

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING  
JUNE 16, 2009**

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**CITY COMMISSION CONFERENCE MEETING 1:33 P.M. JUNE 16, 2009**

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

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. Patrick Hart

**EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 1:33 P.M.**

The City Commission shall meet privately regarding the following:

**Collective Bargaining Pursuant To Florida Statute 447.805**

**Dean Frederick V. Mechel OAO, Et Al, United States District Court, Southern District of New York Case 09 CV 3617 (Class Action Litigation) Pursuant to Florida Statute 286.011(8)**

**MEETING RECONVENED AT 3:16 P.M.**

**II-A – Street Name Addition – Adding The Name Of Dr. Mack King Carter Avenue To That Section Of NW 9 Avenue Between Broward Boulevard And Sunrise Boulevard**

Mayor Seiler announced that the City Manager has removed this item from today's agenda.

**I-A – Fiscal Year 2009-2010 Goal Setting Session**

The City Manager noted staff has used a zero based budgeting approach which is a new concept to staff. In order to do so, staff is looking for information on what the Commission would like to accomplish this fiscal year and expenditure of funds on various projects. He reviewed the items for consideration, a copy of which is attached to these minutes. The bulk of the Quality of Life issues can be done with existing staff.

Mayor Seiler requested crime reports be provided with the conference agenda monthly. In response to Commissioner DuBose, Tim Edkin, Director of Information Technology Services, indicated the reports are posted on the City website.

In response to Commissioner Rodstrom, the City Manager indicated the list of initiatives contains initiatives that area underway as a result of the previous Commission and some included because they were raised by a commissioner from the current Commission.

Mayor Seiler asked the City Manager to look into using people in the criminal and juvenile justice system for picking up litter. Tom Terrell, Facilities Manager, noted the City's current program. The City Manager offered to look into expanding the program.

#### Neighborhood Stabilization Program

The City Manager noted that the City was notified by Broward County on Friday (June 12) that they would like the City to participate in Neighborhood Stabilization Program 2 in order to have a better chance of qualifying for funds. Greg Brewton, Director of Planning and Zoning, indicated a decision is needed by this Friday (June 19). The question is whether the City would want to participate with the County's application process to maximize its chances.

In response to Commissioner Rodstrom, Mr. Brewton advised that the City found out about the June 19 deadline last Friday.

In response to Commissioner DuBose, Mr. Brewton explained the difference between the two programs.

Mayor Seiler inquired about piggybacking onto the City's existing three contractors and expanding beyond those three.

Commissioner Rogers wanted to make certain there are systems in place.

Mr. Brewton felt there would be a better chance to secure more money if the City joined the County. Mayor Seiler noted that would also provide another layer of checks and balances.

The City Auditor understood from speaking with Palm Beach County they are dictating the criteria. The cities are being required to apply to them, so there is no guaranteed allotment. He suggested Fort Lauderdale establish a minimum. Jonathan Brown, Community Development Manager, advised that Broward County will be going about it differently. Cities will not have to apply to them.

There was consensus approval to proceed with joining Broward County for funding under Neighborhood Stabilization Program 2.

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#### Homeless Prevention and Foreclosure Prevention Programs

Mr. Brewton described the Homeless Prevention Program. Mr. Brown noted the City is awaiting word from HUD as to when they will have access to \$850,000 funding. The City Manager noted there is a second component to this having to do with foreclosure prevention (rapid rehousing). This funding is in addition to foreclosure prevention funding under the CDBG Program (Community Development Block Grant). Jeri Pryor, Community Development Division, noted for homeless prevention and rapid rehousing, funding is strictly for rent. The City Manager advised that the City will increase community outreach on these programs.

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Explore Greater Density Planning for Downtown and Other Destinations

In response to Mayor Seiler, there were no commissioners interested in securing greater density for any area other than the downtown, except Commissioner Rogers mentioned the South Andrews Avenue area. Mayor Seiler asked the City Manager to come back to the Commission at another time on this matter.

With respect to the visioning process, Mayor Seiler wanted to begin in the fall. He suggested it be placed on the first conference agenda after Labor Day. He felt it should be community driven, with City staff available to facilitate. Community activists could lead. He mentioned neighborhood associations and the Council of Civic Associations. Community DuBose agreed one hundred percent. It may be necessary to form a committee.

In response to Commissioner Rodstrom, Mr. Brewton provided a status report on the consultant work.

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Centennial

In response to Commissioner Rodstrom, Ted Lawson, Assistant City Manager, noted the previous Commission requested \$5,000 seed money for the first year and then to revisit it. Largely the committee's charge is to seek sponsorships in the community.

