

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
JULY 7, 2009**

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CITY COMMISSION CONFERENCE MEETING 1:08 P.M. JULY 7, 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. Dana Swisher

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 1:08 P.M.

The City Commission shall meet privately regarding the following:

Collective Bargaining (Florida Statute 447.605)

Evaluation of Ida Gordon – General Liability Case GL08-129C (Florida Statute 768.28)

MEETING RECONVENED AT 2:22 P.M.

I-A – Franchise Renewal – Florida Power and Light Company

Schef Wright of Young van Assenderp, City consultant, noted his experience on energy matters. He wanted to review issues of potential value to the City in considering the franchise renewal. He discussed the franchise payment and Florida Power and Light Company's (FPL) and cities' perspective of the purpose of the payment. The key issues in determining the amount of franchise fee revenues are the rate, revenues to which the rate is applied, and any offsets. FPL has proposed to reduce the rate to 5.9% and leave the residential, commercial and industrial revenue alone. Ad valorem taxes would be removed from the offset pot. Therefore revenue should increase by some amount.

FPL has proposed a 30-year term. There is no statutory requirement that the term be for any time other than it may not exceed thirty years. The City has the right to purchase FPL's distribution facilities. The FPL proposal does not include this provision which is a highly valuable right. As to the franchise scope, there is a question of whether it has to do with not competing use of rights-of-way or that it is for the provision of electricity only. FPL has proposed electricity of other services which could include telecommunications for no franchise fee. FPL would like to be able to use all public places. The City may wish to consider a restriction. He listed the many other issues.

In response to Vice Mayor Roberts, Mr. Wright defined and elaborated upon self-service wheeling. FPL has asked that the City waive its right to self-service wheeling. He did not think the City should give up an existing right unless there is adequate consideration in another area.

Commissioner Rogers asked if anything has come to mind since the report was written. Mr. Wright referred to renewable energy initiatives and a state law that creates an obstacle to third party providers of renewable energy. For example, if the City wanted to contract with a

company to install solar panels on city hall roof and buy power from them. It would subject the company to certain regulations by the Public Service Commission. FPL could object and invoke a territorial dispute. The franchise agreement should include a provision whereby FPL would not invoke such disputes. He did not know what would be the final outcome on the solar panels, but he anticipated the City would have a problem purchasing ocean hydro-power from a turbine located in the gulfstream. The City might want to simply purchase power from another entity at a lower rate. If it was to become allowed by law, FPL has requested a right to match provision. He felt they should be required to match the offer as to type of energy, terms and conditions.

In response to Mayor Seiler, Mr. Wright explained the standard term in the state is thirty years; some cities including Fort Lauderdale renewed their franchises before the completion of thirty years. Negotiations for periods less than thirty years have not generally been successful.

In response to Mayor Seiler, Mr. Wright advised that the flat 6% of retail revenues has not been implemented anywhere. However, he noted Tampa Electric Company has agreed with Tampa to a new twenty-five year franchise that starts at 4.6% of retail revenues but allows the city at its option to raise the rate up to 6% during the franchise term. There are no offsets.

Mayor Seiler was greatly concerned about services other than electricity. Mr. Wright indicated in Melbourne's recent renewal, FPL agreed to language of supplying electricity and directly electric related services.

Mayor Seiler asked about the buyout provision. Mr. Wright explained that in order to obtain another provider, the City would have to purchase the FPL system. He elaborated upon various scenarios. Without a buy-out provision, the City could use eminent domain power. Currently Fort Lauderdale and South Daytona have buy-out provisions. He was not certain of what other cities. Winter Park had a buy-out provision that they exercised and Casselberry contemplated it, but did not ultimately do so. In 1973 the mandatory buy-out provision was removed from state statute. He offered some historical information about municipal utilities in Florida.

In response to Commissioner Rodstrom, Mr. Wright believed the 6% fee and offsets have been the same for at least forty years.

Vice Mayor Roberts asked if the term nationwide is thirty years. Mr. Wright did not know the answer.

In response to Mayor Seiler, Mr. Wright indicated that he did not know when the thirty-year cap was put in place, but thought it was before 1973. He offered to look into that question.

Peter Partington, City Engineer, advised that the portion of the study regarding undergrounding is complete. He believed the draft will be furnished by the end of this week.

Commissioner Rodstrom understood and the City Manager confirmed this would be on a September agenda.

Commissioner Rodstrom questioned by the proposed ordinance does not address undergrounding. The City Manager explained that Commission direction is needed regarding the scope of the negotiations.

Lloyd Shank of Power Services Inc., City consultant, noted his experience on electrical systems and undergrounding.

Mr. Shank advised that 34% of the City's current system is already underground. He apologized for the report not being 100% and indicated it is due to a death in the family of an involved employee. The total cost is less than \$5,000 per premise, including commercial and residential. This amount is in line with other areas of the state that are in the conversion process. He mentioned some economic impact examples. An underground ordinance will be recommended. It is recommended that the ordinance contain a process of how to get to the undergrounding point.

Mr. Shank confirmed Vice Mayor Roberts assumption that this includes telecommunications and the installation of conduits for telecommunications providers.

In response to Commissioner Rogers, Mr. Shank advised that Power Services is implementing underground installations for other municipalities in Florida. He is familiar with three or four installations. He mentioned his experience with Winter Park and Winter Park's track record with operating a municipal system.

In response to Commissioner DuBose, the City Manager advised that the Commission has only authorized tasks one and two of phase one. Mr. Shank indicated that task two of the initial study was a high level cost estimate for undergrounding. They looked at four areas and applied the information to fit the entire City. The areas examined were: commercial, apartment residential, single-family residential and areas having overhead feeders for residential and commercial.

In response to Commissioner Rodstrom, Mr. Shank estimated that preliminary numbers and full report should be available next week. The noted \$5,000 per premise includes every structure citywide with electric service. Eight payment options were provided. The City Manager pointed out that the \$5,000 would not apply to any specific neighborhood. Mr. Partington emphasized that \$5,000 is preliminary.

Mayor Seiler wanted the City Manager, City Attorney and Public Works Director to meet with each member of the Commission on this matter.

Commissioner Rogers felt a decision needs to be made of whether to proceed with phase three. He wanted to see this report first. He felt it is premature to meet with staff. Vice Mayor Roberts agreed.

Commissioner Rogers asked about the cost. The City Manager indicated there was a lot of debate by the previous Commission about the other phases. The idea was to go with this scaled back version first. Phase three will mean substantially more time.

Commissioner Rodstrom thought there is much more documentation about the municipalization idea. She thought it was laid to rest due to cost. The City Manager thought it was understood that the study was going to be time consuming and expensive and there was concern, but that was a decision made by the previous Commission.

Vice Mayor Roberts thought all factors should be discussed because the City is at the point of negotiating a new franchise agreement and should afford itself flexibility. The City is at a crossroads. If the information is available as Commissioner Rodstrom indicated, it would be helpful.

Commissioner Rogers asked about the timeline. The City Attorney advised that the franchise contract expires in October. He provided some detail about discussions with FPL on their refusal to collect the franchise fee if a contract is not executed in time.

