

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING**  
**JULY 7, 2010**

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**CITY COMMISSION CONFERENCE MEETING 1:42 P.M. July 7, 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

**EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 1:42 P.M.**

**The City Commission shall meet privately pursuant to Florida Statutes 447.605 concerning collective bargaining.**

**CLOSED DOOR ENDED AT 3:05 P.M.**

**I-F – Las Olas Boulevard Ride Only Project – Florida Department of Transportation**

Albert Carbon, Director of Public Works, outlined the chronology of the proposal starting in 2007 detailed in Commission Agenda Report 10-0989. Options available moving forward would be to accept the standard rail onsite which would remain the responsibility of Florida Department of Transportation (FDOT) to maintain. FDOT has offered to paint the rail. The City could select a color. With this option, the City would be responsible for maintenance. The City has not received a proposed maintenance agreement. The City could design and install decorative rail. Pricing of \$75 per linear foot has been secured from one manufacturer. There is approximately a thousand linear feet.

Mayor Seiler noted that the Commission did not receive any communications until the railing was installed. He was disappointed it reached the installation stage without any communications. Commissioner Rodstrom agreed that she would have appreciated being informed. Commissioner Roberts also recognized the lack of notice to the Commission. Commissioner Rodstrom understood the railing has to do with new safety features along waterways and asked why that also was not brought to the Commission's attention. Mr. Carbon advised that he was just made aware of them (ADA) through this process. After some dialogue between Commissioner Rodstrom and Mr. Carbon on the chronology, the City Manager expressed concern about accuracy of facts.

Mayor Seiler believed this situation is unusual and not how FDOT has done business in the past. He remarked on the FDOT District Four Secretary, Jim Wolfe's reputation of responsiveness. In referring to information in the backup, he explained in 2007, it appears this was only a milling and resurfacing project not involving rails. Rails were raised at a meeting in 2008 and the City requested decorative rails. At that time FDOT indicated the City would be responsible for the cost of decorative railing. In 2010, it is clear there were concerns about the railing. Photos were requested in order to be shown to the Commission. He asked if those photos were furnished by FDOT. Jim Wolfe, District Four Secretary, did not know if they were supplied. Mr. Carbon indicated he received the specification on Wednesday. Mayor Seiler thought staff was asking for information to furnish to the Commission and FDOT has taken responsibility.

Mayor Seiler thought that the rail is unattractive and does not belong on the City's premier street. He also questioned the need.

Mr. Wolfe apologized for FDOT not recognizing the sensitivity and should have come to a better accommodation. They tried to make the project as simplistic as possible. Regardless of FDOT's financial condition, they do not ignore any safety issues. There was a code change. The old rail does not meet the current code. The new rail is aluminum and will wear better, but he felt it should have at least been painted black. FDOT will powder coat the rail which will last longer, is superior to paint and requires less maintenance. In response to Mayor Seiler, Mr. Wolfe was not aware of any examples locally. There are examples of powder coating. Standards with a drop-off require a railing with four inch spacing and forty-two inch height. There are many manufacturers that meet the criteria and offer something more aesthetic. In response to Commissioner Rodstrom, Mr. Wolfe advised that FDOT would absorb the powder coating cost of \$16,000 with the City assuming maintenance. FDOT would donate the \$16,000 if the City chose to pursue a decorative rail however the delay and administrative cost for a joint project may make it not worth \$16,000. FDOT is reassessing some intersections and may be able to reduce the current 940 linear feet. Discussion turned to a case where there is another fence adjacent to the rail, to the possibility of adding fill to reduce the drop off and sight triangle issues. Mr. Carbon indicated that every intersection would be checked with respect to potential sight triangle issues.

Mayor Seiler asked about the possibility of enhancement grants. Mr. Wolfe advised that the City would be added to the end of the list for five years into the future.

In response to Vice Mayor Rogers, Mr. Wolfe explained FDOT brings areas up to current safety standards if they are doing a project in an area. Mr. Carbon added that the railing could have been left but then the road work would not be done. Mr. Wolfe indicated that FDOT does not second guess the standards.

Mayor Seiler and Commissioner Rodstrom were interested in pricing decorative railing. Mr. Carbon advised that \$100,000 is the maximum. Mr. Wolfe added it could be as low as \$50,000. Vice Mayor Rogers asked about maintenance. Mr. Carbon indicated it is difficult to quantify, however powder coating will last a long time. There will be a cost for any damages from vehicles or falling trees. In further response, Mr. Wolfe advised that FDOT would accept the design so the liability would be the same as usual. The City would not be obligated if there is damage to FDOT's railing, only maintenance of the paint. In response to Mayor Seiler, FDOT has only this type of rail. In response to Commissioner DuBose, Mr. Wolfe indicated there are many decorative rails available and they all meet the standards.

Mr. Wolfe explained that FDOT will be closing the project and leave the rail until the City makes a decision except for the sight triangle issues.

In response to Mayor Seiler, Mr. Carbon advised that the recycling containers on the beach are examples of powder coating. Mr. Wolfe advised the finish could be matt or glossy and any color.

During further discussion on a course of action, Mr. Wolfe indicated at any time in the future the City decides to move forward with powder coating, FDOT would accommodate

the City. Mayor Seiler asked options with prices be brought back along with a maintenance agreement and public input. Commissioner DuBose asked about a funding source. Mayor Seiler thought that would be decided in the process.

### **I-B – Homeless Fixed-Site Meal Program**

The City Attorney received an eleventh circuit opinion issued yesterday where Orlando won on their regulation that limited feeding in parks and required permits. The City could look at a regulatory response as opposed to moving the feedings. The City needs to evaluate this case and see how it affected Fort Lauderdale's case that prohibited regulating feedings in parks unless the City provided another site. He provided a copy of a news article on this matter.

Mayor Seiler referred to citizens volunteering their time to work on this issue and found the personal attacks in recent emails to be inappropriate. He asked they not be sent. There was unanimous agreement.

In response to the Commission's request on June 15, Cate McCaffrey, Director of Business Enterprises, noted that HANDY, Inc. (Helping Abused Neglected Disadvantaged Youth) has some after-school tutoring that takes place at their facility and has safety concerns. Also, staff has not been able to secure a lease amount for the NE 8 Street property. Since the last meeting (June 15), the Housing Authority has offered to assist with some of the costs for NW 5 Avenue.

Scott Strawbridge, representing Fort Lauderdale Housing Authority, proposed they share a site in the industrial area, as they plan to expand their Step-Up Program. It would be larger space than the Housing Authority needs now. A decision could be reached in a couple years. He did not wish to announce an address publicly. It would be in the Community Redevelopment Agency (northwest) and District II. The total rent would be \$8,000 per month shared between the Housing Authority and the City. Step-Up could be used to perform the build-out. In response to Commissioner Rodstrom, Mr. Strawbridge advised that the site does not front Sunrise Boulevard. The Housing Authority would prefer there be outposts of social services.

