

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
DECEMBER 15, 2009**

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CITY COMMISSION CONFERENCE MEETING 1:34 P.M. December 15, 2009

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

Also Present: Assistant City Manager – David Hebert
City Auditor - John Herbst
City Clerk - Jonda K. Joseph
City Attorney - Harry A. Stewart
Sergeant At Arms – Sgt. Frank Sousa

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 1:34 P.M.

The City Commission shall meet privately pursuant to Florida Statutes 447.605 and 768.28 respectively regarding:

- 1) collective bargaining**
- 2) Jack Johnson (Vehicle Liability Case VA GL 08-542)**

MEETING RECONVENED AT 3:18 P.M.

IV – City Commission Reports

Sign Ordinance: Businesses

Commissioner Rogers was concerned about signage for small businesses and suggested asking the Economic Development Advisory Board to look at the sign ordinance as it relates to businesses. Commissioner Rodstrom agreed and commented about the need to make adjustments in view of the change in the economy. Vice Mayor Roberts agreed and commented there should also be a look at street crossing and pedestrian signage. Mayor Seiler asked the City Attorney to address with that board the idea of some flexibility in the sign ordinance for small businesses. A recommendation should come back to the Commission. Commissioner Rogers requested bus benches be considered. Greg Brewton, Director of Planning and Zoning, explained there is a distinction between public and private property. Commissioner Rogers did not find sandwich sign objectionable if it is brought in every night and in a place that is not obtrusive to public walking by. He wanted to look at both public and private property. Mayor Seiler agreed.

Fort Lauderdale Air Show

In response to Commissioner Rogers, Phil Thornburg, Director of Parks and Recreation, provided an update, indicating a preliminary traffic plan including the boundaries or zone is anticipated to come forward on January 6. It was presented to District II residents and there is some remaining concern about access; the promoter is working with them. In response to Commissioner Rodstrom, Mr. Thornburg provided more detail on the proposed zone and that of the original show. Stan Smith, representing Air Lauderdale, emphasized the need to complete discussions with the resorts. Knowing the boundaries will allow them to finalize vendor agreements. Mayor Seiler explained that with respect to boundaries, he simply wanted to make sure traffic flow is acceptable to area residents

and businesses. Commissioner Rodstrom noted the small business owners were concerned about the admission fee for those outside of the boundaries and that they have to be outside because of traffic flow. Mr. Thornburg thought the idea was for the promoter to work separately with the hoteliers west of the site plan. Commissioner Rogers wanted to move forward with finalizing the event.

Water Leak

Vice Mayor Roberts commended Public Works employees who did a great job with a water leak on his property.

Utility Pavement Markings - "Utility Graffiti"

Vice Mayor Roberts provided photographs from Galt Mile residents showing markings made by utility companies on the pavement that eventually look like criminal graffiti. Albert Carbon, Director of Public Works, elaborated upon the state statute governing this topic. A task force is looking at developing a paint product with a limited life span.

Baltimore Orioles; Fort Lauderdale Stadium

In response to Vice Mayor Roberts, Mayor Seiler provided an update, noting it appears the Orioles will be moving to Sarasota. Cate McCaffrey, Director of Business Enterprises, indicated items will be coming forward on use of the stadium.

Mayor Seiler indicated there is a professional soccer team that has expressed an interest that would result in the creation of soccer fields that could be used by the youth.

Surplus City Property

In response to Vice Mayor Roberts' question about the status of the City Auditor's report on surplus City property, the City Auditor advised the report will be posted on the website this week. Mayor Seiler supported the sale of surplus City property and gave assurance the subject will be on a future agenda.

Beach Renourishment

Vice Mayor Roberts requested an update on the subject of beach renourishment.

Employee Suggestion Program

Vice Mayor Roberts wanted to know if there has been action on any suggestion. He requested a report. Mayor Seiler suggested the January 20 meeting.

St. Patrick's Day Parade

Vice Mayor Roberts noted that volunteers are needed.

Employment Contracts

Vice Mayor Roberts raised the idea of there not being any automatic renewals of any employment contracts while the Manager's status is being finalized unless there is discussion at the Commission level. Mayor Seiler recalled the Commission put into effect a notice requirement on any new contract or renewal of a contract, as well as Commission approval for severance or notice period that exceeds three months. In response to Commissioner Rogers, the City Attorney advised this would not violate the charter. The contracts have to be in conformity with the governing ordinances. The charter provides authority for a two-year employment contract that has to be consistent with the terms that the Commission has authorized for the position, whether it be classified or non-classified. Mayor Seiler noted that he has requested the City Clerk survey Broward cities to determine how many go beyond charter positions in terms of contracts. In response to the City Attorney, Mayor Seiler clarified the understanding is three-months either notice or severance.

Commissioner Rogers asked if the pay ranges address severance. The City Attorney advised no. When he came onboard, there were six or seven contracts in place with severance. The code authorizes the City Manager to give severance for employees terminated for certain reasons up to two weeks severance for each year of service or not to exceed six months. None of the contracts exceeded six months, therefore his office has historically signed off on the six months. If the ordinance is changed, the contracts would have to comply with it.