Before the Commission makes a decision regarding funding for the centennial, Vice Mayor Roberts wanted a report from the committee. The City Manager suggested the first meeting in July.

Commissioner Rogers felt there should be some type of budget and there needs to be someone driving the ship from an administrative perspective. The City Manager commented that the Chamber of Commerce offered to provide staffing. Jeff Modarelli, Public Information Director, added that while the committee indicated they wanted to work with the Chamber, they did not accept or state a position on the Chamber's offer of staff for an executive director.

Commissioner DuBose agreed with funding and some guiding of the ship. Mayor Seiler agreed to budgeting \$50,000-\$75,000, but did not want to hire an executive director. He suggested use of the Commission staff and to assign the Commission Assistant Coordinator, Maxine Singh. He also suggested contacting Florida Atlantic University concerning a possible internship.

Commissioner Rogers wanted to make sure that the Commission fully buys into assigning this to Maxine Singh.

Commissioner Rodstrom did not expend any funds for an executive director.

The City Manager indicated staff will return with recommendations as to how the funds should be expended. It will be necessary to consult the City Attorney in terms of what is permissible in terms of fundraising.

Commissioner Rodstrom asked if the \$75,000 is startup money or the full allocation. She raised the idea of a match or not to exceed \$75,000. Mayor Seiler felt the \$75,000 is a place holder as the Commission will vote on it at a point in time. Ms. Singh could assist in assembling a budget for example. All Commission staff should be available to help Ms. Singh and she would serve as the coordinator.

In response to the City Manager, Mayor Seiler indicated when the committee is ready to come before the Commission, it could set scheduled.

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### Master Plans

With respect to the various master plans, the City Manager asked the Commission to bring to his attention items that should be priority. Mr. Brewton noted there is a prioritization need as well as commitment of resources.

In response to Commissioner Rodstrom, the City Manager explained the zero-based budgeting process. The value of the goal setting exercise is that items could be removed if they are not a priority. Also, he is asking for confirmation of these priorities based on existing staff levels. There will need to be consideration of these initiatives if there are staffing changes such as layoffs.

Commissioner Rodstrom asked how much can be cut so that taxes are not raised and there are no layoffs. And, how much money will be left over in order to put the items for consideration back in based upon the Commission's priorities. Mayor Seiler believed that 99% of the items are a wish list. The City will be focusing on necessities and requirements. The Commission should look at the items and decide if any should be considered a requirement. He elaborated upon the economic situation and that the trend is starting to change in the positive. The City Manager indicated that there are initiatives and projects (Items for Consideration). Staff believes the initiatives can be accomplished with existing staff unless staff is cut.

Commissioner Rogers requested that the dollar figure be added to each of the infrastructure items. Mayor Seiler also requested a break down with respect to economic development, planning, and transportation. Economic development could be revenue neutral or revenue enhancing. He asked the Commission meet individually with staff on developing such a breakdown.

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### Metropolitan Planning Organization: 7<sup>th</sup> and 9<sup>th</sup> Connector and East – West Connector

Greg Brewton, Director of Planning and Zoning, indicated questions have arose as to whether the Commission will be committing to this as a project. The City Manager noted there are Metropolitan Planning Organization (MPO) issues that traditionally have not been brought to the Commission because Commission representatives have made those decisions. He asked how this Commission would like to handle this.

Mayor Seiler stated that it appears Broward County will never entertain the 7<sup>th</sup> and 9<sup>th</sup> Connector. Albert Carbon, Public Works Director, stated the State and City have funded the 60% preliminary design. When that is completed, it will be presented to the County. The County has set this as their decision point as to whether they will be participating.

The current construction value is around \$10-12 million and \$90 million for property acquisition. Mayor Seiler noted the County also raised the environmental issues that could raise the amount. He questioned the City continuing with this project if the County does not intend to participate.

Commissioner DuBose emphasized the importance of this project in terms of economic development and attention to a neglected area. The City needs to work to engage the County on this and make it known that this is a priority. Mayor Seiler agreed. Commissioner Rodstrom felt part of the problem is the state of the economy. She asked about the State's position. Mr. Carbon indicated it is in the State's transportation improvement plan. It is ranked eighth on the current 2030 MPO long-range transportation plan. MPO is now working on an update for 2035. They will be developing criteria ranking in July with approval to be considered in November. Because it is in the State transportation plan, the project is available for funding as funding becomes available. Commissioner Rodstrom pointed out that the Florida Department of Transportation had made significant cuts.