Mayor Seiler suggested that each commissioner meet with the City Manager, City Attorney, and their designees to discuss this matter before July 21. He also requested information on July 21 as to the additional cost of phases two and three, so that a decision can be made of whether to proceed. The item should be placed on the July 21 agenda.

In response to Vice Mayor Roberts, the City Manager offered to furnish the previous RFP data. However, Kirk Buffington, Director of Procurement Services, noted the RFP was done in 2007.

The City Manager indicated that information on municipalization was furnished by a resident. Commissioner Rodstrom noted that there was rebuttal to that information.

James Sadler, 3073 Harbor Drive, asked about private individuals, condominiums and businesses being permitted to pursue solar panels. Mr. Wright advised that it does not have to be specifically recognized in the franchise agreement. Mr. Sadler recommended it be addressed in the franchise agreement.

Mr. Sadler asked about the life expectancy of an underground system. Mr. Shank indicated there is a forty-year manufacturer warranty, but during his twenty years of experience none has failed. He asked if it is feasible to have transformers on the beach and whether they would fail during storms. Mr. Shank believed that the City Engineer would consider flood levels and mount devices above the flood plane.

Northwest Neighborhood Improvement District Meeting

Mayor Seiler announced that the Northwest Neighborhood Improvement District Board of Directors meeting will be deferred to July 21, 2009. The City Manager advised a technicality was noticed by the City Auditor; it will be corrected.

I-B -- 2009-2010 CDBG Public Service Project Recommendations – Community Services Board

Greg Brewton, Director of Planning and Zoning, indicated at the Commission's request, the Community Services Board Chair was invited to speak on the board's recommended funding allocation process.

Avery Dial, Community Services Board Chair, explained the board's process of receiving the information and scoring after the oral presentations. Scores are submitted individually. He felt it was a simple overlook that Women in Distress had not provided clear proof of how they would be serving the citizens of Fort Lauderdale. Although they have served Fort Lauderdale citizens in the past, this year they did not have a presence in the City or a plan of how they would serve Fort Lauderdale citizens. Under those circumstances, the board cannot fund them and consequently funded the next organization in rank order.

Commissioner DuBose asked how the board decided how many to fund. Mr. Dial believed there is some thought about reducing the number to ten, but the board decided upon twelve.

Managing distribution becomes more difficult as the number of organizations increases.

Vice Mayor Roberts asked if there is a followup by staff perhaps to assess the impact they claim to have achieved. Mr. Dial indicated the people submitting more than one year are required to provide data of the previous endeavor. Jonathan Brown, Housing and Community Development, explained that staff monitors the projects. In response to Commissioner Rodstrom, Mr. Brown indicated that the monitoring process is mandatory.

Mr. Dial advised that Women in Distress had moved out of the city this year and they were unable to explain how they were going to provide services to the residents of Fort Lauderdale.

Vice Mayor Roberts advised that Women in Distress serves the entire county; they perform an important function. He commented about two organizations addressing homelessness were funded; perhaps there is another need that needs to be addressed.

Mr. Dial believed that the Coalition To End Homelessness and the Broward Partnership For The Homeless provide different services.

Commissioner Rogers felt that Women in Distress has done excellent work. There should be some criteria that goes beyond the actual presence. Mr. Dial pointed out that the board seems to be starting to pull away from well-established and well-funded organizations. Perhaps the thinking was that CDBG funds should not be looked a life support, but rather a hand up to get programs started.

Commissioner DuBose felt the board took their charge seriously. They must reach a consensus. They have done excellent work all as volunteers.

In response to Commissioner Rodstrom, Mr. Brown was not certain if Broward County or Deerfield Beach participates in CDBG public service activities. Commissioner Rodstrom believed the County has the capacity to handle some of this countywide; therefore the board may be looking for organizations that serve the need in Fort Lauderdale. Mr. Dial pointed out that, Women in Distress ranked high, which shows that the board thought highly of them. Many people overlooked that they did not articulate how they would serve the people of Fort Lauderdale until it was brought to the board's attention when they met as a group.

Margaret Birch, Community Services Board member, noted that there were many organizations with well-written applications and who were in dire need of funding, however, many had other organizations that fund them. There were smaller organizations who applied that did not have a large bank account. Many questions used in the ranking had nothing to do with need, which led some organizations to score high, but when it came to need and service, they did not score as well but the board was able to provide funding as detailed by Mr. Dial.

In response to Commissioner Rogers, Mrs. Birch indicated that the criteria is weighted. She offered examples to show the weighting. In response to Commissioner DuBose, Mr. Dial believed there are ten points above the ranking that allows board members to add points that are not defined in the outline criteria. The ranking considerations are a guide and not hard-fast.

Scott Strawbridge, Fort Lauderdale Housing Authority, introduced the Fort Lauderdale Housing Authority Step-Up Apprenticeship Team. He described the program and distinctions it has accomplished. He understood that the program has not been recommended for any funding this year. He introduced three individuals who participated in the program: Brandon Gordon,

Nathaniel Striggles and Iesha Gray elaborated upon the work and life skills they have learned from the program. They thanked the City for supporting the program.

In response to Mayor Seiler, Mr. Strawbridge noted the funding traditionally previously received from the CDBG program. In response to questions as to whether there was an application filed, Commissioner Rodstrom noted the information provided is only the public service portion of CDBG. Greg Brewton, Director of Planning and Zoning, clarified that there is currently \$250,000 in CDBG for last year's Step-Up Program. It is waiting for Step-Up to meet HUD requirements. Staff met with the Housing Authority and notified them in writing about the required information. An additional \$250,000 for the next year would also be available, but the information is necessary in order to be consistent and compliant with HUD.

Mayor Seiler felt the Step-Up Program does great job and should remain, but the City has to comply with HUD requirements. He suggested Mr. Strawbridge meet with staff. Mr. Strawbridge indicated that Step-Up has submitted paperwork. Vice Mayor Roberts requested that staff assist Step-Up. Mayor Seiler reiterated that the City has to be in compliance with HUD. Mr. Brewton indicated that staff has been and will continue to work together with Step-Up.

Venetia Timm, Jack 'n Jill Children's Center, thanked the City for past funding. She was concerned they are now at a disadvantage to receive funding because they do a good job in grant writing and recordkeeping. She elaborated upon their high standard of operation and recordkeeping. She was concerned that only one individual visited the center to see their operation. She discussed the attributes of what the center provides to people. She noted all of the effort required in fundraising in order to match grant funding, but appreciated any funding the City receives.

In response to Commissioner Rodstrom, Ms. Timm stated that 95% of the parents live within a five-mile radius of the center. They service 170 children. All participants are Fort Lauderdale residents. She elaborated upon the services provided, requirements placed upon participants and what is needed to be successful with low-income children.

The City Auditor suggested that the Commission consider giving direction to the Community Services Board next year to not use subjective criteria in the evaluation process. He likened it to the RFP process.