In response to Commissioner DuBose, Mr. Strawbridge described there would be a wood-working workshop and storage space for the Step-up Program at the site. Commissioner DuBose was opposed to the youth being in the same area. Mr. Strawbridge indicated that all Step-Up participants are all over eighteen years of age and would be supervised. People coming to the facility do tend to have young children.

Mayor Seiler asked about rotating sites. Ms. McCaffrey indicated that was the initial hope, but finding even one site has been difficult. They thought if it was possible to get the program started at one location, it might be easier to branch into perhaps smaller places. Mr. Strawbridge commented that this effort is parallel to the Housing Authority's mission. Vice Mayor Rogers thought such a partnership makes a lot of sense.

Commissioner DuBose wanted all those involved to keep in mind that the location is critical. Mayor Seiler asked Mr. Strawbridge to meet with the Commission individually after meeting with the property owner.

Mayor Seiler opened the floor for public comment.

Robin Martin, executive director of Shepherd's Way, felt it is unfortunate to have moved from looking for the best site to one of not putting it in one's neighborhood. He hoped the good work thus far is not lost. The site under discussion is one of his top two choices.

Nathan Pim, representing Food Not Bombs Fort Lauderdale, indicated they feed people regularly in Stranahan Park. He was concerned about the impact of the Orlando case decision and for government to be keeping food out of people's mouths. He was also concerned about the comments made in general recently about the homeless. Homeless people will continue to be everywhere.

Stuart Meisel, member of the board of directors for Victoria Park Place homeowners association, indicated wherever the facility is situated, homeless will be in the surrounding areas. He urged the facility be away from residential areas.

Kathleen Pegues, 515 NE 12 Avenue, indicated she is the president of a non-profit children's organization with offices in Victoria Park. There is a chronic problem with homeless in her neighborhood. She believed it is a serious problem for the safety of children. A proposed feeding location should take child safety into consideration.

Sadler James, 3073 Harbor Drive, urged a solution be pursued for homelessness and not just feeding.

Alan Hooper, 2719 NE 37 Drive, advised that the Downtown Development Authority strongly supports a location that is close to the Housing Authority. He noted the original intention was to provide a place for the homeless to eat not in the parks. An industrial area is best. He elaborated upon the negative impact of feedings at Stranahan Park in connection with children and the library. He believed the business community would contribute in kind services. Commissioner Rodstrom pointed out that it is not illegal to relax in a park aside from feeding of the homeless. Mr. Hooper thought removing the feeding component will be an improvement. It is affecting the quality of life for the downtown. From an economic standpoint, the beach and the downtown are the most important. He urged the Commission reach a decision on a site as soon as possible.

Chris Booty emphasized the problem is not having housing for everyone and extreme poverty. These people should be viewed as humans in need.

Bill Vaccaro, 728 NE 7 Avenue, secretary of Park Place Townhome Association, elaborated upon the area problem with the homeless including single women being accosted. There is a homeless camp in the vicinity of playground at War Memorial Auditorium. The idea of a feeding location near the park will only make the problem worse.

Ted Fling, president of Victoria Park Civic Association, wanted assurance that the 8<sup>th</sup> Street location is no longer a viable option. Mayor Seiler clarified there has not been any vote; moreover the Commission does not vote at conference meetings. No commissioner is advocating this site. Commissioner Roberts felt 8<sup>th</sup> Street should be removed from consideration as it is too close to a park.

Commissioner Roberts went on to note the City's intention is to provide a feeding location and a place to facilitate the delivery of other services. Vice Mayor Rogers thought that the Commission needs to decide upon a site, but it is unfair to eliminate any quadrant because they have not had an opportunity to focus on a particular site. An industrial area makes sense based on the offer by the Housing Authority. Mayor Seiler thought if no one is advocating this site, it sends a message that it is not being proposed now. Commissioner Rodstrom summarized reasons for not selecting this site. Mayor Seiler added there does not appear to be any proponent for this site. He also expanded on why this site is not attractive for a feeding facility. Commissioner Rodstrom offered to provide a written statement that could be read at the association meeting this evening.

Charles King, 105 North Victoria Park Road, pointed out that there is a safety factor involved with the homeless. He wanted Victoria Park to be given the same consideration as Coral Ridge or Rio Vista. He was opposed to a feeding location in the vicinity of Victoria Park.

Ron Centamore, president of Downtown Civic Association, board member of Progresso Village Civic Association, member of the Community Redevelopment Agency, summarized a chronology of findings by the task force including that the 8<sup>th</sup> Street site came forward at the last minute. Ted Fling was not at either of the two meetings when this site was discussed. The news article after the last Commission meeting inferred that the 8<sup>th</sup> Street was being looked at. In reference to email attacks on Ted Fling, he felt they are untrue and should not be tolerated. The site discussed by Mr. Strawbridge is in Progresso Village. Progresso Village is not opposed. He wanted to move forward with it and then address social services. It is a citywide issue. He also believed that the 8<sup>th</sup> Street site is off the table of consideration.

Fred Carlson, 625 Orton Avenue, indicated there has been a dramatic increase of homeless people in the beach area and unsavory behavior. He emphasized there is a larger need than feeding. It is a serious problem.

Joann Smith, president of Woman's Club at Stranahan Park, emphasized the severity of the problem at Stranahan Park and the library that the number of people increase from ten, fifteen to fifty, one hundred during feedings. She felt removing the feeding component at the park would be helpful. A site is very much needed. South Middle River did not want the homeless assistance center to be situated in their neighborhood, but it has turned out to be beautiful without problem. She noted another feeding that occurs on Andrews Avenue and indicated that it is not as bad as one might think. South Middle River is not opposed to a location near their neighborhood. She emphasized that a location be decided upon.

Robert Walsh, 401 East Las Olas Boulevard, stressed the need to find a solution. He suggested expanding the homeless assistance center. He felt Broward County should assist. If there is an ordinance requiring individuals to be residents in order to receive assistance, he urged the ordinance be amended. He noted that the 8<sup>th</sup> Street location has been under discussion for some time and it should not be a surprise to anyone.

There was no one else wishing to speak.

In response to Mayor Seiler, Ms. McCaffrey outlined the ordinance restricting assistance offered at the homeless assistance center to only those individuals residing at the center

and in that program. She understood the ordinance was a condition of the center being situated in that location. There were concerns about lines of people.

