

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
APRIL 20, 2010

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CITY COMMISSION CONFERENCE MEETING 1:33 P.M. April 20, 2010

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

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

IV - City Commission Reports

Homeowner Association meetings, District I

Commissioner Roberts reported on topics at recent District I homeowner association meetings.

Swimming Hall of Fame designation

Commissioner Roberts indicated that the agreement for this facility refers to it as the International Swimming Hall of Fame and it is recognized world-wide as the International Swimming Hall of Fame. He wanted to return to that designation. Mayor Seiler wanted Fort Lauderdale to be in that name for marketing purposes. Commissioner Rodstrom agreed and added when the entire site is redeveloped, both International Swimming Hall of Fame and Fort Lauderdale should be incorporated. In response to Mayor Seiler, Cate McCaffrey, Director of Business Enterprises, indicated the facility has had many names, but she was not sure as to whether they were official. Mayor Seiler requested this be brought back to the Commission with information on the names.

Neighborhood Development Criteria Revisions Initiative

Commissioner Roberts emphasized the importance of this work, pointed out that it seems behind schedule and asked that it be rejuvenated. Wayne Jessup, Deputy Planning and Zoning Director, advised it is on schedule. The draft plan should be coming forward to the Commission shortly.

Citizen Volunteer Corps

Commissioner DuBose noted a successful CVC cleanup in the Durrs area.

Census

Commissioner DuBose announced an upcoming event relating to the census. He requested clarification on data provided by staff. It appears the hard to innumerate areas are doing substantially better where as areas that traditionally do well have dropped tremendously. He emphasized the importance of this effort. Chaz Adams, Public Information Office, noted the updates the City receives are done by census tract. He offered to follow-up on the data question as to whether it is based on the number of people counted or the number of applications returned. He provided more specifics on the hard to innumerate areas and what Public Information is doing to raise awareness.

Commissioner DuBose wanted emphasis placed on those areas that fell dramatically. Commissioner Roberts asked information on areas lacking (in District I) be provided to his office. Mayor Seiler asked a blanket email reminder be sent out including notice to the Fort Lauderdale Council of Civic Associations.

International Swimming Hall of Fame; audit review

In response to Commissioner Rodstrom, the City Manager advised this item will be scheduled for May 4 due to staff being away.

South Middle River; park opening; sidewalks

Commissioner Rodstrom noted the recent South Middle River park opening celebration. She referred to a previous request of Vivian Dempsey of South Middle River with respect to sidewalks. South Middle River would like to volunteer and help with a sidewalk project in their neighborhood. She asked if there is any process in place that would allow for people to offset tax dollars by a community work effort. Albert Carbon, Director of Public Works, referred to the neighborhood capital improvement program, but indicated there is nothing for sidewalks specifically. Community Development Block Grant funding can be used to match City neighborhood capital improvement program monies. Sidewalk improvements could be submitted as a neighborhood capital improvement program project. Commissioner Rodstrom wanted to facilitate residents who want to make improvements to their neighborhood by donating the sweat equity other than the neighborhood capital improvement program. Discussion ensued as to Ms. Dempsey's request with respect to sidewalks in South Middle River.

Commissioner DuBose liked the concept and suggested staff look into the feasibility citywide, checking with other cities and bringing it back at a future conference meeting. Commissioner Rodstrom noted such projects would contribute to the Mayor's Volunteer Challenge Year - 100,000 hours of giving back.

Riverwalk

Vice Mayor Rogers remarked about progress and synergy being made with respect to Riverwalk. He wanted to begin focusing on the connectivity aspect. He mentioned the idea of a barge to move people from one side of the river to the other contained in the report (Arts and Entertainment in the Riverwalk District) and asked that this be included in the Capital Improvement Program at some point in the future. He noted the goal is to make the river the center of the city and not the divider.

Law Enforcement Appreciation Sunday

Vice Mayor Rogers announced law enforcement appreciation Sunday upcoming event at First Baptist Church.

South Andrews Avenue Master Plan and Development Guide

In response to Vice Mayor Rogers, Greg Brewton, Director of Planning and Zoning, provided a verbal status report and noted it is anticipated to be presented to the Commission in four to six weeks.

Fleet Week

Mayor Seiler noted a proclamation that will be issued for Fleet Week and asked the community make the armed services visitors feel welcome. He noted there will also be vessels from Canada and Germany.

Continued on Page 7.

I-A – Fiscal Year 2010-2011 Budget

Shonda Singleton-Taylor, Acting Director of Management and Budget, reviewed slides on the budget calendar, General Fund revenue and cost recovery. A copy of the slides is attached to these minutes.

Ms. Singleton-Taylor responded to Commissioner Rodstrom's question about reflecting the projected loss of \$17.3 million based on Broward County Property Appraiser's worst case scenario, including it would be subtracted from the \$112.1 million. (2009-2010 Overview General Fund Revenue slide). The projected fund balance at the end of this fiscal year is \$48 million which takes into consideration the \$10 million that was removed this year. The City Auditor did not think that Broward County had estimated 15.71% as worst case. Ms. Singleton-Taylor indicated staff believes it is worst case. She did not believe a worst case was provided by Broward County last year.

Ms. Singleton-Taylor responded to Commissioner DuBose's question that homesteaded property in foreclosure is shown as vacant residential. If the property is still occupied, the taxable value is still shown as homesteaded. It is dependent upon the status as of January 1. In response to Commissioner Rodstrom, Ms. Singleton-Taylor advised that there is no mid-year benchmarking with respect to foreclosed properties. Information provided by the Property Appraiser on June 1 is based on the status as of January 1. Discussion initiated by Commissioner Rodstrom ensued concerning data presented by the Broward Workshop as to per capita service delivery.

Commissioner Rodstrom asked what other vehicles are available to cut costs besides raising user fees. Ms. Singleton-Taylor indicated only user fees are being examined in this presentation. The City Manager advised that the presentation contains examples and is not all inclusive. The City Auditor referred to his audit of permit fees. It found a surplus from overcharging in previous years and that no increase would be imposed until that surplus was exhausted. Ms. Singleton-Taylor advised that at the end of fiscal year 2008-2009, the balance was about \$1 million. The City Auditor questioned why the number of building inspectors has not dropped even though the level of building permit revenue and activity is about half of what it was previously. He objected to any increase in this area. The City Manager recalled to previous waiting times and fees directly correlated to service. If (staffing) there is a paring back and activity increases, there could be long lines and service time. Mayor Seiler wanted to see the comparison with other cities. Valerie Bohlander, Director of Building Services, elaborated upon analysis of fees conducted by PMG Associates, Inc. for the City. PMG also provided a comparison to other cities, but such data is not a valid basis for fee amounts. The goal is to recoup costs. Phil Gonot, representing PMG Associates, Inc., advised Fort Lauderdale was lower than the mid-point when compared with comparable cities. PMG also looked at the exact cost to provide the service as well as the budgetary component. The analysis was conducted this past year. They looked at efficiency in terms of reducing the budget over time because of permit activity being down. Permits have not

dropped as much as revenue because there are a lot of small permits now. PMG found the department to be reasonably efficient although they did not actually conduct an efficiency study in terms of staffing. He went into greater detail on the scope of their analysis. They compared the number of inspections by an inspector with other cities. Ms. Bohlander advised that staff has decreased over the past three years even though small jobs take as many if not more inspections as the large projects. She estimated a staff decrease of one-third to one-quarter. There are seventy employees approximately in Building Services, separate from Code Enforcement. There is a decrease of three employees in Code Enforcement over the last year. Commissioner Rodstrom felt it is a matter of right sizing the staff for the time with flexibility for when activity increases. Since 2008-2009, they are down eight building inspectors. There are six building inspectors, no part-time or temporary. As a result of the audit, they are also working to establish a separate fund as provided by statute. The City Manager expanded on what was learned from the past in staffing when the economy picked up and the advent of multiple hurricanes. Commissioner Rodstrom recognized the balancing that is necessary.

In response to Mayor Seiler and Vice Mayor Rogers, the City Manager advised the fire assessment is intended as a partial recovery. Jeff Justinak, Acting Fire Rescue Chief, advised that the fire assessment was first imposed in 1999. He recalled that the Commission at the time did not wish to assess the full amount. Fort Lauderdale is fourteenth out of twenty-five cities that impose the fee.

In response to Mayor Seiler, Chief Justinak advised that 70% of the calls from the City's fire station in Wilton Manors are for Wilton Manors and 30% for Fort Lauderdale. The slide reflects the 70%. Commissioner DuBose concluded cost recovery should then be 100%. Mayor Seiler questioned the cost to provide service to Lazy Lakes based on the number of residences, however, Chief Justinak confirmed the data is based on actual cost.

In response to Mayor Seiler, Phil Thornburg, Director of Parks and Recreation, explained the structure for tennis lesson fees. Mayor Seiler felt there should be one hundred percent recovery for tennis lessons. Ms. Singleton-Taylor explained there are other associated costs such as court maintenance, cost of employee that accepts the fees. Mayor Seiler pointed out that people who do not play tennis are underwriting the cost for those who are taking tennis lessons. He did not think it seems fair. He agreed that the cost of court maintenance should be underwritten because they are available for everyone. Mr. Thornburg clarified that the City is making money on private lessons. Mayor Seiler concluded the slide is not accurate. The slide shows the additional cost to keep the courts open for the community. Ms. Singleton-Taylor clarified the slide shows a percentage of the total cost allocated to tennis lessons based on the amount of revenue received for tennis lessons. Norm Mason, Assistant Director of Management and Budget, outlined in detail the cost accounting approach. The City Auditor added if there were no tennis lessons, there would still be some tennis overhead costs. Discussion ensued on program needs without tennis lessons and the recovery structure. Commissioner DuBose thought that 16% is a wide variance. In response to Mayor Seiler, Ms. Singleton-Taylor advised that the costs (in the slide) are those only tied to tennis lessons. The City Auditor thought it might be better to use a different allocation base, such as the number of operation hours used for lessons relative to number of hour a day that the facility is open. He posed an example of 80% of the facility use being for tennis lessons and how much in costs there would be if lessons were stopped. Perhaps

part of the facility would be shut down, less staff. In other words, the relevant range would shrink.

Mayor Seiler felt this exposes an overall problem with cost recovery. He asked about the Lazy Lakes slide and fire service. Margaret Evan, Office of Management and Budget, advised that it is based on the number of calls and the equipment and staffing required. Paul Vanden Berge, Fire Rescue Budget Coordinator, explained it is difficult to pinpoint the cost for a small area like Lazy Lakes. Mayor Seiler explained the Commission must decide which items should be full cost recovery and those that should be partially recovered. He recognized law enforcement would never be full recovery as it is the number job of government. However, he viewed building permits and tennis lessons as full recovery items. He was therefore interested in understanding the formula. Using Wilton Manors as an example, Mr. Vanden Berge listed what was included and noted some detail was calculated in order to arrive at a number with specificity.

Discussion returned to the slide on tennis lessons. Commissioner DuBose noted the Commission is being asked to provide direction overall when in fact snap shots of only certain services have been provided. There may be other services in the Parks and Recreation Department where services are provided to children community-wide. He could not provide global philosophy based on the information provided. The City Manager advised that staff is looking for some global direction, such as the category of private lessons. It will not be set in stone when it comes back to the Commission (May 15).

Commissioner Rodstrom asked about cost recovery percentage historical data. She questioned why 100% cost recovery is being sought at this time. The City Manager advised this has not been a focus for staff in previous years for most of these services, it was highlighted by the Budget Advisory Board. The Commission adopted a policy suggested by the board. He went on to provide additional insight as to the process. The City Auditor added that the board is trying to arrive at a general philosophy as to fees and cost recovery. They believe the City should recover the cost of providing programs that are user fee based. Vice Mayor Rogers agreed that staff should proceed with providing data on a full cost recovery approach which is necessary in order to make an informed decision. Commissioner Roberts pointed out that the shortages in today's presentation, except police, equate to \$21.6 million. Mayor Seiler agreed with the board's recommendation to examine the City's policy on user fees. He felt parks and recreation should be partial recovery.

Mayor Seiler encouraged the budget staff to meet with the Commission individually.

Commissioner Rodstrom wanted more information about department overhead and how it calculates into the cost recovery. Commissioner DuBose requested an itemization of the fees.

I-B – Use of War Memorial Auditorium for Village of Horrors Halloween Event

Jesse Stoll, representing AEG Live SE, LLC, indicated AEG is looking to create a trademark annual event. He referred to other events in the West Palm Beach fairgrounds. He provided more detail on the proposed event itself. The advance ticket price is proposed at \$13. They hope to attract from West Palm Beach and Miami.

The City Manager explained that the City does not know specifically what will be inside. There could be something controversial.

Bob Stried, War Memorial Auditorium Manager, advised that there will be a rental fee. Currently the City would receive \$1 per ticket, however, the agreement has not been finalized. Parking fees would be recouped. There would also be concessions in the park and auditorium. Only the north parking lot would be used for the event. Parking would be available in the south lot and across the street by the playhouse. The playhouse schedule during this time is minimal. The event would be open from 7 p.m. to approximately midnight, so there would be minimal conflicts with recreational activities. Phil Thornburg, Director of Parks and Recreation, indicated there may be one or two tackle football games during this time frame but he did not anticipate a problem because most of the activity is during the day. In response to Commissioner Roberts, Mr. Stoll advised that there will be two production companies involved. He referred to Halloween Horror Nights in Orlando as an example of their aim. Commissioner Roberts asked if staff has checked other venues. Mayor Seiler agreed that would be advisable. The City Manager noted there will be alcohol. Mr. Stried noted the event is geared to people older than thirteen. Mr. Stoll noted Fright Nights at the fairgrounds is a comparable. Vice Mayor Rogers asked about the projected revenue. Mr. Stried indicated that because ticket prices are not yet finalized, but the auditorium could net \$60,000 at a minimum. There is a flat rental fee, a ticket surcharge, some reimbursement for labor, parking revenue and the concession. In response to Mayor Seiler, Mr. Stried expressed the opinion that it is a good idea. The City Manager expressed apprehension about not knowing if there will be anything that is socially offensive. The content is an unknown. Information about other locations as to whether there were any problems was requested and Mayor Seiler suggested the contract specify there not be anything obscene, for example. In response to Mayor Seiler, Mr. Stoll advised that this would be AEG's first event (of this type) but they work closely with the noted production companies who have been doing such events for over twenty years. AEG is not aiming to be socially offensive. John Valentino of AEG, noted staff experience in a haunted house in the Carefree Theatre in West Palm Beach. Although Mr. Stoll is new, he has a good grasp on the event. AEG would not want to do anything that is distasteful. West Palm Beach does very well with their event. The fairgrounds board is very happy with the event.

Mayor Seiler asked staff to check other locations to see if there are any complaints. If there are not any, the contract should come forward. Cate McCaffrey, Director of Business Enterprises, advised it will be brought back at the May 4 conference. According to the special event procedure, applicable departments will weigh in.

IV - City Commission Reports

Continued from Page 4.

Holiday Park Parking

Mayor Seiler noted as vehicles enter the southwest parking lot, parking fee collectors are taking money from vehicles in the street and traffic flow is hampered. He has received complaints about this. Mr. Stried offered to look into an alternative approach.

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I-C- Northwest Commercial Redevelopment Project – Proposed Conceptual Site Plan Revisions and Grocery Store Lease

In response to Mayor Seiler, Alfred Battle, Northwest Community Redevelopment Agency Director, advised that the Community Redevelopment Agency (CRA) advisory board has indicated their disagreement with amending the development agreement. Mayor Seiler questioned why there is no input from the CRA on this. Mr. Battle indicated that this item has been ongoing for several years and amendments have been brought to the agency's board of directors. Mayor Seiler pointed out that the impact on the neighborhood and area is a charge of the CRA. He looked to the CRA to provide guidance. Mr. Battle advised that this item was provided to the advisory board for discussion and recently the board had a communication to the Commission, requesting that the development agreement not be amended.

Mr. Battle highlighted pointed in Commission Agenda Report 10-0562. Bob Dunckel, Assistant City Attorney, emphasized the deadline for approval of the grocery store lease. Grocery stores have very stringent business plans. There are provisions in this lease that are not typically found in standard shopping center leases. With direction today, the item will be presented for approval on May 4. Additionally, there will need to be amendments to the development agreement so there is consistency with the lease. The development agreement requires a grocery store of 25,000 to 50,000 square feet. The proposal is 15,680 square feet. He noted the parking requirement of five spaces per thousand (square feet) whereas the Unified Land Development Regulations (ULDR) would only require four. This hampers the site plan in the future. They (Save-a-Lot) are requiring the building heights in the center to be limited to twenty-five feet for the grocery store's visibility. The City was able to secure their consent for thirty feet from grade and another twenty feet for a tower in discussions concerning a bank at the intersection of 7 Avenue and Sistrunk. There are other site plan modifications that have occurred that Mr. Battle will highlight. The area shown in orange (Exhibit 5 of Commission Agenda Report 10-0562) is a no-build area under the lease and impacts what might be possible in the future. The lease term is for eight year with three, five-year options to renew. The intended use of the premises is typical for a grocery store except Save-a-Lot only has an obligation to open a grocery store for one day. There is a going dark provision that is typical for grocery store leases although they would continue to pay rent. They have agreed that the one-day opening would be a store fully stocked and staffed. After a period of three months, the landlord would have the option of terminating the lease. They reserve the right to use the premises for any other lawful retail purpose if they are not successful in operating the grocery store. There is no guarantee of a grocery store at this location for the next twenty-three years. The City has thirty days to accept another use. In speaking with attorneys in the field, he believed this is about the best that could be expected. Staff plans to propose that in such case, the option to renew the lease (with another retail use) would be at the landlord's consent. If the Commission is satisfied with moving forward, he suggested a provision in the development agreement about terminating the lease. There is a list of permitted and prohibited uses in the development agreement. A new retail use would have to be consistent with other uses within the shopping center.

In response to Commissioner Rodstrom, Mr. Dunckel explained the development agreement has not yet been amended, but requiring Commission approval of a new use is a possible avenue. Mr. Dunckel confirmed for Mayor Seiler that other grocery store chains, such as Publix and Winn Dixie, have the previously mentioned one-day provision and some do not even have a one-day provision. The City Manager thought it is unusual

that the City does not have an agreement with the developer requiring some grocery store component in order to receive this incentive from the City. Mr. Dunckel clarified that the development agreement requires a grocery store. Discussion ensued concerning the one-day provision and the grocery store. Commissioner DuBose pointed out that the development agreement and the lease are not in sync because what the Commission required is not realistic in terms of what is standard in the industry. Mr. Dunckel noted that one option is to not go forward with a grocery store lease if the City cannot control the site and have a grocery store there for the long-term. The City Manager asked about requiring another grocery store on the site if this lease is canceled for whatever reason. Mr. Dunckel indicated that the development agreement requires a grocery store. As it stands, the development agreement does not tolerate a going dark provision. If the Commission wishes to go forward the development agreement has to be brought in line with the grocery store lease. In response to Vice Mayor Rogers, Mr. Dunckel was not aware of any bankruptcies in Save-a-Lot's history, but indicated that going dark does happen from time to time. The City Auditor noted that Save-a-Lot has two business models: company owned or franchise owned stores. This store could be sold to a franchise at some point and the franchise could go out of business. Vice Mayor Rogers pointed out that without a grocery store, it is a strip center and he did not think that is the vision for this corner. He wanted to negotiate according to the vision. Mr. Dunckel agreed to make that attempt but explained that Save-a-Lot has 1,100 stores and is firmly wed to their business plan. He has spoken with six or seven attorneys and developers in this field and the feedback is that it is not attainable.

Mr. Dunckel advised that there are uses that Save-a-Lot does not want to see in the shopping center and they wish to impose this on the adjacent parcel or out-parcel (Section 12). Consideration should be given to the fact that the parcel would be undeveloped for several years.

Commissioner Roberts pointed out and Mr. Dunckel confirmed that the parking ratio above that required in the ULDR would impact future development at the north end of the parcel. Commissioner DuBose noted and Mr. Dunckel agreed there will still be limitations at the ULDR requirement of four spaces per one thousand square feet.

Commissioner DuBose asked about adding language in the lease to prevent an undesirable use without having to list them individually. Mr. Dunckel indicated there is a provision that the use must be consistent with the development agreement, but unless it is specifically prohibited, it would be permitted. Commissioner DuBose wanted a provision to require Commission approval. Mr. Dunckel agreed to pursue securing more discretion on the Commission's part in the development agreement.

Commissioner DuBose questioned if the developer is still required to bring forward a grocery store if Save-a-Lot goes dark for three months and the developer terminates the lease. Mr. Dunckel indicated that would be something to put in the development agreement which will be presented to the Commission on May 4. Currently, the development agreement provides that there will be a grocery store, but it needs to be modified in order to be consistent with the lease. Commissioner DuBose wanted to keep the integrity of the original intent. Mayor Seiler asked about the City's options if Save-a-Lot goes dark for less than three months and then opens another use. Mr. Dunckel referred to Section 9 and advised the City could terminate the lease. Mayor Seiler was concerned about the provision that the landlord must provide a detailed explanation of the basis of such denial. Mr. Dunckel agreed it is always subject to the test of good faith and commercial reasonability. Mayor Seiler pointed out that with a grocery store being

the goal, a pet supermarket would be viewed as an obnoxious use, but not in the eyes of a court. Mr. Dunckel agreed to work on this point with them (Save-a-Lot). In response to the City Auditor, Mr. Dunckel understood there should be a provision that obligates the landlord to terminate the lease if Save-a-Lot goes dark and another tenant cannot be secured.

As a follow-up to discussion on uses, Mr. Dunckel added that check-cashing stores and pawn shops are prohibited. Also, pain clinics have now been brought to light.

Sean Jones, representing Milton Jones Development Corporation (Milton Jones or Developer), noted their diligent work with staff on this. He emphasized this has to be commercially reasonable from all sides. In regard to the idea of requiring the Developer to provide another grocery store if Save-a-Lot, which is the fourth largest food retailer in the United States, goes dark or fails, he questioned that one would think another grocery store could be successful at that site. The right to go dark is common in the industry. He submitted letters of support for the development from Durrs Homeowners Association and Dorsey River-Bend Civic Association that were made part of the record. They support the development, phasing and Save-a-Lot.

Milton Jones, representing Milton Jones Development Corporation, indicated that they are very sensitive to this issue. He urged that it should not be so restrictive that would make development impossible. He was concerned about the idea of terminating the lease because they still have an obligation to pay the mortgage. They would work to find another grocery store or acceptable use.

Mayor Seiler opened the floor for public comment.

Commissioner DuBose indicated that Margaret Haynie Birch and Phyllis Berry had to leave. Ms. Berry has concerns with the lease, which were already discussed. Ms. Birch has a major problem with the lease as presented.

Pam Hills, 735 NW 1 Avenue, commented about the loss of value in her home. If this project fails, it will be the breaking point. She elaborated upon other projects in the area that have failed. She referred to the plan that was posted on the City's website (Flagler Heights precinct plan) and indicated it was a factor in making her decision to purchase in Progresso Village in 2004. None of it has transpired. She was not opposed to Save-a-Lot, but rather the site plan which is nothing like the plan. She did not think there should be a deviation from what was promised when people moved to this area.

Mr. Battle indicated there was precinct plan prepared to help refine the downtown master plan as it related to specific development in the area. Many of the projects built were prescribed to look like the images in the plan. There were as many as thirty redevelopment projects with site plan approval, so there was lot of momentum to suggest that it would look like the plan. Commissioner Rodstrom noted that developers also bought based on the plan. Mayor Seiler asked if the plan of June, 2005, was approved by the Commission. Mr. Battle advised no, but elements of the downtown master plan that are in it were subsequently adopted when the downtown master plan revisions were adopted. It was on the website because there was a lot of interest. It was not adopted because of change-over in the administration and a desire to move forward with the downtown master plan revisions versus the precinct plan. The renderings in the downtown master plan and the precinct plan are virtually the same.

Ms. Hills thought with a viable community the grocery store would want to come to the site, but unfortunately many projects have not come to fruition.

Commissioner Rodstrom referred to the building boom in 2005 and questioned why those developments did not go forward. Commissioner DuBose pointed out that some of this community redevelopment area (CRA) ties into the downtown but is not consistent as one proceeds to the residential area. Also, there are two different perceptions with neighborhoods. Development of this particular site will not solve a majority of Ms. Hills' problems. It is a neglect of the northwest area for years. The big picture is not just this project.

Ms. Hills referred to the parking lot and expressed concern about the homeless. She reiterated her concern that because of the value decline, there are no options for properties in the area. She provided an email from a realtor attempting to show her property that was made a part of the record. Commissioner DuBose noted that some of Ms. Hills' points are nationwide. He encouraged her to stay involved.

Ron Centamore, 638 NW 2 Avenue, discussed the area's history. He indicated that he serves on the Progresso Village Civic Association Board of Directors. The board opposes the project design and the lease, not the grocery store. They envisioned an urban village with retail on the ground floor and office space and residential on the floors above. He elaborated upon how he believed the parcel is being totally dictated by the grocery store and disadvantages of the lease terms. The changes have not been presented to the neighborhood. If people could walk to this neighborhood grocery store, he questioned the additional parking ratio requirement. This does not promise the neighborhood a grocery store for the next twenty years. He urged the Commission to not approve any plan changes. If a grocery store is not possible on this site, perhaps there is a stand-alone site that could be developed. He believed this intersection will be the defining force behind redevelopment the entire area; care to do it correctly is critical. People who have waited so long for a grocery store are willing to settle for anything.

Jessie Adderley, 442 NW 19 Avenue, pointed out that the entire intersection is vacant now and there are homeless in the area. She felt the development will work to address the homeless issue. She presented a petition of 55 signatures, in favor of the Save-a-Lot grocery store, which was made a part of the record. She urged approval of the proposed grocery store. She did not think that fallen property values are not part of this topic.

Mickey Hinton, 713 NW 19 Avenue, discussed the area's history. He advocated a business node promised in 1986 be developed. He favored the development and Save-a-Lot grocery store. He referred to a study that claims that Sistrunk will never be a commercial area, but rather mostly residential. It seems the residents cannot have what they want for this area. This area needs lighting. The proposed grocery store will allow people in the neighborhood to benefit from better pricing than is currently available to them. He concluded by commending the Police Department for reducing crime in the neighborhood.

Louise Dowdy, 825 NW 16 Avenue, supported the proposed project and specifically mentioned Save-a-Lot. She asked it not be delayed any longer.

Nadine Hankerson, 2511 NW 18 Court, commented that some do not know the price that people of color have paid with respect to this neighborhood. She discussed the

area's history. She supported the proposed development and Milton Jones Development Corporation's track record. She went on to elaborate upon how long people have waited for this development. There are people without vehicles who need this grocery store access. This is about the needs of a blighted community. She pointed out that there are people who are not present because of work obligations. She emphasized that this community needs to be given a fair chance.

Larhonda Ware, president of Dorsey Riverbend Civic Association, believed Dorsey Riverbend is changing and she believed with this project even more change will occur. She believed Save-a-Lot is a great store, but emphasized this is truly about change.

There was no one else wishing to speak.

Commissioner DuBose commented on the process being long. He referred to the concerns and direction previously given by the Commission. Having a store such as Save-a-Lot in the neighborhood gives residents the opportunity to get fresh products and helps with the problem of childhood obesity. He noted there are also the other three corners to think about. He did not think it is a matter of people settling for this because nothing else is possible. He wanted to direct staff to move forward with the lease.

Commissioner Rodstrom noted when this property was condemned, promises were made that redevelopment would be quick, but it has been years. She also supported moving forward with what is before the Commission. Mayor Seiler hoped the lease concessions would be possible and commented that something needs to get done. This is the only corner at this intersection over which the City has control. He was astonished that nothing was done with this area during the greatest time in the city. Vice Mayor Rogers pointed out that because of the economic times, the City is negotiating from a point of weakness. Commissioner Rodstrom pointed to the strength of having a developer who has been working with the City for some period of time and a very involved district commissioner which has not always been the case. Commissioner DuBose emphasized the Commission needs to take the lead in working through these issues and vetting them with the community. Commissioner Roberts wanted to support what the neighborhood wants and try to improve the project.

Mr. Dunckel summarized staff will work to soften the out of the ordinary issues in the lease and to the extent that is not possible, staff should work to add as many control features as possible in the development agreement. The goal is to come back at the May 4 meeting.

Mr. Battle referred to the revised site plan has to do with the addition of retail functions along 7 Avenue or a total retail increase of 2,500 square feet.

Mayor Seiler requested an update on the financial aspect.

I-D – Establishing New Community Redevelopment Area – Portions of Middle River, South Middle River and Lauderdale Manors

In response to Vice Mayor Rogers, Alfred Battle, Director of Community Redevelopment Agency (Northwest), advised that the geographic area has not changed. He agreed to provide information on the process. Instead of expansion, this is creating a new area. Staff has had discussions with Broward County and anticipate they will place a resolution on their agenda as soon as possible. The plan for the expansion will be

revised and used. Vice Mayor Rogers and Mayor Seiler requested a budget analysis as to impact.

Mayor Seiler opened the floor for public comment.

Todd Schwing, 1640 North Dixie Highway, spoke about the spirit of the neighborhoods that would represent this community redevelopment area (CRA) and activities taking place for these businesses.

See April 6, 2010 regular meeting, item M-07 (South Middle River Civic Association, 13th Street Alliance).

NOTE: The City Commission recessed at 5:35 p.m. and returned to the conference meeting agenda, City Commission Reports, from 7:50 p.m. to 8:20 p.m.; the regular meeting agenda, item MD-01, at 8:20 p.m.; and the remainder of the conference agenda, item I-E, at 9:09 p.m., in the Chambers on the first floor of City Hall.

IV - City Commission Reports

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Neighborhood Stabilization Program

Commissioner DuBose was concerned that one vendor in the Neighborhood Stabilization Program has not encumbered any of their funding.

Jonathan Brown, Housing and Community Development Manager, provided an overview update of the program. The City has not received a request for any inspections or purchase of property from Fort Lauderdale Community Development Corporation (CDC).

Lennard Robinson, executive director of Fort Lauderdale Community Development Corporation, indicated they have ideas of how to go forward without using Neighborhood Stabilization Program (NSP) dollars, competing against each other for the same properties. A number of properties were encumbered in January. HUD has changed the process and as a result the same type of properties has changed. CDC now has three of six properties approved by the banks totaling \$334,000 and they are now being inspected by the City. CDC anticipates all of them approved within the next day, totaling \$696,500. The timeline allows until August to encumber these funds. There are another twelve properties, totaling \$1.4 million, that would complete CDC's part. HUD allows short-sales, which means they have less need and it will be possible to sell the properties sooner than those purchased at the beginning of the program. CDC anticipates having their total amount encumbered by next week.

In response to Commissioner DuBose, Mr. Robinson indicated that CDC only received commitments yesterday; inspections still need to be made. He explained if there were thirty properties encumbered at one time, it did not make sense for CDC to compete against them. Mr. Brown indicated that the City has not yet received a request to inspect these properties. He outlined the process. For example, Florida Attainable may have submitted twenty-five to thirty properties and out of those, nine were approved. Commissioner DuBose and Mr. Brown confirmed that after the inspections it could result in no properties being within the guidelines. In response to Mayor Seiler, Mr. Brown advised that all funds must be obligated by September, although the vendor contracts

specify August. He noted the status of the other vendors. Commissioner Rodstrom recalled previous discussions in deciding upon the City's course of action when the program was initially approved. Vendors were told that the sooner the properties could be acquired, the faster they could be sold and the more turnover shown would be helpful if a subsequent phase became available. Moreover the neighborhoods improve quicker. She wanted to know staff's position as to giving the other two vendors CDC's portion. Mr. Brown indicated staff is intent on meeting deadlines and is requesting direction. Funding has to be obligated by September and then the City has until March, 2013 to continue to rollover funds. In further response, Mr. Brown explained that HUD defines obligation as a vendor having a contract to purchase a property and the timeline to do so depends on the vendor. One vendor was able to obligate and almost close on nine properties in about forty-five days. Commissioner Rodstrom pointed out that all of the vendors knew the process in advance. There are a lot of properties in need. She found it inexcusable that one vendor has not been pulling their weight like the others. Mr. Brown noted that HUD recognized some challenges and changed the policies on appraisals, foreclosures and abandoned properties. In further response, Mr. Brown advised that each vendor receives an administrative fee of 10%-14%, which is not paid until the home is occupied.

Mr. Brown responded to Commissioner DuBose's question as to staff's efforts to stay abreast with all of the NSP vendors.

Commissioner Roberts did not want to wait any longer for CDC; he wanted to proceed with the other two vendors. Mayor Seiler did not want to take any action at this point because the topic was not listed on the agenda. However, it is a valid point and the message should be that action will be taken on May 4. In response to Vice Mayor Rogers, Mr. Brown advised that a ten-day written notice is required in order to void the contract. He read the termination for convenience provision. Vice Mayor Rogers cautioned that all the particulars surrounding a termination need to be addressed. In response to Commissioner Rodstrom's question about providing the ten-day notice at this time, the City Attorney indicated this matter has not been reviewed by his office. Commissioner Rodstrom wanted to know if there would be any costs involved with a termination. In response to Commissioner DuBose, Mr. Brown advised any payment for services rendered would be paid from NSP dollars. Commissioner DuBose explained how the matter came to be discussed today. Hopefully the vendor will understand the City's sense of urgency. He was very disappointed that all of the funds have not been encumbered. He could not accept some of the responses as to the delays when there are other cities who have committed all of their dollars. Mr. Brown noted that each vendor has a different capacity. Mayor Seiler confirmed that if staff receives a request to inspect a property while the contract is in effect, they should comply with the contract. Mayor Seiler recalled in the original discussion, it was noted that having multiple vendors would give the City a resource if one was not moving as quickly as the others. He was concerned that it has not been brought to the Commission's attention. He emphasized the seriousness.

I-E – Gas Tax Funding for Current 2009-2010 Capital Improvement Program

No discussion during conference meeting. See item M-05 of the April 20, 2010, regular meeting.

I-F – Code Amendment – Alarm Response Fee Schedule

Police Captain Eric Brogna noted in October, the Commission requested more examination of the methodology used to calculate the fees as to further recovery. New contract salaries have been applied. It is proposed at \$120 for residential and \$190 for non-residential.

Vice Mayor Rogers noted using \$120 per residential call, there would be \$720 (cost) for six but only \$545 in charges. He raised the question of whether to follow the recommendations discussed earlier today (agenda item I-A). Commissioner Roberts noted there is not as much of a differential for the business schedule, but more for fire. He agreed there should be a philosophical discussion. In response to Vice Mayor Rogers, the City Auditor advised that he has reviewed it for reasonableness and it to be so. Commissioner Roberts and Vice Mayor Rogers felt the costs should be captured. Vice Mayor Rogers did not want to go over-board with respect to amount of a given increase to make up for no increases for a period of time. However, he did not think an additional \$25 for the residential is not too much. He wanted to see calculations based on such a change. Commissioner DuBose pointed out that police are to provide public safety and was concerned about the impact from an increase in this case. He was open to looking at data on such a revision, but did not want to eliminate this proposal. The City Manager agreed to provide data on a full cost recovery as well as this proposal for a decision at a future conference meeting.

I-G – Code Amendment – Sidewalk Repair Policy

Peter Partington, City Engineer, outlined the proposed policy, noting in order to implement the code would have to be amended which would require two readings.

Commissioner Rodstrom was reluctant to delegate the notice authority to staff. She was concerned that the City is only acting on a complaint basis and not being proactive. She asked if staff had explored grant or stimulus funding for this need. Mr. Partington advised staff has been looking for grants and has received funding for two new links of sidewalks. It is very difficult to secure grants for maintenance. The fact that the entire financial responsibility rests with the adjacent property owner probably deters complaints. As to why there is no proactive program, there is some three hundred miles of sidewalks and it would probably require a new inspector position. Additionally, proactively looking for defects might not be to the City's advantage in any trip and fall cases. Commissioner Rodstrom asked about identifying areas in the community redevelopment areas (CRA) or eligible for Community Development Block Grant (CDBG) funding. Albert Carbon, Director of Public Works, advised that CDBG funding cannot be used for sidewalk replacement. He confirmed that CRA funding would be the same. He noted that the City has applied stimulus funding for sidewalk repairs.

Vice Mayor Rogers concurred with Commissioner Rodstrom as to delegating the notice authority to staff. He suggested \$100,000 be set aside with the idea that homestead properties be offered a percentage discount, perhaps of twenty percent, if they volunteer to make repairs within ninety days from notice. He thought such an incentive could clear the backlog and not commit to a long-term expense. He agreed with an installment approach. Commissioner Roberts liked the idea of an incentive. He suggested the Commission review the form letter notice instead of the Commission retaining that authority. Commissioner DuBose asked about the discussion earlier raised by Commissioner Rodstrom about neighborhood sweat equity (City Commission Reports).

Mayor Seiler explained in that case, the City's involvement would not be needed. Commissioner DuBose wanted to know if the ordinance would have to be amended. Mayor Seiler clarified the City's laws already provide it is their responsibility with respect to repairs. The City Attorney explained the process for a new sidewalk and payment options. The ordinance would not need to be adjusted to address existing sidewalks in disrepair. The homeowner is required to fix sidewalk in disrepair. However, if it is not done and someone trips and falls, it is still the City's responsibility. Mayor Seiler wanted to try Vice Mayor Rogers' idea using an amount of \$50,000.

Mr. Carbon concluded ordinance amendments would be that staff will send out the notice letters and property owners would be given sixty days to respond and the City would share twenty percent of the cost from a designated amount of \$50,000. Mayor Seiler suggested and Commissioner Rodstrom favored the City's participation be in the form of the permit cost. Mr. Carbon estimated the permit cost to be in the \$100-\$200 range. He advised that the form notice letter would be provided to the Commission at first reading of the amendatory ordinance. There was no objection to this suggestion.

In response to Commissioner Rodstrom, Mr. Carbon advised there is \$150,000 available in the 2009-2010 Capital Improvement Program for sidewalk repairs.

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

No discussion.

III-A – Communications to City Commission and Minutes Circulated for Period ending April 15, 2010

Visioning Committee

Motion made by Mr. Gabriel, seconded by Mr. Vitale, requesting that staff be directed to create an informational webpage on the City's website which communicates the purpose of the Visioning Committee, posts the Committee's meeting dates and meeting minutes. To facilitate public input, the Committee also requests that City staff set up and monitor the following email address: visioning@fortlauderdale.gov, which the public can use to submit suggestions and comments for the Visioning Committee. In a voice vote, with Mr. Thompson, Mr. Lindblade, Ms. Buchan and Ms. Katz dissenting, the **motion** passed.

In response to Mayor Seiler and Commissioner Rodstrom, Chaz Adams, Acting Director of Public Information, agreed to create an informational webpage on the City's website, communicating the purpose of the committee, posts meeting dates and minutes and that staff establish and monitor an email address where the public could submit suggestions and comments to the committee; information to be posted would be processed through the Public Information Office. Vice Mayor Rogers asked that there be an explanation of how people could get involved.

Motion made by Ms. Buchan, seconded by Mr. Thompson, to established a set time to allow for public comment at each meeting, to commence 1.5 hours into the meeting, lasting for a 30 minutes and allowing a maximum of 3 minutes per individual for initial comments. In a voice vote, with Ms. Katz and Mr. Gabriel dissenting, the **motion** passed.

Beach Business Improvement District Advisory Committee

Motion made by Mr. Oliver, seconded by Mr. Ioannou to recommend that City Commission 1) revisit and reconsider the ordinance prohibiting consumption of alcoholic beverages on Fort Lauderdale beach, 2) form a committee consisting of City Staff and key private sector stakeholders on Fort Lauderdale Beach who would research and consider options for allowing food and beverage service on Fort Lauderdale Beach, 3) consider alcoholic beverages as a part of the food and beverage service. In a voice vote, the **motion** carried unanimously.

Mayor Seiler asked staff to submit this request as a conference agenda item. In response to Mayor Seiler, the City Attorney advised that a one-day ordinance suspension for the Where The Boys Are event would require an amendment to the ordinance and two readings. Commissioner Rodstrom noted the Green Dog Day event organizers also want attendees to be able to walk around with an alcoholic beverage. They were concerned about it being allowed on the beach and not in the northwest. The City Attorney advised that has been resolved through the event permit process. Phil Thornburg, Director of Parks and Recreation, noted the zone established for the Where The Boys Are event. The City Attorney indicated that an event permit process would resolve the issue, but noted people could not carry alcoholic beverages from outside of the zone into the zone.

Marine Advisory Board

Motion made by Mr. Harrison, seconded by Mr. Rassing, to include the creation of a waiver process for review by the Marine Advisory Board in the rewrite of the Code relating to boat lifts that is before the Commission now. In addition, the City Commission is requested to specifically reference the Parcview Townhomes dock waiver application, contained in the Marine Advisory Board Minutes of April 1, 2010, as an example of what should not happen again. In a voice vote, the **motion** carried unanimously (11-0).

Cate McCaffrey, Director of Business Enterprises, indicated this was previously discussed. Business Enterprises is working with the City Attorney's Office, Planning and Zoning Department and a representative from the Marine Advisory Board.

Education Advisory Board

Motion made by Ms. Clark, seconded by Dr. Persi, to recommend that the City Commission support the Second Amended Interlocal Agreement with School Board of Broward County for Public School Facility Planning. By roll call vote, the Motion carried unanimously (10-0). (followup from April 6, 2010 City Commission Conference Meeting Agenda Item I-B; direction from Commission).

Commissioner DuBose questioned how the information was presented to the board. Jim Koeth, Planning and Zoning, indicated the same presentation that was made to the Commission was made to the board. He believed a representative of the School Board staff indicated to the board that there would not be any negative ramifications to the interlocal agreement amendment. Michael Ciesleski, Planning and Zoning, advised that the board's discussion was largely focused on relocatables (portables). As to votes of other municipalities, there are eleven who have voted in favor and four since the April 6 (conference) meeting, two of which are situated in the east (Dania Beach and Pompano Beach). Julie Richards, Assistant To The City Manager, also indicated that most of their questions related to the portables. Commissioner DuBose pointed out that the interlocal agreement topic is much larger than portables and he therefore continued to have a concern about the vote. In response to Mayor Seiler, Ms. Richards advised the board's next meeting is May 20. Mayor Seiler indicated he had hoped the board would look at the City's schools and what is happening in the east. Commissioner DuBose requested and there was consensus for staff to vet the Commission's concerns with the board along with a full discussion concerning the Interlocal agreement. Commissioner Rodstrom concurred. In response to Vice Mayor Rogers' idea of determining if there is a white paper available on the issue, Mayor Seiler felt staff should direct the board to address the issues that have been raised by the Commission which he highlighted. Commissioner DuBose believed it is a political issue between the eastern and western municipal governments; he did not think it is being discussed in the PTA's. Vice Mayor Rogers emphasized the deeper discussion is how does this affect funding for eastern schools. Mayor Seiler asked staff to followup with the board as requested.

III-B – Board and Committee Vacancies

Please see regular meeting item R-03.

V – City Manager Reports

Albert Carbon, Director of Public Works, advised that the Metropolitan Planning Organization (MPO) has ranked annual enhancement projects and both of the projects submitted by the City (Flagler and A-1-A greenways) were ranked as fundable. According to the MPO board, only one project may be funded. He requested direction on which one to recommend which would then be submitted to the State for possible funding. In response to Commissioner Rodstrom, Mr. Carbon noted their boundaries and that Flagler Greenway has been designed. Commissioner Roberts pointed out that there has been a community meeting on the Galt Mile (A-1-A) greenway and there is no other funding for it other than this source. There has been some work on the other greenway, but not on North Ocean Boulevard. This would close it out, setting the stage for the future. Commissioner Rodstrom asked if there is a shovel ready component. Mr. Carbon advised this would only be for bricks and mortar; funding is not available until

July 1, 2013. Commissioner Rodstrom noted there have also been public meetings about Flagler. In response to Commissioner Rodstrom, Renee Cross, Planning and Zoning, advised that Flagler has been designed, so it is more ready to go. The other application could be submitted next year. Mr. Carbon indicated that the Flagler greenway is located in the community redevelopment area (northwest) (CRA) and as such some CRA funding could be used for it. Alfred Battle, Community Redevelopment Agency Director (Northwest) (CRA), indicated previous discussions have always included reference to some form of CRA funding commitment. The Flagler/Progresso greenway is about \$1.5 million whereas the beach greenway is \$8.9 million. Commissioner DuBose pointed out whichever of the two is not recommended this year could be recommended next year. In response to Commissioner Roberts, Mr. Carbon confirmed that the A-1-A restriping program is moving forward in 2011-2012. As such, Commissioner Roberts wanted to finish it. Commissioner Rodstrom indicated there is design money in place for Flagler. She wanted to pursue Flagler through other means of funding such as CRA or applying for funding next year. Commissioner DuBose pointed out that in such case, the City could allow projects from other districts to be brought forward for possible funding. Commissioner Rodstrom noted that staff is working through the MPO on a redesign of the 7th/9th Connector in order to move this project forward. Commissioner DuBose emphasized the historical neglect of the northwest. Mayor Seiler summarized agreement to go forward with the A-1-A greenway with Commissioner Rodstrom working to use CRA funds for Flagler greenway.

There being no further business to come before the Commission, the meeting was adjourned at approximately 10:08 p.m.