Commissioner DuBose disagreed. By human nature one will not discount subjectivity to the evaluation. It is not just the hard number that comes into play. If that was the case, the presentations would not be needed. There is more to the process than the ranking.

Mayor Seiler suggested a review of the process at a November conference meeting.

In response to Commissioner Rodstrom, the City Manager indicated the upcoming annual action plan will incorporate all aspects of CDBG. Commissioner Rodstrom was concerned there has not been any explanation about the different entities of the CDBG process. No policy has been developed as to how to expend the money. The City Manager noted the capital improvement plan portion will be on the July 21, 2009 meeting. It is an issue of identifying projects as opposed to how to expend the dollars. Once amounts for each of the categories are approved by the Commission, then projects are reviewed.

In response to Commissioner Rodstrom, Mr. Brown indicated the annual action plan deadline to HUD is August 15, 2009. Commissioner Rodstrom was concerned about constantly pushing up

against deadlines. She wanted to be certain that the deadlines are not missed. She wanted a conference discussion about CDBG. The City Manager felt there appears to be some confusion on the process. There are dollars to be programmed into various categories, which is contained in the annual action plan. There is the Capital Improvement Plan that identifies Commission priorities for projects. Once the priorities are set, staff identifies funding sources which includes CDBG funds where appropriate. This will be before the Commission on July 21. Mayor Seiler requested this discussion be scheduled for July 21. Mr. Brown explained that the action plan is due August 15, 2009, but specific projects do not have to be identified at that time.

I-C – Fire Rescue Facilities Bond Issue Blue Ribbon Committee Report

Thornie Jarrett, Fire Rescue Facilities Bond Issue Blue Ribbon Committee Chair, noted the committee's objective. The committee's report included background, status report and four recommendations. As to status, there are two fire stations completed and operating, two fire stations under construction and another where the operation has been moved to a temporary facility and the old station demolished. The committee recommends a feasibility study to determine fire station requirements for the present and future. It should be done by an outside consultant and address the appropriate size and locations of future fire stations based on present and future needs. The committee should be allowed to provide input in the RFP. The original bond referendum before the public was to build ten new stations, replacing nine and one new in the southeast. Eight were to be satellite stations and two were to be larger battalion stations. Before the first meeting of the committee, the size had been revised by staff, increasing the size. Also, there was to be five satellite and five battalion stations. He believed that to be quite a jump from what was contained in the bond language. The committee was concerned about whether there would be sufficient funding. As of last year, it was apparent there would not be sufficient funding to complete the new plan. Staff reduced the station sizes, back to eight satellite and two battalion stations. The committee feels if the City is not going to follow what was told to the voters, then a study should be conducted to make sure their course is proper. The committee is composed of people with many years of experience in the construction industry.

Mr. Jarrett noted the second recommendation has to do with the committee's disagreement with the previous Commission's decision to put the new southeast station on the back burner. Land value is at a low now. There is not sufficient bond funding to purchase the property even at the reduced cost. The committee feels about \$2 million would be sufficient now; however, hopefully land values will increase. Funds need to be allocated from another source to purchase the property. The committee recommends this be done. This new station would re-establish a south-side presence for that district.

Mr. Jarrett noted the third recommendation is to allocate funds in future budgets to complete the ten fire stations as planned and to meet LEED guidelines for new buildings. There is approximately half of the bond funds remaining. The request is not to allocate funding this year, but rather keep in mind the remaining stations that will not be built because of the bond funding being depleted and plan in long-term goals for their construction. There is a serious need for the stations. The current stations do not meet the standards of a modern fire department. There are no females, for example and there are now medical calls being answered. He expanded on advantages of LEED and that it is federally mandated.

Mr. Jarrett noted the fourth and last recommendation is to charge the committee with oversight of the fire bond project, direct staff to provide the committee with detailed information as required and report to the Commission before action is taken. Before there is funding allocation

or direction by the Commission, the committee would like to be privy to this information in a timely manner so that they can make recommendations to the Commission.

Commissioner Rogers asked about the time delay associated with a feasibility study. Mr. Jarrett indicated he was told by those that conducted the project audit two years ago that it would be three months; however, the RFP would first have to be prepared. He felt the committee and staff could move quickly. He pointed out that there is no line item in the project for inflation, thus the necessity to move quickly is understood. Once the RFP was awarded, the vendor would need three months to perform the task.

Commissioner Rogers asked if there is any way to expedite the process of building a station. Mr. Jarrett did not think they would have to start from square one. He elaborated upon the learning that has already taken place, that there are good models, which may need some modifying, but overall the City is way ahead of the game.

Commissioner Rodstrom thought the study would collect information useful for the next fifty years. For example, it would determine if a station to the south is needed. The RFP would be very broad to address the City's public safety future. Mr. Jarrett agreed. For example, the fire bond did not address a response time problem in the northwest. There was also a problem in the southwest but he felt staff has addressed it.

In response to Commissioner Rogers, Mr. Jarrett indicated although he asked those who performed the audit, they could not provide an absolute price. He estimated the feasibility study would cost somewhere between, \$95,000 to \$150,000; which he felt is totally sound when considering the total project cost. The City Attorney would have to speak as to whether this could be charged to the bond project however he urged the Commission to find another source so that the bond funds could be spent for the stations themselves. It may not be permissible though considering the study would be charged with looking at the northwest for example.

Vice Mayor Roberts felt everyone agrees the goal is to provide the new facilities; it is just a matter of how to get there. He highlighted some history of the project overall and that the audit questions whether there is enough funding to complete the project. He was concerned about possibly force-fitting future facilities because of budget constraints. Things change. Perhaps it is time to reassess. He was concerned about time constraints; that costs could increase. It is important to get a handle on completing the project. He wanted the committee to be plugged into future Commission actions and pointed to how Planning and Zoning Board input is part of agenda items.

James Eddy, Fire Rescue Chief, and Albert Carbon, Director of Public Works; presented slides concerning the fire rescue facilities bond issue project. A copy of the slides is attached to these minutes. Location of the stations was determined prior to his employment based on response time data in the various zones. He was opposed to a feasibility study. Bigger is not always better. The Fire Rescue Department is all about response time. A large station does not improve response times, but rather it diminishes them. He did not agree with building large stations on the barrier islands. There should be enough personnel in the stations in order to respond quickly. It has already been concluded that Station 46 should be large with two rescues. The only unknown is Station 8. He felt it should have a rescue company and an engine company, which means \$3.9 million per year in the departmental budget. He was not certain whether this is the appropriate time from a financial standpoint. He elaborated upon his thinking that it makes no sense to build large sized stations. Most of what the department does is rescue. More than 39% of the time an engine company reaches a medical rescue call before

the rescue truck. A plan was presented to the Commission a year and a half ago. It recommended stations be built to house adequate equipment (an engine and a rescue) and increase manpower if necessary. He studied population trends to the year 2030. It shows a population increase of about 38%. The issue is where the population is going to be situated. According to the geographic studies he reviewed, there will be growth in areas of Stations 2 and 46. Consideration would have to be given any annexations. He noted the areas where response times will be improved when Station 8 is opened. With respect to response time, he emphasized it is best to build another station, not to build larger stations. He noted when there are structure fires, multiple stations respond. He felt a feasibility study would delay the project.