Barrier Island District II Community Meeting and Community Meetings in General

Commissioner Rodstrom thanked everyone involved for attending. To avoid duplication of effort, she suggested in the future all district commissioners be included or the full Commission and the same be done for any meeting concerning the Community Redevelopment Agency, for example.

Riviera Isles Drainage Improvements

Commissioner Rodstrom indicated that Riviera Isles residents are disappointed with this task order. If it will not address flooding in their neighborhood, they want to defer it until additional discussion can take place. Albert Carbon, Director of Public Works, provided a copy of the task order to the Commission. NOTE: See regular meeting.

St. Anthony Catholic School; 4-Way Stop Signs

Commissioner Rodstrom believed the only outstanding issue has to do with the City assuming the liability. She asked it be placed on the agenda as soon as possible. Peter Partington, City Engineer, noted that the prevailing situation has been that Broward County will not agree to multi-way stops that do not meet national warrants. Commissioner Rodstrom advised that the County would like a resolution from the City. The City Attorney advised it would be assuming liability for anything that occurs there. The City contracted with the County to avoid having that liability and for maintenance of the signage. If the policy is changed at this location, the Commission should be ready to change the policy in other places. At Commissioner Rodstrom's request, Mayor Seiler asked the item be placed on the agenda.

Middle River Terrace; Dixie Highway; Potential Grants

Commissioner Rodstrom noted her work with staff concerning potential grants for Dixie Highway and neighborhood improvements.

Social Services Residential Facilities

In response to Commissioner Rodstrom, Greg Brewton, Director of Planning and Zoning, indicated those properties that may be in violation of the code need to be identified. Mike Maloney, Code Enforcement Manager, advised an inventory of licensed facilities has been completed as well as a cleanup of how the City addresses new applications. Mayor Seiler noted the property in Middle River Terrace has confirmed that they are not providing any social services. He believed it is being monitored.

Resignation of Finance Director

Commissioner Rodstrom noted the recent resignation of the finance director and that there have been five or six resigned in the last six years. She believed it is a red flag. In speaking with people in the financial field, they believed it is putting the City on notice. She felt it is the Commission's responsibility to investigate it and to develop a plan. She noted in the past the City Manager has brought in an individual from White Plains. She indicated she would be very disappointed if that occurs again. She felt there needs to be a strong financial presence and transparency, however, she did not believe the City has that today. Also, the comptroller position is vacant. The treasurer is to be stepping in, but she is not the comptroller or the finance director. She wanted a thorough audit, perhaps forensic, performed. Mayor Seiler asked that staff prepare a summary so that it could be discussed when the City Manager is present. Averill Dorsett, Director of Human Resources, indicated she came onboard in 2004. She recapped the finance directors from that point forward.

Commissioner Rodstrom was concerned about the City's bonding capabilities. Mayor Seiler relayed his conversation with former finance director, Michael Kinneer, as to why he resigned and took a position in the Keys. Allyson Love, Assistant City Manager, advised there is an interim finance director, Lynda Flynn, who is also the treasurer. Ms. Flynn noted that just before Thanksgiving Fitch, Inc. reviewed the City for its sanitation bonds and affirmed the City's rating; last week Moody, Inc. reaffirmed the City's rating for general obligation bonds at Aa2. Commissioner Rodstrom questioned if the number of financial directors was disclosed. She suggested the Commission speak with the former financial advisor of twenty years, Greg Dunlap. Commissioner Rogers thought that questioning the bond rating is on the edge of stepping over personal concern versus something that can be verified. The facts are clear. Mayor Seiler noted there are outside entities that rate the City and there should be care about not jeopardizing that.

Requests for Proposals

Commissioner Rodstrom thought there was consensus that the Commission could review RFP's over \$100,000 before their release. Kirk Buffington, Director of Procurement Services, noted the discussion was to provide the RFP to the Commission on the day they are released. He confirmed for Commissioner Rodstrom that the selection committee meetings are open to the public. Vice Mayor Roberts thought the Commission had requested they be provided in advance of their release. He asked that

this be verified. Commissioner Rogers wanted to take care not to micromanage or impede business of the City. Mayor Seiler felt that the Commission needs to more clearly lay out their intentions concerning RFPs.

Organizational Chart; Budget Process

Commissioner Rodstrom referred to her email of forms and information that might be helpful in the budgeting process.

Event Agreements

Commissioner Rodstrom believed the Commission will be addressing the idea of a one-time agreement and motion with a spread sheet of events.

Bonnet House

Commissioner Rodstrom had received information from Bonnet House concerning the beach in front of their entranceway and desire for scheduling on the agenda. She elaborated upon their concern about getting more exposure and the City Attorney articulated their request. Mayor Seiler asked it be scheduled for discussion. The information was furnished to Assistant City Manager Hebert.

