

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
JUNE 1, 2010

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CITY COMMISSION CONFERENCE MEETING 1:34 P.M. June 1, 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 Joel Winfrey

IV - City Commission Reports

District II Events

Commissioner Rodstrom noted recent events in District II.

International Swimming Hall of Fame

Commissioner Rodstrom wanted to work on acquiring as much capital funding for this item. She mentioned the Tourist Development Council and Broward County. Mayor Seiler noted an upcoming meeting on this topic.

Members Participating in Advisory Board and Committee Meetings by Telephone

In response to Commissioner Roberts, the City Attorney advised there is a policy against telephonic participation in board and committee meetings. Mayor Seiler indicated he would be amenable to revisiting the policy for telephonic participation, but would not support allowing voting by absent members. The City Clerk indicated that she would check into what is needed from Information Technology Services in terms of equipment set-up. It could be changed by resolution.

Rebuilding Together Broward County

Commissioner Roberts described the program and indicated it has been launched in Pompano Beach. He wanted additional information and to schedule it on a conference agenda. The City would be asked to waive permit fees. Mayor Seiler questioned how much control the City would have. He understood the City would be asked to contribute \$5,000 per home over and above permit fees. They would like to implement the program in one location, not across all districts. He had a concern about improvements being made and the home then being sold. Vice Mayor Rogers wanted to see partners come forward. Mayor Seiler indicated that he had inquired whether community redevelopment agency (CRA) monies were used in Pompano Beach. Commissioner Rodstrom thought that Community Development Block Grant monies might be a possibility. Commissioner DuBose did not want to always look to the CRA and mentioned possible State Housing Initiatives Program funding.

Community Bus Service; Downtown Fort Lauderdale Transportation Management Association

Commissioner Roberts commented on the need for funding to keep some routes operational and perhaps community redevelopment agency in the northwest and beach (CRA) funding might be a source for a short period of time. He felt it could be sustainable by next year. However, it may be necessary to ascertain a funding source. Vice Mayor Rogers believed the amount is \$25,000. He explained the goal is connectivity of routes. He was encouraged that the service is making inroads. He wanted to work on creative financing. Commissioner Roberts elaborated upon all of the entities that are stepping up and the potential in general.

Commissioner Rodstrom wanted to know ideas of the new executive director on revenue generation and so forth. Commissioner DuBose remarked on the progress that seems apparent. Vice Mayor Rogers noted \$10,000 in revenue received for wrapping a trolley with advertisement.

The Transportation Management Association will be making a status report presentation to the Commission.

Bus Shelters

In response to Commissioner Roberts, Albert Carbon, Director of Public Works, indicated this item is scheduled to come forward with a recommendation on June 15, 2010.

Community Bus Service; Downtown Fort Lauderdale Transportation Management Association; Items with Funding Implications

The City Manager indicated if there are other similar items with funding implications, it would be helpful to raise them and staff be given direction.

Bus Shelters

Commissioner Rodstrom asked about working through the issue of maintenance. Albert Carbon, Director of Public Works, advised that they are working on merging the existing bus bench contract. In response to Mayor Seiler, Peter Partington, City Engineer, explained a proposed amendment to the City's bus bench contract with Gold Coast Engineering, may have an impact on the bus shelters. This has been the reason for the delay.

Shirley Small Park; Wall

Commissioner DuBose asked that staff look into the wall at Shirley Small Park that is deteriorating and in need of attention.

District III Events

Commissioner DuBose announced District III events.

Principal of the Year and Assistant Principal of the Year

Commissioner DuBose announced this year's principal of the year, James Griffin of Rock Island Elementary School and assistant principal of the year, Vicki Flourney of Lauderdale Manors Elementary School. These individuals will be scheduled at a future regular meeting.

Sistrunk Boulevard Streetscape Program

Commissioner DuBose noted the City received notice to proceed on this program.

District IV Events

Vice Mayor Rogers announced upcoming and recent events in District IV.

Smoker Park; rezoning

Vice Mayor Rogers referred to Smoker Park zoned RAC-CC (regional activity center – city center), noting the City has a 99-year lease with Broward County on this property. He wanted to proceed with rezoning it to park. In response to Commissioner Rodstrom, Vice Mayor Rogers did not believe the master plan would call for anything different and noted a hotel is already planned. He went on to comment that there are some very old Oak trees that should be protected. The City Attorney responded to Mayor Seiler's question as to process and timeline. Wayne Jessup, Deputy Director of Planning and Zoning, advised a land use plan amendment would not be required. He estimated a timeline of six-months. The rezoning would secure the land for park purposes. There was consensus approval.

City Events

Mayor Seiler discussed the success of recent and upcoming City events.

River Oaks and Museum of Discovery and Science; State Appropriations

Mayor Seiler announced grant awards for these two items.

Neighborhoods, U.S.A.

Mayor Seiler announced that Genia Ellis was recently awarded the first Who's Who in Neighborhoods U.S.A. award. He thanked Ms. Ellis for her contributions.

Interlocal Agreement with Broward County School Board; Public School Facility Planning - Amendments Including Changes to Level of Service; Education Advisory Board

In response to Mayor Seiler, Julie Richards, Assistant To The City Manager, advised that the board needs more time to make a recommendation on the City's interlocal agreement with Broward County School Board. Mayor Seiler indicated that there is no problem with the board taking more time.

I-D – Neighborhood Development Criteria Revisions Initiative Update Including Draft Unified Land Development Regulations Modifications Plan

Nore Winter of Winter & Company, City Consultant, noted plans moving forward. The first formal hearing with the Planning and Zoning Board is July 21. He reviewed highlights of the plan provided with Commission Agenda report 10-0776. He noted that some neighborhoods feel the proposed standards do not go far enough. An overlay option is recommended for those neighborhoods.

Lee Einsweiler, Code Studio, City consultant, will be drafting amendments to the Unified Land Development Regulations. Mr. Einsweiler explained the existing regulations do not tell the design community what to do. The range of housing allowed, for example, is embedded in the regulations. The goal would be a more illustrative and comprehensive approach to each residential form and pre-stage how the entire regulations could evolve into a more user-friendly, visual document, making better use of digital technology for cross-referencing. The development review process could be used as an extension of the code that will provide a common sense way to think about how the code is applied.

Wayne Jessup, Deputy Director of Planning and Zoning, announced open houses on this topic tomorrow. Mr. Winter responded to Mayor Seiler and Commissioner Rodstrom as to how the open houses will be conducted and presentation information made available to the public. Adrienne Ehle, Planning and Zoning, responded to Commissioner DuBose as to the initial public outreach.

In response to Vice Mayor Rogers' question as to a definition for neighborhood compatibility, Mr. Winter referred to Section 2-13. It will also be addressed in the compatibility criteria section. He elaborated upon points that were addressed and examples, such as open space, views, progression of space, enhancement of the streetscape.

Commissioner Roberts looked forward to simplifying and making the regulations more easily understood. He also was interested in how flexibility is addressed.

In response to Mayor Seiler, Mr. Jessup advised that both phases one and two are inclusive in the fee, therefore developing the ordinance is part of the project and identified in the budget. He outlined the schedule. Ms. Ehle explained that the Planning and Zoning Board review was originally intended to be completed in November, however, the board requested a second discussion which took place in February. Mayor Seiler asked how much was incorporated from the second meeting. Mr. Winter indicated that there were several useful comments. One example was introducing menus of choice.

In response to Vice Mayor Rogers, Mr. Winter advised that waterfront issues are woven throughout the document as well as a goal in the goal section.

In response to Genia Ellis, 1801 Marietta Drive, Mr. Winter and Mr. Jessup detailed the upcoming schedule in terms of public input and enactment of legislation. In response to Mayor Seiler, Lee Einsweiler advised in other communities where this was done the timeline from public input to presentation (of recommendations) it took no less than six months and normally longer. In response to Commissioner Rodstrom, Lee Einsweiler

added that amendments to the code resulted in other communities where this process was followed.

