New River Trading Post Development, LLC – City Property on New River**

Stephen Scott, Director of Economic Development, reviewed the history outlined in the Commission Agenda Report 09-0563. When the ground lease was executed, there was provision for a maritime museum. The project was built and 5,600 square feet was set aside for the museum and that area is currently vacant. Funding issues have arisen.

Robert Lochrie, representing New River Trading Post, summarized that in 2001 the City issued an RFP to develop the old post office site. The idea was to develop a mixed use project that would activate the Riverwalk. New River Trading Post was the successful bidder. They agreed to incorporate space for a maritime museum. The developer was to build the shell of the museum, install landscaping and Riverwalk enhancements and sublet the space to a maritime museum operator. New River Trading Post wanted assurance that a museum would actually occur and common area maintenance would be paid for. The lease with the City set aside the space for the museum and provided there would be no rental for the first five years. The project was completed in January of 2008. It became apparent there was no maritime museum operator ready. It has been vacant for 1 ½ years, leaving a void on the Riverwalk. The cost for the space was originally estimated at \$700,000 but actually was over \$2 million. The lease provides when a museum ceases to occupy the space New River Trading Post could bring in a private use and that is what they would like to do.

Jimmy Harrison, Chair of Fort Lauderdale Maritime Museum, indicated they do not oppose this change. The museum is functioning and is considering other locations and concepts. They have raised over \$7,000. They do not believe this would be a good deal for the museum.

Mayor Seiler wanted to know the makeup of the museum's board of directors. Mr. Harrison indicated from when this was originally negotiated, there is an entirely new board.

Mayor Seiler opened the floor for public comment.

John Aurielus, resident, commented about the history of this site back to 1990 when there was first thought of an aquarium. He also mentioned the difficulty and expense in a museum undertaking. He emphasized the need for a center where tourists can get direction and information about things to do and see. He felt it should be more than

information, but a center that serve as a catalyst for a multitude of things, working with the Chamber of Commerce, Broward Alliance, Tourist Development Council. He referred to Lauderdale-By-The-Sea's visitor center on A-1-A. The City made some attempt at this at the Oasis, but it is not workable. This is an excellent location. Tourist development dollars could be considered.

There was consensus approval to terminate the maritime museum requirement of the ground lease. Mayor Seiler suggested New River Trading Post consider Mr. Aurielus' visitor center idea and that the matter come back to the Commission on May 19, 2009. The City Attorney indicated the Commission will have to vote on this. Mr. Lochrie advised that they would like to market the space for private use, but if it a visitor center makes sense, they would return to the Commission. He questioned whether it would be two weeks.

#### **I-E–State Road A-1-A Greenway – Lane Reduction Feasibility and Streetscape Study – Oakland Park Boulevard to Flamingo Avenue**

Albert Carbon, Director of Public Works, noted this area is a little more than a mile in length and an area where A-1-A has three travel lanes in each direction and that narrows beyond these boundaries both to the north and south. The trafficway study by Kimley-Horn concluded that the traffic volume can accommodate the lane reductions. Staff recommends the report be provided to the Florida Department of Transportation (FDOT) who owns this area of A-1-A and the Metropolitan Planning Organization (MPO) to consider reducing the lanes from six to four. The City retained Glatting Jackson Kercher Anglin and they have provided four preliminary options for use of the approximate twenty-four feet of extra lane space. Staff is requesting authorization to hold more formal public meetings to present the options. Once approved by FDOT and MPO, staff will return to the Commission with community feedback.

There was consensus approval as presented. Mayor Seiler requested information be put online with the ability for citizens to provide feedback. He felt that should be a general rule for public, stakeholder meetings. Vice Mayor Roberts suggested information online should contain comments made at such meetings.

#### **I-F– Centennial Celebration Committee – Membership Increase and Procedures for Fact-Finding Tasks**

There was consensus approval to increase the membership to twenty-one. The mayor and each commissioner would appoint one additional member. Additionally, by consensus, the Commission would appoint one member from the Council of Civic Associations.

The City Attorney indicated that the sunshine law does not apply to fact-finding committees. Staff liaison from his office will need to explain that these fact-finding subcommittees cannot discuss issues that come before them. They can be assigned by the chair to see what interest there is in the community and who has the interest or sponsorships and bring back a list, for example. The discussion of what kind of sponsorships and what to do with the list would take place at the public meeting. Mayor Seiler explained the difficulties that were being encountered by the committee. There was consensus approval to such fact-finding committee structure. It was also clarified that such fact-finding efforts would not be staffed.

Mayor Seiler asked that these appointments be considered on May 19, 2009. With respect to the consensus appointment from the Council, Commissioner Rogers indicated it was

discussed and suggested the appointment be the position as opposed to the individual. In other words, the Council would like to be able to name the individual. The City Attorney offered to verify this point in the legislation.

### **I-G – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases**

No discussion.

### **II-A – Rehabilitation Of The Northwest 2 Avenue Elevated Water Tank**

Albert Carbon, Director of Public Works, responded to the Commission's questions on long-term cost, capacity and relocation option. He noted long-term cost would be the same. This will assist with capacity for the downtown. It would be too expensive to relocate.

Commissioner Rodstrom wanted to improve the site in terms of landscaping and fencing. Mr. Carbon advised that the pump station will be replaced. He agreed to spruce up the area.

### **II-B – Notice of Sanitary Sewer Connection Periods**

In response to Commissioner Rogers, Albert Carbon, Director of Public Works, confirmed the City is staying close to 77% of the budget and about 84% complete for WaterWorks 2011. Commissioner Rogers felt this should be publicized.

In response to Commissioner Rodstrom, Mr. Carbon advised that some projects have been deferred and added. Mayor Seiler wanted to discuss WaterWorks 2011 at a separate time.

### **II-C – Replacement Water Main Across New River at Bubier – Huizenga Park – Request for Easement from Downtown Development Authority**

Mayor Seiler referred to an email from Frank Herhold, Executive Director of Marine Industries Association of South Florida, that the Commission received, concerning dredging and depth of the pipe. Albert Carbon, Director of Public Works, assured there would be no conflict.

### **II-D – March 2009 Monthly Financial Report**

Vice Mayor Roberts noted the Commission's previous request for feedback on current fiscal year potential savings based on cuts the Commission has brought forward. He wanted dollar data on freezing positions, for example. Shonda Singleton-Taylor, Acting Director of Management and Budget, noted attrition and temporary offsets would reduce the savings. There may be some temporary staff who were already onboard. The City Manager indicated when the budget was put together last year, there were savings anticipated through salary savings and attrition. Therefore, an amount from freezing positions may be deceiving as some were already anticipated in the budgeting process. Vice Mayor Roberts concurred, but the Commission called for additional freezing.

The City Auditor explained staff projects revenues and expenditures in total through the end of the year. Vice Mayor Roberts felt they need a point in place where the City is now in order to gauge what else must be done. The City Auditor noted that revenue shortfalls

should also be acknowledged. The City Manager explained the budget was created with the anticipation that in some cases people would not be hired as positions became open or the hiring would be slowed down. Therefore, it is difficult to arrive at an exact amount. Mayor Seiler emphasized the need to get a handle on revenues and expenditures in order to know how much more will have to be cut. He asked this be provided for May 19, 2009.

Commissioner Rodstrom asked if the budget projection before the Commission started to make cuts included revenue shortfalls. The City Manager indicated that a budget is composed of estimates. He believed the City would be within the budget limit this year. Ms. Singleton-Taylor noted the report shows at 50% through the year, the City has received 62.51% of the budget. The City Auditor pointed out that there is a seasonality to much of the revenue stream.

In response to Commissioner Rogers, Ms. Singleton-Taylor offered to furnish more detail for special assessment revenues.

Assistant City Manager Allyson Love indicated the Budget Office monitors revenues on a monthly basis. Staff is constantly looking at both revenues and expenditures. As to the discussions about discretionary spending, the sub-objects have been identified and all expenditures are being funneled through the assistant city managers to assure they are necessary. Mayor Seiler felt the Commission would like to know what savings are occurring monthly above what was budgeted. Ms. Singleton-Taylor indicated staff would have to examine the revised budget and spending year-to-date and what the departments have indicated they could save. The City Manager explained it is a matter of philosophy of how much time staff should spend on the current year budget versus creation of next year's budget. Commissioner Rogers and Mayor Seiler wanted more current information.

Commissioner Rodstrom thought the difficulty might be attributable to the turnover in key Finance Department staff. The City Manager disagreed.

Mayor Seiler wanted to know whether revenues are ahead or behind as of a certain date and to have that information. Discussion turned to the capital outlay line item and the need for additional detail. The City Auditor explained how prior year encumbrances are carried forward automatically to the next year.

### **III-A – Communications to City Commission and Minutes circulated for the period ending April 16, 2009**

#### **Green Committee**

Peter Partington, staff liaison to Utility Advisory Committee, indicated that the committee was aware of the Commission's interest in forming a green committee. They have requested time to reformulate their mission statement but they also indicated that they do not feel they could take on the role of an entire green committee. They would like to confine their activities to green aspects of utilities.

Commissioner Rogers did not feel the public is aware of the Utility Advisory Committee's work. He felt much of what they do is in line with what the Commission is trying to accomplish with a green advisory board. He liked the idea of expanding the committee and changing the name. Commissioner Rodstrom agreed. Mayor Seiler referred to their 9-0

vote against it. Commissioner Rogers thought the City could accomplish the most with the least amount of time with this existing group.

Commissioner DuBose suggested some of the Utility Advisory Committee members be asked to serve on this committee.

Commissioner Rogers thought a task force would give the impression of more urgency than a board. Commissioner DuBose wanted to accommodate people on existing boards who may want to serve on this as well.

The City Clerk explained the difference between a committee and a board.

There was consensus approval to establish a green advisory board. Commissioner Rodstrom noted that a mission statement would need to be created. Mayor Seiler asked the City Manager to report back with a recommendation, including the name of a staff liaison. The City Manager offered to also brief the Commission on current green initiatives.

### **III-B – Board and Committee Vacancies**

#### Affordable Housing Advisory Committee

Commissioner DuBose recommended Willie McNair.

#### Audit Advisory Board – no appointments at this meeting

In response to Mayor Seiler, the City Clerk noted the membership guidelines. She did not believe they meet unless necessary.

#### Aviation Advisory Board – no appointments at this meeting

#### Beach Redevelopment Board

Commissioner DuBose recommended Bradley Deckelbaum and Tim Schiavone. Mayor Seiler recommended Chuck Malkus.

#### Board of Adjustment

In response to Mayor Seiler, David Goldman, a member of the Board of Adjustment, explained Jerry Jordan's (another member) belief that Mr. Goldman was voting in a way to spite residents of Victoria Park and having to do with Paradise Bank. The conflict of interest allegation was raised at the meeting; the Assistant City Attorney explained what would constitute a conflict and it was concluded there was none. In response to Commissioner Rogers, Mr. Goldman indicated he has served on this board since 2007 and is interested in continuing to serve.

The City Clerk noted individuals should have served on the Planning and Zoning Board for at least one year or be equally qualified as determined by the Commission.

Commissioner DuBose recommended Caldwell Cooper.

In response to Commissioner Rodstrom, the City Attorney noted that appeals from this board go directly to circuit court.

Commissioner Rogers wanted district-wide representation and asked about the current membership. Vice Mayor Roberts indicated that Henry Sniezek (current alternate) resides in District I and he would like to reappoint him. Commissioner Rogers offered to check with Mr. Madfis and Mr. Strawbridge to see if one would like to step down.

Commissioner Rodstrom wanted to defer appointments. In response to Mayor Seiler, the City Clerk indicated there is no quorum problem because the existing members serve until they are replaced. There was consensus approval to defer consideration to May 19, 2009.

#### Budget Advisory Board

Vice Mayor Roberts recommended June D. Page and Anthony Timiraos. Commissioner DuBose recommended Desorae Giles-Smith. Mayor Seiler recommended Marc Dickerman.

Commissioner Rodstrom wanted to know when the board would convene. The City Clerk indicated the Director of Management and Budget is the staff liaison.

From reading the legislation, Commissioner Rogers was satisfied with the board's duties. However, he questioned the timeline. They need to get started.

#### Cemetery System, Board of Trustees – no appointments at this meeting

#### Charter Revision Board – no appointments at this meeting

Commissioner Rogers raised the idea of advertising for applicants to this board but there was no consensus agreement.