Police Athletic League

Commissioner Rodstrom wanted to look into the possibility of establishing a police athletic league (PAL), Steve Kinsey, Assistant Police Chief, advised that the department is working on this, but the funding source has not yet been identified.

Scheduling Agenda Items

In response to Commissioner Rodstrom, Mayor Seiler felt the process used today (Commission Reports) works well in commissioners being able to get items scheduled on the agenda.

School Boundaries, Interlocal Agreement

Commissioner DuBose noted this has been a heated discussion at the Broward League of Cities. He wanted the topic to be scheduled on the agenda at some point. Mayor Seiler indicated he did not request it be placed on the agenda because it appears the School Board has deferred it. Commissioner DuBose did not want to wait. There was consensus approval to send this matter to the Education Advisory Board.

Light Up Sistrunk

Commissioner DuBose thanked everyone involved in the success of the recent Light Up Sistrunk event.

Zero-Based Budgeting

Mayor Seiler noted the budget review meeting was postponed because he was not able to contact the individual in Tallahassee he wished to invite. He is working on finding a representative for a zero-based budgeting presentation.

Police Details

Mayor Seiler noted he has asked that this be reevaluated. As it is a matter of collective bargaining, he could not go into detail. He expressed his full confidence in the Police Chief and Police Department.

City Commission Reports are continued on page 17.

With respect to zero-based budgeting, the City Auditor advised that his research reflects there is no city or county, with the exception of one county, using this approach. There are a number doing program based budgeting which appears to be similar without effort to justify the existence of a program in the first place. Mayor Seiler noted his conversations with individuals knowledgeable in the field and the potential for the City to be first. In response to the City Clerk, Mayor Seiler clarified that any such presentation should be made to the Budget Advisory Board and be televised.

I-A – Draft Central Beach Master Plan

Alan Ward of Sasaki Associates, Inc., City Consultant, reviewed slides concerning this item. A copy of the slides is attached to these minutes. There was general public support for improving the public realm. There was a wide range of views on the future of private development parcels that Sasaki has tried to balance in this plan. Concerning implementation, he noted there is a Broward County Comprehensive Plan cap on the number of trips in this regional activity center of 3,200. Adding the existing trips and those programmed for Bahia Mar, there are only some 400-600 remaining. Therefore some adjustment is needed.

Wayne Jessup, Deputy Director of Planning and Zoning, reviewed those slides addressing changes to the plan. Concerning minimizing floor plate size, it was pointed out that some 75% of the properties in the ABA (A-1-A Beachfront Area) and PRD (Planned Resort Development) districts have been built out to 16,000 square feet and more, therefore it seems unfair to limit the remaining 25%. The plan was consequently changed as the slide shows. As to the issue of trips, the numbers used were based on older assessment formulas and as such it may be wise to perform a new analysis.

Mayor Seiler opened the floor for public comment.

Fred Carlson, 625 Orton Avenue, was concerned about provision for service vehicles, traffic flow and congestion with any lane reduction. He was also concerned about the lack of provision for parking. Mr. Ward responded as to service vehicles and agreed that the traffic flow aspect must be studied.

Albert Miniaci, 1411 SW 31 Avenue, Pompano Beach, indicated he is a Fort Lauderdale beach property owner and noted his previous involvement concerning the beach. He

questioned why he was not invited into any of the meetings with Sasaki as a stakeholder. Mr. Jessup did not recall how the original invitation roster was developed, but elaborated upon the outreach that took place. For those cases where someone was missed, staff made every effort to get in touch with those individuals and invite them both to public meetings and individual meetings. Ella Parker, Planning and Zoning, advised that there were significant mailing lists to property owners on the beach for all of the public meetings. She offered to check into whether Mr. Miniaci was on the list.

A. J. Yaari, 229 South Fort Lauderdale Beach Boulevard, indicated he is property owner in the Community Redevelopment Agency area. He questioned the plan being premature when the parking and trips is outstanding as well as the Swimming Hall of Fame RFP is still out. Mr. Jessup explained there are so many pieces that something has to be put on the table in order to start discussion. A decision will have to be made on what parts can go forward and what should be held back.

Art Seitz, member of the Beach Redevelopment Advisory Board, indicated the board asked for Sasaki to come back before the board which did not occur. He complimented the ideas brought forward by the Swimming Hall of Fame consultant (LARC). He asked what happened with that proposal. Mr. Ward felt the proposal itself seemed like a lot to fit onto the site and still maintain good public access, however, the spirit of it was good. In response to Mayor Seiler's question about Bahia Mar, Mr. Ward indicated Sasaki's planning concept would include an Intracoastal promenade around the perimeter and is comfortable with encouraging active uses all around the edge. He was not prepared to comment concerning height.

Dev Motwani, 2600 Castilla Isle, indicated he is a Fort Lauderdale beach property owner. He felt there is good in the plan but some divergent views that he questioned whether something in the middle could be reached. He felt a parking study needs to be incorporated in the plan in the interest of enforcement. As to how the plan will be implemented, he suggested expanding the incentive approach as opposed to mandate. He advocated and suggested there should be opportunity for mixed use throughout the beach. Mayor Seiler referred to Mr. Motwani's August 25, 2010 letter that set forth concerns. In response to Mayor Seiler's request, Mr. Motwani agreed to update his letter based on the plan as presented today and any remaining concerns. Mayor Seiler was also concerned about multiple uses.

Mr. Miniaci urged the City to accomplish the public area property of the plan and that staff continue to work with property owners so that something could be accomplished.

Mr. Yaari discussed the purchase price of property he recently bought. He was concerned about shrinking the floor plates. The limitations for hotel and residential uses would cause the structure to look like a mushroom. He did not think cities like Vancouver are an appropriate comparison. Density, floor plates and mixed use for the PRD district should stay the same.

Bradley Deckelbaum, chair of the Beach Redevelopment Advisory Board, referred to the board's comments from their August 17, 2009 meeting. Mayor Seiler asked that the Commission be provided with a copy of those comments. Mr. Deckelbaum indicated the board's biggest concern was parking, but the Commission has already addressed this issue with a parking study. He urged the Commission to work toward providing large stretches for continuous bikepaths and walkways where possible instead of just in front

of new developments. There is concern over the building reduction with proposed changes to floor plates. He was interested in knowing more about the incentives.

Courtney Crush, 333 North New River, did not think the design guidelines as written in the plan are ready to be moved forward and specifically mentioned the floor plate. She did not think it goes to compatibility for all cases. There should be opportunities for alternate designs, but the plan does not provide for that. She felt there should be more work on the incentives.

Ina Lee, 2200 South Ocean Lane, was inspired by the vision in the public space portion of the plan. She indicated of the original stakeholders there was only one hotelier or one business owner. This was not changed until much later in the process. The hoteliers were not brought into the process in terms of what do the guests want. There needs to be unique shopping. The developers need to be allowed to be creative. She advocated getting the public areas done now and the City work with those individuals who have a financial stake to reach something workable. Overall she felt this is a move in the right direction.

Robert Lochrie, 1401 East Broward Boulevard, indicated he represents several property owners on the beach including Elad. He asked that the results of the parking study be incorporated into the plan before it goes forward. Provisions in the plan call for retail uses on the ground floor of buildings, but the plan also notes there is a disconnect between those uses and the potential demand for parking. The impact needs to be understood. The City should not be able to hold the remaining trips for itself. He advocated a traffic study also for inclusion.

Peter Henn, LXR Luxury Resorts & Hotel, indicated that their redevelopment plan for Bahia Mar will produce hundreds of millions of dollars in additional revenue to the City if it goes forward. It is consistent with the Sasaki plan. As to floor plates, the plan indicates that future development could accommodate buildings with larger floor plates without compromising the character as long as they main public visual physical access to the water's edge, which Bahia Mar does. With this plan, Bahia Mar and the City could go forward together and deliver the promises he has previously presented to the City.

Mr. Seitz spoke in opposition to the proposed Bahia Mar park redevelopment. He felt the architecture is lacking where it should be iconic. He was concerned about the lack of parking provided. He felt something should be done with the west end of the Swimming Hall of Fame property, such as multi-purpose. There needs to be visioning processes in order to develop alternatives. With planned unit development, the green space will be 25% instead of 36%. He advocated bikepaths versus bike lanes as they are more safe. If the City is going to be in a position to secure Obama administration funding, there needs to be something that is shovel ready. He urged that engineering studies for the A-1-A greenway be completed so that an application may be submitted. There was no one else wishing to speak.

Note: The City Commission recessed at 5:42 P.M. and returned to continuation of Conference Item I-A at 7:47 P.M. in the City Commission meeting room on the first floor of City Hall.

Commissioner Rodstrom indicated that she hosted three separate meetings on this topic, one each for the developers, small hoteliers and businesses and residents. She

elaborated upon what followed during the last three years. The original Sasaki plan had a lot of public realm. The development community did not like the possibility of restrictions and the residents did not like the lack of such restrictions. The plan is a guide but should not end at the boundaries of the regional activity center. Her major concern is that there are regulatory issues associated with the regional activity center. The largest regulatory issue with which she has issues is the trips. She provided the October 8, 2008 7th Edition to the Updated ITE Trip Generation chart and noted the remaining trips on the barrier island, including the four buildings of Bahia Mar and all development up to that point, is 642 trips. A copy of the chart is attached to these minutes. She had a problem with Robert Lochrie's comment earlier that trips should not be reserved for City property. The City should be able to maintain the value of its property and have flexibility to do what it wants as a governmental entity that represents the public. The trips are governed by evacuation and health, safety and welfare. Once Bahia Mar builds their four buildings, there will only be 20% of the capacity of remaining trips to redevelop the entire regional activity center. It leaves 30% without trips and not able to redevelop. She felt the property rights of those developers that may not be able to develop because there are no more trips need to be protected. She felt a better job needs to be done with disbursing the trips from this point. She provided an email from Henry Sniezek of Broward County, indicating nothing new should be approved by the City within the regional activity center until staff knows the number. She wished the Sasaki plan would have gone into more detail concerning this. A larger regulatory agency is really controlling development on the beach.

In response to Mayor Seiler, Commissioner Rodstrom clarified that this chart was just recently sent to Mr. Sniezek but he has not responded.

Commissioner Rodstrom was concerned that portions of the regional activity center will be in disrepair while the rest will be world class.

Mayor Seiler thought that the trips become less significant as mass transit is added. Wayne Jessup, Deputy Director of Planning and Zoning, advised that staff is not convinced that this is an accurate number. The criteria for analyzing trips changes over time. Broward County moved to a transit paradigm for determining transportation needs, but as concerns the beach it has not yet been established. The outcome is unknown. Staff recommends further analysis with respect to trips. One idea is an empirical analysis. Commissioner Rodstrom noted the State involvement. Mayor Seiler and Mr. Jessup indicated that there is a different standard for evacuation addressed by the State. In response to Vice Mayor Roberts' desire to get more trips, Mr. Jessup indicated that an analysis would have to be done and the County would have to buy into the results because it would be an amendment to the land use plan. Commissioner Rodstrom wanted to study the trips. The plan does not provide the facts in order to know what can be done.

Commissioner Rogers agreed with respect to the trips as well as parking. He raised the question of where to place the parking and the cost. The Commission needs to agree that the beach should be a destination. If so, it is not a thoroughfare and the goal would be to get people out of their cars and onto bicycles, etc., which should be the concentration. Transit then comes into play. He agreed the open public spaces are necessary. He felt there should be more incentive to redevelop. He believed this beach has survived because of its diversity. Flexibility such as found in the downtown master plan should be considered. One incentive would be for a developer to be able to go

directly to the Development Review Committee review if the proposal conformed to the master plan. He emphasized looking at incentives. He wanted to take advantage of the positive parts of the plan and move forward.

Commissioner DuBose felt it is a good document and a work in progress. There needs to be flexibility. Thought needs to be given to how the beach is branded because that is what drives people to come to a location. He noted the positive impact of mass transit if an individual can be transported direct from the airport. The key points are transportation, flexibility and branding the destination.

Vice Mayor Roberts agreed with respect to an analysis on the trips. In addition to a parking study, a traffic study may be needed. Both public and private parking needs to be addressed. If an individual is parking in a private resort, for example, he questioned the need to provide for public parking for that same individual. He liked the idea of giving flexibility with certain controls to the private sector to develop what will sell. He would like to see broadened vistas for sidewalks and bikepaths. Traffic to a certain extent is a good; it means vitality and a dynamic community in many ways. He wanted a cooperative effort for more pedestrian friendly areas. There needs to be flexibility and the concept of incentives be developed. The public realm infrastructure will lead the way for future development.

Mayor Seiler agreed with Art Seitz with respect to bikepaths as to separating them from vehicular traffic. The City should focus on bicycle and pedestrian paths on the beach. He liked the idea of moving the path over to the water side. He talked about Lakeshore Drive in Chicago, the beauty and public access. He pointed to the unanimous agreement about doing a parking study. He wanted the City to take a leadership role in building a parking garage on the property next to the Bonnet House, and went on to elaborate upon the advantages. He suggested a land swap with Alhambra and Natchez. There should also be more parking added by the Las Olas Boulevard bridge as well as Las Olas Boulevard and A-1-A. There could be decorative fountains. The deck could be used for events. Commissioner Rodstrom cautioned against a parking facility directly on A-1-A. Mayor Seiler felt state of the art design would be workable. These garages would take traffic off the road and make space for bikes and pedestrians. Commissioner Rodstrom asked about a public – private partnership for the parking garage in Sunrise Lane.

Mayor Seiler emphasized the need for flexibility with respect to uses. He wanted to continue to investigate the issue of floor plate. He favored larger side-yard setbacks, step-back, terraces and so forth, but understood it forces the assembling of large parcels and the opposite effect.

Commissioner Rodstrom indicated the trips analysis will reveal what development opportunities can be offered in the future. Commissioner Rogers felt the City should move forward with a traffic study quickly as the last one was done in 1998. Vice Mayor Roberts concurred. Peter Partington, City Engineer, believed that was the last comprehensive study. Commissioner Rogers noted that if people park their vehicles, there needs to be sidewalks and the question arises of how many traffic lanes are then needed.

In response to Mayor Seiler's question about how to move forward, Greg Brewton, Director of Planning and Zoning, indicated many of the items need to be further

assessed. Perhaps the City looks at the public side; funding will be an issue. Mayor Seiler did not want to over-study. Commissioner Rodstrom wanted to start working on the public realm amenities. She suggested considering a revenue bond issue for the parking which will stimulate the economy. Mr. Brewton indicated the parking study is underway. Mr. Jessup suggested the design guidelines be removed from the plan and there be more time for review of it, and the Commission give direction that the plan is their intent. Staff would then return with items, such as cost for the traffic study, trips analysis, and those pieces where more information is needed in order to make a judgment. With direction, staff could also devote more time to the design guidelines. Mayor Seiler thought the vision has essentially been blessed by the Commission. There are design and use issues that need to be addressed. More information is needed as it relates to parking and traffic. Specific parking locations need to be identified.