Commissioner DuBose did not think that a feeding site with services will solve the issue or that the City could solve this alone. It is bigger than Fort Lauderdale. He did not think it will remove people from the parks or downtown. The homeless go where they feel safe. There are homeless in all major cities. Not all homeless have mental illness issues; some people prefer to be homeless. Fort Lauderdale and Broward County have good social services. People come to Fort Lauderdale and Broward County because of the quality of social services. A feeding location will attract more. This effort will only stir the not in my neighborhood thinking. In response to his question, the City Attorney advised that with a feeding location, the City could prohibit mass feeding in parks, but homeless could still be in the parks like anyone else. Mayor Seiler felt homeless are being attracted to parks by offering feeding. He wanted to offer help with referral services. He supported prohibiting feeding in parks as a first step. He went on to discuss his belief of the City's ability to help certain categories of homeless people. Commissioner DuBose commented that there are many homeless at Holiday Park and he was not sure that it has to do with feeding. He was not confident that the City could be effective. Vice Mayor Rogers agreed the City could not do this alone, but there are others willing to help and he believed it is unacceptable to do nothing. Fort Lauderdale has the largest problem in the county and as such this city is compelled to take a leadership position on this. Commissioner DuBose clarified he is not saying that the City should do nothing, but he is no longer certain about this course of action. The County needs to step up to this problem. Commissioner Rodstrom believed because of the publicity to date, more people will be attracted to Fort Lauderdale for feeding. She agreed the County should join in because many cities have this problem.

The City Attorney elaborated upon the circuit court case concerning Orlando and feeding homeless in parks. Orlando won on appeal and is now allowed to enforce regulations concerning feeding. The courts took a different position than they did in Abbott vs. City of Fort Lauderdale. He has not yet had an opportunity to compare the two cases, but he believed the City will be able to regulate the time, place and manner of feedings in parks. It does not negate having to designate a specific site.

Ms. McCaffrey advised that at a Broward County Homeless Initiative Partnership Advisory Board meeting she asked about a location and was informed that this was the City's initiative, not one of Broward County. Hollywood has contacted the City and asked a joint meeting be held with regard to homelessness and social services and joining with Dania Beach to approach Broward County. Mayor Seiler felt there is still the need for something to be done within the boundaries of Fort Lauderdale.

In response to Mayor Seiler, the City Attorney explained that if the parks are over regulated, he felt the Abbott case would probably stand which would mean that the City would have to provide a site. Discussion on impact of the Orlando case followed.

Mayor Seiler wanted City staff to investigate the location raised by the Housing Authority. There was no objection. In response to Commissioner DuBose, Ms. McCaffrey advised this is a site that has been previously under consideration. Mayor Seiler felt it is necessary to meet with Mr. Strawbridge individually and proceed from that point. Both Commissioner Rodstrom and Vice Mayor Rogers thought there should be a comprehensive approach. Vice Mayor Rogers wanted the City Attorney to examine the

Orlando ordinance and develop reasonable restrictions about feeding in the parks. He emphasized that Stranahan Park is essentially the center of the city and people feel unsafe. Commissioner Roberts believed that the same applies to the beach. Commissioner Rodstrom wanted to mitigate the trash. The City Attorney offered to followup.

Note: The City Commission convened as the Community Redevelopment Agency Board of Directors from 5:08 p.m. until 5:42 p.m. The City Commission returned to the conference meeting agenda, item I-A, from 7:32 p.m. to 9:24 p.m.; the regular meeting agenda, item R-01, at 9:24 p.m.; and the remainder of the conference agenda at 10:45 p.m., in the Chambers on the first floor of City Hall. At 2:55 a.m., the City Commission returned to the regular meeting to address the City Manager's contract.

### **I-A – Fiscal Year 2010-2011 Budget Message**

Shonda Singleton-Taylor, Acting Director of Management and Budget, reviewed slides on this matter. A copy of the slides is attached to these minutes.

In response to Vice Mayor Rogers and other members of the Commission, Ms. Singleton-Taylor provided more detail on the timeline of positions being frozen as shown on page five of the City Manager's budget message. The positions were unfunded but still on the books as it relates to Human Resources.

Commissioner Rodstrom asked how much is being taken from the reserve to balance the budget this year. Ms. Singleton-Taylor advised \$13 million of undesignated fund balance and \$4.1 million of pension reserve are being used. The pension funds are related to the general employees pension close-out plan.

In response to Commissioner Roberts' question on Building Services decreasing (page 27 of proposed budget), Ms. Singleton-Taylor explained effective this coming year, only code enforcement will remain in the general fund; a separate special revenue fund is being established. It will assist with tracking permit revenue with expenditures. Concerning the Police Department increase (page 27 of proposed budget), it is relating to salary increases and red-light camera administrative costs. Commissioner Roberts noted and Ms. Singleton-Taylor confirmed that there is a net increase in revenue of \$3 million. Commissioner Roberts thought the overtime projections for both police and fire-rescue are short. He supported the 16% increase in cost recovery through charges for services. He noted that the overall budget has increased by 1%+. He wanted staff to work toward a zero increase.

Mayor Seiler asked about fluctuations in the enterprise funds (page 12 of slides), Ms. Singleton-Taylor outlined increases and decreases in water, sewer, stormwater, sanitation, airport and parking. Albert Carbon, Director of Public Works, indicated the resource recovery system interlocal agreement would not be effective until August of 2011. There is an anticipated annual savings of \$1.5 million in tipping fees. Also, there will be a 5% rate increase effective August 1 for water, sewer and stormwater. Diana Alarcon, Director of Parking and Fleet Services, advised some closure time at Fort Lauderdale Beach Park was budgeted for the construction project which was a drastic impact to the revenue numbers. She provided some additional details on this project and noted other contributing miscellaneous factors.



Commissioner Roberts noted an adjustment is needed to address the lack of revenue for the red-light camera program. The City Manager indicated an amendment will be needed, but staff is anticipating the program will end in the positive for the year.

In response to Mayor Seiler and Vice Mayor Rogers, Ms. Singleton-Taylor noted the transfer of funds relating to building (page 3 of slides). Valerie Bohlander, Director of Building Services, advised a percentage of each permit fee is dedicated to certification training and technology according to ordinance. Staff is looking at whether this needs to be revisited. An ordinance on permit fees will hopefully be presented on August 17. A permit fee increase of about 35%, effective October 1.

Albert Carbon, Director of Public Works, reviewed slides funding recommended capital projects of just over \$13 million. A copy of the slides is attached to these minutes. He noted last year \$19 million were recommended. He corrected the Concrete Sidewalk – Sunrise Boulevard slide to reference NW 12 Avenue from 8 Street to Sunrise Boulevard.

Commissioner Rodstrom wanted to know the carry-forward amount. Mr. Carbon explained that capital projects are funded until complete. Last year there was a comprehensive review of all projects wherein the Commission gave direction on which to continue to include. This presentation contains only those projects that the Commission wanted to continue to fund. Commissioner Rodstrom was interested in knowing how much money is remaining from projects that were conservatively estimated.

Vice Mayor Rogers questioned the level of funding for Riverwalk. It needs to be activated, safe and connected. Connectivity could become a new focus. He mentioned a barge referenced by the consultant at the eastern boundary (Stranahan House). For the western boundary, Tarpon River neighborhood has a plan that would involve some City participation for connectivity of Marshall Bridge in the form of a walkway to the south side. He wanted allocation of resources for these items.

Commissioner DuBose wanted a list of the ten oldest projects that are not adequately funded including the total cost and how much has been funded.