In response to Mayor Seiler, the City Clerk indicated this board is not scheduled to meet.

#### Citizens Committee of Recognition

Commissioner Rogers noted this committee would like their membership expanded. Mayor Seiler offered to speak with them individually.

There was some discussion concerning the appointment of former mayor, Jim Naugle.

#### Code Enforcement Board

Mayor Seiler recommended Howard Nelson as a full member and noted his professional qualifications. Commissioner DuBose recommended Frederick Allen and noted his professional qualifications.

Valerie Bohlander, Director of Building Services, indicated that William Lamont is currently serving, but has been absent. Commissioner Rodstrom confirmed that Mr. Lamont will be resigning.

There was consensus approval to appoint Mr. Nelson as a full member and Mr. Allen, Howard Elfman and Ronald Major as alternates with the understanding that with the next resignation, Mr. Allen will be considered at that time as a full member and John McDonald as that alternate.

Community Appearance Board – no appointments at this meeting

Community Services Board

Commissioner Rogers suggested Carmelita Singh Mayor.

Education Advisory Board – no appointments at this meeting

Fire Rescue Facilities Bond Issue Blue Ribbon Committee – no appointments at this meeting

Historic Preservation Board – no appointments at this meeting

Housing Authority, City of Fort Lauderdale, Board of Commissioners – no appointments at this meeting

Insurance Advisory Board – no appointments at this meeting

In response to Mayor Seiler, the City Clerk advised that there is nothing specified in the code in terms of qualifications.

Marine Advisory Board

Commissioner Rodstrom wanted to reappoint Mark Swenson. Mayor Seiler wanted to reappoint Barry Flanigan and John Terrill.

Northwest-Progresso-Flagler Heights Redevelopment Board

Commissioner DuBose wanted to reappoint Ella Phillips.

Nuisance Abatement Board

Commissioner Rodstrom recommended Sal Gatania who resides in South Middle River and is a civic activist. Commissioner DuBose recommended Sean Thompson who resides in Dorsey Riverbend. Commissioner Roberts recommended D. Ryan Saunders for the alternate position. There was consensus approval as noted.

Parks, Recreation and Beaches Board

Vice Mayor Roberts recommended Bruce Qualey.

Planning and Zoning Board

Vice Mayor Roberts recommended Peter Witschen. Commissioner DuBose recommended Michelle Tuggle.



Board of Trustees, Police and Firefighters Retirement System

Mayor Seiler recommended Jim Naugle.

Unsafe Structures and Housing Appeals Board – no appointments at this meeting

The City Clerk called attention to the need for a member on this board in the plumbing contractor category.

Utility Advisory Committee – no appointments at this meeting

**City Commission Reports**

Note: The City Commission continued the conference meeting between 10:45 p.m. and 10:51 p.m. (Commission Reports) in the City Commission meeting room on the first floor of city hall.

Shirley Small, civic activist

At Commissioner DuBose's request, there was a moment of silence in honor of the passing of Shirley Small, who was a great civic activist in District III. In response to Mayor Seiler, Commissioner DuBose indicated he is looking into naming an amenity in her honor.

Citizens Volunteer Corps Projects

Vice Mayor Roberts thanked everyone who worked on the most recent Citizen Volunteer Corps project and noted their accomplishments.

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Upcoming events for Districts I and IV were announced. Mayor Seiler announced the upcoming Field of Dreams scholarship benefit.

Green Expo

Commissioner Rodstrom thanked everyone who worked on the Green Expo.

Beach Master Plan

Commissioner Rodstrom indicated there is more public outreach to be done on the beach master plan, but she thanked everyone who has worked on this thus far.

Joint City – County Meeting

Mayor Seiler indicated that he and the City Manager will be meeting with Broward County tomorrow to set an agenda for the May 19, 2009 joint meeting. He asked if there are any items that the Commission wishes to ensure are scheduled, the Manager should be emailed before 10 a.m.

**City Manager Reports**

Albert Carbon, Public Works Director, announced that for the next three weeks there will be a chlorination testing of the water system to make sure it remains safe.

There being no further business to come before the Commission, the meeting was adjourned at approximately 5:53 p.m.