I-B – Riverwalk Trust 2010 Special Event Plan – Permitting

Phil Thornburg, Director of Parks and Recreation, highlighted points in Commission Agenda Report 09-1755.

Commissioner DuBose asked what would happen procedurally if the Commission had a concern about a particular event. Mr. Thornburg did not think the Commission would have any knowledge of a concern unless it was brought to their attention. He would approve events on an event by event basis. Events outside of the Riverwalk Trust would continue to be presented to the Commission. Commissioner DuBose did not see any way for the Commission to monitor. Mayor Seiler suggested the Commission be informed of upcoming events by a list as a part of the conference agenda. If anyone wishes to discuss one, he or she could bring it up. Mr. Thornburg indicated there could be times when an event takes place before there is an available Commission meeting. The City Attorney advised that an omnibus agreement will be used. Applications for sub-events will be required which the Parks and Recreation Director could furnish to the Commission. There may be need for an amendment to the signage ordinance. In further response to Commissioner DuBose, it was clarified that the \$100 application fee would be paid for each event. There was consensus approval as clarified.

I-C – Potential Areas for Annexation – Financial Analysis and Clarification of Information for the Broward Legislative Delegation Bill

Kathleen Gunn, Assistant To The City Manager, provided a brief history as detailed in the Commission Agenda Report 09-1780. An economic impact analysis was conducted.

Commissioner DuBose requested the backup that explains the numbers (in the economic impact analysis). Ms. Gunn indicated that the backup could be provided or staff could elaborate on the methodology, but the general philosophy was to keep services the same as the City provides in other areas. Commissioner DuBose used the example of Boulevard Gardens and the parks and recreation expense; there is no park in that area. Another example is Prospect Field. Mayor Seiler explained the reason for there being no expenditures for Prospect Field is that there are no families. Commissioner DuBose pointed out if a fire was started, it would have to be put out. Mayor Seiler indicated there is already a fire station for the area. Commissioner DuBose explained the backup does not reflect that information and in some cases fire rescue is reflected twice for an area. Ms. Gunn clarified one is for revenues and one is for expenditures.

In response to Commissioner Rodstrom, Ms. Gunn advised that revenue is subtracted from the expenditure to arrive at what the City would have to pay.

In response to Mayor Seiler, Jeff Justinak, Acting Fire Rescue Chief, and Police Captain Michael Gregory outlined items included under revenue and expenditures for Franklin Park.

Mayor Seiler indicated there is a public hearing on December 21 where a response from the City is expected. Ms. Gunn confirmed the annual losses if each of these areas were annexed according to the report. With Andrews, Cypress Creek, Prospect Field, the annual gain was noted. Mayor Seiler concluded considering all of the areas, there would be a \$4 million annual loss. The City Auditor drew attention to the projected startup costs.

In response to Commissioner DuBose, Ms. Gunn noted that Tamarac has regularly tried to annex Prospect Field to no avail. She did not know if Tamarac has filed a bill this year. There was a brief noting of the history on this topic. In further response, Ms. Gunn explained the City has made provision to respond to the Delegation at their next meeting.

Mayor Seiler felt each of the areas deserve to be part of a city. Commissioner DuBose pointed out that neighborhoods were split when previous annexations occurred. In response to Commissioner Rogers, Commissioner DuBose noted that the commercial has already been annexed; the analysis would be different if that was not the case.

Ms. Gunn drew attention to information in the backup from the Broward Legislative Delegation (December 7, 2009), suggesting that Washington Park, Franklin Park, Boulevard Gardens and Roosevelt Gardens be considered together.

Mayor Seiler felt in the long run Broadview Park has redevelopment potential and could be positive. In response to Mayor Seiler, Jeff Justinak, Acting Fire Rescue Chief, Police Captain Michael Gregory, Albert Carbon, Public Works Director, and Phil Thornburg, Parks and Recreation Director provided more detail on expenditures for this area. In response to Commissioner DuBose, Ms. Gunn indicated that generally startup costs represent most of the expenditures shown in the report. Some discussion continued about features of Broadview Park, including the park and two schools.

Mayor Seiler offered some procedural insight with the annexation bill and hearings by the Delegation. He would not object to taking areas to offset Andrews and Cypress Creek to make it revenue neutral. Commissioner Rodstrom pointed out consideration should be given to those with startup costs.

Broward County Commissioner John Rodstrom indicated that he represents all of these areas with the exception of Franklin Park. He advised that the County Attorney has opined that the County cannot use general fund revenue to supplement unincorporated areas. It has been in effect three or four years. The only other solution would be to de-annex areas that were cherry-picked to make everyone share the burden. He elaborated upon the history of some of the areas with Plantation and Davie, as well as blending into municipal zoning regulations.

Mayor Seiler concluded that the Delegation be informed that the City is interested in annexing the Andrews and Cypress Creek areas, as well as Prospect Field but do not wish to infringe upon Tamarac if they are still interested. Further, the City would be interested in the other areas, if the County Attorney was to change their position. Ms. Gunn indicated a referendum does not appear to be necessary. She outlined the process. Mayor Seiler indicated the City would be looking for the annexation to be effective in 2010.

I-D – River House Restaurant Lease – Bryan Homes

Vice Mayor Roberts brought forward the idea of using the building for a police substation and, or a park office. Commissioner Rogers wanted to ask the Economic Development Advisory Board to work on securing a tenant. He understood there are challenges to operating a restaurant in the building's configuration, but perhaps a Houstons, for example, might be interested if concessions are granted. He could not see anything but a restaurant at this location. During the interim, Vice Mayor Roberts felt a City presence would be helpful. Perhaps staff could look at both avenues. Mayor Seiler concurred and indicated any entity locating offices in the building would be beneficial.

The City Attorney advised that his office would bring a release back to the Commission. The City would take over all tenant improvements and those left behind.

In response to Commissioner DuBose, the City Attorney advised that the request is to allow Bryan Homes to walk away. Commissioner Rogers explained no personal guarantees were required. He understood they have put more than \$1 million into the property and lost more than that consequently the corporation has no cash. Unless the principals did something illegal, there is no personal liability. It is a situation of chasing an empty shell. The City gets the property and improvements without any litigation. It is an historic structure. Parking is an issue. The City Attorney explained it is a limited liability corporation; there are basically no assets. There are no personal guarantees from the officers of the corporation. There is nothing to get. Mayor Seiler believed that litigation would not result in anything more that is being offered. The City Attorney agreed. In further response to Commissioner DuBose, the City Attorney did not think this lease occurred during his tenure. Commissioner Rogers reiterated his understanding that there are many impediments to making a business work on this site, therefore he felt the City has to offer incentives. If this is the case, he felt the sooner the better. It is an important anchor for the Riverwalk.

The City Attorney indicated that until a use is put in place, Parking and Fleet Services would like to install parking meters. Mayor Seiler consented to that action. Commissioner Rogers wanted to make sure the parking meters are not an accidental impediment to any future possibility.

Stephen Scott, Director of Economic Development, indicated staff will do everything possible to activate the space as soon as possible. Mayor Seiler noted that the Chamber of Commerce has tight accommodations and may be interested.

If any lease properties are falling behind on the rent, the City Auditor recommended obtaining personal guarantees. Also, there is budgetary action required for this matter.

Mayor Seiler indicated that staff do everything possible to activate the site; the public realm project may be a possibility.

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

There was no objection.

II-A – Status of Bridges and Proposed Repair Contract

In response to Commissioner Rodstrom, Peter Partington, City Engineer, advised that all of the bridges are inspected by the (Florida) Department of Transportation (FDOT) and those that to be repaired first as listed on the spreadsheet provided are all in the category of structurally deficient in order of worst sufficiency rating. The worst would be started on first. There are eleven structurally deficient bridges in the City. One is the swing bridge which is not on this list because it is currently being rehabilitated. The City has FDOT funding to replace three bridges; the remaining eight are on this list. Staff hopes to get close to repairing all of those with a contract to be shortly awarded. The bridges to be replaced are on SE 15 Avenue and Harborage Island. The Coconut Isle is then the second worst scoring bridge and would be repaired after Fiesta Way.

In response to Mayor Seiler, Mr. Partington corrected the backup information; the Harborage Island bridge is not private.

In response to Commissioner Rogers, Mr. Partington advised that FDOT has no replacement plans in the next five years for all of the listed bridges with the exception of the noted three. He did not know why the three are slated for replacement. There is funding for one to start in 2010-2011 and the other two in 2011-2012.

Vice Mayor Roberts asked staff to look into the condition of the Fort Royal Isle bridge.

In response to Commissioner Rogers' question about notification to residents, Mr. Partington advised that the City will be bidding this work and will consequently have control over that process.

III-A – Communications to City Commission and Minutes Circulated for Period ending December 10, 2009

Beach Redevelopment Board

Motion made by Mr. Yaari, seconded by Mr. Seitz, to ask the City Commission to instruct staff to look into including off-premise advertising specifically for City events on the beach as part of the Master Plan signage. In a voice vote, the motion passed 6-1 (with Ms. Lopez opposed and Mr. Malkus abstaining).

Don Morris, Beach Community Redevelopment Agency Director, indicated that staff pursued this with the zoning administrator and City Attorney's office, but there were issues with it. The board still would like to pursue it. There was consensus approval for the matter to be looked into.

Code Enforcement Board

- 1) **By consensus, the Board requested that the City Commission complete appointments for the Board.**
- 2) **By consensus, the Board requested that Mr. Thilborger replace Mr. Perkins as a full member of the Board.**

In response to Mayor Seiler, the City Clerk advised that there is one alternate and one full member vacancy at this time. Mayor Seiler suggested on January 6, Chad Thilborger be slated for appointment as a full member, leaving two alternate positions.

Complete Count Committee

There was unanimous consensus to recommend that each district pre-agenda meeting have a display table promoting the census.

There was consensus approval. Chaz Adams, Public Information Office, agreed staff will handle the set-up. Commissioner Rogers indicated a presentation could be made at his district meeting also.

Community Services Board

Motion made by Mr. Priester and seconded by Mr. Kater recommending that the City make a contribution to the Las Olas Holiday Lighting event. Board approved by a vote of 7-4, Mr. Goetz, Mr. Kimmey, Ms. Birch and Ms. Locke opposed. Ms. Baer abstained.

Greg Brewton, Director of Planning and Zoning, indicated an amount was not noted by the board. As it would not be possible to address before the holiday, Mayor Seiler asked this be brought up for discussion next year.

Citizens Sustainability Green Committee

By consensus, the Committee wished to report that they had defined 12 focus areas, and that they would communicate the status of and possible, feasible directions the City might wish to pursue regarding these areas.

Albert Carbon, Director of Public Works, corrected the communication should indicate eleven. The purpose of this communication was to notify the Commission. The draft sustainability action plan by Carbon Solutions will be presented to the Committee this month. He felt it will result in a change of these items. Vice Mayor Roberts urged that the Committee stay in concert with that action plan.

Police and Firefighters Pension Board – August 12, 2009

Chairman Dew has addressed Commission/Mayor on Pension Ordinance amendments including: reinstatement of COLA clause, removing remarriage penalty for widows, refining language for Police O/T, extending trustee term to 4 years.

Quarterly Performance Review: Overall Fund performance gained 8.7% for the last quarter or \$16 million since March 31.

IRS application for qualification of public funds boards is in progress. Special Tax Counsel will address at the September meeting.

Police and Firefighters Pension Board – October 14, 2009

- 1) **As of 9/30/09, the year-to-date rate of return for the Plan** has increased by 13%.
- 2) **Chairman Dew has addressed the Commission/Mayor on Pension Ordinance amendments** including reinstatement of COLA clause, removing remarriage penalty for widows, refining language for Police O/T, extending trustee term to 4 years.
- 3) **The Board would like the Commission to review the Pension Protection Act of 2006 (PPA) and the Heroes Earning Assistance & Relief Act of 2008 (HEART)** to ensure that the City is in compliance with its provisions.
- 4) **The Board would like the Commission to review Senate Bill 538** to ensure that the City is in compliance with its provisions.

Once a new finance director is onboard, Mayor Seiler asked that the cost of these items be calculated. Commissioner Rogers suggested Chairman Dew be invited to address the Commission. Mayor Seiler asked the City Clerk to invite Chairman Dew along with the liaison for the January 20 meeting.

Downtown Development Authority

In regards to the homeless feeding center initiative, the DDA passed a resolution requesting the City Commission not make the One Stop Shop a temporary location and to look at locations closer to the existing Homeless Assistance Center, for both temporary and permanent uses.

Commissioner Rogers advised that the task force will be providing a report in January.

III-B Board and Committee Vacancies

See Regular Meeting Agenda Item R-03 for detail.

IV – City Commission Reports

Commissioner Rogers indicated that the Community Appearance Board feel somewhat limited and would like to do more. There was thought of addressing the commercial sector. He wanted to give direction for the board to develop a recommendation provided it is not an overburden to staff. Commissioner DuBose indicated he has heard the same concern. There was consensus approval to request the board consider an award program for businesses and neighborhood improvement projects and anything else they would like to consider.

Downtown Development Authority

In regards to the homeless feeding center initiative, the DDA passed a resolution requesting the City Commission not make the One Stop Shop a temporary location and to look at locations closer to the existing Homeless Assistance Center, for both temporary and permanent uses.

Commissioner Rodstrom believed the Homeless Assistance Center is trying to purchase adjacent property and expand. The neighborhood is very supportive.

IV – City Commission Reports

Continued from page 1.

Where the Boys Are Event

Mayor Seiler noted all of the interest in this event. He wanted to organize in the same fashion as the St. Patrick's Day parade. He outlined some initial thoughts. Commissioner Rodstrom thought there may be some funding available from the Beach Business Improvement District. In response to Mayor Seiler, the City Attorney indicated his office would look at the Community Redevelopment Agency (CRA) with respect to use of funding for such an event. A specific public purpose and furtherance of the CRA will need to be determined. A 501C3 was formed for the St. Patrick's Day parade; the City donated money to it and made it a City event. There was no objection to Mayor Seiler's suggestion of Jack Drury to serve as an informal chair. Mayor Seiler felt that Phil Thornburg, Parks and Recreation Director, would need to serve as well.

V – City Manager Reports – None

There being no further business to come before the Commission, the meeting was adjourned at approximately 9:50 P.M.