I-C – New Year’s Eve Downtown Countdown Event – Partnership with Orange Bowl

Phil Thornburg, Director of Parks and Recreation, explained the Orange Bowl Committee has approached the City about partnering on the City’s Downtown Countdown New Year’s Eve event and their bowl game. The idea would be to make it a weekend experience.

Jarrett Nasca, representing Orange Bowl Committee, noted the advantages of such a partnership. He reviewed slides presenting an overview of the Orange Bowl Committee. A copy of the slides is attached to these minutes.

Mayor Seiler noted he is a member of the Orange Bowl Committee and has talked with staff about this proposal. He indicated that the City Attorney has opined there is no conflict of interest. The Orange Bowl parade no longer occurs because of television programming competition; Downtown Countdown would replace it. He felt it would be a touchdown for the City in terms of revenue and exposure.

Vice Mayor Rogers was hopeful of the City gaining venue overflow if possible.

In response to Vice Mayor Rogers, Mr. Nasca advised that the amount of 20% revenue to the City is customary with relationships with other partners. Mr. Thornburg advised that staff is recommending this partnership. The City would get a percentage of whatever additional revenue the committee brings. The committee is not requesting that the City incur any additional operational costs unless it makes sense for both the City and the committee. He could not respond as to the percentage amount. Mayor Seiler questioned if there is another organization that could do this. Commissioner Rodstrom felt this is a unique opportunity and supported the proposal. Commissioner Roberts also supported the proposal and pointed out the national recognition. He suggested the numbers be revisited after the initial two year period. Commissioner DuBose saw it as an obvious win for the City. Mayor Seiler felt the City should continue to look at this type of event for the community’s youth sports.

There was consensus approval.

NOTE: The Commission convened as the Community Redevelopment Agency Board of Directors from 3:30 p.m. until 3:44 p.m.

I-E – Boat Slips, Docks, Boat Davits, Hoists and Similar Mooring Devices

Wayne Jessup, Deputy Director of Planning and Zoning, noted the Commission’s previous direction to review current regulations and consider alternative processes for requests for additional devices.

In response to questions raised by the Commission, the following information was furnished. Andrew Fajardo, Planning and Zoning, explained that only possible impacts were examined. The Marine Advisory Board wanted to examine alternative processes other than variances through the Board of Adjustment. Their recommendation was to

allow for a process for one additional hoist if there is more than one hundred feet, but less than two hundred feet. The backup contains information from the 2000 study as to positioning of the hoists on the property. As to ratios, it could be examined in terms of neighborhood compatibility. Vice Mayor Rogers was concerned about balance; he did not know where the lines should be drawn without data. Mr. Jessup indicated that staff could develop more carefully crafted criteria, but the question was whether to proceed more quickly in an ad hoc fashion. Vice Mayor Rogers wanted staff to make a recommendation. Commissioner Roberts also wanted more specifics. Mr. Fajardo understood the intent today was to present the Marine Advisory Board recommendations and receive direction as to whether criteria should be crafted. Currently the variance procedure requires the applicant to show hardship, therefore the Marine Advisory Board does not feel the Board of Adjustment is appropriate. Mr. Fajardo indicated the 2000 study suggests that boatlifts be centered on the property to minimize impact to neighboring property owners and staff believes that is still relevant and would apply moving forward. Commissioners Roberts and Rodstrom favored a quicker process. Commissioner Rodstrom felt applicants should not have to prove a hardship in order to add a boatlift, but on a case by case basis. The City Attorney outlined items considered by the Board of Adjustment. Mr. Jessup suggested perhaps a conditional use approach. He felt the Planning and Zoning Board would be more logical. Andrew Cuba, Marine Facilities Manager, noted previous Commission discussion on the height level of the vessel and that the Marine Advisory Board subsequently has recommended the lowest appendage of a vessel one foot above the seawall level. The 2000 study suggested a decrease. Commissioner Roberts liked the idea of eliminating a hardship requirement and switching to the Planning and Zoning Board. He wanted the Commission to review it again. The City Attorney advised that there would not be any problem with precedent in changing to the Planning and Zoning Board. It would require two readings to amend the ordinance. It would be helpful to consider areas where this could be applied in terms of width. Vice Mayor Rogers wanted the process to be simplified if an individual's property fit the criteria. However, he needed to know how many lots are over one hundred feet and the circumstances under which to draw criteria. He agreed with using the Planning and Zoning Board. The City Attorney advised that once the number of cases is identified and the problem, an ordinance could be drafted. It would not be advisable to remove the criteria totally. Vice Mayor Rogers thought that knowing the number of cases would help in deciding upon the criteria. Commissioner Rodstrom thought there would be an appeal process also. She agreed with a conditional use approach.

There was consensus approval for staff to submit information to the City Attorney. A one-month timeline was indicated. Mayor Seiler asked that the information be provided to the Marine Advisory Board without slowing the information coming back to the Commission.

I-A – Fiscal Year 2010-2011 Goal Setting Session

The City Manager reviewed a slide presentation on this matter. A copy of the slides is attached to these minutes. He provided a taxable value report as of June 1, 2010, indicating a decrease of 10.6%. The gap in dollars will be provided on June 15.

With respect to the courthouse parking garage, Mayor Seiler advised that he is a member of the task force. Because he has not had an opportunity to discuss this with the Commission, he has not voted on it.

In response to Mayor Seiler, Chaz Adams, Acting Director of Public Information, advised of the \$75,000 allocated for the centennial, \$35,000 will be used for the historian position and the remainder will be used for various items including the markers, however, at this point, none has been expended.

In response to Commissioner Rodstrom, the City Manager advised assumptions are no tax increase and no lay-offs and that there may be some flexibility on cost recovery in fees. The project list represents items that staff believes are the Commission's priorities for next year. Commissioner Rodstrom concluded the goals are being set to the budget and not the other way around. Mayor Seiler indicated that the Commission will establish priorities and those items will be built into the budget. The City Manager added that if staff cannot close the funding gap, it will be brought to the Commission's attention.

Albert Carbon, Director of Public Works, advised that the presentation is divided into three groups: projects with some funding; 2010-2011 General Fund recommendations are the Commission's priorities; and projects in the five-year plan that the Commission has not discussed in the past year.

Palm Aire; wall

Some discussion occurred on installation of a wall for Palm Aire neighborhood and promises made during annexation discussions.

Bridges

Commissioner Rodstrom indicated that money was put aside for bridge repairs at the same time that Florida Department of Transportation (FDOT) is moving full steam ahead on their replacement. Mr. Carbon indicated that these bridges are the lowest structurally rated in the city. FDOT is in the public hearing stage with respect to design, but was not certain they have a commitment for construction of the bridges. He believed the construction is slated for 2013 or 2014. Commissioner Rodstrom suggested lowering the weight limit on the bridges. She believed there would be some \$1 million in repairs a year or two before their replacement. Mayor Seiler commented about the possibility of expected loss of funding at the state level. The City needs to know where the bridges are shown on the FDOT funded list. Mr. Carbon indicated while work is being started on Coconut Isle, staff will follow-up with FDOT. Commissioner Rodstrom wanted to make sure this is thoroughly invested first. Peter Partington, City Engineer, explained that although the design is funded by FDOT, there is no construction funding in their five-year program. These are the worst bridges in the state. In further response to Commissioner Rodstrom, Mr. Partington indicated FDOT is proceeding with design of the Sunrise Boulevard – Middle River bridge, however, Mayor Seiler's comment on loss of funding would apply in this case as well. Mayor Seiler elaborated upon how the funding might be lost. Commissioner Rodstrom did not object to the item, but wanted to make sure that staff coordinates with FDOT so that repairs are not made just before they are torn down to be replaced. In response to Mayor Seiler, Mr. Carbon advised that as FDOT inspects the bridges, they will make recommendations on weight limits.

Intracoastal Sign Commercial Boulevard Bridge

Mayor Seiler asked this item be removed from the priority list.

Las Olas Boulevard Median; Rail

In response to questions, Mr. Carbon described the proposed railing that is combined with landscaping and agreed to bring this back to the Commission. The City Manager advised that once design is agreed upon, it would be replicated along the boulevard as funds are available. Mr. Carbon indicated that Las Olas Company is designing it. The City Manager commented that the work is also viewed as a part of economic development and re-energizing the area as it ages. Staff could explore financing so that the entire length could be done at one time. Commissioner Rodstrom asked if the businesses were consulted as to contributing and perhaps establishing an improvement district. Mr. Carbon indicated no discussions have taken place. At this point, the City is awaiting the design completion.

New River Floating Docks

In response to Commissioner Rodstrom, Mr. Carbon indicated an economic analysis would be needed to determine when revenue generated would satisfy the City's financial investment. Beyond the dockage revenue, there is what they bring to the economy.

NW 7th – 9th Avenue Connector

Mr. Carbon responded to Commissioner Rodstrom's question as to staff's work on securing funding.

Riviera Isles Improvements

Mr. Carbon advised that there is a large difference between the projected construction cost by the neighborhood and the City. The consultant recommendation is \$5.9 million and another alternative of \$4.9, whereas the neighborhood projected \$2.5 million.

NW 7th – 9th Avenue Connector

In response to Commissioner Roberts, Mr. Carbon provided more detail on the project cost estimate and indicated the amount (shown on the slide) reflects City, County and State funding.

Riviera Isles Improvements; Stormwater Master Plan

In response to Commissioner Rodstrom, the City Manager thought the neighborhood may want to proceed and wanted to bring this to the Commission's attention. Mr. Carbon noted that the study was funded at \$75,000 and cost \$55,000. This project is not on the funded list for 2010-2011, but it is in the five-year Capital Improvement Program (CIP). Discussion ensued as to flooding issues citywide. Commission direction was for staff to conduct a level of service analysis and in November, December advise on the cost to increase the level of service. Commissioner Rodstrom pointed out if there is a decision to increase the level of service, the timing would be such that it would not be reflected in the CIP. She asked for an update once a presentation is made to the neighborhood.

Joseph C. Carter Park Renovations

In response to Commissioner DuBose, Mr. Carbon advised that the contractor has until June 4, however, the gymnasium and restrooms have been open for the past couple weeks. Commissioner DuBose pointed out that the promise was June 1. Mr. Carbon explained that the tile delivery was late. The tile needs to set for forty-eight hours.

Croissant Park Field and Osswald Park Improvements

In response to Commissioner Rodstrom, Mr. Carbon did not believe additional funding will be needed. It will be adjusted in the CIP next year.

Cypress Creek Sand Pine Park

In response to Mayor Seiler, Phil Thornburg, Director of Parks and Recreation, provided more detail on the usage in comparison with the park across the street and noted Cypress Creek Sand Pine Park was approved by the previous commission. Mayor Seiler did not think the park would be used. He did not think that the neighborhood wants the park. Karl Shallenberger, resident, felt the property should be left untouched as it is a unique eco-system. Mr. Thornburg explained that part of the City and County obligation (properties acquired from Broward County Safe Parks and Land Preservation Bond Program) is to let people see the area. It would be controlled, but there would be public access. As to the possibility of swapping this property with the parcel to the back, Broward County is not open to the idea because that parcel is not conservation property. After discussion on cost, Mr. Carbon offered to bring back a proposal. Mayor Seiler suggested that whoever develops the property to the rear be required to make some improvements to this property. Commissioner Rodstrom agreed.

George English Park Ballfield Lighting

In response to Mr. Carbon's comment that there are some issues with Florida Power and Light Company in furnishing power supply, Mayor Seiler suggested looking into solar energy. Mr. Carbon noted the City Engineer has indicated the issue has been resolved. He offered to look into solar energy for future fields.

Sistrunk Park Addition

Phil Thornburg, Director of Parks and Recreation, advised that funding from Broward County has been exhausted. Mr. Carbon indicated this will be removed from the CIP to be correctly reflected.

Tunnel Top Park South

Vice Mayor Rogers wanted a footnote showing that the Downtown Development Authority would fund Feldman Park if the City funded Tunnel Top. Even though there are remaining funds, the City is still obligated to expend those funds. Mr. Carbon advised staff is working with Rio Vista Homeowners Association on use of the funds.

Twin Lakes Park

Phil Thornburg, Director of Parks and Recreation, noted this property was acquired with the Broward County Safe Parks and Land Preservation Bond Program funds. He recalled the arrangement was that the City would maintain it. It is conservation property with the same requirements as Cypress Creek Sand Pine Park. Mayor Seiler was concerned about monies being expended on conservation properties. He preferred those monies be expended on active parks and leave conservation properties natural.

I-B – Set Dates for Fiscal Year 2010-2011 Budget Public Hearings

There was consensus approval to hold the public hearings on September 7 and 21 as recommended.

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

In response to Commissioner Roberts, Valerie Bohlander, Director of Building Services, assured that on the recommendations of 1% of the original amount, staff time is recouped.

There was no objection.

I-F – Ballot Language – Amend City Charter to Provide for sale of City-Owned Property for Affordable Housing or Economic Development Purposes – November 2, 2010 General Election

Refer to Item CR-07 in the regular meeting minutes of this date.

Note: The City Commission recessed at 5:40 p.m. and returned to the conference meeting agenda, item I-G, at 10:46 p.m. in the Chambers on the first floor of City Hall.

I-G – Broward League of Cities Survey

There was consensus approval of the top three issues being budget, the economy and public safety. Vice Mayor Rogers wanted to specify pension reform. Commissioner DuBose suggested subcategories and offered pain clinics under public safety. He wanted to also include the interlocal agreement with the School Board of Broward County. Mayor Seiler suggested adding pension reform after budget; economic development after economy, and pill mills after public safety. For “other issues you anticipate having to deal with in the upcoming year to represent or protect your citizen interests are” he suggested adding economic development, environmental issues, he suggested education including the interlocal agreement; environmental issues including renewable energy and beach renourishment, and housing including homeless. The remainder of the survey could be completed by the City’s League representative.

II-A – April 2010 Monthly Financial Report

Vice Mayor Rogers referred to Other Funds, and asked about First Vehicle Services. Diana Alarcon, Director of Parking and Fleet Services, indicated the department is quite flat in terms of expenses. There have been non-targeted issues, such as accidents.

She offered to furnish specific amounts. Vice Mayor Rogers questioned if not purchasing replacement vehicles is impacting maintenance and repair costs. Ms. Alarcon advised that is being monitored. There has been a slight increase for equipment, not vehicles.

In response to Commissioner Rodstrom, Shonda Singleton-Taylor, Acting Director of Management and Budget, indicated she has not reviewed in detail the email sent by Alan Silva of the Budget Advisory Board. She noted that staff prepares a monthly trend analysis that looks at a three-year history. Mayor Seiler requested a copy of that three-year history for April be provided to the Commission and the Budget Advisory Board. The City Manager questioned the concept of considering a four-year period. Commissioner Rodstrom asked any additional comments from the Silva email be emailed to her.

Commissioner Roberts noted overtime is less than the same time last year.

III-A – Communications to City Commission and Minutes Circulated for Period Ending May 27, 2010

Affordable Housing Advisory Committee

Motion made by Mr. Jonathan Jordan, seconded by Mr. English, to follow through with the memorandum drafted by Mr. Henn and have staff forward the memorandum to the City Commission. In a voice vote, the motion carried unanimously.

Mayor Seiler noted the Commission should read this memorandum.

Motion made by Mr. Deckelbaum, seconded by Mr. Walters, to request additional guidance from the City Commission regarding dedicated sources of funding for affordable housing opportunities within the City of Fort Lauderdale. In a voice vote, the motion carried unanimously.

Mayor Seiler questioned resources in this economy.

Cemetery System Board of Trustees

By unanimous vote, the Board revisited and reaffirmed support of the current investment policy.

The City Auditor indicated that he met with the board and thought he had reached an understanding and compromise, but it was apparently rejected. He strongly believes the investment policy of the board is inappropriate for the investment of City funds. He did not think it complies with State law and it needs to be revised. They are more focused on making money rather than assuring the safety and preservation of the fund principal. In response to Commissioner DuBose, the City Auditor explained that the statute provides for the investment fund to have priorities and the number one priority is safety. The policy allows investment of up to 60% of their total capital in equities which is not

safe by financial professional standards. The City Attorney explained an argument could be made that it meets statutory requirements because it does what the statute says must be done. The City Auditor's position is that there is too much in one basket, but he did not see it as a violation of the law necessarily. It depends on what their investment policy is attempting to achieve. It is not illegal but it may be bad policy.

Vice Mayor Rogers wanted to see the investment policy and for the Commission to bless it. He raised various issues such as whether it is anticipated to purchase more cemetery land and, if so, is this part of the policy. Secondly, what are the maintenance expenses and how are they prorated and so forth. In response to Commissioner Roberts, the City Auditor elaborated upon the investment compromise reached that was rejected and how it compares to the overall investment policy of the City. The statute provides for safety, liquidity and return in that order.

Mayor Seiler agreed that 60% sounds heavy. He requested an audit response to the board's policy. Commissioner Rodstrom asked for the response to include the name of who manages the stocks.

The City Auditor indicated it was also suggested a neutral third party be utilized, however, they do not think it would be possible to find someone if that individual is not already managing the funds which would create a conflict. He was not aware of who is managing the funds at this time. Vice Mayor Rogers believed the board wanting to change investment advisors is how this matter first came before the Commission. It was noted that the investment advisor has not been changed because the board is waiting to finalize their investment policy. Commissioner DuBose noted the investment advisor has been onboard for quite some time.

Economic Development Advisory Board

The Board has reviewed the Sign Ordinance from an economic development standpoint, with emphasis on its impact on small businesses; they are interested in greater flexibility for businesses in terms of what is allowed. They have finished their task at hand and their recommendations will be forthcoming in Director Stephen Scott's report.

Education Advisory Board

Motion made by Ms. Elija, seconded by Ms. Deaner, to request permission from the City Commission for a special date when all board members can meet and discuss further the City Commission's request regarding the Second Amended Interlocal Agreement for Public School Facility Planning, Broward County, Florida, so that the Education Advisory Board can come up with answers. By voice vote, the Motion carried unanimously (9-0).

See Commission Reports.

Citizens Sustainability Green Committee

By a 6 -1 vote with Mr. Holland opposed and Ms. Hink abstaining, the Committee supports the Broward County bus shelter program and encourages the City to participate.

Mayor Seiler noted this will be coming forward.

Planning and Zoning Board

Motion made by Mr. Witschen, seconded by Ms. Freeman, to request the City Commission appoint a member to the Planning and Zoning Board to be available and ready for the June 16, 2010 Planning and Zoning Board meeting. By roll call vote, the Motion was granted 5-1 (Ms. Golub dissenting).

Commissioner Rodstrom suggested creating an alternate and offered the name of Mary Graham, who currently serves on the Board of Adjustment. The City Attorney advised that the ordinance would have to be amended which would require two readings. It could not be done on an ad hoc basis. In such case, she wanted Vice Mayor Rogers to make an appointment; the individual could watch the tape (for familiarity with the testimony and evidence of the case). Vice Mayor Rogers did not want to put someone in that position, nor did he believe it is the proper way to proceed. Commissioner Rodstrom noted this has been done before.

In response to Mayor Seiler, Greg Brewton, Director of Planning and Zoning, advised that he spoke with Mr. Moskowitz and he indicated that he would be working and attendance at the June 16 board meeting would be dependent upon his job requirements. Mr. Moskowitz was sitting on the board when the public portion of the case took place. Mayor Seiler summarized what had occurred to date on resignations and members with conflicts and the five-member quorum requirement. In response to Mayor Seiler, Mr. Brewton noted the quorum deficiency in May for the First Presbyterian case. Prior to the meeting, he spoke with Mr. Moskowitz as to dates he would be available. The board then set a special meeting on May 27 when Mr. Moskowitz indicated he could attend, however, Mr. Moskowitz did not attend. The board then set the case for the next regular meeting and issued a communication to the Commission. He did not believe there is any code provision for excused absence. Mayor Seiler was concerned there will also not be a quorum on June 16 if Mr. Moskowitz is not available. Mr. Brewton indicated that Mr. Moskowitz told him he may or may not be able to attend, depending on his job.

Commissioner DuBose raised the issue and discussion ensued concerning the number of absences permitted before a member is removed, whether special meetings apply and that Mr. Moskowitz's absence at the next regular meeting of June 16 would mean he would be automatically removed from the board. Mr. Brewton offered to apprise Mr. Moskowitz. Mayor Seiler alluded to people making arrangements to attend meetings and indicated if Mr. Moskowitz will not be present on June 16, the City needs to know now.

Commissioner Rodstrom pointed out that hearing this case depends upon all five members being in attendance. In order to avoid this in the future, she suggested alternates be put in place. Discussion followed as to this being an unusual occurrence and having not happened in the last thirty years and the legitimacy of the disclosed conflicts.

Mayor Seiler asked Mr. Brewton to speak with Mr. Moskowitz directly and advise the Commission if he is not available. In response to Commissioner Rodstrom, Mr. Brewton noted that five members are needed for this case and it is always possible that another member would be absent. In further response to Mayor Seiler, Mr. Brewton reiterated what Mr. Moskowitz indicated to him about attending the meeting, however, he indicated to Mr. Brewton's secretary that he would not attend because the commissioner did not want him to attend.

With respect to absences, the City Clerk advised that the term year starts on June 1, therefore Mr. Moskowitz's absences to date would not apply going forward.

Vice Mayor Rogers also wanted Mr. Brewton to speak with Mr. Moskowitz about attending on June 16. Commissioner DuBose was concerned about the public and vacations having to be rescheduled. Mayor Seiler emphasized that the process has to be fair, transparent and consistent. There should be a guarantee of the process, yet it is unknown for certain whether the matter will be heard this summer. Commissioner Rodstrom thought that three out of nine members making a determination is a very small number. Mayor Seiler pointed out that nevertheless there are rules governing boards and quorums. Commissioner Roberts wanted to know now whether Mr. Moskowitz is willing to fulfill his obligation.

Mayor Seiler advised if Mr. Moskowitz will not be attending on June 16, the Commission should consider making an appointment on June 15. Discussion ensued as to Commissioner Rodstrom being in the same position as Vice Mayor Rogers with respect to making an appointment under the time constraints and Mr. Moskowitz's term having expired. Commissioner Rodstrom pointed out that this situation could have occurred with any of the other members. She wanted to give Mr. Moskowitz the opportunity to advise whether he could attend.

The City Attorney felt one day for an individual to get acquainted with a seven-hour hearing is asking too much and putting the matter in jeopardy of being thrown out for due-process issues. An appointment will be necessary sooner than the day before. Commissioner Rodstrom thought that Vice Mayor Rogers should also check with whoever he intends to appoint.

III-B – Board and Committee Vacancies

Note: Please see regular meeting item R-03.

V - City Manager Reports - none

There being no further business to come before the Commission, the meeting was adjourned at approximately 11:32 p.m.