Mayor Seiler wanted to discuss the City's options as soon as that feedback is received.

In response to Commissioner Rodstrom, Renee Cross, Planning and Zoning, noted the design cost and what the City has expended thus far.

Wayne Jessup, Deputy Director of Planning and Zoning, pointed out that the MPO is changing their assessment paradigm, switching from roadway to transit improvements. He anticipated it will not rank as well. Commissioner Rodstrom thought this may be why the plan is being updated to extend to 2035.

Commissioner DuBose commented that many projects do not have funding sources. He emphasized the need to lobby to the MPO that this project is a priority.

Commissioner Rodstrom did not want the project to be only pavement. It should perhaps be made to fit into the 2035 guidelines; another type of transportation versus a connector of roadway.

Commissioner DuBose wanted to make sure that the Commission representatives take this message to the MPO.

Mr. Carbon noted that the design will accomplish the multi-mode of transportation.

Commissioner Rodstrom agreed with Mayor Seiler that the City should not be onboard with this project alone.

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#### Water Supply Plan Amendment

Albert Carbon, Public Works Director, noted the City's Water Supply Plan, an element of the Comprehensive Plan, was submitted to the Florida Department of Community Affairs. Depending on the alternative water supply decision outcome, it would be amended.

Mayor Seiler wanted to look at all delayed downtown developments as open space while waiting for projects to move forward. He wanted to encourage developers to do this.

Commissioner Rogers felt that Las Olas is a priority and should remain a focus.

In response to the City Manager's comments about the Galt Ocean Mile residents expressing interest in a master plan, Vice Mayor Roberts indicated there is such a need and it should be dovetailed into what was done for the Galt Ocean Mile shops and the A-1-A corridor effort. Commissioner Rodstrom agreed.

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#### Seek Certified Local Historical Government Status

Wayne Jessup, Assistant Director of Planning and Zoning, explained there is a federal program operated by the State that provides grant money for historical preservation. In order to be eligible to receive those funds, the City would have to become a certified local government. Some things have been done, but there are a couple ordinance amendments that will be coming forward in order to become certified.

In response to Mayor Seiler, the City Manager the grant funding is not high and there are some associated costs. Some of this will complicate the development process. Mayor Seiler suggested a cost benefit analysis.

Commissioner Rogers pointed out that there are some tax benefits to the developer and purchasers. Mr. Jessup concurred.

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#### Park-By-Phone Initiative

In response to Commissioner Rodstrom, Diana Alarcon, Director of Parking and Fleet Services, indicated would be integrated with existing equipment and not require switching out equipment. Commissioner Rodstrom wanted the aesthetics to be considered with regard to signage. The City Manager indicated it would not require additional staff.

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#### Multi-Facility Redevelopment Plan

Mayor Seiler felt with the current situation, it is not a time to consider a new city hall. The police headquarters should be evaluated in a cost benefit analysis.

Commissioner Rogers noted the study discussed selling and combining properties. Mayor Seiler recommended the review of all City properties with the idea of deciding which properties should be sold. Commissioner Rogers agreed and noted the audit revealed there is not a good inventory. An inventory would be the first step.

Commissioner Rodstrom was concerned about present property values and selling now. She preferred for it to be open space until property values change. In response to Mayor Seiler, Commissioner Rodstrom agreed to reserve her decision until the list is completed, but it was noted that the Community Redevelopment Agency (CRA)

properties should also be included. The City Manager agreed to place such an inventory and general discussion on a future agenda.

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#### Complete NE 6th Street – Sistrunk Boulevard Streetscape Project

In response to Commissioner DuBose, Alfred Battle, Community Redevelopment Agency Director, provided a status report, noting that the Joint City County Summit was very helpful with respect to the permitting process. City staff is following up on the \$2.5 million.

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#### Establish Panel to Retain and Expand Marine Industry

Mayor Seiler questioned the need to create a new panel. He preferred to refer this to the Marine Advisory Board. Vice Mayor Roberts concurred. The City Manager suggested a specific charge of long-term plans. Mayor Seiler felt it has to do with retention and expansion of the marine industry. There was consensus approval. Commissioner Rogers wanted to set a time for a report to be provided to the Commission. Mayor Seiler requested Cate McCaffrey, Director of Business Enterprises, liaison to the board, to ask the board if they would be comfortable with this request and if so, when they think they could report back to the Commission. Ms. McCaffrey indicated there have been discussions with the Marine Industries Association of South Florida, Inc. on this topic and offered to include this in the effort.

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#### Resolve Northwest Community Redevelopment Agency Expansion Issue

Ted Lawson, Assistant City Manager, Liaison to Broward County, advised the status of tax increment financing funds (TIF) is on the list of items to provide the Commission an update.

Mayor Seiler emphasized that the City Liaison to Broward County be used by staff as a first course of action.

Commissioner DuBose emphasized the northwest needs. He did not want this issue to impact the northwest and the CRA as it stands now.

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#### Northwest Commercial Project

Commissioner Rogers felt the oldest project should be reviewed first. The northwest commercial project (Milton Jones) with the grocery store needs to happen. It has been pending too long. It is important for it to get going.

Commissioner Rodstrom wanted to make sure the information is correct with respect to the expansion of the CRA. It was never the intention to take away from one to give to the expansion.

Regarding the northwest commercial project (Milton Jones), Alfred Battle, Director of Community Redevelopment Agency Director, provided an update on work to secure a



grocer and noted that the developer is due to provide a grocer lease to the Commission in the November timeline as part of the development agreement. Mayor Seiler asked that the Commission be informed if a site visit is scheduled by a grocer.

Commissioner Rodstrom was also concerned about the delay in that development and the repercussions that must now be borne.

Commissioner DuBose emphasized in the northwest there is a strong desire for development in this area, particularly the grocery store.

Commissioner Rodstrom suggested the possibility of Publix being interested in landbanking property for the future. She wanted a list of properties in the CRA that are of adequate size and are for sale. Mr. Battle explained that the grocers will be asked about their needs and if they differ than the minimum square footage set forth in the development agreement, the adjusted square footage would drive the site plan.

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The Community Redevelopment Agency Board of Directors meeting was deferred to July 7, 2009.

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Prepare for Super Bowl, Prepare for Air and Sea Show, Prepare for Beach Music Festival, Re-establish St. Patrick's Day Parade, Enhance City Partnership with Sistrunk Festival, Enhance City Support for "Light Up Fort Lauderdale"

The City Manager suspected the event organizers will look for monetary participation from the City. He wanted to know the Commission's position. Mayor Seiler referred to the Super Bowl, its financial impact and that there should be some participation by the City. Commissioner Rogers wanted to first see the plan. The City Manager explained that it is difficult to predict the cost at point. Commissioner Rogers wanted to know the cost for "X" number of feet on the street for safety; from this platform the discussion should start with the organizer.

Commissioner Rodstrom felt the Super Bowl should take priority over any other because it brings something for everyone in the community. Also, it is an opportunity that does not happen very often.

Commissioner DuBose suggested staff speak with other cities that have hosted the Super Bowl.

Mayor Seiler felt City participation would have to be decided on a case-by-case basis. Commissioner DuBose did not want to pit one event against another because the small events are just, if not as important. Commissioner Rodstrom requested a list of funding previously charged to the general fund for events.

The City Manager indicated at this point, the Air and Sea Show and Beach Music Festival are not going to cost the City anything, but there will be staff preparation time. Mayor Seiler suggested the same amount be assigned to St. Patrick's Day Parade as Sistrunk Festival. He wanted to form a private committee similar to what has been done for the Sistrunk Festival. He believed that the Downtown Development Authority will agree to participate.

In response to Mayor Seiler, Terry Rynard, Assistant Director of Parks and Recreation, stated that in the past the Commission agreed to partner with Riverwalk Trust in the amount of \$20,000 for Light Up Fort Lauderdale.

Mayor Seiler suggested leaving all of the events at \$20,000.

In response to Commissioner Rodstrom, the City Manager indicated only those events were listed if there was a commissioner request to enhance something or to do something that the City has not done before. Historically, requests have come forward throughout the year. Sometimes, the Commission has consented and monies have been taken from contingencies. He asked the Commission to bring forward anything that they are aware of.

Mayor Seiler felt there is a need to generate activity in the downtown. He has discussed with the Miami Dolphins the idea of a season kick-off. He went on to describe the concept. The Dolphins are excited about the idea. He went on to introduce another idea. This coming May fifty years ago Connie Francis filmed "Where The Boys Are" on Fort Lauderdale beach. The idea is a where the boys are weekend. Ms. Francis is onboard and has agreed to assist. He went on to discuss the idea.

Commissioner DuBose was interested in knowing the cost implications. Commissioner Rogers suggested the Chamber of Commerce's Beach Council be consulted. There should be a weighing of the allocation of resources. Mayor Seiler felt the way to get through the recession is to generate one's own economic activity. He did not think these events would be expensive.

From a budgetary standpoint, Commissioner Rodstrom suggested the Commission establish a list of events to support, instead of events coming to the City throughout the year. Commissioner DuBose did not want to lock in a list. The City Manager concluded there is flexibility with respect to possible events and some funding of them. He will develop a system and present it to the Commission at a point in the future.

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#### Implement Open Container Initiative

In response to Commissioner Rogers, the City Manager indicated staff is working on an application process with possibly the Beach Business Improvement District. Commissioner Rogers wanted to make sure there is not the wrong impression of returning to spring break.

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#### Partner with Habitat for Humanity on New Affordable Housing Projects

In response to Mayor Seiler, the City Attorney stated that as far as staff knows, Habitat for Humanity is the only group doing this. Staff is researching the source for funds and what limitations may be attached. Commissioner DuBose indicated that he suggested this item. There is a big project of some thirty green homes in the Rock Island area. He felt the City should look at this for the future.

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Create Incentives to Foster Employee Creativity and Initiatives/Suggestion Box

Vice Mayor Roberts was interested in providing a monetary bonus.

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Address Coral Shores Concern Over Business Encroachment

Mayor Seiler requested more information. The City Manager explained the neighborhood is concerned the business corridor will expand to a point that will impact the neighborhood. Greg Brewton, Director of Planning and Zoning, advised that the U.S. 1 Urban Design Plan will address many of these types of issues. Vice Mayor Roberts elaborated upon the community's concern. A brief dialogue followed about U.S. 1. Mr. Brewton advised that staff is meeting with concerned property owners.

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Develop Five-Year Financial Plan

Commissioner Rodstrom asked when the Commission would start the three to five year financial planning. Mayor Seiler wanted to start with the zero-based budgeting this year and not take on too much.

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With respect to projects, the City Manager wanted the Commission's assistance with reducing the number of projects. Mayor Seiler saw the Director of Public Works' projects as necessity. Commissioner Rodstrom wanted to include items that do not require general fund revenue. Because she has promised not to raise taxes, she did not intend to provide a district wish list. Her requests will not cost the City. She expected all members of the Commission to do the same. Commissioner Rogers recalled the Commission's previous philosophical discussion. The goal was to complete projects already in the pipeline if possible and the idea was not to start anything new. Emergencies would have to be addressed. Commissioner DuBose felt as the economy turns, the Commission will have already had the discussion. He had communicated items received from his constituency that may be considered wish list and he encouraged Commissioner Rodstrom to convey her constituency's requests so there is a general idea. Commissioner Rogers indicated the items will have to be reviewed as to affordability. Commissioner Rodstrom was delighted with this approach and indicated it has not been so in the past.

**Note: The City Commission recessed at 5:36 p.m. and continued the Conference Meeting at 9:38 p.m. (Agenda Item I-B) in the City Commission meeting room on the first floor of City Hall.**

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

In response to Commissioner DuBose, Mike Maloney, Code Enforcement Manager, explained the distinction for the percentages of two settlements having a variance.

There was consensus approval as submitted.

**II-B – New GASB Accounting Pronouncement – Other Post Employment Benefits**

The City Auditor explained that the Government Accounting Standards Board (GASB) is following the guidance of the private sector Financial Accounting Standards Board, which has recognized that many organizations made substantial promises to their employee base and retirees relating to other post-employment benefits (OPEB), such as health care. Most organizations have been using a pay-as-you-go approach which ignores the extensive liabilities for those promises made. GASB has determined that this liability should be recognized and recorded in the government's books. It is not significant for this city to the extent that it is to other governmental agencies. For example, the City's healthcare supplement to retirees was done as a flat dollar amount so as to avoid linkage to healthcare inflation costs. The City's actuaries determined that the unfunded liability is about \$43 million and recommended there be an annual required contribution equaling the current cost plus an amount towards amortizing that \$43 million down over a 30-year period. The total cost would be approximately \$3.5 million. Last year the Commission opted to continue to fund the pay-as-you-go amount of \$2.5 million, which added another million dollars to the unfunded liability. He urged the Commission adopt an approach of funding the annual required contribution and look to establish a healthcare trust similar to the pension trust. He elaborated on this concept. He recommended the issue be addressed in a proactive manner. Bond rating agencies look at this to make sure there is a plan in place.

Commissioner DuBose asked about the bond rating if it was addressed partially. The City Auditor did not think it would have a significant impact in the current year but the longer the obligation is deferred, the harder the look the rating agencies would take. There is no difference philosophically between this liability and the pension liability; it makes no sense to fund one and not the other.

Commissioner Rodstrom asked about the additional liability incurred from this not being funded last year. The City Auditor indicated it is essentially 7% on \$1 million. Commissioner Rodstrom indicated she supported funding the liability last year and continues to support doing so.

Commissioner Rogers asked about the source of the assumed rate of return. Michael Kinneer, Director of Finance, advised 7.75% is the rate used by the actuary. Mayor Seiler asked who establishes the rate. He questioned whether there is some standard. Mr. Kinneer believed it is a professional judgment of the actuaries that examine this liability with a thirty-year commitment. He went on to elaborate upon such a trust and that the investment would be in the same class of assets as a pension fund.

Commissioner Rogers suggested a hybrid solution of including a line item. The City Auditor indicated a trust is one approach; a line item is another. The difference has to do with the investment approaches for the General Fund and these funds. Commissioner Rogers wanted to take the line item approach for the coming year.

Vice Mayor Roberts agreed as it is a start.

Commissioner DuBose asked how this approach would affect the bond rating. The City Auditor felt the rating agencies are looking to see that an agency is not ignoring the problem. Anything done would solidify the City's position with the rating agencies.

Commissioner Rodstrom agreed that this is the responsible and conservative approach.

Mr. Kinneer noted stated that this liability was reported this year in the Comprehensive Annual Financial Report (CAFR). Had this not been done, the City would not have received an unqualified opinion. There are a lot of governments having this conversation. He elaborated upon some of the thinking on this topic, including assumptions. San Francisco has an OPEB liability in excess of 50% of its annual budget, yet they just received a rating upgrade.

Mayor Seiler wanted more information about the 7.75% as it relates to this. The City Auditor indicated that the 7.75% is not definite. He elaborated upon assumptions made by the actuaries and how pension trustees make the decision. It should be around 8% which is what a blended portfolio is safely estimated to produce over a period of 20-30 years. In further response, the City Auditor indicated that 7.75% continues to be considered a reasonable assumption. Current volatility in the market is being ignored as they are looking over a 20-35 year time period. He elaborated upon the history of investments since the Great Depression.

#### **II-C – Fiscal Year Ending September 30, 2008 Single Audit – Grant Funds and Findings**

This item was deferred to July 7, 2009.

Michael Kinneer, Finance Director, stated that this audit and management letter is required to be provided to the grant agencies by June 30, 2009.

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

Commissioner Rogers wanted more current information for the next budget year. Shonda Singleton-Taylor, Acting Director of Management and Budget, indicated the timing is based on when the Finance Department closes the books. Michael Kinneer, Finance Director, advised that more timely entering of information continues to be monitored and agreed to work on it. Commissioner Rogers requested another month more recent. Mayor Seiler concurred.

#### **III-A – Communications To City Commission and Minutes Circulated For The Period Ending June 11, 2009**

##### **Beach Business Improvement District**

Mayor Seiler noted the Beach Business Improvement District Committee requested support of the Fort Lauderdale Beach Music Festival date change, which has been addressed.

##### **Historic Preservation Board**

Mayor Seiler noted the Historic Preservation Board requested a moratorium on the demolition of historic properties until the Commission discusses the demolition by neglect problem, and that new language be included in the Unified Land Development Regulations to address this issue. Greg Brewton, Director of Planning and Zoning, indicated that he is aware of the matter.

Mayor Seiler stated the board also asked the Commission to be more assertive in imposing liens against properties presented to the board for demolition. They also asked that monies from fines and liens against historic properties be designated for securing and mitigation of historic properties. Mayor Seiler felt that is a policy decision for the Commission. He asked this be brought back to the Commission.

#### Utility Advisory Committee

Mayor Seiler noted the Utility Advisory Committee would entertain revising their mission statement to include some green initiatives that relate to the scope of work the committee has worked on over the last seven years and that the green initiatives be specific to utilities.

Commissioner Rogers met with the Public Works Director in an effort to craft something along the lines of Commission direction. After more review, he decided it might be best to offer options. Albert Carbon, Public Works Director, advised that a presentation would be made at the July 7, 2009 meeting.

#### Community Services Board

Mayor Seiler noted a member of the Community Services Board was not in support of staff's recommendations regarding the community development block grant (CDBG) rankings and read that portion of the minutes provided for this agenda item. Greg Brewton, Director of Planning and Zoning, explained staff was looking at the award of funds process to the various organizations and attempting to provide a new procedure that would be inclusive of how they have set criteria. The board decided to award to the top twelve agencies as opposed to six. Staff was interested in a more objective and accountable approach.

Commissioner DuBose asked if staff conveyed to the board that this was strictly a recommendation. Mr. Brewton explained the policy has already been established by the board. It was an attempt by staff to put measures in place that would protect the board if questions arise as to how funds are awarded. One of the top agencies rated did not receive any funding. One or two members indicated that that agency already received money from another source, however, that is not in the ranking process.

Commissioner Rogers requested more information on the process.

Commissioner DuBose wanted to know more about what has been done historically. Mr. Brewton was not certain there is a system to how much money the board awards to the agencies which have been selected by criteria and ranking. He believed there were some twenty plus agencies that applied and awards were made to twelve. At least one agency that did not receive any money but ranked in the top five.

Commissioner DuBose suggested the board be invited to come before the Commission. Mayor Seiler requested the chair or his designee be invited to a conference meeting. He asked it be scheduled to coordinate with the timeline for the Commission to vote on the matter.

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

Beach Business Improvement District – Commissioner Rodstrom requested the committee's scope be provided to the Commission. She was also interested in know more about how it is structured for the seven highest value property owners serve.

See Regular Meeting Agenda Item R-04 for detail.

**IV - City Manager Reports****New River Floating Docks Request for Proposals**

In response to Mayor Seiler, Cate McCaffrey, Director of Business Enterprises, noted staff received direction to move forward with the project with the plans and specifications to be provided to the Commission. There are five sites but there are some issues with the site in front of the tunnel. It is therefore suggested the work be done in two phases so the four sites can move forward.

There was consensus approval to issue the RFP.

**V – City Commission Reports****New Commission**

Commissioner Rodstrom commented that her district is very happy with the new Commission.

**Bahia Mar**

Commissioner Rodstrom was concerned that Bahia Mar is going through the process from the design and not the lease standpoint. She thought Commission consensus was that they go in tandem. She conveyed that the Director of Planning and Zoning had advised that there was a consensus at a conference meeting and was never on a regular meeting agenda. She wanted the City Attorney to advise whether the conference action would constitute an official vote. She wanted them to go in tandem. The matter has gone through the Development Review Committee (DRC) and will be heard by the Planning and Zoning Board next month. The Central Beach Alliance has a positive recommendation with a condition that they review the lease. She wanted to know the Commission's position on whether this should be in tandem. Mayor Seiler felt the lease is as important as the project and should go come to the City. Commissioner Rodstrom was concerned that some of the issues being voted on by Planning and Zoning and the Central Beach Alliance are not allowed by zoning standards much less by the existing lease. She agreed the lease is just as important as the design and has a lot to do with the design. It should not go to Planning and Zoning until the Commission has reviewed the lease.

The City Attorney explained the prior Commission decided to allow them to go forward to DRC and to Planning and Zoning before the lease was negotiated. The City has received several proposed leases from the developer. Without any Commission direction, there was no need for detailed review of the leases. The latest proposal is to

break the property into four or five leased areas. The developer has moved forward with the project assuming that the lease would be negotiated to fit the property they have taken to Planning and Zoning. If the lease is not approved, the developer would have to go back through DRC and Planning and Zoning. The City Manager noted the economic analysis was provided to the Commission and he planned to have this item on the July 7, 2009 conference.

Commissioner Rodstrom suggested consideration by the Planning and Zoning Board be delayed to September in order to allow review of the lease. Many residents are extremely concerned this will be considered by Planning and Zoning in July. It is a typical strategy to bring a huge development forward when a lot of residents are away from the summer.

Mayor Seiler asked if it is clear that this is all contingent upon a lease agreement with the City. The City Attorney advised that is correct; the developer was required to waive any rights that may accrue during the review process by DRC or Planning and Zoning. In response to Commissioner Rodstrom, Mr. Brewton advised that Planning and Zoning is one level of the process for public input. It will be advertised and the agenda sent to civic associations.

Mayor Seiler noted although the lease will be presented to the Commission on July 7, he did not anticipate approval at that meeting, and further he pointed out that according to the City Attorney the developer understands they are proceeding at their own risk.

Commissioner Rogers commented that from an economic standpoint the review has to be parallel at some point in time. The City Attorney explained that the developer wants to leave the remaining years left on the lease intact and negotiate terms for the next fifty years, but they understand that staff intends to negotiate the lease from day one as a condition of an extension of the lease if there is one.

Vice Mayor Roberts thought there will be zoning changes and wanted a better sense for such potential changes. This should be part of the report with all of the things being discussed provided to the Commission.

Commissioner Rodstrom pointed out that the Planning and Zoning Board would be voting on a project design that would not be allowed on the land as it is today. Mayor Seiler reiterated it is at the developer's risk.

Courtney Crush, representing lessee of the Bahia Mar property, provided history of the previous Commission's authorization regarding this project. Consensus at the time was that the site plan to proceed forward. Community outreach has occurred. They expect to go to the Planning and Zoning Board and then stop. There is an existing lease that permits the proposed uses, but they have also requested an extension. They have been communicating with the community and want to continue the process.

In response to Commissioner Rodstrom, the City Attorney advised that the current lease does not permit condominiums, but rather only rental units. The City Attorney indicated that the Planning and Zoning Board will review the project from a design standpoint and compliance with the Unified Land Development Regulations (ULDR). If the Commission likes the design, they will have the opportunity to conform the lease if they wish to do so.



Commissioner Rodstrom asked what would be provided to the Planning and Zoning Board in order to equip them to vote. Mr. Brewton advised they will be provided with the site plan, and an outline as to how it meets the applicable ULDR requirements and where it falls short.

Ms. Crush explained that article nineteen of the current lease drafted in 1949 permits apartments. There is an issue as to the label for these residential units; rental or ownership. The City Attorney noted that the lease speaks of income sharing and the rental is paid on the basis of shared income.

Mayor Seiler wanted to wait until the July 7, 2009 conference.

As to scheduling on the July Planning and Zoning Board agenda, Mr. Brewton noted that the Planning and Zoning Department has not yet received a complete project application. Ms. Crush indicated they are waiting on the traffic report being released by the Engineering Division. They anticipate being able to submit in time for the July meeting, but otherwise they would like to proceed forward to August 20. Mayor Seiler noted that both the July and August Planning and Zoning Board meetings are before July 7.

#### Community Development Block Grant (CDBG) Funding Process

Commissioner Rodstrom asked about the process with respect to CDBG funding allocation and the South Middle River plan. Mr. Brewton explained it should be submitted to the Community Development Division. He went on to comment on the process.

#### Christian Romany Church Property; Edgewood Neighborhood

Commissioner Rogers noted that the previous Commission adopted a resolution to dissuade Broward County from taking church property adjacent to the treatment center (BARC) off State Road 84. The property was condemned. It is now in a rezoning process. He wanted an enhancement of the prior resolution. The Edgewood neighborhood is very concerned about expansion of social services so close. The site is quite large. Broward County now wants to build a sexual assault treatment center.

Mayor Seiler requested this item be placed on the July 7, 2009 conference agenda.

#### Citizen Volunteer Corps

Commissioner Rogers announced an upcoming Citizen Volunteer Corps (CVC) project on July 25, 2009, 8 a.m., at Snyder Park.

#### City Staff

Vice Mayor Roberts thanked staff for their quick response on items where he needed information, solving problems and keeping customers happy.

#### Fire Station 35, Commercial Boulevard

Vice Mayor Roberts announced a community meeting on June 25, 2009 concerning Fire Station (35) on Commercial Boulevard. Mr. Carbon advised the meeting will be held at

Shepard of the Coast Church located on Commercial Boulevard and 18 Street.

Commissioner Rogers encouraged the Commission to tour the new fire station on Federal Highway.

District III events: Stimulus Funding Summit; Pentecostal Assembly Church 25<sup>th</sup> Anniversary; Osswald Park

Commissioner DuBose noted various events held and, or upcoming in District III.

Thurgood Marshall Elementary School

Commissioner DuBose commented on the ceremony at Thurgood Marshall Elementary School for children moving forward.

Fourth of July

Mayor Seiler complimented the Parks and Recreation Department and the Coast Guard concerning the Fourth of July event. Protection plans have been initiated for the turtles and coral reefs.

Citizen Volunteer Corps

Mayor Seiler wanted to increase volunteerism above and beyond the Citizen Volunteer Corps and ensure there are projects for them to do as well. Terry Rynard, Assistant Director of Parks and Recreation, noted there is work ready to be done. There are current plans for July 25, 8 a.m. If there will be more volunteers, staff can expand the projects. Mayor Seiler wanted to see the frequency increased.

Red Mass

Mayor Seiler noted last week there was a cardinal, an arch-bishop and a bishop at St. Anthony's Church.

River Related Event

Mayor Seiler indicated that he has asked the Marine Advisory Board to work with Riverwalk Trust and the Marine Industries Association to think of a river related event that could be hosted annually in the downtown. He hoped the Downtown Development Authority would get involved. He asked for suggestions from the community.

There being no further business to come before the Commission, the meeting was adjourned at approximately 11:05 p. m.