Commissioner Rodstrom questioned whether the thinking is that a feasibility study would only address size and not location. Chief Eddy commented that two of the hardest things for a fire chief to do are close a station and open one. No one wants a station in their backyard but they want a quick response. He hoped a feasibility study would not recommend moving a station four or six blocks away. The City has a network of facilities that work pretty well according to response time analysis. Feasibility studies are done by professionals. The City has on staff fire service professionals, civil engineer. They should be allowed to make recommendations. Also as new buildings are constructed the risk will decrease because of built-in precautions. Fire station locations should be determined at the time of growth. He elaborated upon alternatives to building stations. He is working with area fire departments on closest-unit response. If an adjacent community can get a rescue truck to a home before Fort Lauderdale can, it should be done. In conclusion, he believed it is too late to do a feasibility study.

Commissioner Rodstrom felt that everyone recognizes the excellent work of the Fire Rescue Department. She felt a feasibility study would assist the City with respect to future needs. She did not think it would hurt to have the analysis. If an insufficiency was detected, everyone would work hard to address it immediately. A study is not meant to be a check and balance. Chief Eddy felt one should be close to a point of action before doing a feasibility study, and that is why he would recommend against it. As the community expands, population numbers will be more accurate and that is the time for a study. There is clearly a need for Station 8; it is a matter of budget.

In response to Commissioner Rodstrom, Chief Eddy explained that the City is building ten stations that were planned. As to the question of what is needed in the future, he suggested the City wait until these stations are built; look at where the community is growing and then do a feasibility study if necessary. A vendor will use all of the data furnished by staff. He felt their opinion will be the same. As to a feasibility study for these ten stations, the Fire Rescue Department did an analysis.

Mayor Seiler asked if this presentation was made to the committee. Chief Eddy indicated that two years ago he attempted to make the same presentation that was made to the Commission, but the committee did not allow it. The committee was not pleased with his recommendation for an engineering analysis as to whether Stations 35 and 54 should be rebuilt. Then when the presentation was made to the Commission, the committee expressed concern that they had not seen it.

Commissioner Rogers referred to the original previous staff recommendations on station sizes and Chief Eddy's recommendation for reduced sizes. He questioned which recommendation to rely upon. This is compelling in seeking another set of eyes on it. Response time is the bottom line. Chief Eddy indicated if he was a commissioner he would agree with that thinking. He spoke with the assistant chief involved in the recommendation and found it was based on what

was done with Station 2. The thought was to house reserve apparatus at the fire station to which he is absolutely opposed. He expanded on why it should be at the garage in terms of efficiency. Having reserve apparatus at the fire stations will slow down maintenance and increase costs.

The City Manager asked for the Commission to consider the track record of staff and the committee. Staff has delivered. If the committee's recommendation to build half of the stations during the height of construction and right after the hurricanes had been followed, the funding would have been exhausted. If the work does not get done, the committee will not have to live with the consequences; staff has been charged to do this project.

In response to Commissioner Rogers, Chief Eddy indicated he has built stations, but not designed them. As to prototypes, he relies on the architects and the City's professional staff. Albert Carbon, Public Works Director, explained he worked with the department as to the number of personnel, apparatus and site constraints along with space for the station aspects. From this, staff determined the station sizes.

Mr. Carbon noted over \$200,000 may be saved if the existing Station 35 can be used while a new station is built on the Shepherd of the Coast Lutheran Church property and then swapping the property.

Mr. Carbon noted that funding applications for ARRA assistance for Stations 35, 46 and 13 are on the evening agenda. In response to Commissioner Rodstrom, Mr. Carbon explained that the deadline for the application is this Friday.

With respect to the timeline, Mayor Seiler noted that it cannot be said that the project is ahead of schedule when Station 8 was eliminated.

With respect to the committee's involvement, Mr. Carbon was concerned if the committee would be approving change orders and any delay in construction. It will cost money.

Commissioner Rodstrom asked whether a feasibility study would be a positive in regard to the City's \$15 million grant application and the criteria specified in the application, Kathleen Gunn, Assistant To The City Manager, felt they are looking for construction that would improve response time and firefighter safety. Mr. Carbon added that will support construction of new fire stations, renovations that enhances response capacity and firefighter safety. All information was included in the application. Ms. Gunn noted that the City has a very strong application for Station 46, but it is very competitive. She estimated the City may know the outcome in October. The City Manager noted a study would not be helpful as it would not be completed in time. Commissioner Rodstrom clarified she was speaking about including in the information that the City would be doing one. The City Manager felt it could be questioned whether the City was certain about the station if a feasibility study is needed.

Mayor Seiler noted this discussion will be completed at tonight's meeting.

(Continued on page 17)

I-F – Bahia Mar Property – Lease and Economic Analysis

Peter Henn, representing LXR Luxury Resorts & Hotels; highlighted recent history on this matter and indicated that they are seeking more guidance in hopes of coming forward with a lease proposal. LXR believes that redevelopment of Bahia Mar will be good for the entire city. He

referred to the current lease, Articles 19.1 and 19.3, and noted these articles provide that the City must let the Lessee do what is reasonable, but it is also provided that the Lessee conduct their activities to maximize revenue. It is not possible to maximize revenue with the current development.

Christopher Smith, Courtney Crush, Spencer Cowan, Nancy Lash and Owen Beitsch, representing LXR, presented slides on the Bahia Mar property. A copy of the slides is attached to these minutes.

Senator Smith highlighted the history of Bahia Mar. This proposal is considered phase three, Bahia Mar Park. Phase one was approved in September of 2002 and included improvements to the marina. Phase two was approved in January of this year and was referred to as Beachwalk at Bahia Mar.

Ms. Crush reviewed the park master plan, noting it includes a three hundred room Waldorf Astoria Hotel. Blackstone owns Hilton which owns the Waldorf Astoria brand, thus LXR is fortunate to have control over what will be the flag. She also noted that the parking garage which is underneath the park cannot be seen on the drawings. They worked with staff on activating the site and creating it as a neighborhood amenity. The CRA is 121 acres and the Bahia Mar property, including the submerged land, is 38 acres of the 121 acres. She discussed the architectural changes made and that the Central Beach Alliance was pleased with them. Traffic and parking studies have been completed. The City does not have a mixed use parking code. As this is a mixed used project, LXR worked with the City and their outside consultants who have concluded there is the appropriate amount of parking. The project also meets the trip threshold with respect to traffic. They would like to install parking meters along a portion of the property.

Dr. Cowan discussed the importance of the two residential towers and development of the property as a planned unit development (PUD).

Note: The City Commission recessed at 5:54 p.m. and addressed Conference Item I-D at approximately 7:29 p.m. in the City Commission meeting room on the first floor of City Hall.

I-D – Fort Lauderdale Jaguars Proposal – Use of Croissant Park at Football Practice Facility

Phil Thornburg, Director of Parks and Recreation, indicated over the past several years football and baseball have been sharing the Floyd Hull facility. Recently, baseball has expressed a desire to have a fall baseball league that would conflict with football. A lawsuit was filed and then dropped. There is a proposal from the Fort Lauderdale Jaguars (football) where they would move to Croissant Park for all practices during football season and use Floyd Hull Stadium for game days, which is on Saturday, perhaps five or six times per year. Baseball could use the facility nearly year-round. In order for football to move, they have requested there be proper restroom facilities, a concession stand and storage at the park. The concession stand is needed to generate revenue to pay for uniforms and so forth.

Commissioner Rogers noted the concession stand could be used in other places. Football has used Croissant Park in the past, therefore it is workable.

Kenny Nail, representing the Fort Lauderdale Jaguars, noted he also serves on the Parks, Recreation and Beaches Advisory Board. The Jaguars supports this proposal. Purchase of a concession stand should be considered an investment and could be used for a needed soccer program. He urged the City also to address the need for a soccer program at Croissant Park. In response to Mayor Seiler, Mr. Nail indicated the concession stand could be utilized by any program. He noted that the Jaguars would like to a year-round program at Croissant in the absence of soccer.

In response to Commissioner DuBose, Mr. Nail explained the accommodations that the Jaguars are willing to make so that baseball can have a year-round program.

In response to Commissioner Rodstrom, Mr. Nail indicated the proposal includes provision for the concession stand revenue. The concession stand is needed in order for the Jaguars to be situated as Croissant Park. Commissioner Rodstrom questioned people making purchases at a concession stand during the practice sessions. Mr. Nail noted the revenue numbers for practice sessions. In further response, Mr. Thornburg indicated that the City does not receive any portion of concession revenues from leagues.

Commissioner Rogers emphasized that the City supports youth and youth sports. It is also a solution to a problem that should not have happened, but did. There are contingency funds available. Staff is doing well in keeping expenditures down. He felt it is money well spent.

Commissioner Rodstrom wanted to find a revenue source other than the General Fund. Mr. Thornburg was reluctant to use park impact fees. The City Attorney indicated because it is a temporary structure, it would probably not qualify. Mayor Seiler commented about the good that these sports programs do for youth. This expenditure prevents the City from having to consider building a new football facility or a field. He also recognized the work of Commissioner Rogers in reaching this compromise among several parties. Commissioner Rodstrom agreed on the merits, but was looking for alternative funding. Mr. Thornburg indicated the purchase of the concession stand will come back to the Commission and during the interim he will look for any possible alternative funding source.

Note: The City Commission returned to the regular meeting agenda at 7:45 p.m. (Item MD-01) and then returned to the conference meeting agenda at 8:55 p.m. and continued with Conference Item I-F.

I-F – Bahia Mar Property – Lease and Economic Analysis

Christopher Smith noted the beginning of LXR Luxury Resorts & Hotels' presentation during the conference meeting and their outline for the remainder of the presentation this evening.

Dr. Cowan indicated with a PUD instead of development under applicable zoning regulations, the floor area would be some 20-50% less. He referred to the Bahia Mar Park Massing Goal slide and indicated the calculations are based on an earlier development design. He discussed the differences in visibility from Idlewyld for a PUD development or one built under applicable zoning regulations based on the distance between the development and Idlewyld or western edge of Intracoastal. He noted that there are similar impacts from other nearby properties, the Illini and the Venetian.

Nancy Lash discussed the proposed leases. LXR only wishes to amend what is necessary to make Bahia Mar Park a reality. She referred to Article 19 that provides that the lessee not be unreasonably restricted in its use of the premises and the lessee was to maximize revenues.

The proposal fits in well with this. The existing lease with a remaining term of 53 years would stay in place and the new lease of 46 years would bring the total term to 99 years. She explained the reasoning behind the 99 year timeframe. The developer of a Waldorf Astoria wants to know that the other components of the development would be maintained at a high standard. The proposed leases make the boat show officially a part of the deal with the City. The lessee commits to extending the boat show through the entire lease term. The bifurcated leases have identical terms to the original lease except where the project itself necessitates something different. For example, the rent differs for various uses. She elaborated upon the advantages of having bifurcated leases. The City economic consultant's report indicates that bifurcation would generate greater tax revenues and assist in financing of each project separately. She discussed the rent provisions and noted all changes benefit the City. She noted that there have also been updates to the leasehold mortgage provisions.

Owen Beitsch provided the fiscal and economic benefits overview. He commented that Orlando is one of the largest hospitality markets in the country and one of the most visited destinations in the world. There are industry benchmarks. He has worked with large and small hotels throughout the state and that experience forms the basis for some of the observations being made. If benefits from the existing lease are forgone, it would be difficult if not impossible to recover and if they are not seized prior to 2062, the \$400,000,000 in revenue to the City cannot be accumulated. He emphasized the volatility of the hospitality industry. The Biltmore Hotel, frequently considered one of the top twenty hotels in the country, exists on a land lease and is offering a proposal to lower its lease rate of 3.5% because it is \$2.4 million in arrears to the City of Coral Gables. There is great sensitivity in lease rates that needs to be acknowledged.

Senator Smith requested that the City Attorney be directed to work with LXR in renegotiating the lease and the City Manager to negotiate the economic terms. The site plan will be presented to the Planning and Zoning Board on July 15.

Phil Gonot, PMG Associates, Inc., City consultant, presented slides on this matter. A copy of the slides is attached to these minutes. PMG's approach was to consider this as a new lease, instead of modifying the existing lease. PMG has no problem whatsoever with the proposed bifurcation or time extension. The boat show representatives were happy with what LXR had done. PMG agrees with the partnership approach.

Sadler James, 3073 Harbor Drive, favored Phase One and Phase Two with two exceptions. He does not feel there should be condominiums on City property because it is a resort area. He disputed LXR's comments concerning security, permanent residents and amenities such as grocery stores for permanent residents and potential complaints of noise. He opposed bifurcation and asked how common areas would be addressed in the bifurcation concept. He did not think there should be any extension to the lease except for the ground underneath the condominiums. For retail leases, the City should get a percentage of gross sales.

Fred Carlson, Vice President of Central Beach Alliance, asked the City to consider the issues raised by Mr. James. This is a good project for the City as a whole. Negotiation of the details is important. He commented about the views from Idlewyld, other area building sizes and that there will always be complaints about the building next door. If the City does not move forward, they may lose the boat show.

John Lacz, President of Marine Towers, indicated this building is 153 units. The general consensus opposes this development. They believe this is gross over-development of the barrier island. He raised questions about impact on the environment. The development would

impose an increased demand on City staff. He felt the development would take away from the boat show. He did not feel the City's logo has anything to do with highrise buildings. Chuck Hansen, 5455 Fort Lauderdale Beach Boulevard, stated that he resides in the Illini Condominium which is adjacent to this project. Residents of Illini voted against this at the Central Beach Alliance meeting. They do not feel three additional tall buildings are needed. Most buildings on the beach at present are 75% vacant. They believe the project will have no bearing on the boat show staying in the city. He understood the project will take ten years to complete. He did not want to tolerate the noise or traffic. He believed the individual taxpayer financial impact would be about \$33 and preferred to pay it himself.