Commissioner Roberts referred to a consultant study on the public safety radio communications system. He understood it shows the system is in poorer condition than thought and that the City has depleted the supply of parts that could be cannibalized and much of what is being used is not supported by industry standards. He requested a presentation and report on the consultant study at the August 17. Thought should be given to reprioritizing in order to move this project forward a year or half a year. He has requested analysis on the cost for the City to separate from the Broward Sheriff's Office (BSO) and to regionalize the system so those services could be sold to other northeast cities. Tim Edkin, Director of Information Technology Services, provided some historical facts and advised on August 17, a request will be presented for the consultant to write the RFP for a new system and manage the bid process. Commissioner Roberts requested a status report at that time. Then discussion could take place as to reprioritizing. It is a critical need. Mayor Seiler hoped current needs are not being ignored as plans for the future are being made. Mr. Edkin explained in the interim parts are being cannibalized because many systems across the country have been replaced. In further response to Mayor Seiler, Mr. Edkin advised that a replacement system was quoted by Motorola for \$22 million. The system cannot be updated piecemeal, although the City has been upgrading radios. With competitive bidding, he anticipated it would be

possible to achieve a price lower than \$22 million. It will be a phased approach over two years. Mayor Seiler requested the history including the current system status. He questioned it being an all or nothing \$22 million expenditure. In response to Commissioner DuBose, Mr. Edkin commented on other cities. Life expectancy is 10-15 years and the City is approaching eighteen years.

In response to Mayor Seiler, Mr. Carbon provided more detail on the Regional R & R slide (Central Regional Wastewater System of which Fort Lauderdale is an 80% member). An amount of \$400,000 is requested. He also provided more detail on the IT Special Projects R & R slide. An amount of \$200,000 is requested. Concerning the Barrier Island Parking Garage, \$100,000 is projected for the feasibility study and design concept. Diana Alarcon, Director of Parking and Fleet Services, indicated \$10 million is anticipated next year for its development. The City is in the top ten to receive grant funding for wayfinding signage for the City's scenic highway (A-1-A). The overall cost is \$1.2 million; the City's contribution is \$400,000.

In response to Mayor Seiler concerning the Executive Airport Land Banking Program, Clara Bennett, Executive Airport Manager, advised it is not for future expansion, but rather to acquire non-aviation properties surrounding the airport which would allow for increased revenue. This program has been moderately funded over the last ten years or so. The airport's only sources of revenue are from non-aviation and aviation land leases and fuel fees. Mayor Seiler wanted to make sure this is not contrary to the thinking of the City putting land back into private hands and on the tax rolls. He did not think the airport would ever be expanded. Ms. Bennett advised that last year the airport's operating revenues were about \$6 million. Revenue from real estate are quite stable because they are contractually escalating annually based on CPI adjustments. The thinking was that at some point real estate revenue would continue to be pretty modest in increases, but operating expenses would continue to rise, making it essential to have a way to grow top line revenue to match those expenses and be fully self-sufficient. The City Attorney clarified that the leasehold interest would be on the property tax rolls. Rent would be paid to the City. Ms. Bennett offered more detail on tax payments on non-aeronautical and aeronautical leases. As an enterprise fund, the airport pays a pilot payment to the general fund to account for the non-assessed aviation properties, about \$700,000 next year. She noted annual funding of \$200,000 and that it is now \$1.2 million. No properties have been acquired.

In response to Mayor Seiler concerning Cypress Creek Sand Pine Preserve, Phil Thornburg, Director of Parks and Recreation, advised that staff has not made any progress with Broward County or the developer, but is continuing to work on the Mayor's proposal from the June 15, 2010 meeting. Mayor Seiler wanted some resolution before making a commitment of \$500,000. Mr. Thornburg indicated that once this is settled, a revised amount as appropriate will be presented. The City's only commitment to Broward County was development of the property within five years of acquisition which is 2011. The least possible will be done yet open it to the public. Mayor Seiler pointed out that there seems to be no demand for this park. He elaborated upon pertinent facts about the surrounding area. Mr. Thornburg explained the main demand was to prevent development.

In response to Mayor Seiler concerning Harbordale Park, Vice Mayor Rogers understood that the neighborhood is plugged into all of the proposed improvements.

Mr. Carbon and Cate McCaffrey, Director of Business Enterprises responded to Mayor Seiler's request for a status on the dredging, noting the contract award will be scheduled for August 17 as well as the City's recent presentation to the Florida Inland Navigation District.

Mr. Thornburg responded to Commissioner Rodstrom's question about transferring playground equipment from one park to another and that the grants are site specific. Funding for Coral Ridge Park was also enumerated.

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

The City Attorney provided a status report on this matter. With respect to maintenance inspection particularly at the end of the lease, he noted Paragraph 15(k), Lease Form, was revised. For the last five years, Bahia Mar has paid the City an average of \$1.1 million; the proposal is \$2,040,000. This is calculated by multiplying the Property Appraiser's value by six percent. The Property Appraiser's value was used because it is available. The term sheet provides for an alternative which he expanded upon. An opinion on the charter requested by Vice Mayor Rogers is provided in the backup (Exhibit 3, Memorandum 10-0269). As to a severe penalty for the boat show, there are options in the term sheet. Staff believes that a penalty of two percent additional rent per year is sufficient. It appears they would lose about \$3 million per year without the boat show in revenue and a two percent penalty.

The City Attorney responded to Vice Mayor Rogers' question about the default period [Paragraphs 15(c) and (j), Lease Form] and indicated the discretion given to the City Manager could be changed to the Commission. Vice Mayor Rogers felt and Mayor Seiler as well as Commissioner Rodstrom agreed if a monetary default exceeds ninety days, the Commission should have control. The City Attorney suggested the restriction of only once within a calendar year be lifted because the decision would rest with the Commission. However, Vice Mayor Rogers did not object to that restriction.

Vice Mayor Rogers advised that there is no insurance company rating specified. The City Attorney advised that would be part of the lease.

Vice Mayor Rogers returned to Paragraph 15(k), Lease Form, and expressed concern about the tenant producing the money in the last five years of the lease for repairs and maintenance work. He felt the City should have a deposit already in-hand. The City Attorney offered to include it in the lease.

Vice Mayor Rogers asked about research on the fifty year limitation in the charter. The City Attorney indicated it looked as if the limitation was inserted when discussions for lease of the property were already occurring; it was for convenience. He offered to see if minutes on the point could be located.

Commissioner Rodstrom did not support re-doing the terms of the current lease. She did not think the property value currently is the best possible and as such the City is negotiating from a position of weakness. With fifty-two years remaining, property values could increase and the City could address it then. She did not favor changing the terms.

In response to Commissioner Rodstrom, the City Attorney advised the City gave consent to the lessee to apply for permits and so forth. She asked it be determined whether there was a vote on giving away this right.

Commissioner Roberts felt there should be a graduated scale for the \$20,000,000 unimpaired capital noted in Paragraph 12(a), Subleases and Assignments. The City Attorney agreed to add a CPI escalator.

Mayor Seiler raised questions under Paragraph 5, Redevelopment Components. The City Attorney advised that Smith Travel Research Chain has been in existence for a long time and is the most universally used. As to whether criteria in Subparagraph (d) should be included in (c), the City Attorney agreed to add the reference. Concerning reference to a pedestrian circulation experience in Subparagraph (h), Greg Brewton, Director of Planning and Zoning, believed this language was included to insure there is pedestrian bicycle access along the water. The City Attorney suggested adding language that bicycles are included in the pedestrian circulation experience. Ella Parker, Planning and Zoning, discussed how this was worked about with the applicant. Along Seabreeze, there is a minimum width of twelve feet. It is referenced. Vice Mayor Rogers felt the times should be specified similar to Subparagraph (g). Commissioner Roberts thought the language should mirror the times that City parks close. Mayor Seiler did not want to tie the term sheet to the site plan. He preferred to not make a site plan page reference or to have anything on such a page that could be unacceptable as other elements are negotiated. Commissioner Rodstrom agreed. Discussion turned to the timing of approval of the PUD and the lease. Commissioner Rodstrom pointed out that there is an assumption being made in the term sheet that the PUD is approved by the Commission as shown in the site plan. The original lease is very broad. The City Attorney explained the purpose of the term sheet. Discussion returned to the timing of approval of the PUD and the lease. Assistant City Attorney Bob Dunckel advised that it is possible to make the lease dependent upon the PUD passing. The City Attorney further advised the process for adoption is that the lease will be contingent upon approval of a site plan, and the site plan will be contingent upon approval of a lease. The Planning and Zoning Director could provide language on the concept that could be included.

In response to Mayor Seiler, the City Attorney explained what would occur if the boat show does not open because of construction. Mayor Seiler wanted to make it clear that the boat show would remain open during construction. Commissioner Rodstrom agreed.

Mayor Seiler noted in Paragraph 5(c), Redevelopment Components and Paragraph 12(b)(ii), Subleases and Assignments, the hotel is referenced differently. He asked that terminology of Paragraph 5(c) be used.

In response to Mayor Seiler, the City Attorney advised that performance and payment defaults are being treated the same. With the revision noted earlier, any default would be submitted to the Commission if it cannot be cured in sixty days.

In response to Mayor Seiler, Vice Mayor Rogers saw no problem with the term of loss payee, as its interest appears in Paragraph 15(b), Lease Form. In response to his question of material default in Subparagraph (h), the City Attorney advised that material default will have to be defined in the lease. In response to Subparagraph (k), the City Attorney explained an unrestricted letter of credit gives the City money to pay another party to perform the work. A time period was not included. Details will be worked out in

the lease. He believed that once the report is complete, the money should be deposited within 60-90 days. Vice Mayor Rogers was concerned there may be financial problems and the City might not be provided with money for repairs at that late point in the lease. Mayor Seiler agreed. Mr. Dunckel suggested a maintenance and repair fund that would be established earlier, perhaps ten years, with language giving the City to access it if necessary. Mayor Seiler and Vice Mayor Rogers agreed. Vice Mayor Rogers indicated it could be linked to the notice of default.

Mayor Seiler opened the floor for public comment.

Peter Henn, representing LXR Luxury Resorts & Hotels (Rahn Bahia Mar), provided copies and reviewed slides on this matter. A copy of the slides is attached to these minutes. He noted that he has not gotten everyone on board from Idlewyld neighborhood. He referred to the possibility of the boat show deciding on its own to leave and indicated that the penalties relating to the boat show are too severe. The entire PUD has been designed around the boat show. He requested provisions in Paragraph 10(d), Boat Show, be removed:

- (d) If the Boast Show ceases to be held at Bahia Mar Park, then, in addition to the rental rate increases as set forth above, all or any one of the following penalties may be imposed by the Lessor:
  - 1) Lessor takes over the operation and profits derived from the Marina operation (including fuel dock and ship's store).
  - 2) Lessor takes control of the park and that portion of the site parking needed to open the Park for public use.
  - 3) Lessee loses right to use the Property for any purpose other than marina operation, hotel and residential condominium (this would prevent any economic benefit to Lessee for the Park or "convention-like" space in the parking garage).

As to the slides on parking, Mr. Henn indicated that Rahn Bahia Mar would like to work further with the City on the available parking including a parking study possibly and perhaps allow the Swimming Hall of Fame to use this area. He is not in a position to offer free or reduced priced parking. In response to Mayor Seiler, Mr. Henn advised that fixed parking for the marina is a portion reflected in the Bahia Mar Parking Study slide in blue and yellow. As to how much parking is currently used when the marina is full, Mr. Henn wanted to defer that response to a time when Rahn Bahia Mar's traffic engineer is present. He believed the code requires one space per boat slip. With regard to parking fees in Paragraph 11, Master Covenants, he objected to Rahn Bahia Mar having to price parking the same as the City charges residents. He requested the last two sentences of this paragraph be deleted. Mr. Henn responded to Mayor Seiler's questions about the parking garages. One garage has 1,700 spaces, less 147 (public parking spaces), less 45 (public surface area metered) and less 16 (public surface area). He referred to the

slide showing the City parking consultant's memorandum on parking and that this was approved by the Planning and Zoning Board.

Mr. Henn hoped that the proposed rent increase is a starting point for negotiations. He mentioned it would be difficult to double the rent, take the hotel out of commission to rebuild it and consider the economic times. He went on to discuss the merits of the PUD process. He consented to establishing a repair and maintenance reserve ten years before expiration.

Commissioner Roberts pointed out that with a public park on the property therefore he wanted to assure public access at all times. There are more issues relating to parking to be resolved. Mr. Henn noted the property is open from 6 a.m. to 2 a.m. and 24 hours for the beachwalk. Except for special events like the boat show or Winterfest, it must be open to the public. For example, a wedding may only take away a small area. Mayor Seiler did not believe there was any requirement in the original lease for public parking.

Sadler James, 3073 Harbor Drive, felt the term sheet assumes a number of things that have not been approved by the Commission. He questioned the proposed \$2 million rent. The City should be requesting a percentage of gross revenue. He opposed condominiums. He was also opposed to a term of one hundred years and preferred a term of fifty years that could be renewed. He wanted to make sure that the master lessee controls the common areas and subletting of that function is not permitted. Aside from these points, he supported the proposal and LXR generally.

Christopher Beck, 545 South Fort Lauderdale Beach Boulevard, displayed a digital video disc (DVD) containing the following points: questioning the potential flip and short-term gains for the future; who will actually enjoy the view; is a hotel and co-op business model the highest and best use; various implications; difficulty for public to access park; city branding; and questioning need to rush to a decision.

Commissioner Rodstrom thought the video was visionary.

Miranda Lopez, 3031 NE 21 Street, questioned the City being a partner in development of the property that goes against federal, state and local recommendations contained in the comprehensive plans. She was concerned about the lack of vision and the need for open space. She felt the economic future of a real estate investment is questionable. She questioned whether attention was given to environmental issues and mentioned global warming. She opposed development of more condominiums on the barrier island. She was opposed to manipulating the charter to allow for a term of one hundred years. In response to Mayor Seiler, Ms. Lopez explained that she believes the project overall is too big. Commissioner Rodstrom expanded on some of Ms. Lopez's comments, specifically the ratio of open space to population, and the impact of development on the barrier island as to evacuation. In response to Ms. Lopez, Mayor Seiler explained that the property is currently leased which would prohibit the City from using it for tennis courts, for example. Ms. Lopez emphasized the City strive for a better project.

Susan Sullivan, 545 South Fort Lauderdale Beach Boulevard, emphasized that the beach belongs to the residents and guests from all over the world. She asked that consideration be given to traffic and accessibility for emergency vehicles. She requested a regional traffic analysis be performed with thought given to the seasonal

fluctuations and pedestrian traffic. She also recommended a horizon study to look into the future.

Jacquelyn Scott, 1626 SE 1 Street, questioned language in Paragraph 10, Boat Show, being optional on the part of the City if the boat show ceases to be held at Bahia Mar Park. Mayor Seiler discussed his understanding, including the monetary impact and Subparagraph (d)2). Ms. Scott questioned whether the property would be kept in first class condition if it is not being done now. In further response, Mayor Seiler elaborated upon the drawbacks of the current lease. Ms. Scott was opposed to the mass and size of the project, the condominiums and the lease term of one hundred years. She was concerned about such a discussion at a late hour and that the general thinking is that this is already decided.

Mary Fertig, 511 Poinciana Drive, believed her conversations with Mr. Henn have been mischaracterized. She pointed out that some of the toughest things in the contract Mr. Henn is asking they be removed. She recognized the importance of the marine industry, but quality of life and the environment into the future are also important. She questioned giving the applicant control of the sky bridge, thinking it will encourage people parking across the street. She objected to various aspects of the parking and concern about parking in nearby neighborhoods. She noted the parking study indicates there are ten live aboards (in the marina) which is not credible. In the summer there are no available parking spaces on Fort Lauderdale Beach Park. She did not believe that questions raised on May 18, 2010 have been answered. She wanted language included requiring the marina as it is written in the current lease. She questioned the amount of the capital reserve account. She felt Rahn Bahia Mar should be required to abide by the terms of the current lease. She asked what is the boardwalk width along the Intracoastal. She displayed an aerial photograph of the proposed development and claimed that the open space is twenty-seven feet high, therefore it will not be visible from the Intracoastal or anywhere but from the sky.

The City Attorney and Assistant City Attorney Dunckel responded to Mayor Seiler's question, advising the sky bridge is not in the original lease as it was built after-the-fact. There is no documentation on who owns it or who built it, any information on the permitting or Florida Department of Transportation's position. The bridge sits on public property. It is not referenced in the lease.

There was no one else wishing to speak.

Commissioner Rodstrom reiterated her contention that there is no rush to re-do this lease, noting low property values and that the City is not negotiating at a time of strength. This is the idea of the lessee, not the lessor who is the custodial of the public lands. Vice Mayor Rogers was comfortable with the overall format. He felt the City should listen to the lessee's proposal. Commissioner DuBose agreed with how staff is proceeding. Commissioner Roberts pointed out that the lease is not site plan approval, but a framework in which to move forward. He felt something has to be done with the site. He wanted it to remain public. He believed the agreement will allow the City the ability to get the most out of the property and be flexible in doing so. He also encouraged all involved to move forward. He emphasized that this has nothing to do with approval of the site plan. Vice Mayor Rogers likened this case to discussions on use of the Fort Lauderdale Stadium site. He believed the City would receive fair rent because it is tied the value of the property. He did not want to be the developer, but

rather a steward. He liked the fact that the City would receive a percentage of the value every year and appreciated the appraisal in the future when it would be fully built out.

In response to the City Attorney, Mayor Seiler advised there was no consensus on any of Mr. Henn's requests. He reiterated that this is not conditioned upon the site plan. Commissioner Rodstrom wanted the Commission to review a revised term sheet and to review revenue to the City versus other issues, such as parking and traffic. Vice Mayor Rogers wanted feedback from the applicant. There was consensus approval for a revised term sheet to be brought back to the Commission.

In response to Commissioner Roberts, Diana Alarcon, Parking and Fleet Services Director, noted the barrier island parking study timeline and boundary scope.

### **I-D – State Legislative Lobbyist Services**

Kathleen Gunn, Grants and Legislative Services, highlighted the chronology on this matter as contained in Commission Agenda Report 10-1007.

In response to Commissioner Rodstrom, Ms. Gunn advised that the proposers were asked to demonstrate successes that they have had with clients on the state level in the past three years. Commissioner Rodstrom felt this is a key element. Ms. Gunn confirmed that the Commission could decide upon the firm and the length of time. In response to Vice Mayor Rogers, Ms. Gunn explained the evaluation committee's process, advising that the references were contacted. She went into more detail as to how reference information was collected and provided to the committee.

Commissioner Roberts thought there is a huge separation between the first rated firm (Blosser & Sayfie) and the others. He wanted to move forward with the first rated firm and have more discussion on who should be the second firm. He suggested at least a one-year term. In response to Vice Mayor Rogers, Ms. Gunn indicated the RFP notes a two-year period, however, the Commission may modify it. With respect to potential sessions of the legislature, Kirk Buffington, Director of Procurement Services, advised since the contract is based on a monthly retainer, the scope requires the lobbyist to be available at all times. The RFP also specifies two, one-year renewals. Vice Mayor Rogers questioned if there is a need for more than one firm. Ms. Gunn indicated that Carole Duncanson (CLD & Associates, LLC), immediate past contractor, is not an attorney, but Lewis, Longman & Walker is a law firm. Commissioner DuBose was also comfortable with Blosser & Sayfie. In response to Vice Mayor Rogers, Ms. Gunn recapped the history of expenditures.

Justin Sayfie of Blosser & Sayfie, advised that Blosser & Sayfie does not represent a number of cities, and this would be a key honor to represent Fort Lauderdale. He summarized the experience and credentials of Mr. Blosser and himself as well as their recent successes. Their proposed pricing takes the City's fiscal situation into account.

Pat Malloy of Floridian Partners, LLC, elaborated upon Floridian Partners composition, locations of offices and their local government concentration. He explained that a joint proposal with Carole Duncanson (CLD & Associates, LLC) was made because of their belief in the necessity of two teams, considering the City's size and diversity of interests. He understood that their joint proposal was scored together in pricing which affected their individual scores. He believed if Floridian Partners' pricing was removed, the score



of CLD & Associates would move up. Each firm submitted stand alone qualifications that would meet the RFP's requirements.

With consensus on Blosser & Sayfie, Mayor Seiler suggested appointing this firm for a one-year period and bring back an RFP to rank the others. Vice Mayor Rogers felt the City needs to get a sense of the need in terms of coverage. Mayor Seiler wanted to plan on securing a second firm by the upcoming session in the fall and spring. Commissioner DuBose questioned the award term. Discussion turned to whether an award could be made this evening as the regular meeting had not been adjourned and the likelihood of a special session in late July. Ms. Gunn advised that there is an existing budgetary line of \$55,000. The City Attorney thought the Commission could authorize a contract be drafted subject to his approval utilizing the RFP and authorize the appropriate City officials to execute it.

The Commission moved to the following item while Mr. Buffington and Ms. Gunn checked into whether the previous contract could be located.

Continued on Page 17.

#### **I-E – Sustainability Action Plan**

This item was removed from the agenda as Carbon Solutions America was not available.

#### **I-H – Florida League of Cities Annual Business Session – August 21, 2010 – Voting Delegate**

There was consensus approval for Commissioner DuBose to serve as the voting delegate.

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

No discussion.

#### **II-A – Volunteer Based Home Rehabilitation Program – Rebuilding Together Broward County, Inc. – Partnership and Funding Source**

Jonathan Brown, Housing and Community Development Manager, recapped previous discussion on a funding source. He confirmed Commissioner DuBose's recollection that the request is \$5,000 per home plus permit fees. Valerie Bohlander, Director of Building Services, estimated \$300 maximum for permit fees. Commissioner Roberts favored funding of \$53,000 from undesignated fund balance. Commissioner DuBose favored funding this program, although not from community redevelopment agency (CRA) funds. It is an opportunity to give some attention to neglected northwest in areas that are not within the CRA boundaries. Vice Mayor Rogers wanted to charge it where the benefit will occur and referred to difficult economic times as well as the item not being budgeted. Commissioner DuBose pointed out the earlier discussion of expending \$35,000 to \$70,000 to change out decorative railing on Las Olas Boulevard. Different standards should not be applied. Some discussion followed about identifying areas outside of the CRA that would qualify. Without CRA as a source of funds, Mayor Seiler was not in favor. He felt that Las Olas Boulevard is a signature area. Without neglect over the years, Commissioner DuBose felt the area in question could be a signature area as well.

The City Auditor addressed why Community Development Block Grant funds could not be used. Mr. Brown advised that other cities have used general funds. In response to Commissioner DuBose, Mayor Seiler pointed out that these funds would not be directed to a common area, but rather to an individual property owner. It is not about northeast versus northwest, but rather about private property versus public property. Moreover there is no condition of repayment. He felt the Commission has shown a commitment to the northwest and he went on to cite examples. Commissioner DuBose emphasized it is about investment in an area. Vice Mayor Rogers thought each district has a block in need of refurbishing houses. This program fits the mission of the CRA, that is, forgivable grants. He was also concerned about there being no restrictions. Commissioner DuBose indicated that there are more areas in District III. He went on to comment on the money that is allocated without a blink of an eye yet every dime of requests for the CRA are scrutinized. Mayor Seiler replied specifically to the cited example of Southside School. He reiterated concern about using tax dollars for private property with no repayment. Commissioner DuBose pointed out it is difficult to get funding for roads and other such public improvements in the northwest. It is about getting some type of funding for the area outside of the CRA. Mayor Seiler contended it is being done. Commissioner Rodstrom felt it is a good cause and money should be taken from the CRA for it to get started. It should be directed to District III. Money could be budgeted in the general fund to do more in the future if the work is not in the CRA. She saw it as a great opportunity.

Discussion ensued as to whether there was a deadline associated with this item. Mayor Seiler asked if the Housing Authority might be a potential avenue. Mr. Brown offered to check with the Housing Authority. Commissioner DuBose suggested staff look into it. In response to Vice Mayor Rogers, Mr. Battle believed this program would fit the CRA's mission. He went on to point out that the forgivable loans have recapture provisions to prevent undue enrichment on a backend sale. This would be a little different. However, the CRA has contributed to upgrading and making housing affordable. Staff could have a follow-up conversation with Rebuilding Together as well as the Housing Authority. However, they would like the funding donated upfront, not in a reimbursement fashion which is typical. There are unique differences that staff should explore and provide additional advice. He could not respond to whether the City has ever donated unrestricted funding. Mayor Seiler thought it could come back for discussion and a determination made as to what other cities have done.

Continued on Page 18.

### **I-G – Procurement Code – Protests of Awards**

This item was deferred to August 17, 2010.

### **II-B – May 2010 Monthly Financial Report**

No discussion.

### **I-D – State Legislative Lobbyist Services**

Continued from Page 15.

Kirk Buffington, Director of Procurement Services, could not locate the previous contract. He recommended a contract be approved this evening and he would work with the City

Attorney's Office to capture the issues brought forward this evening, including a one-year term, a scope of services shown in the RFP and the response. It could be executed within the next week.

Noting that the regular meeting had not been adjourned, a **motion** was made on this matter. It appears in the regular meeting minutes.

### **III-A – Communications to City Commission and Minutes Circulated for Period Ending July 1, 2010**

Continued on Page 18.

#### **Board of Adjustment**

**Motion made by Mr. Madfis, seconded by Mr. Cooper,** to bring Item 3 forward to the City Commission to express the concern that some of these interpretations can be made at the staff level and would actually grease the wheels of commerce and sociability in the City. Mr. Madfis stated that as a licensed Architect in the City of Fort Lauderdale for 28 years, in reading the Code, his interpretation is that this would be allowed. It is a combined accessory use within all the requirements of the Code. Mr. Madfis is surprised that it was not permitted as presented. By voice vote, the Motion carried 6-1 (Mr. Willey dissenting).

Greg Brewton, Director of Planning and Zoning, explained the board disagreed with staff's interpretation that a particular application should need to come before the board and wanted to voice their concern. Mayor Seiler saw this as a factual dispute therefore he did not think there is anything the Commission could do.

#### **Code Enforcement Board**

**By unanimous consensus, the Board expressed a** concern that the City was loaning money on non-compliant property, leaving the City in jeopardy of acquiring the property back and having to bring it into compliance. The Board felt there must be a stopgap measure to ensure that the City did not put itself at risk.

The following discussion took place in response to questions raised by the Commission. Mike Maloney, Code Enforcement Manager, believed the board is recommended the City make sure that there are no open violations on properties before loans are made for the purchase of any property. However, most of the properties being acquired are foreclosed or abandoned and being accepted as is. The banks are not complying. Jonathan Brown, Housing and Community Development Manager, explained that the loans are mostly in the neighborhood stabilization program (NSP). Mr. Maloney explained that the board is concerned about liability and the potential of the property being unsafe if the City ultimately had title. Mr. Brown noted that the NSP vendor owns the property and the City holds the first mortgage. Vice Mayor Rogers did not think there

is any alternative. Mayor Seiler pointed out that the funding is being supplied by HUD. Mr. Maloney indicated that this has opened discussion with Housing and Community Development. Code Enforcement staff will try to contact the banks early and work on compliance. They will be part of the process.

**II-A – Volunteer Based Home Rehabilitation Program – Rebuilding Together Broward County, Inc. – Partnership and Funding Source**

Continued from Page 17.

In response to Mayor Seiler, Jonathan Brown, Housing and Community Development Manager, advised that HUD funding would not be a possibility for this program because of the restrictions imposed.

**III-A – Communications to City Commission and Minutes Circulated for Period Ending July 1, 2010**

Continued from Page 17.  
Community Services Board

The Board recommends:

**The City Commission take proactive steps to develop** policy and regulations in regard to Certificates of Public Convenience and Necessity in connection with the operation of pedicabs in the City, such as those which currently exist in the cities of Gainesville and Orlando, Florida.

**The Board supports the use of pedicabs as an** alternative "green" transportation, and as such has approved a limited number of permits. The permits were awarded to new companies in order to promote healthy business competition. as well as to the company presently operating pedicabs in the City.

**Motion made by Ms. Gonsher and seconded by Ms.** Baer to submit this communication to the City Commission. Vote showed: YEAS: Erika Baer, James Currier, Avery Dial, PJ Espinal, Wendy Gonsher, Helen Hinton. Michael Kimmey, Chistopher Priester, and Jeannine Richards. NAYS: Suzanne Higgins. Donald Karney. and David Tilbury.

Mike Maloney, Code Enforcement Manager, advised that staff has begun to look at regulations in place in Orlando and Gainesville where more criteria and safety measures are enumerated. There was consensus approval.

Education Advisory Board

**Motion made by Ms. Leach, seconded by Mr. Foulkes,** to request that the City Commission demand that the Broward County School District reinstate the \$6.6 Million funding for magnet programs. By roll call vote, the Motion carried unanimously (11-0).

There was consensus approval that a resolution be drafted in agreement for August 17, 2010.

Planning and Zoning Board

**Motion made by Mr. Witschen, seconded by Ms. Tuggle,** to petition the City Commission:

- 1) **To make Planning and Zoning Board appointments at** the City Commission's next regularly scheduled meeting;
- 2) **That those appointments be able to be at the July** meeting (of the Planning & Zoning Board) so that there is a quorum and the Board will be able to hear the First Presbyterian Church application;
- 3) **That the City Commission direct the appointees to** become familiar with the material prior to the July 21, 2010 meeting (of the Planning & Zoning Board) so they are prepared to listen and vote.

**By roll call vote, the Motion carried 7-0 [unanimous].**

Mayor Seiler noted the Commission has already complied with the board's request that new members be onboard in time for their next meeting. Greg Brewton, Director of Planning and Zoning, advised that the new members will be provided with the backup information.

Unsafe Structures Board: New River Condominiums

**By unanimous voice vote, the Board suggested: "We** have granted an extension of time for the demolition to enable the stakeholders, the mortgagees, property owners, possibly the CRA, the City Manager's office, the home owners, to meet to, and the housing authority to first and foremost resolve the issue of securing the premises with these PVS metal frames, and number two that the City perhaps might appoint a point person or an ombudsman to deal with issues of donating to a CRA type of facility or dealing with the banks to try to continue the payment of the monthly rental and C, to generally preserve this property if

it's economically feasible, quickly enough that we don't have to take the step of ordering its demolition.

Mike Maloney, Code Enforcement Manager, advised that this has to do with New River Condominiums. He explained that the City boarded up units because of unsafe conditions. The board granted an extension to July 15 in hopes of some solutions could be found. The board is concerned that the City is paying \$6,500 per month for the board-up. They hope there can be a way to secure the structure, have the banks pay for it and a way be found to save the structure avoiding demolition. Valerie Bohlander, Director of Building Services, indicated that the board asked the mortgage holders and property owners to work with Code Enforcement to reach a solution. The Housing Authority was present at the meeting, but they did not offer any solution. She will need guidance on a funding source. Once the boards are removed, there will again be a problem with squatters and so forth. A discussion ensued about finding a solution that would help the neighborhood. The City Attorney felt the City would need to put together a plan that will require two or three people for close to a year to resolve the title problems. Perhaps the City could give people tax credits for donating their property. In response to Vice Mayor Rogers, Ms. Bohlander listed the lending institutions holding mortgages. The City Auditor advised that Jim Carras of the Community Land Trust has some funds and has indicated a willingness to work with the Housing Authority on it. There could be a consortium of the Community Land Trust, Housing Authority, Community Redevelopment Agency and Community Development Block Grant funds in order to put the units back into affordable housing stock. In furtherance of the City Auditor's idea, Commissioner DuBose offered to invite people to the table to work on a solution. Vice Mayor Rogers indicated that Scott Strawbridge of the Housing Authority has indicated some efforts being made with lending institutions.

#### Utility Advisory Committee

**Motion made by Ms. Murru, seconded by Mr. Larson,** that because there is imminent undergrounding on this street [SE 2nd Street between SE 2nd & NE 3rd Avenues], we recommend to the City Commission that these trees be spared for the project. In a voice vote, the motion carried 6-0 (unanimous).

Albert Carbon, Director of Public Works, advised that these trees are located on SE 2 Street where utility undergrounding is slated. City staff is working with Florida Power and Light Company to save destruction and topping of the trees.

**Motion made by Ms. Murru, seconded by Mr. Weiss,** that the Utility Advisory Committee lead the other committees in creating an opt-in policy for receiving meeting packets by mail.

**Ms. Murru stated that she has opted-out of the cost** and the green issue by having her packets sent via email, and would recommend that the "opt-in" would be for someone who wants to see the money wasted by mailing, and wants to see the paper, ink and everything else that is wasted in doing that. This would be their option and they

can opt-in, and the City can provide them that option. She further recommended that all other committee members be contacted to give them that option.

**In a voice vote, the motion carried 5-1 (Chair Brenneman dissenting).**

Mr. Carbon clarified the intent. There was no objection.

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

Note: Please see regular meeting item R-05.

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

#### **Warfield Park; Fees**

In response to Commissioner Rodstrom, Phil Thornburg, Director of Parks and Recreation, advised that fees have increased. He further advised that these fees are set by the Parks and Recreation Department through the City Manager's Office throughout the year.

#### **Annie Beck House; Water and Sewer Connection Cost**

Commissioner Rodstrom noted the previous Commission approval of \$12,000 on October 6, 2009, for Annie Beck House's water and sewer connection. The bill was ultimately \$5,800. They were told there were forms that needed to be completed in order to be eligible for the payment of Community Development Block Grant (CDBG) funds and there was no money to pay the bill. The Annie Beck House contracted for the work and because they could not secure the funding, they had to borrow money to pay the contractor. Mr. Carbon advised that on two occasions staff met with representatives of Broward Trust on behalf of Annie Beck House and explained the CDBG guidelines, but they do not have the proper documentation to use CDBG funding. He offered to find a way to fund other items with CDBG funds so that the funding could be secured for the Annie Beck House. All of the \$12,000 was never intended to go to Broward Trust; a portion was intended for City connection fees. The City processed the paperwork for its fees. The work was done before they approached the City for the funding. In response to Commissioner Rodstrom, