

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING**  
**NOVEMBER 17, 2009**

**Agenda**

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The Mayor and the City Commission offered an expression of sympathy to Valerie Bohlander and her family on the death of her father.

**Consent Agenda****(CA)**

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

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**Event Agreement – Christmas Eve At The Beach****(M-01)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with the First Christian Church of Fort Lauderdale, Inc. for Christmas Eve At The Beach to be held December 24, 2009, 3:30 PM – 5 PM at D.C. Alexander Park.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-1619

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**Event Agreement – Sunset Blue - Closing NE 33 Street****(M-02)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with North Beach Restaurants & Shoppes, Inc. for Sunset Blue to be held each Sunday evening from December 6, 2009 through February 28, 2010, 6 PM to 10 PM in the 3300 block of NE 33 Street and closing NE 33 Street.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-1628

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**Event Agreement –2<sup>nd</sup> Thursday On 2<sup>nd</sup> Street  
Closing Parking Lane On South Side of 200 Block of SW 2 Street****(M-03)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Covenant House Florida, Inc. for 2<sup>nd</sup> Thursday on 2<sup>nd</sup> Street to be held on Thursdays, December 10, 2009 and January 14 and February 11, 2010, 5 PM – 9 PM on the south side of the 200 block of SW 2 Street and closing the parking.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-1645

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**Event Agreement – Home For The Holidays – Closing SW 2 Avenue** (M-04)

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Tarpon Bend Food and Tackle-Riverwalk, Ltd. for Home for the Holidays Party to be held November 25, 2009, 6 PM – 12 AM at Tarpon Bend (200 SW 2 Street) and closing SW 2 Avenue, contingent on City Attorney's Office receiving and approving the executed agreement.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-1629

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**No Objection To Plat Note Amendment – Carosella Plat** (M-05)  
**1630 North Federal Highway – Case 19-P-00**

**No budgetary impact.**

**Applicant:** McLaughlin Engineer Company – 19<sup>th</sup> Street Investors, Inc.  
**Zoning:** Boulevard Business B-1  
**Future Land Use:** Commercial

No Objection To Plat Note Amendment increasing square footage to 70,000. Free-standing banks and/or drive-thru bank facilities are not permitted without approval of Broward County.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-1605

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**No Objection Plat Note Amendment – Discovery Center Plat** (M-06)  
**401 SW 2 Street – Case 10-P-89**

**No budgetary impact.**

**Applicant:** Nectaria M. Chakas, Lochrie & Chakas, P.A.  
Eco Discovery Center  
**Zoning:** Regional Activity Center Arts and Science RAC-AS  
**Future Land Use:** Downtown Regional Activity Center D-RAC

No Objection To Plat Note Amendment to Discovery Center Plat – 40,000 square foot increase for proposed museum.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-1615

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**Bahia Mar Property Lease – PMG Associates, Inc. -  
Extension of Services**

**(M-07)**

**Transfer \$20,000 from GEN010201/3199, Fund 001, Subfund 01 to EDV010101/3199, Fund 001, Subfund 01.**

A motion approving an extension of services to contract with PMG Associates, Inc. – negotiations relating to Bahia Mar property lease – amount not to exceed \$20,000.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-1658

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<b>CONSENT RESOLUTION</b>
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**Grant Acceptance – Harbordale Park - \$75,000  
Land Stewardship Program – Parks For People**

**(CR-01)**

**Appropriate \$75,000 of grant revenue funds to Fund Type 10, Fund 129, Subfund 01, P11182.129A-F733, Broward County Cultural Recreation grant and \$75,000 expenditures to P11182.129A-6599, construction, Fund Type 10, Fund 129, Subfund 01. No cash match.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-1622

**RESOLUTION NO. 09-268**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF LAND STEWARDSHIP PROGRAM – PARKS FOR PEOPLE GRANT FUNDS IN THE AMOUNT OF \$75,000 FROM BROWARD COUNTY FOR HARBORDALE PARK; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN FUNDING; AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010 BY ACCEPTING AND APPROPRIATING GRANT REVENUE FUNDS INTO FUND 129.

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**Grant Acceptance – Flagler Heights Park - \$75,000**  
**Land Stewardship Program – Parks For People**

**(CR-02)**

**Appropriate \$75,000 of grant revenue funds to Fund Type 10, Fund 129, Subfund 01, P11305.129C-F733, Broward County Cultural Recreation grant and \$75,000 expenditures to P11305.129C-6599, construction, Fund Type 10, Fund 129, Subfund 01. No cash match.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-1623

**RESOLUTION NO. 09-269**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF LAND STEWARDSHIP PROGRAM – PARKS FOR PEOPLE GRANT FUNDS IN THE AMOUNT OF \$75,000 FROM BROWARD COUNTY FOR FLAGLER HEIGHTS PARK; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN FUNDING; AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010 BY ACCEPTING AND APPROPRIATING GRANT REVENUE FUNDS INTO FUND 129.

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**Grant Acceptance – Dolphin Isles Park - \$75,000**  
**Land Stewardship Program – Parks For People**

**(CR-03)**

**Appropriate \$75,000 of grant revenue funds to Fund Type 10, Fund 129, Subfund 01, P11124.129A-F733, Broward County Cultural Recreation grant and \$75,000 expenditures to P11124.129A-6599, construction, Fund Type 10, Fund 129, Subfund 01. No cash match.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-1624

**RESOLUTION NO. 09-270**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF LAND STEWARDSHIP PROGRAM – PARKS FOR PEOPLE GRANT FUNDS IN THE AMOUNT OF \$75,000 FROM BROWARD COUNTY FOR DOLPHIN ISLES PARK; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN FUNDING; AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER

1, 2009 AND ENDING SEPTEMBER 30, 2010 BY  
ACCEPTING AND APPROPRIATING GRANT REVENUE  
FUNDS INTO FUND 129.

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**Grant Acceptance – South Middle River Park - \$75,000 (CR-04)**  
**Land Stewardship Program – Parks For People**

**Appropriate \$75,000 of grant revenue funds to Fund Type 10, Fund 129, Subfund 01, P11232.129-F733, Broward County Cultural Recreation grant and \$75,000 expenditures to P11232.129-6599, construction, Fund Type 10, Fund 129, Subfund 01. No cash match.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-1626

RESOLUTION NO. 09-271

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF LAND STEWARDSHIP PROGRAM – PARKS FOR PEOPLE GRANT FUNDS IN THE AMOUNT OF \$75,000 FROM BROWARD COUNTY FOR SOUTH MIDDLE RIVER PARK; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN FUNDING; AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010 BY ACCEPTING AND APPROPRIATING GRANT REVENUE FUNDS INTO FUND 129.

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**Grant Acceptance – Bill Keith Preserve – \$75,000 (CR-05)**  
**Land Stewardship Program – Parks For People**

**Appropriate \$75,000 of grant revenue funds to Fund Type 10, Fund 129, Subfund 01, P11183.129C-F733, Broward County Cultural Recreation grant and \$75,000 expenditures to P11183.129C-6599, construction, Fund Type 10, Fund 129, Subfund 01. No cash match.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-1627

RESOLUTION NO. 09-272

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF LAND STEWARDSHIP PROGRAM – PARKS FOR PEOPLE GRANT FUNDS IN THE AMOUNT OF

\$75,000 FROM BROWARD COUNTY FOR BILL KEITH PRESERVE; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN FUNDING; AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010 BY ACCEPTING AND APPROPRIATING GRANT REVENUE FUNDS INTO FUND 129.

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**Special Counsel – Bahia Mar Property -  
Brinkley, Morgan, Solomon, Tatum, Stanley & Lunny, LLP**

**(CR-06)**

**\$50,000 is available in ATT010101-3119, Fund 001, Subfund 01.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-1644

**RESOLUTION NO. 09-273**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING THE LAW FIRM OF BRINKLEY, MORGAN, SOLOMON, TATUM, STANLEY & LUNNY, LLP, AS SPECIAL COUNSEL TO THE CITY OF FORT LAUDERDALE, FLORIDA IN CONNECTION WITH AMENDMENTS TO THE LEASE OF CITY-OWNED PROPERTY COMMONLY REFERRED TO AS BAHIA MAR.

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**River Oaks – Stormwater Retention – Detention Area – 9.04 Acres  
Property Purchase – Accepting Instrument of Conveyance**

**(CR-07)**

**No Budgetary Impact.**

**Recommend:** Introduce resolution.

**Exhibit:** Commission Agenda Report 09-1603

**RESOLUTION NO. 09-274**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING AN INSTRUMENT OF CONVEYANCE OF REAL PROPERTY AND INSTRUCTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS RESOLUTION IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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**Complex For Education and Preservation  
Intersection of Sunrise Boulevard and State Road 7 –  
US 44 - Lauderhill**

**(CR-08)**

**No budgetary impact.**

**Recommend:** Introduce resolution.

**Exhibit:** Commission Agenda Report 09-1655

**RESOLUTION NO. 09-275**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPRESSING SUPPORT OF THE DEVELOPMENT AND OPERATION OF THE COMPLEX FOR EDUCATION AND PRESERVATION IN THE CITY OF LAUDERHILL; PROVIDING THAT THE COMPLEX FOR EDUCATION AND PRESERVATION WILL HAVE A DIRECT ECONOMIC AND CULTURAL IMPACT ON THE STATE ROAD 7/US 441 CORRIDOR AND THROUGHOUT BROWARD COUNTY; PROVIDING FOR AN EFFECTIVE DATE.

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**Community Bus Services – Public Transportation Services Agreement - (CR-09)  
\$68,850 – Housing Authority Of The City of Fort Lauderdale**

**The \$68,850 that Broward County will reimburse the City will be available in Fund 129, Subfund 01, GHACFL10-4240 from the appropriation of funds from the background detail of CAR 09-1295 attached to these minutes. Subsequent reimbursement to the URC will be available in GTRANSIT.**

**Recommend:** Introduce resolution.

**Exhibit:** Commission Agenda Report 09-1665

**RESOLUTION NO. 09-276**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY APPROPRIATING \$68,850.00 AND EXECUTING A PUBLIC TRANSPORTATION SERVICES AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF FORT LAUDERDALE FOR THE PROVISION OF COMMUNITY BUS SERVICES.

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<b>PURCHASING AGENDA</b>
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**Firefighting Foam****(PUR-01)****\$9,720 is budgeted in Fund 001, Subfund 01, FIR010501-3799.**

Purchase additional firefighting foam for twelve new apparatus.

**Recommend:** Motion to approve.**Vendor:** Elite Fire & Safety Equipment, Inc.  
Naples, Florida**Amount:** \$9,720.00**Exhibit:** Commission Agenda Report 09-1578

The Procurement Services Department has reviewed this item and recommends approving the purchase of additional product from existing contract.

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**Contract Award – A.C.T. Services, Inc. - \$35,012.50****(PUR-02)****Floyd Hull Stadium – Railings and Guardrails****\$40,965 is available in P10720.331-6599 Fund 331, Subfund 01 to fund the contract and 17 percent engineering fees.**

A motion authorizing the proper City Officials to award and execute contract with A.C.T. Services, Inc. in the amount of \$35,012.50 – Floyd Hull Stadium – Provide and install ratings and guardrails – Project 10720EE.

**Recommend:** Motion to approve.**Vendor:** A.C.T. Services, Inc.  
Hialeah, FL**Amount:** \$35,012.50**Bids Solicited/Rec'd:** 1355/5**Exhibit:** Commission Agenda Report 09-1638

The Procurement Services Department has reviewed this item and recommends awarding to the lowest responsive and responsible bidder.

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The following items were removed from the Consent Agenda:

**Motion** made by Vice Mayor Roberts and seconded by Commissioner Rodstrom that Consent Agenda Items M-07 and CR-06 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

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**Bahia Mar Property Lease – PMG Associates, Inc. -  
Extension of Services****(M-07)**

The City Clerk stated this item should be a transfer only and not an appropriation.

Commissioner Rodstrom requested additional information as to the deliverables by PMG. Stephen Scott, Economic Development Director, listed the anticipated activities having to do with the lease to be negotiated. He noted that with the lease being extremely complex, high-level assistance would be in the City's best interests. Commissioner Rodstrom thought it would have been helpful for such detail to be included in the backup for interested citizens. Mr. Scott offered to provide the information to anyone inquiring.

In response to Mayor Seiler, Mr. Scott indicated this contract was awarded through the RFP process. Approximately \$67,000 has been paid to PMG for the work product to date.

**Motion** made by Commissioner Rodstrom and seconded by Commissioner Rogers to approve the item as presented. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

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**Special Counsel – Bahia Mar Property -  
Brinkley, Morgan, Solomon, Tatum, Stanley & Lunny, LLP****(CR-06)**

**\$50,000 is available in ATT010101-3119, Fund 001, Subfund 01.**

Commissioner Rodstrom cited Ali Waldman's experience with the Palazzo matter and questioned why she was not considered for this work. The City Attorney elaborated upon the criteria he used. He checked with four law firms and two college professors. He did not check with Ms. Waldman because her involvement with Palazzo was just a final review of the lease. In further response, the City Attorney advised that the Palazzo lawsuit has been ongoing for about five years and is still open. This recommended firm will review the lease and make a recommendation to the City Attorney's Office along with the Manager who will continue to do the journeyman work on the leases and the negotiations from the business side. The City Attorney's Office would handle the historical aspect of the current lease. He did not anticipate needing to retain Ms. Waldman.

In response to Commissioner Rogers, the City Attorney explained that this firm will review the previous and the new leases. He believed the new lease is more important because he felt one will be needed. LXR wants a 99-year period of time. There are about fifty-three years remaining. The old lease cannot be renewed under the terms of the charter. A new lease could be renewed for an additional fifty years.

In response to Commissioner Rodstrom, the City Attorney advised Dan O'Connor will be the point person from this firm. Commissioner Rodstrom questioned why this item is before the Commission when it has not decided whether to bifurcate the original lease. The City Attorney advised the previous Commission and this Commission has given authority for the project to move forward before coming to the Commission for final site plan and rezoning. This is part of the process of going forward. He elaborated upon the

history. It is a chicken and egg situation. In order to have the best terms of a lease, the City needs to know what they can build. In further response, the City Attorney explained that the new lease will be what the City wants. There will be an exchange. The developer will not give up rights to the existing lease without a new lease. If nothing is done, the existing lease just continues for fifty-three years.

The City Attorney confirmed Mayor Seiler's understanding that under the existing lease, revenues are capped at 4%; this will allow the City to realize more revenue.

Mayor Seiler was familiar with both Mr. O'Connor and Ms. Waldman. They both have a good reputation.

**Motion** made by Commissioner Rogers and seconded by Commissioner DuBose to approve the item as presented. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

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<b>RESOLUTIONS</b>
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**Renewal of Employment Contract – City Manager**

**(R-01)**

**No budgetary impact.**

Mayor Seiler opened the floor for public comment.

Robert Walsh, 401 East Las Olas Boulevard, complimented Mr. Gretsas for his work and hoped his contract would be renewed. He felt that City staff also does an outstanding job.

Jack Lokeinsky, president of the Fraternal Order of Police, discussed the tough decisions that will have to be made with next year's budget. He recalled that employees voluntarily took unpaid leave to assist with the financial crisis. The Commission led by example in firing the city manager and hiring one who did not accept any compensation. He did not think that the current manager leads by example. He elaborated upon salary increases received by the current City Manager since 2001. He took credit for resolving the financial crisis which was a slap in the face to the employees who had sacrificed to save the City. He previously warned the Commission that this City Manager was promoting the good old boy form of government. In this regard, he presented an e-mail from Assistant City Manager Hebert concerning the Director of Professional Services which is attached to these minutes. In 2008, there was a 398 vote of no confidence in the City Manager by the FOP with 404 voting. Nothing has changed since that time. He urged the City Manager be replaced with an individual who seeks to earn respect from employees.

Reverend Harrigan, Eglise Baptiste De LaGrace, urged the Manager's contract be renewed. He commented about the positive things heard about the City across the country. He felt varying ideas makes this country great.

Stacy Vezos, 5911 NE 14 Lane, offered points of interest on her background and community involvement. She elaborated upon the City being in dire straits before this

city manager arrived. There have been many positive changes with his arrival. She discussed problems with code violations on a property in Coral Ridge Isles in 2003 and staff responsiveness in 2007. She indicated that she could cite other positive examples. She supported renewal of the Manager's contract for three years.

Margaret Birch, 1821 NW 26 Terrace, felt there has been a change in attitude throughout the entire city with the newly seated Commission. She suggested the Commission provide a list of areas for improvement if they so deem. The staff finally reflects the citizenship. She supported renewal of the this Manager's contract.

Ron Centamore, 638 NW 2 Avenue, agreed with Ms. Birch that things have improved with the new Commission. He felt change is needed. He felt service delivery has diminished over the years. He did not think the fiscal crisis was solved by the City Manager. It was solved by the previous Commission and temporary city manager. He felt employee morale is at an all-time low and that needs to be resolved in order to for there to be proper service. He did not think that would happen with the current City Manager.

Ramola Motwani, 2600 Castilla Isle, commented that when the current City Manager was hired five years ago, the City was in a financial crisis. In short period of time financial stability was achieved and the confidence of employees restored. She listed improved conditions of the City that have occurred, including the management of emergency preparedness. She believed this City Manager is hard working, honest, efficient, and competent. She urged the big picture be kept in mind.

Rabbi Singer, 3500 North Ocean Boulevard, indicated he serves the Chabad of Fort Lauderdale. There are four Chabad centers in Fort Lauderdale with plans for a fifth. He supported the City Manager's contract renewal. He hears of his work throughout the community. In addition to bringing back financial stability and making the City safer, he cares about the individual.

Magdalene Lewis, 2600 NW 16 Street, felt the City Manager is a fantastic leader. She commented about her experience of working with him. She felt he is very knowledgeable of what is happening in the City and interested in all districts. She supported renewal of his contract.

Harry Benedict, 2100 South Ocean Lane, offered points of interest on his background. He elaborated upon the difficulty of the job of a manager. He felt Mr. Gretsas has done a fantastic job. He referred to the financial crisis being resolved. He pointed out that taxes have not increased. He supported his reappointment.

Betsy Dow, president of Coral Ridge Homeowners Association, supported renewal of the City Manager's contract. She felt his continuity is needed. She commented about an experience where he assisted their community. She referred to the financial crisis having been solved and that taxes have not increased.

Ina Lee, 2200 South Ocean Lane, read a letter from the general manager of the Hilton Fort Lauderdale Beach Resort and president of the Florida Restaurant and Lodging Association, Broward Chapter (479 members), supporting the City Manager. She felt that this City Manager is a man of integrity and honor. There have been no scandals.

She referred to his efforts in creating a five-star destination of Fort Lauderdale beach and believed he is dedicated to this community. She supported renewal of his contract.

Amaury Piedra, chair of the Business Improvement District Committee, indicated he is also general manager of Starwood Hotels with three of the largest hotels on the beach. He believed that this City Manager has been a great ally for the tourism industry in the City. He discussed the staff's team approach displayed in his dealing with the City which he felt speaks for the Manager's leadership. He supported his contract being extended.

Dennis Ulmer, 1007 NW 11 Place, commented that there are many people who do not like a manager form of government although it has served the community well for almost a hundred years. He recalled an incident of a fire at Sunny Beach Acres and how this City Manager helped those residents. He believed he has demonstrated his knowledge of the budget and will implement what the Commission likes. He felt he has done a good job and supported renewal of his contract.

Harry Tangelakis, 5571 Bayview Drive, read a letter from Father Christopher Metropolis of St. Demetrius Greek Orthodox Church, supporting the City Manager. Mr. Tangelakis indicated he also supports the City Manager. He felt the City operations are functioning smoothly.

Joan Sheridan, 2618 Key Largo Lane, indicated she is a past chair of Southwest Coalition of Civic Associations. She discussed her involvement in working with this City Manager. She pointed out that the City has not raised taxes or laid off employees. She felt he has done a great job especially on the budget. She supported renewal of his contract.

John Hoelzle, 3014 LaMirage Drive, Lauderhill, stated he is a former employee who worked with this City Manager. He commented that he has never worked for a harder working city manager. He commented about restoration of the reserves and that the City is in great shape. A consistent low millage rate has been maintained and without cutting services or employee layoffs. He mentioned the City Manager's exemplary work during previous hurricanes including one of the quickest restoration of services in the county. The beach has never looked better. Spring break is no longer a problem. He found a way to add lifeguard coverage to the north part of the beach that will save lives. He also mentioned his work on graffiti. Employee morale has never been better. He supported renewal of his contract.

Frances Konstance, 3100 North Ocean Boulevard, indicated that she is a member of the Galt Association and the Galt Presidents Association and president of the community board for Hermitage, indicated that the Galt Mile strongly supports the City Manager.

George Burrows, 1600 NW 4 Street, supported the City Manager and his efforts to help the City evolve, including an African American planning director and police chief. He was pleased to see that Fort Lauderdale has become one community with no division between races. He felt that diversity has helped the City. The success of the City's future relies on their ability to seek talent from everyone and from all areas.

Dave Motwani, 2600 Castilla Isle, noted his community involvement. He shared positive experiences with City employees. He was impressed with the work of City staff and felt

it is a reflection of the City Manager. He supported the City Manager and asked that his contract be extended.

Bishop Dornell Mack, 2230 NE 22 Street, shared an experience involving the Police Department and the City Manager. He supported the City Manager and asked that his contract be renewed. He believed the City Manager is not only concerned about A-1-A, but 27 Avenue as well.

Sonya Burrows, 527 NE 20 Avenue, believed the City is fortunate to have courageous and bold leadership such as that found in the City Manager. She pointed out that under his leadership, the \$13.4 million insurance deficit has moved to a \$10.5 million surplus. The City has grown the largest reserve in its history and the bond rating has been upgraded. She appreciated that the crime rate has lowered, code enforcement has strengthened and the tax rate is one of the lowest in the county. She mostly appreciated that the City has evolved into a community that recognizes the value of diversity. The City Manager has created a management team more reflective of the population. She believed he cares about every individual in the city. She supported renewal of the City Manager's contract.

Edna Elijah, president of Lauderdale Manors Homeowners Association, supported the City Manager. There have been many improvements during his tenure. He always consults homeowner associations to learn about their concerns. She supported renewal of the City Manager's contract.

Curtiss Berry, 601 SW 19 Street, commented about the City Manager keeping his commitment to clear away debris placed near Floyd Hull Stadium as a result of hurricane cleanup. He also mentioned another repair he reported that was addressed. He hoped the City Manager's contract be renewed for another three years.

Gene Zorovich, 3120 NE 57 Court, indicated he is a resident of The Landings. He supported renewal of the City Manager's contract. He noted replenishment of the reserve fund that has occurred during his tenure as well as that there have been no lay-offs. He recognized that there have been differences, but approved of the job done. He discussed the disadvantages with a change in management. He supported renewal of the City Manager's contract.

Joe Welsch, 5281 NE 28 Avenue, indicated he is a resident of The Landings. He supported renewal of the City Manager's contract. He noted his professional experience and service on City boards. He complimented City staff and commented about his work with the City Manager on The Landings' entrance feature. He noted the good status of the reserve and bond rating. He believed there are many people in The Landings that support the City Manager. He supported renewal of the City Manager's contract.

Patricia Quintero, representing the Galt Mile Association and The Hermitage. She discussed characteristics of a good manager. The reason people do not attend the City Commission meetings is because the Commission is doing a good job and they have confidence in the City Manager. People are in attendance this evening because they are concerned his contract may not be renewed. She was pleased to see the changes he has made and that the City Manager and his staff are becoming a team. She supported renewal of the City Manager's contract.

Stephan Tchividjian, representing the Christian Community Foundation, explained they are an advocate for generosity in the community. He believed that the City Manager does not see his work only as a job. He talked about the work of their foundation. He thanked the Commission for their work and supported renewal of the City Manager's contract. The City would lose tremendous momentum if the contract is not renewed.

Ralph Riehl indicated he is president of South Florida Tourism Council and serves on the Economic Development Advisory Board. He mentioned his other community involvement. He mentioned the quick responsiveness of the City Manager and his staff in addressing things on the beach. He supported renewal of the City Manager's contract. He called attention to a rainy day fund created by the City Manager.

Former Commissioner Dean Trantalis, 1430 NE 18 Avenue, referred to the previous turmoil of the City when he took office. He pointed out that the City Manager summoned the best talent and reshaped the work force, lowered the millage rate year after year, replenished the reserve fund, and helped the poor neighborhoods by seeking economic relief, enforcing code violations and held his hand out to those most forgotten in our society, stood his ground with the police and fire unions. He cautioned against surrendering to negative partisanship. He supported renewal of the City Manager's contract.

Alan Levy, 75 Royal Palm Drive, congratulated the Commission for the City being the best that it has ever been. He feared the City is about to start its destruction with politics. He remarked of the respect and admiration that the community has for the City Manager. He supported renewal of the City Manager's contract. He cautioned against throwing the baby out with the bath water.

Steve Robitaille, 817 Hamilton Road, Blairsville, Georgia, indicated his former service with the Fort Lauderdale Police Department. He referred to the Organization of American States general assembly meeting hosted by the City. It was seen as an honor and revenue generator for business. The City Manager tried to drive the event out of the city and to bully both the Police Chief and himself to engage in conduct thought to probably be unethical and not in the best interests of the City. He did not think that the City Manager leads by example, but rather by threat, intimidation and retaliation. The Commission's responsibility is to set standards for the City. A City Manager should be selected that will further the Commission's agenda and represent the values of the City.

Mark Hartman, 819 NE 16 Court, indicated he is a resident of District II. He believed the City Manager is exceptional and very much appreciated. He supported renewal of the City Manager's contract.

Joseph Scerbo, 608 Intracoastal Drive, mentioned his community involvement. He questioned considering terminating the City Manager when he has been doing his job and there is no good cause. He felt some of the comments have to do with the City Manager drawing a line and stopping some of the previous policies. He felt the City Manager is doing what is right for the City.

Jimmy Tsiakanikas, 20 Hendricks Isle, commented about the previous economic condition and that overall City maintenance was lacking. With the economic crisis of today, City is being kept cleaner than ever. He thanked the Commission and City



Manager for their hard work. He believed the City Manager loves his work and is a people person. He supported renewal of the City Manager's contract.

Pio Ieraci, president of Galt Mile Community Association, indicated he is speaking on behalf of the Galt Mile residents of almost 16,000. He felt the City Manager's productivity and stature speaks for itself. When Vice Mayor Roberts was elected, he promised that he would rate the City Manager on his performance and not of things of the past. Vice Mayor Roberts is the former police chief that did not end in a positive way. He urged the Vice Mayor to renew the City Manager's contract because he has been nothing short of excellent in his administration and positive. Things of the past should not be the basis of a vote. Politics should not be a part of this.

Patricia DuMont, 1531 SE 13 Street, mentioned her community involvement. She felt the City Manager's record speaks for itself. With his arrival, there was a great turnaround. She supported renewal of the City Manager's contract.

Sean Stepelton, 5100 Dupont Boulevard, felt that the heart and character of a man matters most. He discussed the City Manager's efforts to help the homeless. He supported renewal of the City Manager's contract.

Rick Gibson, 413 NW 16 Street, noted that every district is represented tonight and speaking on behalf of the City Manager. He mentioned his community involvement. As past president of South Middle River neighborhood, he met with the City Manager who listened and did what was needed. He supported renewal of the City Manager's contract. He mentioned the City Manager's support of the gay and lesbian community and diversity in general. He appreciated the decrease in the crime rate during a time when it might be expected to be the opposite.

Barry Flanigan, 2712 NE 21 Avenue, referred to the City history in recruiting a city manager when Mr. Gretsas was retained. When he arrived, there was no employee morale, the bond rating had been depleted and there were no reserves. It makes no sense to replace someone who has only done his job. He urged the Commission to keep politics out of this matter and vote for what is best for the residents.

Pastor Allen Jackson, 1805 NW 3 Terrace, discussed the City Manager's passion for his work and concern for the entire city. Since his arrival, the City has made progress. He should be judged on his performance. He supported renewal of the City Manager's contract.

Mary Fertig, 511 Poinciana Drive, felt there has been a tremendous outpouring from the community and she hoped the Commission will listen. She elaborated upon what the City Manager has done to foster relationships with the school system and support of schools. She questioned what message would be sent to the community if the same contract that was renewed for the City Attorney and City Auditor is not also given to the City Manager. If the Commission intends to retain the City Manager, a fair contract should be offered. Anything less would leave the City with a leadership crisis. With these tough times, there does not need to be instability in the City Manager's office. She encouraged the Commission to vote for a fair contract for the City Manager. She asked the Commission to continue to keep the City the best for its size and one that looks after the best interests of its citizens.

Joe Amorosino, president of the Lauderdale Beach Homeowners Association, indicated they support renewing the City Manager's contract. He discussed his youth and how the Boston Police Department helped him. He was concerned about the divisiveness occurring on the Commission. He felt the City Manager epitomizes honesty and integrity. He serves without looking for any personal gain. He cares about every neighborhood. He remarked on the talent and professionalism of City staff. He discussed the previous police contract and that the Police Department continued to be professional in performance of their jobs. He supported renewal of the City Manager's contract.

Michael Rajner, 2920 NE 23 Place, Pompano Beach, referred to the agenda item last month concerning Broward House and expressed concern for their conduct in negotiating the allocating of funds. He was concerned that lobbyists take government away from the citizens. Diverse communities have come forward this evening speaking praises for the City Manager. During the negotiations last month, the City Manager restored dignity and integrity to the process. He thanked the City Manager for his leadership.

Reverend Robas Charles, 1105 NW 6 Avenue, discussed how he was fearful in his home when he first moved to Fort Lauderdale. He thanked the City Manager for the improvements and for his integrity. He mentioned that the City Manager walked the street with him to see firsthand and resolved issues right away. He urged the Commission to do a good job for the citizens who are poor and do not have a voice and to give the City Manager a chance to help them.

Raymond Dettmann, 1900 Miami Road, was opposed to renewal of the City Manager's contract. He mentioned a previous matter concerning a median in Poinciana Park. The neighborhood did not want to lose the green space. There was an opposing side that wanted to use the area for parking. The City Manager claimed that the neighborhood withdrew its position for the green space. He referred to the City Manager's previous employment in White Plains, New York, and his micro-managing style. He also commented about the City Manager openly criticizing the Fire Rescue Facilities Bond Issue Blue Ribbon Committee Chair. He felt the City Manager offering to do things that will help with the re-election of City officials is beyond his scope. He questioned the City Manager reviewing projects as he thought this is the role of the Commission.

Eric Berkowitz, 3850 Galt Ocean Drive, referred to comments from the Police Department staff, Robitaille and former Chief Roberts, that the Police Department Staffing Study by Saffir Rosetti, which was commissioned by the City Manager, resulted in crime reduction. He supported the City Manager and believed the entire city is in support as well. He hoped the Commission is listening.

Fred Stresau, 711 SE 11 Avenue, felt it is important to look at the body of one's work. He felt this evening is a fair sampling of the City Manager's work; it is good. Over all, he felt his heart is in the right place, certainly to support the citizens. He supported renewal of the City Manager's contract.

Rochelle Golub, 712 Intracoastal Drive, commented about her community involvement. This is not a matter of numbers, but of facts and issues. She did not think a city manager should create an environment where there is the appearance of favoritism and power politics. If the City Manager creates dissent among the Commission, he is not the

right person for the job. It would be impossible for him to implement the Commission's vision if he has a separate agenda. The outpouring of support may be engineered. Although she felt the people who spoke believe he is an honorable individual, but that is not what this vote is about.

Terri Murru, 5550 NE 29 Avenue, indicated she is the immediate past president of The Landings residential association. She indicated her community involvement. She is a resident of District I. She felt it is about the numbers and performance that speaks for itself. This is about leadership and the difficult task facing the Commission. Now is the Commission's chance to step outside of political correctness and special interest groups and unions and do the right thing for the citizens with objectivity.

Pat Patel, 1221 East Las Olas Boulevard, indicated that he has called the City Manager numerous times. He was concerned that the City Manager was responsible for targeting him with respect to a parking reduction study that cost \$200,000. He was also concerned that the City Manager targeted his Indian statue, a symbol of cigars. He asked that he not be targeted anymore. He felt the new Mayor and Commission are doing a great job.

Former Commissioner John Aurelius, 2864 NE 24 Court, appreciated the dialogue and debate on this subject and commented about the number of people speaking this evening. He discussed how he decided upon a career. He elaborated upon his knowledge of what skills an individual must possess to be a city manager. He felt the City Manager has been responsive. He felt the Commission should respond to their citizens by retaining the City Manager.

Bernadette Norris-Weeks, 401 NW 7 Avenue, indicated she is a resident of District III and a business owner. She mentioned her community involvement. She referred to the City Manager being concerned about gum on the sidewalks and believed he is the envy of other cities. She believed the City Manager cares about the entire city. He tries to get to know the community. She believed the City Manager cares about being fiscally sound. The City Manager and his staff are responsive. He is not driven by politics. She hoped the Commission will allow the City Manager to continue doing his job and be the type of leader that the community is proud of. She supported renewal of the City Manager's contract. She wanted the Commission to imagine what the City Manager could accomplish if he did not have to worry about keeping his job.

Mark McCormick, 1117 SE 6 Street, referred to talk that the Broward Workshop does not support the City Manager. He called twenty-five businesses today and all of them support the City Manager. The business community supports this Commission and has no idea why this issue has come forward. One of the most difficult financial years is approaching and an experienced City Manager is needed. He felt the audience is divided between those who the City Manager has said they will not be paid more money and then there is everyone else. Sometimes no has to be said. There have been a lot of "no's" from every business in America today. Without having tried to do pension reform, the City Manager would not have his job threatened today. He urged the Commission to reappoint the City Manager.

Dr. Sturman, president of Rio Vista Civic Association, mentioned his community involvement. He complimented the City Manager on the hurricane recovery in 2004. He believed the City Manager is honest, hardworking and loves the City.

Pat Mayers, 549 NE 11 Avenue, stated her main concern is the public safety and welfare. She felt the City Manager has failed in those areas. She questioned the experience of the Fire Rescue Chief. She was concerned about the lack of support of the Police Department. She did not support renewal of the City Manager's contract.

Art Seitz, 1905 North Atlantic Boulevard, felt this evening has been engineered. He was concerned that the beach master plan does not extend north of Sunrise Boulevard. He pointed out that there are no demolition plans for Ireland's Inn. He was concerned that he has never received any response from the City Manager other than a platitude. He was concerned that more funding from the Metropolitan Planning Organization was not been secured. He did not feel the City Manager is worth the salary he is paid.

John Terrill, 212 South Victoria Park Road, chair of the Marine Advisory Board, stated that he has witnessed other city managers. He is proud to be a citizen of Fort Lauderdale and much of that has to do with this City Manager. The winds at sea change. Mr. Gretsas has taken the City through both choppy weather and smooth sailing. He was also very proud of the City staff.

There being no other individuals wishing to speak on this matter, Mayor Seiler closed the floor for public comment.

Commissioner Rodstrom explained it is difficult to bring things forward that people may not want to hear. The past business practices over the last three years have not been up to the standard she would expect from a city manager of a city of this size. She noted that three years she had just been elected when she had to consider renewing the City Manager's contract. Over the term of the contract, the salary is close to a million dollars plus benefits. Her expectations were and continue to be high. Just after her election, she was asked to the City Manager's Office where she expected to discuss plans for her district. Before this manager arrived, the previous manager put in place a 24% tax increase. With a lot of funding it is much easier to make people happy. Time went by and the City Auditor was hired. On September 21, 2009, the City Auditor provided performance measures that revealed several deficiencies. Fifty percent of the departments do not benchmark performance. Almost ninety percent of the indicators measure outputs only, excluding efficiency and effectiveness. There was limited stakeholder involvement, however, this Commission has pushing public involvement that goes to transparency and efficiency. The City does not have an effective system in place to ensure timely collection and reporting on performance information. These deficiencies indicate serious lack of accountability which means that the Commission cannot assure the public that resources are being wisely spent, that there is efficiency in the delivery of services and transparency in government. There has been no business plan or long range strategic plan or performance model presented. There has been no demonstration of desire by this City Manager for accountability or transparency. There has been no zero based budgeting as indicated by the Commission. This City Manager has had six years to develop what is needed for the City. She was alarmed to consider renewing a contract without performance measures or evaluation. She felt a performance evaluation should be done in accordance with the Sunshine Law. Her campaign was based on a vision for the City and change. She was looking for someone to take the City through the worst economic times of our lives, and not someone that has done a wonderful job with a lot of money. With the unemployment rate skyrocketing, she believed there are many qualified people. She believed the pay is out of line and should be reduced. She reiterated the desire to have a vision, be more accountable, efficient

and transparent, and that this is her job. Her job is also to make tough decisions with her colleagues and not to let anything get in the way of their cohesiveness because they have been elected by the citizens. She listed the following items as unacceptable. There have been five finance directors in six years. There have been cost overruns of millions of dollars on projects. Money has been taken from the reserve for two years and unbelievable unfunded liability. She wanted the opportunity to try to do better.

Commissioner Rogers explained he has assessed the City Manager since entering office eight months ago. He has considered the following things. Character; how hard and smart they work; and management style. It is important to remember that these are the worst economic times. He felt the Commission was elected to watch after taxpayer dollars as the first priority. He felt the City may be in the best condition it has ever been. No single person should take the credit, but the leader and manager should be given some credit. The City has momentum. It is in the best position in perhaps the entire state to take off once the economy comes back. Reserves went from \$75,000 five years ago to at one time \$85 million. This City Manager has to be given credit for the way he handled the budget, employees and expenditures. He has assembled a staff that he was impressed with their professionalism, hard work ethic and servant's heart. He wants to understand what he is voting on and staff is reliable in answering his questions. The bottom line is performance. This city manager started with a city that was broke and he has taken it to a surplus in the reserve including a \$10 million surplus in the insurance reserve. The things that make a difference in a manager are good character, work smart and hard, loves his job, a doer, he listens, works well under pressure. He noted John Hoelzle's comment that morale is the best it has ever been. He believed the Commission is primed to move the City forward but it cannot be done without strong leadership. He did not think it is smart to change captains in the middle of a storm or to change a winning game or to look at the unknown when one knows the known. This is a renewal of one employee the same as was done for the others; the same terms. He supported performance measures, but did not want to include every jot and tittle in a contract. As to the future, he believed the Commission will stay collegial. He believed that Mr. Gretsas is the appropriate individual at the appropriate time to move the City to the next level.

Commissioner DuBose pointed out the diversity of City staff. He felt it is crucial that the staff reflect the makeup of the city. This says a lot about the City Manager. He was saddened that it has taken so long for the City to have its first African American police chief, but happy it has been achieved. He believed employee morale is good and it is attributed to the City Manager. There has been strong support for this City Manager from every district. For the community to come out in such a diverse manner about one individuals says a lot about his character. He believed there are special interests driving this issue and he hoped his colleagues are statesmen. The Commission needs to do what is best for the city. There are two issues regarding the Manager's contract where he felt the Commission is not being fair. The same format was not used for the other contracts that were renewed. As to salary, Mr. Gretsas is not making the most and his contract is probably not the richest in terms of severance and benefits. He believed that he is doing a fine job; he has been responsive. The Commission charged the City Manager when they said they did not want anyone to lose their job, not to raise taxes or cut essential services. It was accomplished. The idea of firing one individual is not the charge that the Commission put out. He favored renewing this contract as it is. He wanted to keep the City in the direction it is moving.

Vice Mayor Roberts indicated that the fact that he may come out on a different side of this issue does not mean he is being unfair. He has served this community for thirty-five years and been shot at and beat up on the streets. He does not believe that the end justifies the means. It was mentioned that Mr. Gretsas came and saved the City all of this money, but that is not what happened. He was astute as to handling it as many could do. Alan Silva served as the city manager for a year and cut things to the bone. As the police chief then, he was concerned about crime rising and it did. The lowest crime rate for the City was 2003; he was the police chief and it was before this City Manager arrived. There have been fluctuations but the level is being maintained for the most part now. Mr. Silva cut to the bone; there was a building boom; there were increased assessments and taxes; there were vacant positions fully funded in the budget. Anyone could have saved that money. In September, 2008, there was a general fund balance of \$91.5 million. The citizens were taxed too much. He pointed out that he has a longer track record with the City and the current city manager than others. He met with this City Manager shortly after taking office and reviewed goals and objectives. One primary goal was interpersonal relationships, staff development and how one treats everyone. As police chief he saw staff being verbally abused and mistreated by the City Manager. The City Manager would have disciplined and demanded that the police chief discipline any employee who treated the public that way. He wanted this worked on, but it did not happen. The City Auditor was berated in meetings with the City Manager. Commissioner Rodstrom noted recently that Bruce Wigo of the International Swimming Hall of Fame was mistreated by the City Manager in front of another member of the public. Several meetings ago he raised the issue of agenda packets being delivered very late or even early into the morning and his desire to receive the information earlier in order to prepare. Staff was asked to work on that request. The City Manager berated the City Clerk for bringing up a problem in public. He wanted transparency and working through the issues. People make mistakes but when those mistakes are for the right reasons of the heart, people should not be berated. After awhile people stop doing things. As to morale, he felt people are primarily doing what they are told to do. He wanted to go back in time to when employees had creativity and initiative of their own. The employees on the street know what needs to get done and the City needs that feedback. Currently, it is top down and that needs to be changed. He elaborated upon how economic development goes hand in hand with public safety. Some redevelopment has been accomplished and many who spoke this evening have been benefactors. The entire redevelopment process now starts with the City Manager, but it needs to be more open and more transparent. People who do not play that game with the City Manager are called troublemakers. He has asked for a traffic study on Knoll Ridge and has not been able to get it done even though it has been discussed for years. It has been asked that neighborhood development criteria revision be done. A town hall meeting was to be held on this in November, but it did not happen because it was not what the Manager wanted to see. It is not being done in the open. He referred to comments by a former assistant police chief. Former Mayor Naugle and the Convention and Business Bureau and others wanted to bring the Organization of American States conference to Fort Lauderdale. There were twenty-six heads of state. It put Fort Lauderdale on the map. The Police Department planned for it and did not have problems Miami experienced two years earlier with the Free Trade Area of the Americas Conference. In regard to the City providing an area for free speech at a location where people could be seen by dignitaries. The Police Department was asked to testify in federal court that they felt it should be something different than they thought. He found that unethical and borderline illegal. Moving to today, he mentioned there were three Commission meetings where

they dealt with how grant funds from Congressman Klein's Office of some \$400,000 could be used and whether the money had to be used specifically for the video cameras in the police digital in-car video camera project. Mayor Seiler was finally able to determine that the money did not have to be used for that specific program. He questioned the transparency and integrity in that matter. There have been issues with alarm fees but the administration sat on it for over a year until a news article was published. The Commission was not able to deal with it until after the budget was adopted. There may be a financial impact to the new budget of several hundred thousand dollars. Although he supports historic renovation, Southside School started as a \$2-3 million project and it is now \$9-10 million. He felt that is something that should be discussed. The Commission should not have to hunt for problems; they should be brought to the Commission's attention where they can deal with them in the open. He referred to the \$2.5 million awarded to the City by HUD that had to be paid back and that it was discussed as something going back ten years, but the administration knew about it in 2006 and 2007 and it was addressed when the City was called to the table on it. He believed a lot of the City Manager's presentations to the public are misrepresentations. He mentioned a recent presentation made by this City Manager on police and fire pension reform where two assistant police chiefs left with \$500,000. A police officer gets about a third of that amount and it was insinuated that overtime and sick time goes toward the pension which is not the case. Employees pay 7% of their pension cost. One of the first orders of this Commission was to freeze hiring, but along the way, it was found that some people were hired. It was not brought to the Commission's attention. Public records requests are stonewalled. If the specific, correct question is not posed, one will not get what they request. This is not government in the Sunshine. He has a totally different viewpoint about integrity. He was concerned about the future. The entire Commission campaigned for change. He did not think it will happen with the current manager. There has been a lot of inexperienced staff retained. When he was the police chief, he wanted to surround himself with people who disagreed with him. In this organization one has to agree or that individual is ostracized or put down. There are a lot of people who were afraid to come this evening and speak. As to changing a captain in the middle of a storm, he felt that can be done. He referred to changes made by General Patton. He was confident that with the current staff and Commission, it will be possible to come through this. He believed that now is the time to make a change if one is going to be made. He referred to an email from Pio Ieraci, Galt Mile Community Association, indicating that "Galt Mile residents did not suffer a millage increase because George successfully implemented a reserve fund over the objections of commissioners that wanted to spend the money as fast as it was collected". This email was dated October 28, 2009, and does not refer to the previous commission. He could not support a city manager that does not reflect the values of the city and the Commission and will not implement the policies of the Commission. He would not support a city manager who does his own policies and stonewall things. This City Manager says he will determine how policies are implemented. He believed that is wrong.

**Motion** made by Vice Mayor Roberts and seconded by Commissioner Rodstrom to not renew any contract with the City Manager was later amended.

Vice Mayor Roberts remarked about the number of people that spoke from his district this evening and that the politically correct thing would be to approve a new contract. He will not do it.

Commissioner Rodstrom thanked Vice Mayor Roberts for his level of detail. She went on to state that the number of department directors has expanded to eighteen. The City Manager has entered into eighteen contracts with severance for his staff that have not been provided to the Commission. Five contracts were renewed on January 5, 2009 before the new Commission was elected and extend through 2011. The City Manager could terminate the eighteen which would cripple the City in the amount of money paid for severance. She questioned how anyone could put the City in such harm's way.

Commissioner DuBose was very bothered and likened it to almost a public lynching. Although he respects his colleagues, he disagrees on some of the issues. It is mentioned that everyone makes mistakes, yet it seems if it rains tomorrow, it is the City Manager's fault. The City Manager works under the Commission's direction, present and past. It is now being said that everything is the City Manager's fault. He disagreed. There is accountability from the top down. The police digital in-car video camera project was very special interest driven. If things had been done properly without special interests it would not have had to be discussed three or four times. He believed that is a bad example. He did not think the blame should be placed on the City Manager. It should have been resolved with the prior commission. He did not believe the process has been fair. The City Attorney and City Auditor should have been analyzed in the same way.

Commissioner Rogers indicated that he respects the Vice Mayor. In listening to some of the comments this evening he wanted to point out that it is not about the Commission but rather about the citizens. He referred to comments from many segments of the community and that they are all saying the same thing. He was concerned about the impact of the Commission's actions. He did not know what the Vice Mayor went through but he has also spoken with the City Manager about matters with which he disagreed and was pleasantly surprised at how well the criticism was taken. No one is perfect; everyone makes mistakes. This vote is about the citizens, not the Commission. Vice Mayor Roberts agreed it is for the people. He has discussed what has happened in the past with Mr. Gretsas and it still continues. He sees no change. He along with Commissioner Rodstrom have had a longer work experience with the City Manager than eight months. He has a totally different viewpoint from that experience. He agreed it is about the people. His whole life has been service to people. His personal experiences were conveyed to make a point. He does not see the ability to make a change. Commissioner Rogers clarified he was speaking about the Commission.

The City Manager was extremely honored by the support that he has heard this evening. It was really done by the department heads and the 2600 employees. There have been people in need and the government has been there for them. With the new commission, he has tried to accommodate everyone's needs. This is a very different group with very different agendas. There is a certain political dynamic that occurs in every elected body. When Vice Mayor Roberts has made requests, they have been done. Vice Mayor Roberts has made 391 official requests. Three hundred fifty are done; 25 are underway and 11 are long-term projects and 5 have to do with things that he does not have the power to resolve. He and the Vice Mayor have a history together but he believed that history proves he believes in diversity. He believed in bringing people to the table with which he does not agree. For five years they did not agree on many issues, but they did agree about making the City a safer place. He believed that Vice Mayor Roberts' heart is in the right place, even though he did not feel everything he said was accurate. There will always be disagreements on the dais, but always tries to find a way to make all of



the Commission happy. He noted that during her campaign, Commissioner Rodstrom wrote about all of the things happening in District II. While they have had disagreements on many things, at the end of the day his job is about implementing the Commission's policies. If this is an evaluation, one must ask if the city is better than when he arrived. He believed that Vice Mayor Roberts loves this city. They worked together for four and a half years and the crime rate fell to a thirty-year low. He believed he and the Vice Mayor can get great things done for the city. He believed the Commission has been promoting diversity; each has a different way of looking at the world. On major policy issues, he looks for what the majority wants and what he can do for each individual commissioner. As to the remaining issues, it is expected on an evening such as this. He did not think it is necessary to go point by point. He pledged to continue to work for each commissioner and this city to the best of his ability.

Mayor Seiler remarked about the number of speakers and the number of emails. The emails were on both sides and asking why the vote was delayed. He delayed it in order to give the City Manager time to talk with the commissioners and staff. He explained the Commission's limitations in discussing matters based on the law. He wanted to hear the positions of the commissioners. When serving in Tallahassee, he knew the anticipated vote count. He has never criticized this City Manager because he wanted to give him a fair chance and an opportunity to convince the other commissioners that he deserves the opportunity to serve as the city manager. As to the City Attorney, his contract was renewed for three years without a dissenting comment. There is a difference in the process when there are five members of the Commission comfortable with an individual and it is placed on a consent agenda. The same applies to the City Auditor and City Clerk; no one has questioned their performance. Out of fifty-nine speakers, fifty were positive. He elaborated upon the range of opinions on this topic. There is no reason to terminate Mr. Gretsas. There were complaints about not using zero-based budgeting, but then he questioned if there was time to do it. There were complaints about issues being mishandled, but everyone makes mistakes. When deciding where to go from this point, he was deeply troubled that there are two very passionate commissioners who do not want this city manager and two very passionate that want this city manager. A two-two situation is very uncomfortable. The last time this occurred, when one commissioner changed their mind, the city manager was terminated and the City paid a massive amount of severance. He indicated that he told Mr. Gretsas if he could get another commissioner in his favor that he would be the fourth. With a two-two, the City Manager would spend the majority of his time trying to make sure he always has those three votes. In doing so, the two votes are further alienated. It is an unhealthy process. Riffs and tension develop. Instead of focusing on where to go in the coming years, there is focus on three votes. If eighteen department directors with contracts previously mentioned are lost, there would be severance in the millions. He questioned whether a fiscally conservative individual would extend a contract on a 3-2 vote and with the knowledge of severance for the City Manager as well as an the additional eighteen high-level employees. He has indicated to Mr. Gretsas that he likes him, has no questions about his character or work ethic. While there were fifty four of fifty nine in favor, the emails are probably in the other direction. It is a very divided constituency. He could not commit to a three-year contract knowing it hangs on a decision each night.

Vice Mayor Roberts confirmed for Commissioner Rodstrom, his motion is for the City Manager to serve the remaining months on the current contract.

Commissioner Rogers thought the Commission would be remiss in voting on this motion without discussing alternative options in terms of keeping the momentum. With this vote, there is a void in leadership and there will be ripple effects to an unknown extent. He was confident regardless of the storm, this Commission will band together and find a way to get it done. Commissioner DuBose agreed. He felt the Commission should take caution because it sets a precedent. If he has an issue with an employee, he knows the route to take. He did not think there will always be a 4-1 or 5-0 vote because the government is established as it is. It is a tall task to ask a city manager to secure four votes when Commissioner Rodstrom has been consistent in her position and the other has just had an issue with the City Manager. Mayor Seiler pointed out that the City Manager began with a 5-0 vote. Commissioner DuBose wanted the Commission to think about the precedent and taking away from the integrity of the position regardless of who occupies it.

Mayor Seiler did not think he is not setting any precedent, but rather addressing an issue with one individual. He reiterated his concern about two commissioners who are very upset with the City Manager and his decision from a fiscal standpoint. Commissioner DuBose pointed out if this City Manager is terminated, there are two commissioners just as passionate in the other direction. Either way, this vote will have an impact on the city.

In response to Commissioner Rogers' observation that Mayor Seiler would like the policy of not hiring anyone unless there is a 5-0 vote. Mayor Seiler indicated that ideally he would any future city manager to start with the same 5-0 vote with which this City Manager started. Commissioner Rogers pointed out that the charter provides that a 3-2 vote wins. Mayor Seiler would not commit the taxpayers to a three-year contract on a 3-2 vote. Commissioner Rogers thought perhaps there should be consideration toward changing the vote structure for hiring a city manager. He referred to difficulties in Oakland Park where they changed city managers every election and changed the structure to require a 4-1 vote. He was not worried about everyone agreeing all of the time. This Commission has shown they can work through that. He was concerned about the City's momentum even if it is eight months from now. It is totally disruptive. Mayor Seiler reiterated his concern about the two-two passion on the Commission. Commissioner Rogers reiterated his concern about momentum and being primed to take off when the economy turns.

In response to Mayor Seiler, the City Attorney stated the issue before the Commission is whether to renew the contract. On the agenda is the City Manager's proposal which are amendments to the existing contract for three years. The contract has to either be renewed or amended tonight. If the Commission wishes to not renew the contract, there needs to be a positive motion to not renew the contract. If at a later date the Commission wants to enter into a different contract, that could be done. There is an automatic renewal in the current contract and presented this evening is an offer of amendments to that contract. In response to Commissioner DuBose, the City Attorney explained the motion on the floor would turn down the offered amendment in the resolution. In order to renew the contract, there needs to be a resolution. There is no need for a resolution to not renew the existing contract. This vote does not take away discussion about potential amendments. In response to the City Manager, the City Attorney explained by turning this amendment down and taking no other action would cause automatic renewal. The existing contract is still in place. The City Attorney

confirmed the City Manager's understanding that if there is a vote on the motion on the floor, the Commission may still vote on the (agenda) item.

In response to Mayor Seiler, Vice Mayor Roberts amended the **motion** which was seconded by Commissioner Rodstrom to not renew the three-year contract as proposed.

The City Manager questioned if this motion is about the agenda item. If that is so, an amendment to a provision in it could be offered. The City Attorney stated the issue that should be on the agenda is whether to amend or renew. Mayor Seiler understood it is whether to renew the three-year contract. If it is not renewed, the City Manager is still employed for another nine or ten months and at any point in time, it could be discussed. The City Manager thought if the resolution is to approve the extension, those who do not wish to extend the contract could vote no or if there is an adopted motion, the Commission could discuss amendments. The City Attorney stated the issue before the Commission that has to be decided this evening is whether to renew the contract. The resolution addresses an amendment to the contract, which the Commission does not have to address. Whether or not to renew may be done by motion. Then, at any time, the existing contract may be amended.

Commissioner DuBose wanted to make a decision this evening in order to accommodate the public. Mayor Seiler stated that he has had this discussion already with the City Manager and a number of citizens; it is no surprise. He was not willing to entertain an amendment this evening. Commissioner Rodstrom thought it could be scheduled on a conference agenda for discussion. Mayor Seiler indicated that there are concerns about the contract terms. It has a ten-month notice provision that is not normal for a city manager contract. It also provides for sole discretion of the mayor to extend which is in line with a strong mayor form of government, which is clearly improper. There are a number of things in the contract that were not drafted for the City of Fort Lauderdale. The version before the Commission this evening is very different than the version of three years ago. The City Manager clarified that the amendment is to remove those provisions. He thought if the Commission amends the contract and decides upon two years, for example, the automatic renewal provision no longer applies. The City Attorney explained if the Commission approves the offer made by the City Manager, there is a renewal. If they do not approve the offer and take no other action, it automatically renews. He confirmed that the Commission could amend the contract and decide upon two years, for example and the automatic renewal provision would no longer apply if the City Manager accepts. Mayor Seiler did not want to revisit the terms without full and proper notice. It goes to transparency. The issues raised this evening need to be addressed.

Commissioner Rogers thought that with the contract discussion that has taken place, the terms of the contract have been met. Mayor Seiler explained that action has to be taken within twenty-one days after the discussion. Today is the day a decision has to be made. For Commissioner Rogers' benefit, the City Attorney read the provision of what is to occur after the meeting between the manager and the mayor within twenty-one days.

In response to the City Manager, Mayor Seiler noted that when he discussed this with the City Manager, he chose to proceed with a proposal of three years or nothing. Alternatives may be discussed at another time. He went on to say that he encouraged the City Manager against a three-years or nothing option, and that he encouraged the City Manager to invite everyone possible to the hearing to speak. The City Manager did

not see it as three years or nothing, but rather his proposal to the Commission of three years which he felt is fair. Mayor Seiler pointed out that he had indicated he did not think three years would be fair.

Roll call showed: YEAS: Commissioner Rodstrom, Vice Mayor Roberts, and Mayor Seiler. NAYS: Commissioners DuBose and Rogers.

In order to provide some frame work for the future, Commissioner Rogers felt a time line should be set now. Mayor Seiler suggested the item be placed on the next conference agenda.

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**Riverbend South I Plat – 2400 West Broward Boulevard –  
Charles B. Ladd – Riverbend South, LLC – Case 1-P-09**

**(R-02)**

**No budgetary impacts.**

**Applicant: Charles B. Ladd – Riverbend South, LLC**  
**Location: 2400 West Broward Boulevard**  
**Current Zoning: Boulevard Business B-1 and Mobile Home Park MHP**  
**Proposed Zoning: Boulevard Business B-1 and Community Business CB**  
**Future Land Use: Commercial, Medium High Residential**

**ALL INDIVIDUALS SPEAKING ON THIS MATTER WERE SWORN IN.**

NOTE: Please also refer to agenda items PH-01 and PH-02.

The Commission announced with whom he or she had spoken with and or site visit(s) made concerning this matter.

Robert Lochrie, representing the Applicant, stated there are three items on this agenda that are inter-related; the others are PH-01 and PH-02. He requested permission to make one presentation. He provided an overview of the project location, noting it is comprised of two sites. He showed photographs of the area before development began and today which were entered into the record and noted the improvements that have already occurred on the site where construction proceeded. He noted previous uses on the subject property. Historically there were some eighteen curb cuts along 24 Avenue. The site will house the Broward County Supervisor of Elections Office, including storage space and a parking garage. The Applicant is proposing a new entrance. There will be only one entrance and exit onto 24 Avenue. He went on to describe the proposed street vacation of 26 Avenue. A new street will be dedicated to the east that will provide the central spine for the development. The street will stay in place until the new street is built, dedicated and opened. One concern of the neighborhood was the garage entrance from 24 Avenue. After discussions with the district commissioner and City staff, the access was deleted. There is now a roundabout that will be used for the Supervisor's equipment to be dropped off during elections and practices. As a result there is only one access point onto 24 Avenue. There will be right-turn only access into the site from Broward Boulevard. More detail on the traffic pattern was outlined including that for 24 Avenue there will be one lane crossing Broward Boulevard and two will go left or west, and multiple access points from the site. The site is about 80,000 square feet. Graphics used to discuss the traffic pattern are attached to these minutes.

In response to Mayor Seiler, Mr. Lochrie advised that essentially 26 Avenue is being relocated about 100 feet to the east. It is currently restricted to right-turn only, but the Applicant is pursuing a left-turn approval from Broward County.

In response to Commissioner Rogers and Mayor Seiler, Mr. Lochrie advised that a traffic study was conducted for the intersection of 24 Avenue. He indicated there will be about one hundred occupants. The Supervisor now has three or four locations, which will be combined into this one site. There will be people coming and going for voter registration for example. As the area continues to develop, future traffic studies will be prepared for presentation to the Commission. The parking garage will hold 1,000 vehicles; it is not just for this project.

Mayor Seiler opened the floor for public comment.

Lloyd Brown, 112 SW 24 Avenue, remarked about the traffic and the limited space. It is difficult for residents to get out of their driveways. With another turn-lane, he questioned whether it will be possible to get off Broward Boulevard. It will no longer be residential. He felt it will be a traffic nightmare.

Commissioner DuBose indicated that he has been working with the homeowners association and the Applicant. The issue is about 24 Avenue and the new traffic it would create. Essentially the three lanes contained in the traffic study will cure the association's concern, however, there has not been any dialogue between the Applicant and the association since the study.

Discussion ensued about the traffic movements and congestion.

Commissioner DuBose stated this had been a recommendation of the study. There has not been any discussion with the homeowners.

Randy Jesus, 329 NW 27 Avenue, stated he is the redevelopment project coordinator for Broward Business Action Team which is a business association located in unincorporated Broward County. There was a positive community meeting with the Metropolitan Planning Organization in connection with a land use plan amendment for the Broward Boulevard corridor and the neighborhood from 27<sup>th</sup> west. The idea was to increase the density and depth of the commercial property along Broward Boulevard so that landowners could do something with the property. This project will enhance the entire community and they feel it is positive.

Commissioner DuBose clarified that the neighborhood is in favor of the project, but have some legitimate concerns that would impact their quality of life. One concern is 24 Avenue and the traffic.

In response to Mayor Seiler, Mr. Lochrie noted the timing of the traffic study completion; there was an initial study and a more recent one. Commissioner DuBose thought the initial study was not the formal submittal. Mr. Lochrie agreed, the item was tabled until the study could be completed.

Ted Fling, president of Victoria Park Civic Association, spoke in favor of the developer and his cooperation based on experience with his development in Victoria Park.

Marc Hansen, 2421 SW 9 Street, noted that Virgil Niederriter does not speak for the entire neighborhood association. He indicated the association has not been incorporated with the state since 2003. He went on to present a flyer that was addressed to the Riverland homeowners, but it was not distributed to the entire community. A copy of the flyer is attached to these minutes. He believed it was used to scare people. The flyer indicated that the developer wanted to prevent residents from having access to Broward Boulevard. He favored the proposal. In addition to being a resident, he mentioned he is also the executive committee member for Precinct 107 and works as a clerk for the Supervisor of Elections. He responded to Commissioner Rogers' question, indicating there is traffic congestion.

Michael Ferber, 422 NE 2 Avenue, supported the petition. This area, at Broward Boulevard, Interstate 95 and a Tri-Rail station, was identified in earlier visioning processes as an area of regional significance. The north side is within the Community Redevelopment Agency area and this Applicant was successful in the agency's RFP process. As such there is now development of a regional nature on that site. He urged the Commission to listen to their professional staff concerning traffic.

Michael Toy, secretary of Riverland Civic Association, indicated the twelve members of Riverland Civic Association do try to do good for the community. The association has had discussions with the Applicant for quite some time and have concerns about the proposed development's potential negative impacts on the neighborhood. The six-story parking garage is a concern because of the shade it will create for residences along 24 Avenue. The association thought that the Applicant had agreed to move the structure to a more central location. As to concerns regarding the parking garage and the shadow, he noted that the Applicant has purchased a number of homes along 24 Avenue to help eliminate opposition. A traffic study was done only at the request of civic association last month. It appears there will have to be major widening of 24 Avenue at Broward Boulevard to accommodate the commercial traffic that will result. He asked the Commission to consider the detrimental impact on the Riverland community.

In response to Commissioner DuBose, Mr. Lochrie stated there has never been any discussion about moving the (parking) structure. This project is the same as it was presented to the Development Review Committee and Planning and Zoning Board. However, access from 24 Avenue has been removed. He noted the distance from the curb, the landscaping and sidewalk. In further response, Mr. Toy conveyed the discussion that Mr. Ladd had at their association meetings and that he had indicated the parking garage would be moved to a more central location.

Virgil Niederriter, Riverland Civic Association, presented a drawing of an entrance that the association had constructed some twelve years ago with Neighborhood Capital Improvement Program funding in order to divert traffic. He went on to describe traffic pattern concerns. He mentioned a proposed a 140-unit apartment complex that will further impact traffic. He did not believe the traffic study takes the apartment complex into account.

In response to Commissioner DuBose, Peter Partington, City Engineer, explained the traffic study was conducted to look at the intersection of 24 Avenue and Broward Boulevard and an area of 279,000 square feet of office development.

In response to Mayor Seiler, Mr. Niederriter took responsibility for the previously mentioned flyer and explained if the traffic is allowed on 24 Avenue, it will not be possible to get out of their community nor will there be any access to Broward Boulevard. Commissioner DuBose felt the flow of traffic onto Broward Boulevard would be hindered and that is why the road will be expanded based on the traffic study. Mayor Seiler thought that access is being enhanced with the addition of five lanes. Commissioner DuBose believed traffic flow would be hindered. The lanes are necessary in order to exit. Vehicles in the right turn lane that wish to cross Broward Boulevard have to wait on the traffic signal. It is not just the Supervisor of Elections' office; it is a huge development. Mayor Seiler reiterated his thought that vehicles will seldom be crossing Broward Boulevard. Commissioner DuBose explained it is not a matter of crossing, it is getting out of the neighborhood.

Mr. Niederriter indicated the request is to use 26 Avenue as the development entrance; and 24 Avenue not be a part of it.

Commissioner DuBose recommended the Applicant address the civic association regarding the new traffic study. However, he did not see any problem with going forward with the vacation of 26 Avenue.

Mr. Hansen explained that he did not wish to speak ill of the civic association. Mr. Niederriter had indicated to him that he did not wish to have the association registered with the state and comply with the Sunshine Law.

Mr. Lochrie pointed out that the existing situation currently causes a traffic flow problem. The proposed office space will not generate nearly as much traffic as another service station, for example. He believed the proposal solves the existing condition. In working through this, the plans have been changed three or four times. He offered to meet with the neighborhood between first and second reading.

Commissioner DuBose wanted the neighborhood meeting to be held first and discussion ensued on that point including whether the plat could move forward.

At Mayor Seiler's request, Wayne Jessup, Planning and Zoning, explained the purpose of the platting process. Mayor Seiler noted if the other aspects are not approved, the plat means nothing. Mr. Lochrie advised it could take up to six months to record a plat.

Mr. Lochrie was hopeful the issues could be resolved before the second reading on the related two issues. However, the Applicant will not agree to having no access to 24 Avenue.

Commissioner Rogers did not think there is any legal basis with which to deny the plat and therefore believed it should be moved forward. Commissioner Rodstrom noted there is another opportunity to decide upon the project and the right of way vacation.

Mr. Toy wanted additional discussion with the Applicant on the traffic flow and the parking garage. He reiterated his recollection that the developer agreed to relocate the parking garage to a more central location. He did not have any position on the plat.

Vice Mayor Roberts introduced the following resolution:

## RESOLUTION NO. 09-265

A RESOLUTION OF THE CITY COMMISSION OF THE CITY  
OF FORT LAUDERDALE, FLORIDA, APPROVING A PLAT  
KNOWN AS "RIVERBEND SOUTH I PLAT."

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

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<b>PUBLIC HEARINGS</b>
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**Vacate Right-of-Way – SW 26 Avenue – Case 2-P-09**  
**Supervisor of Elections Office – Riverbend South, LLC**

**(PH-01)**

**No budgetary impact.**

**Applicant: Riverbend South, LLC**  
**Location: SW 26 Avenue between West Broward Boulevard**  
**And SW 2 Street**  
**Zoning: Boulevard Business B-1 and Mobile Home Park MHP**

There being no individuals wishing to speak on this matter, a **motion** was made by Vice Mayor Roberts and seconded by Commissioner Rodstrom to close the public hearing. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

Commissioner DuBose introduced the following ordinance on FIRST reading:

## ORDINANCE NO. C-09-33

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF THE RIGHT-OF-WAY FOR SOUTHWEST 26 AVENUE, PLATTED AS SOUTHWEST 24 AVENUE AND SHOWN ON THE AMENDED PLAT OF "BLOCKS 4, 5, 6, 7 AND 14, WOODLAND PARK – UNIT 1," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 30, PAGE 45, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING NORTH OF THE SOUTH RIGHT-OF-WAY LINE OF WEST BROWARD BOULEVARD AND BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF PARCEL "A" OF SAID PLAT, LYING SOUTH OF BROWARD BOULEVARD AND NORTH OF SOUTHWEST 2 STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

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**Rezoning With Allocation of Commercial Flex -  
Supervisor of Elections Office – 2400 West Broward Boulevard –  
Case 5-ZR-09**

**(PH-02)**

**No budgetary impact.**

**Applicant:** Riverbend South LLC  
**Location:** 2400 West Broward Boulevard  
**Current Zoning of** Mobile Home Park MHP  
**South Portion of Property:**  
**Proposed Zoning of South** Community Business CB  
**Portion of Property:**  
**Future Land Use:** Medium High Residential

There being no individuals wishing to speak on this matter, a **motion** was made by Vice Mayor Roberts and seconded by Commissioner Rodstrom to close the public hearing. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

The Commission announced with whom he or she had spoken with and or site visit(s) made concerning this matter.

Commissioner DuBose introduced the following ordinance on FIRST reading:

**ORDINANCE NO. C-09-34**

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM MHP TO CB, WITH COMMERCIAL FLEX ALLOCATION AND DEVELOPMENT PLAN APPROVAL, A PORTION OF PARCELS B AND C, AMENDED PLAT OF BLOCKS 4, 5, 6, 7 AND 14 OF WOODLAND PART-UNIT 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGE 45 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND A PORTION OF THE EAST ONE-HALF (E 1/2 ) OF THE NORTHWEST ONE-QUARTER (N.W. ¼) OF THE NORTHEAST ONE-QUARTER (N.E. ¼) OF SECTION 8, TOWNSHIP 50 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, CONTIGUOUS WITH SAID PARCEL B AND C, LOCATED BETWEEN SOUTHWEST 27 AVENUE AND I-95, SOUTH OF WEST BROWARD BOULEVARD AND NORTH OF SOUTHWEST 3 STREET, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

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<b>RESOLUTIONS</b>
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**Appeal – Historic Preservation Board – Case 9-H-05 -  
Demolition – 215 SW 7 Avenue – Sailboat Bend Historic District**

**(R-03)**

**No budgetary impact.**

**Applicant: CVM 1 REO LLC**

**Location: 215 SW 7 Avenue**

**Zoning: Downtown Regional Activity Center – Arts and Sciences  
RAC-AS**

**ALL INDIVIDUALS WISHING TO SPEAK ON THIS MATTER WERE SWORN IN.**

The Commission announced with whom he or she had spoken with and or site visit(s) made concerning this matter.

Terry McGuire, representing the Applicant, highlighted various conversations he has had in an effort to bring this matter to closure as well as a brief overview of what has taken thus far. He listed the criteria that must be met. The Applicant believes that the building does not contribute to the historic district. He described the current condition of the building. CVM only became the title holder to this property within the last year. The Unsafe Structures Board and Building Department have instructed the Applicant to demolish the building because it is no longer capable of being moved. He submitted a copy of the notice of violation, undated, to be entered into the record. He went on to outline the findings detailed in the final order of the Unsafe Structures Board. CVM was informed if the demolition was not carried out, it would be responsible for the cost and fines. CVM applied for a permit to demolish and the Historic Preservation Board intervened. He also noted the previous owner retained Inter-American Design/Build Corp. in March of 2007 to perform a special inspection, which problems were noted and provided in the backup provided to the Commission. He went on to explain how the building condition meets all of the three criteria for demolition.

Commissioner Rogers asked if the Applicant has any other evidence apart from the record of the Unsafe Structures Board being relied upon to reach its conclusion. Mr. McGuire referred to testimony at the Historic Preservation Board of Debbie Farmer who was retained by the Applicant as a permit expeditor. Those minutes indicate her opinion about the necessary steps to preserve the building. Essentially the building would be recreated and its historic value would be questionable at that point. The Applicant is relying upon the condition of the building and the order it is must comply with and that there was no evidence presented to the Historic Preservation Board that the building had any historic significance. In further response to Commissioner Rogers and his reference to Marilyn Rathbun, City historic preservation expert's memorandum, dated April 15, 2009, provided in the backup material, Mr. McGuire indicated the repairs would be so extensive that there would actually be a new building and it would no longer have any historic significance if it ever had previously. The Applicant has relied on the inspection, order, and Inter-American's report. He was not aware of Ms. Rathbun's credentials. The Applicant was unable to find any information about Judge Fred Shippey (who previously occupied the building) and therefore questioned if the applicable criteria was ever addressed.

Commissioner Rogers asked about efforts to move the building and why nothing became of it. Mr. McGuire explained that CVM became the owner a short time before being served notice of violation. CVM simply wanted to comply as soon as possible and that is why they proceeded with the demolition permit application. Also, the 2007 Consultant report found that the building was not capable of being moved. In response to Commissioner Rogers' question, Dusty Tinsley, representing the Applicant, explained how CVM came to be the owner; CVM took title from the mortgage holder who had foreclosed. The building had been on I-beams for multiple years. She was unaware of any due diligence about moving the structure before the property was purchased. Because there was already an order for demolition, CVM would not have done any investigation with respect to it being an historic property. However, she was not part of that stage of this matter. She elaborated upon CVM's structure and assigned personnel for purchase of real estate (Phillip Kettell). CVM purchased the property in the early fall of 2008 and the notice for demolition was issued in October of 2008 which is where they became aware of the situation. Although some due diligence would have normally been conducted, CVM would probably not have examined the property to determine if it was historic or done a full engineering assessment. There may have been someone (on their staff) that performed due diligence beforehand, but it would not have been Mr. Kettell. She was not aware of any file on any due diligence.

Commissioner Rodstrom asked whether the frame is made of Dade County Pine. Mr. McGuire was not sure. He responded to her question about termite damage. Commissioner Rodstrom believed that Dade County Pine is resistant to termites and therefore questioned the extent of damage. Charles Jordan stated he is a Florida licensed general and roofing contractor. According to historic studies of the property, he believed it was built with Dade County Pine which is extremely resistant to termites. However, testimony thus far had to do with termite damage in the softwoods or trims which is normal. Dade County Pine is all that was used in the era that the building was constructed.

Mayor Seiler opened the public hearing.

Robert Walsh, 401 East Las Olas Boulevard, noted the number of times this matter has been discussed by the Commission and damage to the building. He noted previous testimony about it being a safety hazard and that there is vagrancy and drug activity. Property values are being affected. He suggested the street be named in honor of the judge. He felt it should be demolished.

Alysa Plummer, 1123 West Las Olas Boulevard, was offended by the comments of the Applicant's attorney. She shared the chronology of her 1926 home that was saved from demolition twice by the Historic Preservation Board before she purchased the property. She supported the Board's ruling on this matter. Many of the things that apply to this property applied to her home as well. She showed before and after photographs of her home that are attached to these minutes. She questioned why the property owner has not been assessed any fines. This property owner was assessed a fine for three adjacent properties and not connecting to the City's sanitary sewer system. He finally complied. She wanted the fine mechanism be put into place.

Diane Smart, president of the Broward Trust for Historic Preservation, urged that the Historic Preservation Board decision be upheld. The condition of the property has

nothing to do with its historic value. Anything can be repaired and restored. There are people who want to purchase and restore or move this property. The Commission is the custodian of the City's history and culture.

Nolan Haan, 729 SW 2 Court, indicated that he has done renovation and many of the same items that this property owner faces. He agreed it is unsafe and it is an eyesore, but demolition is not the answer in a historic district. He as well as two others have offered to preserve the house. He would need the current owner to assist with relocating the building and help with some of the renovation. He has a lot that has been approved by the Historic Preservation Board for this relocation. He agreed with Ms. Plummer that the demolition should be denied and the property owner be assessed fines that will motivate them to do something. In the months before the demolition order was issued, the property owner did nothing. As to vagrancy, he felt better boarding should be done.

Charles Jordan, 1225 SW 4 Court, indicated that the houses in the historic district were documented as part of the study and creation of the Sailboat Bend Historic District which he presented. A copy of the study was entered into the record. This house is contained in the study. The building is unique in its design in the district. He felt everyone agrees that the Historic Preservation Board did not err in their decision, but the Commission this evening is looking at the public safety concerns. Speaking as a licensed general contractor, he indicated that the building can be preserved. The Board did not make an error in their decision. Because the house was in the process of being moved, it is sitting on wood cradling and steel beams designed for the purpose of holding it. Some strapping and tarping may be helpful. These are the types of things a responsible property owner does. The lot is fenced. He did not think that people are entering the site. He recommended the City Manager be directed to stop the process of the Unsafe Structures Board and send the matter to the Code Enforcement Board. He did not think it was documented before the Unsafe Structures Board that the structure is unsafe. He did not believe that Inter-American's report that is one page is sufficient basis to decide upon demolition.

Commissioner Rogers asked about use of Dade County Pine. Mr. Jordan indicated he has not been inside and might not be able to see the frame in any case. According to the record, it was built between 1914 and 1918 and has survived major hurricanes. Anything built until the late 30's was not strapped down. This is probably true for some eighty structures in Sailboat Bend.

Dave Parker, president of Sailboat Bend Civic Association, urged that the Historic Preservation Board's decision be upheld. The house contributes to the neighborhood. He elaborated upon the neighborhood's efforts to keep the property safe and free of trash. There are no vagrants or drug activity. He presented a photograph of the house which is attached to these minutes. The porch did not fall off; it was torn off.

Mr. McGuire noted one criteria is that the building no longer has significance as a historic architectural or archeological landmark. According to the Unified Land Development Regulations, a landmark must be defined by resolution of the Commission. Nothing has been submitted that this building has ever been designated as a landmark. Only one of the three criteria need be satisfied. As to the criteria that demolition or redevelopment is of major benefit to a historic district, he believed there is ample evidence that this is a hazard and danger to the public. There is graffiti on the side of the house. There has been testimony this evening that it is a dump. He recommended

the criteria be followed. The Historic Preservation Board did not follow it. He believed the Applicant is entitled to a certificate for demolition.

Mayor Seiler referred to Marilyn Rathbun's memorandum. There is no evidence rebutting her opinion. He asked if there had been any testimony rebutting the structure's historical value. Mr. McGuire emphasized that it has not been designated as a historic landmark.

Commissioner Rodstrom thought there is some weight to the fact that the house is situated in the historic district. Mr. Jordan explained that as the house is located in a historic district, it falls under the jurisdiction of the Historic Preservation Board. It requires a certificate of appropriateness that meets the criteria in order for demolition. He did not believe it meets any of the criteria for demolition. The house is listed in the Sailboat Bend Historic District study and a matter of public record. Mayor Seiler asked if there is a difference between a historic structure and a historic landmark. Mr. Jordan provided some examples of historic landmarks. The historic district is governed by ordinance. Ms. Plummer explained that within a historic district there are contributing structures that define the district. Contributing structure is defined by the National Trust for Historic Preservation and U.S. Secretary of Interior. If it was removed, it would degrade and diminish or potentially destroy the district. This house was identified by the City as a contributing structure to the district. The City Attorney explained that unless the house is designated, it would have no particular significance that it is in the historic district. In response to Commissioner Rogers and Mayor Seiler, the City Attorney advised that criteria I, II or III must be met (Section 47-24.11.C, Unified Land Development Regulations). The City Attorney confirmed that the Applicant cannot ignore criteria 1. Commissioner Rogers pointed out that the Applicant has not submitted any evidence that this house is not a contributing structure. The City Attorney indicated that Ms. Rathbun's listed criteria does not comport with that which is listed in the Unified Land Development Regulations (ULDR). Criteria I, according to the ULDR, indicates the designated landmark, landmark site or property within the historic district no longer contributes to a historic district.

Mr. Jordan believed that a property in a historic district is clearly a designated property. The City Attorney stated that is not true. In response to Mayor Seiler, Mr. Jordan stated the district is designated and therefore everything within the district must meet the criteria. The example of a swing set was posed and Mr. Jordan indicated that it would not apply. If a building was laying on the ground in sticks, it would no longer contribute to a historic district (criteria I). Whatever was subsequently built on that property would still require a certificate of appropriateness. Commissioner Rogers explained that the jurisdiction of the Historic Preservation Board is maintained because it is an overlay district. Wayne Jessup, Deputy Planning and Zoning Director, clarified if a structure no longer exists, it can no longer contribute to a historic district. It is not designated individually as historic. Mr. Jordan concurred vacant property within the district is not individually designated historic; it simply happens to be in the district. If the building was destroyed or blown away in a hurricane, it would no longer contribute to the district. Commissioner Rogers noted if a building is the topic, the only way the criteria makes sense is to discuss its significance as a historic structure; otherwise nothing would qualify it. Mayor Seiler felt that simply being in the district does not make it historically significant.

The City Attorney explained that the criteria in Section 47-24.11.C is for demolition only. There is another set of criteria for alteration.

Mayor Seiler felt the building has to have been designated a historic architectural landmark and then lose its significance. He did not feel it is known whether the building no longer contributes to a historic district (criteria I). The question is whether it was ever a historic architectural landmark (criteria II).

Mr. Jordan indicated the City's public record has a historic building survey of the west side area of Fort Lauderdale conducted by Historic Property Associates, Inc. in June of 1993, wherein this property is listed. The City Attorney did not agree with Mr. Jordan's assertion that the building is a historic architectural landmark based on the previously noted Sailboat Bend Historic District Study. Mr. McGuire noted the definition of a landmark. Commissioner Rogers believed the resolution approving the Sailboat Bend overlay district has the needed language in it; the structures were documented. Mr. Jordan commented that there are structures designated throughout the city, but that is different than being in a historic district. There are two different levels of designation. Mayor Seiler felt and Mr. Jordan concurred that he believes properties within a historic district have some protection, however, Mayor Seiler believed a designation has to occur. In order for the Historic Preservation Board to have jurisdiction, Commissioner Rogers felt criteria for property had to have been established. There is language about what must be done if one wishes to demolish something in the Sailboat Bend Historic District. The survey was conducted before the district was created. He understood if it is in the survey, by way of definition, it is covered. Mr. Jordan explained the purpose of the survey was to document there were enough structures to create a historic district. The idea was that those structures would be protected. He did not think a property has to be individually designated in order to be protected under the historic district ordinance. Mayor Seiler believed the City Attorney differs. Commissioner Rogers felt it makes no sense that properties in the district would not be protected.

Commissioner Rodstrom asked if the historic district designation could be lost if the house is demolished. She asked if such research has been done. Mr. Jordan indicated that there must be a sufficient number of historic buildings in order to have a district.

In response to Mayor Seiler, Mr. Jessup understood that a house constructed in 1999 in the historic district would have to go before the Historic Preservation Board in order to be demolished. Discussion ensued as to whether the criteria would apply to the house. The landmark term is not necessarily equated with contributing structures anywhere.

Mr. McGuire wanted to concentrate on Criteria II (The property or building no longer has significance as a historic architectural or archeological landmark; or). Mayor Seiler believed that this criteria does not apply. Mr. McGuire disagreed. Pat Morillo, Planning and Zoning, explained the code refers to the Secretary of Interior's standards which indicate that historic districts are defined by their area. Therefore, each building within it, it is contributing, is significant to the district. If the building is removed, the empty space would be reviewed by a historical board. In 1992, this was designated as an historic district overlay. In response to Mayor Seiler, Ms. Morillo indicated there are 54 individual landmark sites within the district. As to a house theoretically built in 1999, it would not be a landmark because it would be a non-contributing structure. A certificate of appropriateness would be required in order to demolish it. Mayor Seiler referred to

Criteria II and questioned how the City would be in a position to designate landmarks. Commissioner Rogers referred to the survey that was required in order to be designated. Mr. Jessup did think the code addresses whether a contributing structure is the same as a landmark. It is subject to interpretation. Mayor Seiler was concerned how anyone considering purchasing property would be informed. He believed that Ms. Rathbun considers a contributing structure to be a landmark, although her memorandum does not speak to Criteria II with respect to landmark designation.

Mayor Seiler was troubled that the property owner is not on notice.

There being no one else wishing to speak, a **motion** was made by Commissioner Rogers and seconded by Commissioner DuBose to close the public hearing. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

**Motion** made by Commissioner Rogers and seconded by Commissioner Rodstrom to introduce the following resolution and uphold the ruling of the Historic Preservation Board to deny the Certificate of Appropriateness based on Merrillyn Rathbun's memorandum of April 15, 2009. He believed both Criteria I and II apply to the degree that the Applicant has not proved that the property no longer contributes to the historic district and it no longer has significance as a historical architectural landmark.

#### RESOLUTION NO. 09-266

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DENYING A CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF A SINGLE-FAMILY HOME LOCATED AT 215 SW 7<sup>TH</sup> AVENUE (HPB CASE NO. 9-H-05).

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Rodstrom and Rogers, Vice Mayor Rogers, and Mayor Seiler. NAYS: Commissioner DuBose.

Vice Mayor Roberts requested the process be clarified and a determination made whether those properties in the survey have been designated.

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#### **Board and Committee Appointments**

**(R-04)**

#### **No budgetary impact.**

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Centennial Celebration  
Committee

Sandy Casteel

Complete Count Committee

Charles Fultz  
Elaine Fiore  
Vialene Monroe

Downtown Development  
Authority

William H. Bodenhamer, Jr.  
John Ropes  
Tim Petrillo

Parks, Beaches and Recreation  
Board

Cindy Bucher

Commissioner Rogers introduced a written resolution entitled:

RESOLUTION NO. 09-258

A RESOLUTION OF THE CITY COMMISSION OF THE CITY  
OF FORT LAUDERDALE, FLORIDA, APPOINTING BOARD  
MEMBERS AS SET FORTH IN THE EXHIBIT ATTACHED  
HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners  
Rodstrom, DuBose, and Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

There being no other matters to come before the Commission, the meeting was  
adjourned at 2:07 A. M.

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John P. "Jack" Seiler  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk