

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING**  
**MAY 18, 2010**

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**CITY COMMISSION CONFERENCE MEETING 1:35 P.M. May 18, 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 Dana Swisher

**IV - City Commission Reports**

District III events; recognition and moment of silence

Commissioner DuBose announced upcoming events in District III. He asked that Dillard jazz band who placed second in national competition be recognized at a Commission meeting.

At Commissioner DuBose's request, the Commission observed a moment of silence for high school senior Vernon Adams who recently passed away, a drowning victim.

Events

Commissioner Roberts noted successful city events that he recently attended.

Police Department vacancies and overtime

Commissioner Roberts noted the decrease in Police Department vacancies and overtime savings.

Events, Citizen Volunteer Corps

Vice Mayor Rogers announced upcoming city events, including a Citizen Volunteer Corps project.

International Swimming Hall of Fame event

Commissioner Rodstrom noted the success of a recent event at the International Swimming Hall of Fame.

Abandoned Pet Rescue Organization; adjacent vacant property

Commissioner Rodstrom indicated she has received a request from the abandoned pet rescue not-for-profit organization to use the adjacent vacant property for exercising animals. In response to Mayor Seiler, Phil Thornburg, Director of Parks and Recreation, offered to look into it and coordinate with the City Attorney's Office. Mayor Seiler and Commissioner Rodstrom noted that Pet Rescue wants to maintain the site for their use only with controlled access.

District II events

Commissioner Rodstrom noted successful District II events recently attended.

Las Olas Boulevard roadway construction, Florida Department of Transportation

Commissioner Rodstrom announced upcoming Las Olas Boulevard roadway construction by Florida Department of Transportation, starting May 10 to August. She had received questions of residents about City staff coordination with Florida Department of Transportation concerning truck traffic, median maintenance and notification to residents. She felt City staff should be more sensitive in their communications with residents.

Metropolitan Planning Organization; Florida Department of Transportation; submittal of enhancement projects

Commissioner Rodstrom had received correspondence from the Metropolitan Planning Organization (MPO), advising that effective May 29, enhancement projects should be submitted directly to Florida Department of Transportation. She asked who decides upon what projects will be submitted. Albert Carbon, Director of Public Works, indicated the enhancement projects are A-1-A and Flagler greenways that were presented to the Commission. Next year enhancement projects are due to the MPO in March, 2011. Staff would submit a list of projects to the Commission in the February, March timeframe for prioritizing; only two projects may be submitted. Mayor Seiler requested this item be presented to the Commission in early February.

International Swimming Hall of Fame

Mayor Seiler remarked upon the recent International Swimming Hall of Fame event and its worldwide prestige. He wanted the City to do more in emphasizing it.

Events

Mayor Seiler announced upcoming and recent city events.

Fort Lauderdale Stadium; Federal Aviation Administration response

Mayor Seiler requested this topic be scheduled before the Commission in June.

Continued on Page 17.

**II-A – Weatherization Innovation Pilot Program**

Maggy Ducena-Wright, representing Down to Earth Global Sustainability Initiative, Inc., reviewed a presentation document and Commission Agenda Report 10-0720 on the Down to Earth Global Sustainability Initiative. A copy is attached to these minutes. The U.S. Department of Energy has provided the opportunity to provide \$30 million worth of free alternative energy applications for ten cities. If Fort Lauderdale chose to participate, the guidelines available under the City's weatherization assistance program would be matched. A commitment letter is required before June 1. Deployment of the funds will be October 1, with the City to begin receiving services January 1, 2011.

The following information was furnished in response to questions raised by the Commission. Ms. Ducena-Wright indicated the initiative applies to residential only. The homes selected do not necessarily have to be single-family. There are guidelines for the selection of ideal homes based on criteria for maximum receipt of energy, such as the direction a home faces. Jonathan Brown, Housing and Community Development, indicated the program would be directed to low-income families; the City would designate the areas. He was uncertain whether there is any limitation on the types of housing. Ms. Ducena-Wright advised the area is the Commission's decision. This grant is for low-income, but the program must reflect services for the entire community. Private sector \$90 million will address other income categories to help expand what is happening and collaborate with the public sector efforts to weatherize entire cities. She went on to elaborate upon the initial creation of seventy-eight jobs and training partnership through Broward Community College. Down To Earth must demonstrate to the Department of Energy a level of in-kind from the City. For example, a park could be designated as a venue for events. West Palm Beach is providing a house that would be transitioned into a green model for the public. The house will be sold in two years and the funds used to start the process again. As to what in-kind, it is an open slate for the City to decide. The Department of Energy (DOE) has indicated 20% of Down To Earth's public sector budget of \$2.8 million as a mark for in-kind contribution.

Mayor Seiler questioned if the City is being asked to commit in-kind of \$560,000. Ms. Ducena-Wright indicated the DOE is allowing everything to be grouped toward this, such as level of expertise of stakeholders and personnel as well as planning and development. There is no number figure associated because the level of in-kind being brought to the table by Down To Earth is so overwhelming in the three to one leverage for the \$90 million. The DOE want the cities to commit to facilitating for two years, including education through town hall meetings and events, and to stay on course with the City's sustainability plan. They will need personnel identified by the City with which to work to assure that they are focusing on areas identified by the City to be the most important to grow sustainability. Lawrence Wright, representing Down To Earth, noted a sample (commitment) letter (City of Pompano Beach) has been provided to City staff.

In response to Commissioner Rodstrom as to what would be needed from City staff, Ms. Ducena-Wright advised they would need facilitation and planning for the town hall meetings and events. Down To Earth's personnel will handle the labor part. They would like a point liaison to avoid planning anything that would not be acceptable to the City, which would contribute to the in-kind. Event security costs would be deferred to the private sector side. The budget breakdown will be provided before the application is submitted to the DOE. Operational aspects of the weatherization are on the public sector side and all event costs on the private sector side.