Jim Feucht, 336 North Birch Road, commented that the Central Beach Alliance was split in their vote for this project. There were questions raised about the procedure followed and the vote tally has not yet been validated. He questioned the development comparison slides. He urged the Commission to negotiate for the best interests of the City and the affected residents without pressure from any outside organization.

Mary Fertig, President of Idlewyld Improvement Association, felt this development is out of character with the density, height and mass of current zoning. She elaborated upon the parking garage size being larger than allowed under current zoning and that it has twenty-eight ventilation fans. They have grave concerns about the traffic study and the parking reduction request. They have numerous concerns about the site plan and believe the appropriate venue is the Planning and Zoning Board meeting next Wednesday. They oppose the PUD rezoning. They question carving out this area when there is an opportunity to plan for an entire CRA area including the Swimming Hall of Fame. They question building upon such a precious piece of open space. The City is not a partner with LXR; it is a tenant – landlord relationship. They should maximize profits, but not at the expense of the quality of life. The City owns the land. LXR is not entitled to many of the things they are requesting. They do not think the area is blighted and question that the City needs a world-class hotel. They do not think the Commission should authorize negotiations on the lease to commence before the site plan and zoning are completed. They support the marine industry and feel the City needs to promote a permanent home for the boat show, but question whether that should be done by a developer.

Judy Russell, 509 Idlewyld, indicated when Bahia Mar was built, the zoning was B-1, effective 1966 and the lease was effective in 1962. It provides for like kind for like kind. It explicitly indicates it shall not go any further than that. The building needs to be brought up to date. She did not think that a land lease would be in the City's best interests. She opposed the City picking up any bad debt service regardless of whether it puts the City second with respect to the boat show. She did not think the City has to compete for world class status.

Jack Nelson, 417 Idlewyld Drive, commented that this will be a big impact on the residents and the impact would be year-round. He hoped he was speaking for all of the people who live in Idlewyld.

Paul Daley, 401 Idlewyld Drive, concerned about the massive size of the project in relation to the surroundings. The traffic count on A-1-A would be of great consequence. He believed that 500 spaces for the development is absurd. He complimented LXR, but felt this development as too great of an impact on the Idlewyld neighborhood and A-1-A and the City in general.

Frank Herhold, Executive Director of Marine Industries Association of South Florida, noted that the boat show is an economic engine benefiting the City in a multitude of ways. It needs a permanent home custom made to its unique needs. The proposed plan provides for that

permanent venue. The show needs space to expand. The proposed plan provides for an additional 85,000 square feet. The show needs significantly improved on-site amenities. The show is being challenged by other venues. Fort Lauderdale has aging infrastructure while other communities are pouring money into new facilities. The new docks bought the City valuable time. The show brings international prestige, respect, recognition, and employment to the community. On behalf of 850 association members, he urged the Commission to direct staff to move forward with review of the proposed lease.

There were no other comments from the public.

Commissioner Rodstrom did not think this discussion would take place in the summer. She sent a letter out to her constituents, but found that several are out of town for the summer. She noted the staff's request for direction on the Commission Agenda Report, and indicated that she had thought there would only be the City consultant analysis today. Everyone believes some enhancement to the property is needed. She questioned what has been said to be a partnership with private entities since the 1940's and the condition of the property today from such a partnership. She referred to the original recreational bond issue of 1948 and noted there was no mention of condominiums. Article 19 of the current lease provides that the City will not unreasonably restrict the use. The sentence continues to say businesses on the leased premises in keeping with the purpose for which the improvements thereupon were constructed. She saw the improvements are those made in the original bond that did not include condominiums. In order to sell condominiums, the lease must be bifurcated. She felt the request will have a great impact yet the City is not getting its due diligence. She did not see any public purpose in what is being done with the lease. She did not agree with a 4.25%. A better financing plan is needed. She also questioned if LXR can afford to build this in this day and time. It could be approved and then sold. There would be nothing the City could do about it. She pointed out that the Biltmore Hotel is not a good example. It is not a marina; they are not selling condominiums; and they do not have long-term leases on their units. She put a team together of business people to review the proposal. The proposal does not come close to what it should be giving to the City. The financial impact is equally as important as the development.

In response to Commissioner Rogers about density noted in the Sasaki beach master plan compared to the LXR proposal, Dr. Cowan advised that the Sasaki plan contains an additional limitation on the maximum floor plate of towers for residences over 65 feet in height.

Commissioner Rogers stated that the residential towers drive the project. He stated assumptions were made regarding the debt to equity ratio, and asked if true numbers were provided at the time. Mr. Smith explained that figures in connection with the current debt had not been provided. He stated the towers provide open space for parking and the Boat Show, and improve the economics of the deal.

In response to Commissioner Rogers, Chris Smith, PMG Associates, City consultant, advised that PMG was not furnished LXR's current debt and therefore made some assumptions in the analysis. Commissioner Rogers understood from the analysis that the real money is in the residential piece, which LXR has indicated is needed in order to provide the open space and some of the other improvements. Mr. Smith concurred that the towers provide the open space for the boat show, parking and so forth. The towers improve the economics of the deal and drive the deal. PMG did not address co-op versus condominium in their analysis, but he recommended condominiums to LXR. He expanded upon his reasoning from a marketing point of view and examples in New York and California. It could be an issue, but he did not think it is a deal killer because of the location.

Mr. Smith confirmed Commissioner Rogers' assumption that bifurcation would bring more tax revenue from separate parcels; it makes it a marketable instrument. He did not think the project could be done without bifurcation. Once properties are sold, it forces the property appraiser to catch up with market value. In further response, Mr. Smith indicated there would be cross easements, but thought they would be pretty simple; they should be well fined as should the parcels.

In response to Commissioner Rogers, Mr. Smith elaborated upon the Miami marina and its lease structure. There is no residential.

Commissioner Rogers was interested in what other elements besides the existing dockage is needed to make this a world-class marina. There is a problem with the economics if the developer is indicating that the residential is the driver. Mr. Smith advised that PMG examined what would be the best lease rates and not the planning. The location is an attractor and it is a tourist-related accommodations industry, which would keep the synergy together. PMG believes the hotel is also a great driver, but there needs to be some basis of spending on-site and that is where the residential comes through. There is also cash flow generated by the units.

Commissioner Rogers asked whether the City should be looking at this site in conjunction with the Swimming Hall of Fame site. Mr. Smith agreed it would be better to master plan the entire area.

Vice Mayor Roberts stated his biggest concern is the financial aspect. He felt something has to be done; therefore he thought this should be moved along in order to get more answers. There needs to be more input from the community. There are several tracks before a decision can be made.

Commissioner DuBose agreed with Vice Mayor Roberts. Everyone wants something to happen and there is the greater need for that. He felt some direction needs to be given to staff.

Commissioner Rogers did not think the terms of the lease could be negotiated without knowing the density. He questioned review at the Planning and Zoning Board level at this stage.

Commissioner Rodstrom suggested a traffic study by the City. Infrastructure is a factor, along with the financial aspect. She was concerned about Planning and Zoning considering a zoning change. More research is needed. She wanted to see what was permitted under the original bond covenants. The language mentions apartments, which she interpreted as rentals. If the original intent was to have a public facility to serve the marine and tourism industry, then that is what should be there. Residential units will not serve the public purpose. She felt the City should look into a master plan for this area along with the Swimming Hall of Fame and Alexander Park properties. The agreement does not furnish any more money for the next 53 years, therefore she felt it could be put on the back burner until staff does all of the research. She did not want it to become political. There could be better uses for the property than what has been presented and more revenue to the City.

Commissioner DuBose commented that this has a huge impact on the City and one of those issues that the full Commission must weigh in heavily. He was opposed to further delay. Staff can be directed to accomplish multiple tasks. Staff needs to be given some direction in regard to working with the developer and addressing some of the Commission's concerns.

Commissioner Rogers was concerned about the conflict between the Sasaki beach master plan and this proposal. The Sasaki plan has not yet been voted on. The City has not yet set the rules. He thought LXR would be agreeable to pulling back on the planning and zoning part. He wanted to see what could be worked out on the economic part first. He did not think anything could go forward without the economic aspect.

Vice Mayor Roberts agreed it should be viewed in the context of the entire beach master. The economic aspect is huge. There are also legal issues. He did not want to wait to get those answers. The question is how best to get more information so they could move forward and make an informed decision. He agreed the City needs more return for their investment.

Mayor Seiler summarized the Commission's thinking is that the site and the proposal are not acceptable to everyone: everyone agrees on the boat show; the finances need to make sense; and the impact of the development is important. The City Attorney agreed that everything has to come together otherwise everything done does not matter. He outlined what analyses have been done by the City and developer with respect to traffic. He suggested that staff be directed to investigate these three areas and obtain more detail. The status quo is not acceptable. It needs to move forward in terms of discussion; it is a City asset losing value every year.

The City Attorney explained the charter clearly says that the lease shall not exceed fifty years. It is possible to get around that provision and that has been done before. In 1962, the lease was for fifty years; in 1980 it was extended for twenty-five years which made it fifty seven at that time and then in 1995 it was extended another twenty-five years, which left sixty-seven years on the lease. It is a clear violation of the spirit of the charter, but he felt they can get around the letter of the charter. First, he wanted Commission direction to do so. Mayor Seiler thought if the boat show is properly protected and provided for; the finances make sense and the project impact is acceptable, the Commission would entertain that.

Commissioner Rogers wanted to first agree to some bifurcation that would fit the letter and spirit of the charter. Mayor Seiler noted the charter has been violated for seventeen years now. Commissioner Rodstrom noted that this Commission has not violated the charter. The City Attorney indicated one thing to examine is whether an extended term would be necessary for all of the six parcels LXR would like to bifurcate.

Commissioner Rodstrom felt staff should be directed on a fact-finding mission. Mayor Seiler did not feel the City is binding itself to anything.

Commissioner Rodstrom did not want staff to think the lease is being renegotiated. More information is needed first. Mayor Seiler felt all of the parts have to be moved together, essentially explore and learn more.

Commissioner Rogers wanted to see the City Attorney's thoughts on proceeding without being in violation of the charter.

The City Attorney felt they can accomplish what the Commission is requesting and come back with more information.

I-C – Fire Rescue Facilities Bond Issue Blue Ribbon Committee Report

(Continued from page 7)

Sadler James, 3073 Harbor Drive, discussed staff's track record on this matter. He did not think staff could complete the remainder of the project within the remaining budget. He believed the Blue Ribbon Committee has been more on target. However, he felt the Director of Public Works has now developed a good model. He discussed changes to the sizing. He was concerned about response times. He felt the committee oversight is sorely needed.

Kenny Nail, 1811 SW 37 Terrace, thought the Fire Rescue Chief's presentation this afternoon made a lot of sense. He had confidence in staff and recommended their advice be heeded. He did not favor expending \$100,000 to \$150,000 of bond funds for a study.

Ed Elwell, 1104 NW 1 Street, favored a feasibility study. He felt the expenditure and study should have been done initially. The Commission should listen to the committee.

Thornie Jarrett, Fire Rescue Facilities Bond Issue Blue Ribbon Committee Chair, noted construction schedule is constantly changing. The audit indicates that the committee should have more input and oversight. Density on the beach continues to increase. He was concerned about there being only two bays at Station 49 and how the new building being discussed this evening would be covered. As to accountability, he felt the committee will answer to the community if the project is not done right; it will not be City staff. The residents are the ones who will answer to other individuals if the project is not done right, not City staff. As to the Fire Rescue Chief's plan to reduce the size of the stations, the committee felt it was dividing the remaining dollars by \$250 per square foot and then by the number of remaining stations. This is not the proper way to determine station sizes.

The City Manager commented that there have been misstatements by the chair year after year. The study would take 3-6 months, not including time for the RFP and procurement. Staff is working hard to get this project done. Someone has to be in charge of the project and be held accountable. If the project is not completed, no one will ask the committee what it. Staff will be held responsible.

Commissioner DuBose indicated that time is an issue and this is time sensitive. The feasibility study should not be contingent on what is done now. He has confidence in staff, although the committee has also done a good job. At the end of the day, oversight is on the Commission and not the committee. At this point, he did not feel it would be wise to do the study. He was concerned about adding another layer by giving more oversight authority to the committee. At the end of the day, the City needs to do everything with respect to due diligence to move forward and being concerned with time because it may be the difference between life and death.

Commissioner Rogers wanted to purchase property for the new station in the southeast. He needed to know who to believe. A bond issue was sold with one sized station and another size is being built. He felt an expert could be retained within the time constraints to look at the two prototype sizes, provide an opinion on whether the demographics are covered by this plan and whether improved response time would be achieved. The committee should be kept in the loop. It is important to spend the remaining funds correctly.

Vice Mayor Roberts agreed this is not a slam on staff. As the former police chief, it was not his area of expertise to plan a new police station or the assembling of all city properties for new facilities. These items were going to outside consultants. He was concerned about completing the project with the money remaining and that overall operational management is done well. He did not think it is the Fire Rescue Chief's area of expertise in deciding upon station locations. He was concerned with force-feeding the facilities to fit the budget. It has nothing to do with

staff. He did not think it will take that long to get these things done. He supported having a feasibility study done. He was concerned about response times for the Executive Airport and Twin Lakes and Commercial Boulevard sites. He felt the committee's role is to provide recommendations, not direct oversight.

Commissioner Rodstrom agreed about the feasibility study and felt it should be done as soon as possible. There will not be a time delay because there is construction already underway and that will continue. The study could be used in the present and the far future. In 2006, she found fault with staff and how the project was handled, but she believed the City is now on the right track. She felt the committee has done a fantastic job. It is a good thing to have volunteers equally passionate about public safety as the Commission. She wanted a fresh set of eyes looking at the information.

Commissioner DuBose believed the feasibility study will cause a delay.

Mayor Seiler felt that this has nothing to do with Chief Eddy or Mr. Carbon. They inherited a problem. A promise was made to the public. The bond issue was clear in the amount of dollars, and the number and size of stations. The problem is that the project got off track; a station was taken out of the equation. The committee was to address the issue, and they are trying to do what is best. The reason they were established was to let the public know the City was confirming their commitment. The committee needs to play a more active role, although not in the daily operations of the Fire Rescue Department. Chief Eddy does a fine job. The committee's job is to oversee the bond funds.

Mayor Seiler believed that Fire Station 46 probably has the best shot at grant funding; he did not see any harm in seeking those funds with no design changes. He wanted to go forward with a feasibility study. It should be the quickest and most, narrow defined with input from the committee. The purpose of the committee is to oversee the bond funds.

In response to the City Manager about Stations 46, 35, 13 and 54, Mayor Seiler reiterated staff should move forward with the grant application for Station 46 with no need to reference any feasibility study. The preliminary design for Stations 46 and 13 should be delayed until the feasibility study is complete.

In response to questions about the status of Station 35, Albert Carbon, Public Works Director, advised that the property acquisition and swap is scheduled for the July 21, 2009 meeting. The Shepherd of the Coast Lutheran Church is slated to vacate their facility by September 1, 2009. Construction will begin probably by November. Mr. Jarrett did not object to moving forward with Station 35 if it has three bays, which was confirmed by Mr. Carbon.

Mayor Seiler concluded that Stations 46 and 13 would be delayed. He requested the RFP document be provided to the committee to help frame the feasibility study.

In response to questions about the status of Station 49, Mr. Carbon stated that a construction contract is in place for Station 49 and the Fire Rescue Department is in temporary facilities.

Mayor Seiler emphasized that there needs to be cooperation among staff, the committee and the Commission.

Mr. Carbon commented that the committee reports to the Commission annually. There have been very few issues. There have been disagreements, but they continue to work together on a monthly basis. There is cooperation between staff and the committee.

In response to Commissioner Rogers, both Mr. Jarrett and Chief Eddy agreed with moving forward with Station 8.

Chief Eddy clarified that Station 49 is presently 6,690 square feet. The new station will be 11,820 square feet.

Mayor Seiler concluded that the feasibility has been narrowed to Stations 13, 54 and 8 as to size, and location of any potential future stations. Vice Mayor Roberts noted that future annexations may require additional stations and that should be part of it. Mayor Seiler mentioned the need in the northwest. He wanted the committee to recommend on how narrow the feasibility should be.

I-E – Formation of Sustainability “Green” Advisory Committee

Commissioner Rogers noted there are three options provided. He recommended Option 2 which essentially forms a new committee. He expanded on the benefits of a committee versus a board. The committee could look into whether they should become a board in the future. At his pre-agenda meeting, it was suggested that there be one member from the marine industry.

Mayor Seiler opened the floor for public comments. Vicky Eckels agreed with Option 2. There were no other comments from the public.

Commissioner Rogers did not think there would be need for an addition to staff to serve as a liaison. There would be a cost for minutes and supplies.

There was consensus approval. Albert Carbon, Public Works Director, indicated a resolution would be presented on July 21, 2009. Mayor Seiler suggested that the committee be charged with being paperless.

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

Representatives of Ernst & Young LLP and C. Borders-Byrd CPA LLC were not able to be present at this time. Mayor Seiler requested the item be rescheduled.

II-B – Procurement Services Department – Operational Audit Report

Vice Mayor Roberts wanted to receive status reports on accomplishing the recommendations instead of waiting for the next audit. The City Auditor indicated as part of the normal process, the Commission will be provided with an update – follow-up report in six months. If the Commission wishes, the same could be done for the single audit recommendations. **(II-A – Fiscal Year Ending September 30, 2008 Single Audit – Grant Funds and Findings)** There was consensus approval to do so.

The City Auditor believed overall, operation of the Procurement Department is very professional. He was also pleased with their cooperation.

Audit of City Property

Mayor Seiler noted that he has requested the City Auditor to perform an audit on all City property. Hopefully it will be completed in October. The City Auditor indicated he is also

reviewing the budget proposal and will work diligently to get it all completed within that timeframe.

II-C – May 2009 Monthly Financial Report

No discussion.

IV-A – Broward County Substance Abuse Health Care Facility – 111 SW 2 Court – Use of Property

Commissioner Rogers provided some history on this issue, noting a previous resolution of February, 2007, that attempted to discourage Broward County from condemning property adjacent to their property for use as a substance abuse health care facility. There is a church on the property that has existed on the site for some fifty years. Edgewood neighborhood has lost other institutions in the area and they do not want to see the church go away. He wanted the City to encourage the County to find another site, but it does come to be, that the County not evict the church until there is a building permit in hand.

In response to Commissioner DuBose, Commissioner Rogers indicated there has been no recommendation for a different location to date. Discussion with Broward County is upcoming.

Commissioner Rodstrom did not believe that the County has any funding for the new facility. She supported the proposed resolution.

In response to Vice Mayor Roberts, Commissioner Rogers noted that a sexual assault treatment center was to be added on the church site. Vice Mayor Roberts also supported the proposed resolution.

The Commission adopted a resolution on this matter at this time, which is reflected in the regular meeting minutes.

Clifford Iacino, 1771 SW 30 Place, President of Edgewood Civic Association, thanked the Commission for their support and emphasized the urgency of addressing the matter. He did not want the church to have to vacate.

III-A – Communications To City Commission and Minutes Circulated For The Period Ending July 2, 2009

Aviation Advisory Board

Mayor Seiler noted the Aviation Advisory Board is requesting to expedite the process on the new customs and border protection building. They are also requesting that an ordinance be created requiring realtors to inform prospective buyers of the aviation impact of a property, however the Commission has no regulation authority over realtors.

Code Enforcement Board

Mayor Seiler noted there are messages from the Code Enforcement Board.

Parks, Recreation and Beaches Advisory Board

Commissioner Rogers noted there is interest in naming the former Gore nursery site. He hoped it would be put on a list of pending matters.

Mayor Seiler noted the Parks, Recreation and Beaches Advisory Board also requested the matter of lighting the baseball field at George English Park be placed on the Commission's agenda. Vice Mayor Roberts wanted to defer scheduling it while he tries to resolve the matter.

Cemetery System, Board of Trustees

Commissioner Rogers referred to the Cemetery System Board of Trustees' desire to have a different investment policy than that of the City and the Commission's consensus that it should be that of the City. He wanted to know the board's thinking. Cate McCaffrey, Director of Business Enterprises, advised this matter will be on the July 21, 2009, conference and regular meeting agendas.

III-B – Consensus Board and Committee Vacancies

See Regular Meeting Agenda Item R-05 for detail.

IV – City Commission Reports

None given.

V – City Manager Reports

None given.

There being no further business to come before the Commission, the meeting was adjourned at approximately 11:56 p.m.