Mayor Seiler referred to the Pompano Beach commitment letter indicating up to 20%, not a minimum of 20%. Ms. Ducena-Wright concurred. Mayor Seiler referred to concerns listed in the commission agenda report and felt they should be added as conditions. He believed there must be some minimum requirement of the City on a \$30 million program. Ms. Ducena-Wright advised that Down To Earth would be the grantee and the City is the recipient of the services provided by Down To Earth, therefore Down To Earth is burdened with the requirements. She elaborated upon the partnerships established to provide in-kind strength for the DOE. In response to Vice Mayor Rogers, Ms. Ducena-Wright noted cities who have committed: Florida City, Miami Gardens, West Palm

Beach, Pompano Beach, Miami Springs, North Miami, Lake Worth, South Bay, Pahokee, Belle Glade and Delray Beach. There is a maximum set by the DOE of ten. They will use state funding for cities who do not meet the June 1 deadline. She elaborated upon the plans at the state level. In response to Mayor Seiler, Ms. Ducena-Wright advised that she has been speaking with Florida cities for one and a half years; the grant announcement occurred on April 21, 2010. Down To Earth has been preliminarily accepted by the DOE. They have been shovel ready since October, 2008. The grant is \$3 million per city. The DOE has received three other nationally replicated program models that are also in the running for the \$30 million. The DOE has indicated that the determining factor will be the extent of commitment from the cities. Memorandums of understanding from the cities will mean more ranking points for Down To Earth than the other candidates. Businesses would be under a different pathway which she could explain at a later date. It would be through the state energy plan. Business weatherization noted in the commission agenda report will be paid by the private sector. This would be done in order for the business community to support the residential portion. As to why the private sector partners would participate, they are part of an emerging green technologies and development movement on Wall Street that requires community outreach to this level to test products and enhance exposure. In response to Vice Mayor Rogers, Ms. Ducena-Wright noted Down To Earth has partnered with Padell, Nadell, Fine, Weinberger, LLP to provide celebrities. She went on to elaborate upon the environmental need and private sector's attention.

In response to Mayor Seiler, the City Attorney indicated he received the commitment letter at this meeting. It appears Down To Earth will be the applicant on behalf of the City. He recommended the City limit the parameters of its participation and set a limit. The Commission will not be meeting again before their deadline. A number of decisions are necessary today. In response to Mayor Seiler, Jonathan Brown, Housing and Community Development Manager, indicated the memorandum of understanding (MOU) has been under discussion with Assistant City Attorney Sharon Miller; a revised version was sent to Down To Earth for their response. Ms. Ducena-Wright indicated that she agrees with all of the requested revisions. Mayor Seiler was concerned that the Commission has not seen the documentation. Ms. Ducena-Wright explained only three cities have completed MOU's; the others have provided commitment letters. A commitment letter is acceptable to the DOE until the MOU is finalized. West Palm Beach and Opa Locka have finalized MOU's and copies of them could be furnished. Commissioner DuBose thought the City Attorney's Office had resolved the City's issues with the MOU. Mayor Seiler liked the concept, but was concerned about executing something that could be open-ended. Commissioner DuBose indicated he would have the same concern, but understood that staff had done its due diligence. Because of the restricted time frame, he has been raising these issues with staff. He was concerned that what had been told to him was not being done. The City Attorney clarified that he has not seen it, although someone on his staff may have worked on it.

The City Auditor noted the language (Pompano Beach commitment letter) indicates a grant submission on behalf of the City of Pompano Beach. He asked when the grant award is anticipated to be received. He questioned committing funds and executing a contract in the current year without having budgeted in-kind services. Ms. Ducena-Wright advised that the service would be for the first quarter of 2011; grant announcement is September 1; funds dissemination is October 1. Upon Mayor Seiler's question, Ms. Ducena-Wright advised that the funds would be awarded on behalf of the City and Down To Earth; a neutral CPA firm of the City's choice would take possession

of the funds; a trustee would be appointed by the City. In further response, Mr. Brown advised that discussion is still underway as to who would be responsible for the draw-downs. Ms. Ducena-Wright noted audit requirements of the DOE; the grant pays for the audits. The City has no responsibility for the funds account. The City has the option to appoint a trustee for monitoring purposes. Down To Earth would pay for all expenses associated with the infrastructure, operations and personnel on the private side. Mr. Wright confirmed that all soft costs will be assumed by the private sector.

Commissioner Roberts was concerned about approving the request today and raised the idea of waiting until June 1. He asked if the City has established a maximum cost. Ms. Ducena-Wright elaborated upon the application submittal being labor intensive and was concerned about waiting until the deadline date of June 1. In response to Commissioner DuBose, the City Attorney explained staff's recommendation is not to proceed without certain things being found by the Commission, which would allow the MOU to be finalized. If the Commission sets a limit on the City's participation, the MOU could be submitted for the June 1 meeting. The City Auditor requested copies of any completed grant applications or whatever is completed at this point. Mayor Seiler requested copies of all MOU's executed with other cities. With respect to a commitment letter, the City Attorney indicated the Commission would need to consider staff's recommendations as to the level of participation and assign a value. He had not reviewed the funding opportunity announcement's to be familiar with the requirements.

Commissioner DuBose expressed support in this opportunity and was hopeful the Sustainability Committee could be involved.

There was consensus approval for Mayor Seiler to execute a non-binding commitment letter drafted by the City Attorney by June 1, with copies to be provided to the Commission.

Ms. Ducena-Wright advised that the DOE will assign a liaison to be on-site throughout the program.

### **I-B – Solid Waste Disposal Service – Resource Recovery System – Interlocal Agreement with Broward County**

Ed Udvardy, Assistant Director of Public Works, provided a chronology of this item included in Commission Agenda Report 10-0730. The report shows the meetings held this calendar year. Price is still the major issue. Many other cities have the same questions. He went on to review the supplemental information provided in Memorandum 10-109. The tipping fee has been reduced from \$49.75 to \$47.75. Price increases over the ten-year agreement have been capped at 10% per year. The timeline for the City to receive a signing bonus has been extended from June to October. They are still working on the tipping fee and service fee.

In response to Vice Mayor Rogers, Mr. Udvardy recommended the City continue to negotiate over the next four to six weeks. Commissioner Roberts was agreeable to continuing negotiations, but in not too much more time, he wanted to go out to bid. He was concerned that a breakdown on the service fee has not been provided even though it was requested some time ago. Commissioner DuBose also questioned why information on the service fee has not been provided. Eugene Steinfeld, representing the Resource Recovery Board, indicated that it is understood the service fee breakdown

is needed and hopefully it will be furnished within the next thirty or so days. Mr. Udvardy advised the information is needed earlier than thirty days. A recommendation should be provided to the Commission before the summer break (July 7). Mayor Seiler asked it be provided by June 10.

In response to Mayor Seiler, Mr. Udvardy elaborated upon the savings that have already resulted in unit pricing for the new agreement.

Mayor Seiler asked that this item be brought back to the Commission on June 15 along with coordination of services being provided by the City and the Resource Recovery System. Albert Carbon, Director of Public Works, advised that the City has provided information on the services it provides and is still waiting for information from the board. Vice Mayor Rogers wanted to simultaneously begin to gather information in order to be prepared to issue an RFP. Mr. Udvardy advised that the City's consultant is doing this. There may be some cities who want to partner.

#### **I-A – Bahia Mar Property – Outline of Terms for New Lease**

The City Attorney advised this is a starting point to draft a lease that will later go along with zoning and site plan if the Commission chooses to do so. It was proposed that the City partner with the developer and share in the revenue. In evaluating the kind of lease the developer wanted, staff found pitfalls. They would perhaps be disincentivized in order to maximize the kind of revenue the City would share in; subleases would be a detriment to the revenue. It became a chicken and egg situation; property rights or the lease. The approach was consequently changed. It is strongly recommended the City give the developer a second term lease, based on fair market value of the property. He went on to highlight points of the term sheet. A copy of the term sheet is attached to these minutes. The term sheet is a starting point for negotiations. The final lease would be approved in the future together with the zoning and site plan, each being contingent on the other.

The following information was furnished in response to questions raised by the Commission. The City Attorney advised the City's consultant agrees that the recommended format is better. The present day value of the proposed lease is higher. There are a number of municipalities that have had projects like this that have entered into long-term leases, but did not have such a size. As to sharing revenue, the hotel may give an extraordinary restaurant chef a rent discount that will cut into the City's profits. Therefore fair market value was chosen. There are many examples in the private sector. A rule of thumb – industry standard for long term leases of the fair market value of the property is ten percent. If the properties are unfettered with the kinds of commitments the City is requesting, such as public access for parks and the boat show, ten percent is the number. Two percent has been assigned as that value to the City and asked that they pay eight percent. Without the boat show, they would pay the full ten percent. The term sheet also requires a new agreement with the boat show.

Vice Mayor Rogers felt the hotels should have the most interest in a successful marina, therefore he felt in terms of the subleases, it has to be tied together, otherwise the one unit control so to speak is lost.

In response to various questions raised by Commissioner Rodstrom, the following information was furnished. The City Attorney advised the term sheet and zoning would

be conditioned one on the other. The zoning has not been determined in the term sheet as a PUD, only a reference to the application for PUD. Mayor Seiler noted that Paragraph 16 indicates that the term sheet is not binding upon the City. The City Attorney advised that the project description does not provide floor area ratios (FAR) or heights, only a general description of what they are requesting. The existing lease is not in the backup. To the extent that it is going to be changed in any manner the conditions set forth will be the basis. In some cases, it is consistent with the old lease and in the other, the developer would be giving up a goodly number of issues. For example, gambling is not addressed in the old lease. It is proposed that gambling be prohibited on the site. The current lease is designed around sharing of revenues. Reference to apartments has to do with rental apartments. For condominiums, there is no rent to share. There is no provision in the lease other than sharing of rents, therefore he did not believe the lease contemplated condominiums. Commissioner Rodstrom believed the zoning in the old lease contemplated rental apartments. She has a problem with the for sale element. The City Attorney clarified the project is not being recommended or approving the site plan and zoning. He confirmed a new term sheet is being discussed with an entirely new lease and the possibility of bi-furcating the current lease. In further response, he advised that trips are not addressed in the term sheet, but rather in the site plan or development agreement in conjunction with a PUD. As to the number of trips used for this development and the impact on remaining barrier island properties, notice would be forthcoming with the site plan or zoning. As to the 50/50 year lease, the City has fee simple title and would maintain that title. The developer does not believe condominiums can be marketed on a fifty year lease; statute prohibits a condominium with less than fifty years. The charter allows leasing, but only for fifty years. The developer requested a fifty year lease with their sole right of renewal, which he believed is tantamount to a hundred year lease. The 50/50 year leases is the only way to get around the charter provision, if the Commission wishes to do so. Commissioner Rodstrom questioned why the Commission is not simply addressing a fifty year lease and addressing this issue in fifty years; it ties the hands of the future commission. The City Attorney expanded on the history surrounding this point, noting at one time the existing lease with the renewal had sixty-five years plus. The State has not opined because no one has requested an opinion. The issue is in the charter. As to approval by the State, Mayor Seiler noted it is not their issue. The City Attorney concurred and went on to clarify that there was a reverter clause for the Palazzo different from this property. As to protection items in the existing lease, the intention is to leave those provisions in place which is why the intention is to start with the existing lease and add these terms to it. Liability claims, such as gasoline spillage, would go against the lessee and this is why environmental site assessments are required. Broward County Property Appraiser has valued the property at about \$35 million, but the City Attorney did not know when it was last appraised. The fair market value set forth is for the land only because the City has nothing to do with any of the buildings. As the developer is constructing the buildings, they would get a fair market value of the highest and best use which means they will want to build as quickly as possible. At the ten-year mark, the highest and best use will be whatever rights the City gives the developer under the zoning and site plan. Staff believes the rent is self-adjusting. The Property Appraiser's assessment for years one through ten was used because it was an easy number to find. Commissioner Rodstrom questioned giving an elected office holder to provide such an assessment as opposed to an independent agency. The City Attorney noted the City's existing situation with respect to having an antiquated lease and small amount of return on a valuable site and went on to point out that the replacement lease will generate about \$10 million more in the period of ten years. At the ten-year and



every five years thereafter an MAI appraiser will adjust the value. He expanded on that process. In response to questions raised by Vice Mayor Rogers, the City Attorney believed there is a capital improvement account on the existing lease; an amount going forward would be determined in the negotiations. In further response to Commissioner Rodstrom, the City Attorney explained If the developer does not build within the ten-year period, there will be a penalty for not meeting the construction plan and the rent would be adjusted to a fair market value as well based upon what they could build. The developer has requested ten years to complete the project. If the developer goes belly up, the City would take back the property. The City requires 95% replacement value insurance.

In response to Mayor Seiler, the City Attorney reviewed the history of the existing lease resulting in a sixty-five year period. If the developer chooses to do nothing, the property would sits is for fifty-one years. With respect to paragraph 5(e) of the term sheet, the City is saying there must be enough parking for the boat show and the residences. Residential parking cannot be displaced to accommodate the boat show. Any parking reductions would be subject to those conditions. Paragraph 5(g) provides for public access from 6 a.m. to 2 a.m. at a minimum. Public access to the sky bridge would be limited to whatever the Commission decides in the future. The Pedestrian Circulation Experience provision in Paragraph 5(h) was requested by the City's planners. Mayor Seiler emphasized the importance of providing a permanent home for the boat show. He referred to Paragraph 9 and wanted to tighten the language to prevent the lessee from choosing to do something other than the boat show in order to get more value from the docks. He did not think that two percent is enough of a motivator. If the developer chooses to exclude the boat show, there should be substantial penalties. The lease should be included. He has concerns about the attornment issue.

Mayor Seiler opened the floor for public comment.

Peter Henn, representing LXR Luxury Resorts & Hotels (Rahn Bahia Mar), noted about three years ago the City requested that Rahn Bahia Mar execute an agreement providing they would not use any of these discussions for vested rights. Commissioner Rodstrom wanted such document to be provided in the backup. He reviewed slides on their proposal. A copy of the slides is attached to these minutes. He was grateful that it will possible to negotiate further on the non-disturbance agreement and structure. Separate from the boat show, fishing charter and restaurant, he did not think the City should get too involved with the other day to day marina operations. He did not think 230 additional parking spaces could be provided. It would be very difficult to pay almost one million more in rent on day one. The subleases need to provide a framework to make financing the various components possible. The marina asset would be the top choice if the City was to take back some part of this. He asked the City Attorney to be instructed to work on this point with them. He would be prepared to discuss a lease and first reading of a PUD at the first meeting in July.

In response to Mayor Seiler, Mr. Henn advised that special marina rights will not be given to purchasers of the (residential buildings). They plan to operate the marina as a stand-alone and not to use the marina to help sell the residential. As to the Mayor's comments on the boat show, rather than the two percent, he wanted language so that the developer is not able to exclude the boat show. Vice Mayor Rogers questioned concern about the marina cross-default issue as opposed to the other sub-lessee cross-default issue. Mr. Henn did not think they could get hotel financing if they have to take a

risk on the marina. If there is a technical default on the hotel or marina, for example, but the City is still receiving satisfactory revenue, he wanted the City to accept revenue from the other components and not consider it a default. The City Attorney explained that the lessee will always be the marina parcel with subleases. Mr. Henn believed the Property Appraiser could be asked to provide separate tax bills.

Commissioner Rodstrom asked if there is an alternative besides another layer to the parking garage. Mr. Henn indicated more valet parking could be added. There is available green space. He believed that a parking reduction is warranted, but noted it is a site plan issue. Without the residential being determined, Commissioner Rodstrom questioned reference to parking for it being included in the term sheet. She noted that less condominium floors would be a way to provide more parking. Mr. Henn indicated that Rahn Bahia Mar has not until today been asked to provide 230 additional spaces. The City Attorney understood from conversations with Planning staff that there had been discussions for month about 230 public parking spaces in order to access all of the public amenities. Mr. Henn elaborated upon work of the traffic engineers and the Planning Department and that there is public parking which exceeds 230. There are also forty-five metered spaces. There may be a misunderstanding of terms on his part because Rahn Bahia Mar had received a positive staff recommendation to go to the Planning and Zoning Board, there was no request for an additional 230. Commissioner Rodstrom noted a parking study had not been completed at that time. The South Beach Parking Lot cannot be encumbered for Bahia Mar overflow. Mr. Henn advised there is no intention to use that lot. Commissioner Rodstrom thought 230 seems in line with what may be at Bahia Mar day to day. Vice Mayor Rogers asked if there is contemplated year-round programming for the park. Mr. Henn proposed there be limitations on special events. Some events will require City approval. Rahn Bahia Mar goal is to keep (usage) at a high-level of dignity, but open to the public and respectful of neighbors.

Christopher Beck, 545 South Fort Lauderdale Beach Boulevard, supported something that would brand Fort Lauderdale and giving thought to associated businesses that could be forthcoming. This is one of the major pieces of property that the City owns. Property is limited. Other uses should be considered. He wanted to examine the boat show's business model. There is a conflict between the City's long-term goals and Rahn Bahia Mar's goal to sell condominiums. He felt the City's revenue share should be more. Commissioner Rodstrom asked if Mr. Beck has noticed an increase of vacant condominiums and foreclosures on the beach. Mr. Beck indicated there is no problem in his building. He went on to advocate seeking synergy with all of the properties including the International Swimming Hall of Fame.

Mary Fertig, 511 Poinciana Drive, noted there is no comparable parcel of this size remaining in the City; it is a treasure of open space. She noted the current zoning. The proposal is to build a structure which is four and a half times longer and two and a half time wider than allowed with the current zoning which would eliminate open space viewable from the Intracoastal or A-1-A. She questioned the appropriateness of building residences on city land. The developer is asking for a parking reduction, yet area parking lots are crowded year-round. Aside from the boat show, any plan must consider all of the people that come to the beach. Use of any of the area parking lots by Bahia Mar should be prohibited. She felt the (parking) studies are flawed as they were performed in the summer and in September. She disputed accuracy of the traffic analysis. The proposal would consume thirty percent of the remaining trips on the

beach. She questioned how this has impacted long-term planning. She also questioned the length of the lease term. She felt it would have been better to solicit plans from many sources and then work with Mr. Henn. She referred to page 4 of the term sheet and questioned allowing the lessee's attorney to determine whether the proposal meets City requirements and who is responsible for liability insurance and how would that be addressed over the lease term. She asked about the process if there are environmental issues. She questioned proposing new residences when there is a market glut and historic hotel vacancy rates. She questioned bringing the project forward so quickly and discouraged consideration during the summer. A zoning change is being requested because the proposal is not allowed under current zoning. PUD zoning does not comply with the beach redevelopment plan. There is nothing to prevent people from parking in the garage. The term sheet goes beyond what was envisioned by anyone. She felt the developer could have made the property more attractive in the past eight years. She opposed the zoning, residential and empowering their attorney to determine if a one hundred year lease violates the charter, tying the hands of future commissioners and to future generations being able to determine their destiny. The City should continue to negotiate.

The City Attorney advised that the provision having to do with the attorney's opinion was included to protect the City.

Walter Morgan, representing Marine Industries Association of South Florida, indicated they have worked for years with the developer on a design that will accommodate the boat show. He hoped the proposal would be moved forward.

Judy Russell, 509 Idlewyld Drive, provided information outlining her protests to the term sheet that was made a part of the record. She disputed the Bahia Mar plat as to acreage. In response to her question of how many square feet would be leased, the City Attorney indicated that he does not know the exact number, but advised that the property is owned in fee simple title, but the dock leases do not apply to the entire submerged land. Ms. Russell was concerned that the City does not know the square footage to be leased. The City Attorney explained the property description and survey will be attached when the lease is finalized. Ms. Russell asked if common area maintenance fees would be addressed. The City Attorney advised that would be the responsibility of the lessee. Ms. Russell objected to the submerged land encroachment onto the Intracoastal. She did not believe fuel services should be allowed. The property is listed as a contaminated site with the Department of Environmental Protection. It should be cleaned up before anything else happens.

Ann Hilmer, 621 Idlewyld Drive, indicated Mr. Henn's first meeting with Idlewyld was with some five or six residents that was not recognized by the neighborhood association. The second meeting was a presentation to Idlewyld's board only. The third meeting was a developer presentation onsite. The fourth meeting was a coffee with the neighborhood association president only. When Idlewyld met independently on the proposal, they voted to oppose it. She believed that the condominiums closest to Bahia Mar are also opposed. Idlewyld has written to the City, requesting a moratorium on PUD zoning until the City could examine the use of PUD for spot development. Sailboat Bend neighborhood is also in support of such a moratorium. Businesses have agreed to the beach master plan prepared in 1989, but this developer wants to do something different. She requested additional information concerning the proposed restaurant. She also requested additional restrictions in the lease with respect to noise abatement. She was

concerned about the lessee maintaining the property as they approach the end of the new lease. Idlewyld has asked a number of questions in the past year and many remain unanswered.

Mayor Seiler asked about Ms. Hilmer's point concerning maintenance. The City Attorney advised that there are maintenance requirements as far as the current lease is concerned and would be added to the new lease. Mayor Seiler requested it be addressed.

Sadler James, 3073 Harbor Drive, favored the project with the exception of the condominiums. He was concerned about the City Attorney circumventing the chart as to the length of the term. He objected to the revenue to the City being based on a flat percentage. He questioned the basis for the percentages when there is no financial model. He questioned not being able to attach a value to a share of the revenue without knowing what can be built when the developer has presented a proposal. He emphasized his concern about the lack of financial modeling. There is no inspection requirement for the common areas. He opposed a term more than fifty years.

Art Seitz, 1905 North Atlantic Boulevard, believed there is need for a coordinated effort or a master plan to deal with the Las Olas parking lot and everything south of Las Olas and from the ocean to the Intracoastal. He was concerned about the lack of reasonably priced parking. Residents of the entire county are not able to enjoy the beach. He was concerned about the lack of amenities for the general public. He wanted appropriate impact fees collected and applied to this area. He did not see any compelling reason to rush into approval of this proposal. He referred to a 2008 Sun Sentinel news article concerning public benefits. He elaborated upon revenue percentages and amounts received in various other areas as well as the profits of this developer.

Miranda Lopez, 3031 NE 21 Street, read a statement on this topic which is attached to these minutes. She supported the boat show part of the project, but believed the project is too big for the area.

Fred Carlson, Central Beach Alliance, indicated a number of meetings were held with the developer. Most of their requests were fulfilled. Not quite enough parking was secured. The Alliance voted 108 in favor and 53 against. He emphasized the need to monetize the City's assets and work together with businesses. The terms need to be flexible because things and times change over time. He supported staff's proposal. He was concerned about the condominiums and the possibility of some owners having to pay for others if they go belly up. He urged the Commission allow the project to move forward now.

Ann Shumpert, 1620 SE 4 Street, asked about the traffic impact on Las Olas Boulevard and traffic flow westward. Jacqueline Scott had planned to speak, but had to leave, so Ms. Shumpert indicated that she is speaking on her behalf. She questioned the mass development being envisioned by former officials. The Commission is taking on a design and management role which traditionally means either a lawsuit or the City defaults to the developer. With signing of the lease, the power shifts to the developer. As to rent, this may be the worst time in twenty-five years to establish value on a MAI appraisal. A rent floor should be set.

There was no one else wishing to speak.

Commissioner Rodstrom raised concern about a shadow being cast on the beach in the vicinity of the South Beach Parking Lot where people from the entire county come to barbeque and enjoy the beach.

Mayor Seiler emphasized that no commitment is being made as specified in Paragraph 16 of the term sheet.

Commissioner Roberts requested some type of inspection to assure maintenance. He thought there should be a fall-back minimum in terms of revenue, laddered based on the number of years. Commissioner DuBose agreed with the suggestion of a minimum in terms of revenue.

Vice Mayor Rogers requested an opinion on how two, fifty-year lease terms do not violate the charter. He also requested an expert opinion on the baseline valuation in addition to that available from the Property Appraiser and instead of securing appraisals. With respect to maintenance and repairs, he recommended the City start with a baseline and add to it because it would be problematic at the end of the lease. With respect to the non-disturbance and attornment, he agreed there needs to be cross-default provisions in order to have any control and he did not want to relinquish that unless the City Attorney can find another mechanism that would give the City the same comfort. The City Attorney explained as currently written the City has complete control or no risk, but the likelihood of securing financing is de minimis. Staff will evaluate what could be done perhaps during construction with required bonding. If the City was to take back the marina and the Waldorf Astoria Hotel was an ongoing entity, the City would probably want it to be there and to be a sub-lessee. However, during construction, the City would not want a half-built hotel. Mayor Seiler wanted to the City to have the right to immediately step in if there is ever a default on the marina.

Commissioner Rodstrom agreed with all comments by other members of the Commission. She requested a copy of the existing lease as well as the PUD and existing zoning be provided to the Commission. She also requested that staff do more research on the shadow cast on the South Beach Parking Lot, along with the parking study. She was concerned with the master covenants, 230 parking spaces. She wanted to make sure the developer is maintaining required parking on-site. She requested a copy of the referendum language concerning sale of public property coming before the voters. She believed the charter is being violated with the two fifty-year leases and would be violating the public trust if condominiums are sold without a referendum. She requested the item not be placed on the agenda again no sooner than September or October. She was opposed to the condominiums.

Vice Mayor Rogers believed the residential units must be co-ops. The City Attorney explained because of the hundred-year lease and case law, it is tantamount to fee ownership. As far as the leasehold interest of the property, he did not think the City has anything to do with it. Vice Mayor Rogers pointed out that co-ops are the most difficult to finance and sell; he did not want that on City property. The City Attorney offered to follow-up.

In response to Mayor Seiler, the City Attorney advised that the term sheet could be brought back at the first meeting in July, but some items such as the opinions on co-ops

and the charter will require more time. After a general discussion on timing, there was consensus approval to bring the term sheet to the July conference.

Ms. Hilmer asked whether it would be possible to make the term sheet available to the public online earlier than customary. The City Attorney offered to do so if possible. Mayor Seiler asked for a timing update at the June 15 meeting. He wanted to see the term sheet available a week in advance. He asked the City Attorney to address the issues raised so that the project could move forward.

**II-D – International Swimming Hall of Fame Lease Agreement – Amendments – Internal Audit Division’s Response to City Auditor’s Office Review of Internal Audit Report**

Shonda Singleton-Taylor, Acting Director of Management and Budget, highlighted information provided with Commission Agenda Report 10-0741.

Commissioner Rodstrom referred to the City Auditor’s findings (Exhibit 2) on pages 3 and 5, indicating that no money is owed to the City.

The City Auditor noted the Commission’s request to review work performed by the Internal Audit Division with respect to the lease agreement which has been provided. The primary finding has to do with the amount of money that is owed. He believed sufficient evidence was provided by the International Swimming Hall of Fame (ISHOF) and their auditors to negate that there is anything due the City. The City Manager believed that it appears as if there is an attempt to bend the rules for this organization which is not done for any other. The City Auditor indicated that Internal Audit’s report purports to be a review of Business Enterprises when it is in fact a review of ISHOF. There is no provision within the contract for review of ISHOF. There is a requirement that ISHOF provide certain information to the City which was done although not in the exact format specified in the contract. Internal Audit chose not to rely on the information and attempted to re-perform an audit themselves. ISHOF opened their books to Internal Audit although the contract has no such provision. There were conclusions drawn by Internal Audit that are unsubstantiated. There are no rules being bent. The City Manager advised that Business Enterprises is required to follow the contract. Staff looked at whether the requirements are being followed and the answer is no. If there is a decision to allow something different because an organization brings some value to the City, then that is the Commission’s call.

Commissioner Roberts did not believe that is the role of Internal Audit or the City Auditor. Renee Foley, Assistant Director of Internal Audit, did not believe there have been any audits of ISHOF in the past. Commissioner Roberts questioned why this audit was performed. The City Manager advised that a series of issues had arisen, including concerns that portions of the site were being used by ISHOF that were not stipulated in the contract. Additionally ISHOF had requested additional vending services. He felt the only way to determine if the contract was being followed was to have Internal Audit look at the situation. Commissioner Roberts questioned the depth. He referred to the conclusion of both audits that the agreement should be re-written as it is too vague and outdated. He believed that has been the cause of different results. He felt the City should move forward in getting it re-written. The City Manager concurred.

Vice Mayor Rogers understood that a lack of documentation resulted in a charge which might not have otherwise occurred. The City Manager agreed. The City Auditor quoted the contract, that the allocation of net revenues and rental income as defined will be determined by the corporation's independent auditors in the course of an annual examine of the corporation's financial statements. An inference could be made that the schedule should be included in the annual audit report, but it could come separately. It was provided as a separate document. Ideally, it would have come as a separate document with an opinion from the independent auditor. They met the strict contract terms, but not in an ideal format which he has indicated to Bruce Wigo of ISHOF.

Vice Mayor Rogers referred to Exhibit 1 to Exhibit 3 having to do with the 2007 boat show rentals revenue, indicating that agreements between ISHOF and the promoter, dating back to 1997, erroneously specified monies to ISHOF as a donation. He understood there was some historical basis for ISHOF to earn revenue directly from leasing part of the site during the boat show. He questioned whether this should be addressed in amending the contract. The City Auditor believed the issue was that it was improperly classified; it is not a defect in the agreement. In further response, the City Auditor clarified that contributions and donations in support of a non-profit organization are not part of the revenue upon which the City derives a proportionate share. The City Attorney was not aware of any agreement that provided for the misclassification to be acceptable. Since he has come onboard with the City in 2002, the City has objected to ISHOF classifying these parking revenues as a donation. There has been a serious disagreement between the City and ISHOF on this point.

Bruce Wigo, present and CEO of ISHOF, advised that ISHOF has not done anything with parking for the boat show since his arrival. The boat show now makes a separate agreement with Business Enterprises. When he came onboard in 2005, he asked to renegotiate the contract. The City and ISHOF have been losing money for ten years. He went on to say he represents an organization invited by the City in 1962 to make its home here. He elaborated upon historically what has been possible as a result. ISHOF has promoted Fort Lauderdale as the mecca of world swimming. He emphasized the need to renegotiate the contract. He referred to references to ISHOF's minutes in September of 2005, and that there were errors in them, but they were corrected and provided again to the City in 2009. There is now some implication that there was some impropriety with them rather than a clerical error. He resented the implication. Further the City had no right to inspect ISHOF's books. The outside independent auditor is the sole determiner of whether ISHOF owed the City money. The information was provided. He noted that hundreds of hours have been expended. He wanted to move forward to make a great aquatic complex at this site. He emphasized that the agreement provides the name of the complex to be the International Swimming Hall of Fame Aquatic Complex. He noted the signage on state highways directing people to the Swimming Hall of Fame complex. He provided information with a cover letter, dated May 17, 2010, that was made part of the record.

Note: The City Commission recessed at 5:51 p.m. and returned to the remainder of the conference meeting agenda, beginning with continuation of item II-D, from 9:17 p.m. to 10:58 p.m. on the first floor of City Hall.

There was consensus approval to not to charge ISHOF for the money in dispute and to develop a new agreement.

**I-C – Fiscal Year 2010-2011 Budget**

Shonda Singleton-Taylor, Acting Director of Management and Budget, noted the original discussion on cost recovery was held on April 20. The presentation does not include all fees, but rather a sampling.

Vice Mayor Rogers asked about parking facility fees listed under the Planning and Zoning Department. Renee Cross, Planning and Zoning, advised this fee is in lieu of providing parking space.

Commissioner Roberts pointed out that there is approximately over \$30 million in uncollected fees. If the Commission decides to raise fees, it should be done gradually and on a regular basis every one to two years. He suggested the fees be increased over a three to five year period. Vice Mayor Rogers questioned some factors used in calculating the fees. He agreed it cannot be done all at one time. Mayor Seiler noted that taxpayers are being penalized in subsidizing these items. He elaborated on some of the fees and philosophy of whether the City should be subsidizing a percentage based on the type of service. A discussion followed concerning EMS transport and the percentage billed. Mayor Seiler emphasized that it should be billed at 100%. In response to Mayor Seiler, Jeff Justinak, Acting Fire Rescue Chief, advised that the City of Wilton Manors has requested an extension to their contract for fire and EMS service to the end of this fiscal year. It will be revised.

The City Auditor advised that today he received documentation that support some of the calculations in the information provided the Commission. He does not agree with the methodology of some, therefore the discussion should be philosophically only.

Mayor Seiler felt that for EMS service, Lazy Lake should be treated the same as Wilton Manors.

In response to Mayor Seiler, Norm Mason, Assistant Director of Management and Budget, advised that Mills Pond Park is established as an individual cost center. He went on to explain cost centers. Phil Thornburg, Director of Parks and Recreation, indicated that individuals participating in the softball tournaments at Mills Pond Park are residents from all over the county and state. Mayor Seiler did not want to subsidize for non-residents. Mr. Thornburg felt in this case the fee could be raised, but noted there is a need to remain competitive with other communities.

Mayor Seiler was concerned about an 8% cost recovery for planning and zoning development review. Mr. Mason explained that there is only one cost center for the Planning and Zoning Department, therefore they have now been tasked with evaluating and determining the cost associated with each of their activities. The information was provided only as a stepping stone to begin analysis. Mayor Seiler questioned Weston's fees compared to Fort Lauderdale as Weston outsources plan review. Greg Brewton, Director of Planning and Zoning, was not aware of Weston's fees, but indicated that permit fees are a small reflection of the Planning and Zoning Department. Staff is looking at their entire fee schedule. He anticipated the fees could be increased. The non-fee based services within planning and zoning departments should be taken into consideration. In such case, the City's percentage is much higher than 8%.

The City Manager elaborated upon the enormity of this endeavor in general. He asked if there is a way to arrive at perhaps an across the board or a portion of them as an initial



approach. A discussion followed including examples of the scale and difficulty. The City Auditor suggested that 20% of the fees are probably generating 80% of the revenue. He suggested looking at those. Mayor Seiler pointed out that the largest is fire, however, he would not anticipate 100% recovery. Commissioner Roberts agreed, but suggested raising the threshold for EMS to some extent over a three to five year period. Vice Mayor Rogers felt that fire fees are different from tennis lessons for example. The City Manager advised that staff will follow the City Auditor's suggestion. Mayor Seiler asked the City Manager provide specific recommendations.

Commissioner Rodstrom questioned why the City has waited so long to start the process. The City Manager recalled last year the Commission directed there be no increase in fees. Commissioner Rodstrom felt staff could have provided some of this information before that policy decision was made.

Commissioner Rodstrom was concerned that the Commission has not had a philosophical discussion on whether to raise taxes. There is only so much reserve. Some 40% of the foreclosures are not yet reflected. The City has not received a presentation from the Property Appraiser. She wanted to know how the other members of the Commission are thinking about balancing the budget. She is not supportive of layoffs. If necessary, furlough days could be established. She is not supportive of pay raises together with layoffs. She is not supportive of raising taxes or the roll-up that would raise taxes for homesteaded properties. With the current state of affairs, she did not think this philosophy could be met and therefore she wanted the necessary numbers. As to cuts, she would use what reserve within the parameters suggested by the City Auditor and then offer employees voluntary furlough days. She recalled there had been consensus for a 10% reserve. Commissioner DuBose thought the conclusion had been 15%. Ms. Singleton-Taylor indicated a range of 10%-15% was the conclusion. A general discussion followed on the specific amount of reserve moving forward, and revenues and savings that have been achieved this year. Commissioner Rodstrom was concerned about next year when revenues will be down and if the reserve is at \$30 million, it will not be enough. Mayor Seiler felt that each member of the Commission should meet with the City Manager and staff and offer suggestions. Commissioner Rodstrom questioned when the Commission will have a discussion on their ideas. Mayor Seiler felt discussions on saving approaches have been occurring throughout the year. Commissioner Rodstrom had concerns about proceeding in the same fashion and still being able to not raise taxes. Vice Mayor Rogers pointed out that it is unlikely the City will begin any new capital projects. Also, the City's debt ratio is 1.4% of the budget, therefore money could be borrowed if a project is needed. This is a topic the Commission should discuss. It would stir the economy and create jobs. Commissioner Roberts concurred. The City should do its due diligence in making cuts. He wanted to keep the reserve at 15%. Another option is user fees. He was interested in looking at a program that would reward departments for saving and to create efficiencies. The City needs to begin implementing a three to five year plan. Commissioner Rodstrom did not want to wait to a point where the Commission would be forced to do something. Commissioner Roberts indicated that he has suggested the elimination of all vacant positions and re-justify as they become needed. Vice Mayor Rogers noted the City's recent excellent bond rating. Commissioner DuBose emphasized it was agreed last year that this is a long-term process that cannot be done in one or two years. Everything should be examined. He reiterated his suggestion of a four-day work week. He felt the City is moving in the right direction. Mayor Seiler noted that the entire Commission has indicated that taxes will not be increased.

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

In response to Mayor Seiler's question concerning Fraser Barnfather (Sturgeon Creek Investments, Inc.), Valerie Bohlander, Director of Building Services, advised that staff continues to recommend 1%. No other lien reductions have been requested. The closing statement was obtained. Vice Mayor Rogers expanded on his conversation with Mr. Barnfather and desire to be assured that people are being open and honest, and that typically people would address \$350,000 of liens on a property they are purchasing upfront. Ms. Bohlander advised in the future the Commission will receive additional information. This particular case will be presented for approval on June 1.

There was no objection.

**II-B – Lohmeyer Wastewater Treatment Plant – Additional Costs Associated with Emergency Repair of Motor for Injection Wells**

Albert Carbon, Director of Public Works, advised this emergency purchase was previously approved, however, subsequently an additional \$2,000 was needed. This item is for informational purposes.

**II-C – Operational Audit of Fleet Services Division**

The City Auditor noted there were not too many items that gave pause. The director has been very proactive about embracing the recommendations; many items have already been implemented.

Vice Mayor Rogers disagreed with the recommendation to conduct a feasibility study on in-sourcing or out-sourcing vehicle maintenance operations (Observation 9). The City Auditor advised that it has been outsourced for a number of years. A RFP will soon be issued. Privatizing functions does not always lead to cost savings. The City does not necessarily know this is the most cost-effective method. Vice Mayor Rogers pointed out that historically the City has always saved. He advocated out-sourcing. However, he did not support the private entity being responsible for purchase of parts. Mayor Seiler agreed with keeping the function out-sourced, thinking of staff increases. He asked if the City has looked at whether local dealers could offer a lower price. Diana Alarcon, Director of Parking and Fleet Services, advised that the RFP was sent to everyone who has an interest. The City uses local vendors for warranty work.

**V - City Manager Reports**

The City Manager reported that Fire Stations 3 and 49 will be occupied very shortly.

**IV - City Commission Reports**

Continued from Page 1.

**Workshops, Public Hearings**

Mayor Seiler announced upcoming workshops and public hearings.

Broward Sheriff's Office; Funding Public Safety E911 Dispatch Operations

Mayor Seiler referred to Broward County's reevaluation of the public safety E911 dispatch operations that may have a City exposure of \$5.7 million per year (June 23, 2010 letter from Broward County Administrator). Mayor Seiler felt the City is actually subsidizing services provided to communities by Broward Sheriff's Office. If the dispatch system shifts to the cities, he felt the extent of subsidy needs to be examined. Commissioner Roberts offered some history on the topic. It is the City's equipment. Jeff Justinak, Acting Fire Rescue Chief, advised that Oakland Park is interested in working with Fort Lauderdale on this matter. He went on to note the City already works with Pompano Beach and Oakland Park. Commissioner Roberts indicated that there are issues with regionalization of the CAD system as well. He went on to expand on cuts and closing of facilities and the impact they will have on the City's public safety budget. Discussion ensued on the Sheriff's crime laboratory and indication that there are cities outside of Broward County. Commissioner Roberts requested copies of the pertinent interlocal agreements be provided to the Commission.

Continued on Page 20.

**III-A – Communications to City Commission and Minutes Circulated for Period Ending May 13, 2010**Centennial Celebration Committee

- **The RFP for the Historian was issued. Proposals are due June 2, 2010.**
- **By consensus, at its May 5, 2010 meeting, the Committee agreed to utilize the services of Jan Beth Idelman, Inc., to raise funds and secure sponsorships under the terms of her existing agreement with the City of Fort Lauderdale for Event Fundraising and Sponsorship services. The agreement entitles Jan Beth Idelman, Inc. to 13% of funds it raises in conjunction with the Centennial.**
- **The Committee worked with Go Riverwalk magazine to coordinate a photo shoot of an infant in a Centennial onesie. A photo will be published in an upcoming issue of Go Riverwalk.**
- **The Committee is working on the application for the State Historical markers and logistics for a ceremony to unveil the markers when they are installed.**
- **The Committee is in the process of finalizing a master project list and budget.**

Information accepted.

Marine Advisory Board

Following a discussion of the north side of the New River/Riverwalk Seawall, the Marine Advisory Board makes the following findings:

1. **The existing condition of the seawall is a safety** concern and it also diminishes the success of our downtown Marina and warrants repair; and
2. **This Board has made the recommendation for the** past 4 or 5 years that this be a funded priority; and that the staff has inserted this project into the capital improvement budget for a number of years and the project is still not funded.

In response to Vice Mayor Rogers and Mayor Seiler, Cate McCaffrey, Director of Business Enterprises, advised that the New River/Riverwalk seawall (north side) is a Capital Improvement Project, but it is not funded. The estimated cost is \$2.5 million. Vice Mayor Rogers pointed out the City could borrow funds for this as rates are low. The City Manager indicated the capital improvement projects will be discussed on June 1; staff would appreciate direction on funding options.

A **Motion** was made by Mr. Tilbrook, seconded by Mr. Adams, to recommend the following to the City Commission:

1. **That the City Commission allocate funding for** immediate short-term repairs to address life safety and property damage liability concerns with the existing seawall;
2. **That the City Commission allocate the necessary** funds to match a F.I.N.D. [Florida Inland Navigation District] grant for the construction of a new seawall in this section, and to dedicate a portion of the New River Marina revenues as a funding source; and
3. That the City Commission request the City Attorney to identify the riparian ownership rights of the seawall at the Hyde Park Market site, and if the City has ownership rights, to incorporate the seawall replacement of the Hyde Park Market site into this project. The motion was approved unanimously (13-0).

In response to Mayor Seiler, the City Attorney indicated his office has not yet addressed the request concerning riparian ownership rights of the seawall at the Hyde Park Market site.

Visioning Committee

**A motion offered by Mr. Lindblade and seconded by** Mr. Vitale, that the Committee would like staff to draft an

RFP for C3 professional consultant to assist with the visioning process. The Committee drafted an RFP that they would like to provide to staff as a reference document for the RFP that staff will put together, carried by a vote of 10~1, with Mr. Gabriel voting no.

Vice Mayor Rogers believed that George Hanbury of Nova Southeastern University is contemplating assisting with this. The Vice Mayor indicated he has offered to inquire to the president of Broward College as well. The City Attorney explained that there are problems with this based on the City's form of government. The committee wants to be the selection committee, to make the choice, execute the contract and tell the consultant what to do. This would violate the charter and ordinances. In response to Mayor Seiler, Chaz Adams, Acting Director of Public Information, believed the committee would like staff to finalize their RFP draft so that it could be issued. The City Attorney offered to do this in cooperation with Procurement Services. Mayor Seiler asked that this be done and the matter be brought back to the Commission.

As to funding, Vice Mayor Rogers wanted to see what the educational institutions would do in-kind and then consider raising what is needed. However, the Centennial Committee is raising funds also, and he did not want duplicate requests made of people. In response to Mayor Seiler, Mr. Adams indicated that the committee does not have a cost range. Kirk Buffington, Director of Procurement Services, suggested approaching the educational institutions first. Because they are not-for-profit, the City could enter into a contract with them without a competitive process. Mayor Seiler asked the Commission to individually see if there is any interest on the part of the local universities.

#### **IV - City Commission Reports**

Continued from Page 18.

##### **Utility and Large User Rate Adjustments; August, 2010**

In response to Commissioner Rodstrom, Albert Carbon, Director of Public Works, provided a verbal update on upcoming utility and large user rate increases of 5%.

##### **Resource Recovery Board Meeting; May 19, 2010**

In response to Mayor Seiler, Albert Carbon, Director of Public Works, noted staff is scheduled to attend the Resource Recovery Board meeting tomorrow.

##### **Neighborhood Stabilization Program, Fort Lauderdale Community Development Corporation**

In response to Vice Mayor Rogers, Greg Brewton, Director of Planning and Zoning, advised that the City has received three applications [from Fort Lauderdale Community Development Corporation (CDC)] for homes to be purchased and rehabilitated under this program. There is some additional information needed, but nothing extraordinary. Based on Commission direction, he understood the contract is now terminated. The remaining monies will go to the two other vendors. The deadline is in September. Vice Mayor Rogers pointed out that this is the only not-for-profit organization in the group. In further response, Mr. Brewton indicated that Community Development Corporation is a

solid organization that has done a lot of work in the city for a number of years. He understood they were slow starting, but he wanted to give them another opportunity. It appears that the financial standing is solid.

Vice Mayor Rogers wanted to reconsider the motion (May 4, 2010) relating to Fort Lauderdale Community Development Corporation to grant another grace period of ninety days, however, the regular meeting had already been adjourned.

(Original motion adopted on May 4, 2010: To follow the current agreement with Fort Lauderdale Community Development Corporation only for the following three properties if completed within ten work days; applications to be submitted within two days; if they cannot be completed within the ten work days, Fort Lauderdale Community Development Corporation agrees to assign the contracts to other vendors in this program: 1377 Riverland Road; 1829 11 Court; 1813 SW 10 Court. Roll call showed: YEAS: Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.)

Commissioner Roberts believed the ten day period ends tomorrow, although Mr. Brewton believed it was the 17<sup>th</sup>. He was not supportive of an extension, but would be open to considering this organization on the second round. Mayor Seiler indicated he would have supported Vice Mayor Rogers' motion because he believed they have made corrections. Mr. Brewton did not believe the City received any funding on the second round. It would not be possible to use CDC for monies that become available as homes in the program are sold because the contract has been terminated. In response to Vice Mayor Rogers, Commissioner DuBose understood when the program is completed, remaining monies with the exception of administrative fees and so forth will be returned. The program is for a set time.

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

Note: Please see regular meeting item R-03.

There being no further business to come before the Commission, the meeting was adjourned at approximately 10:58 p.m.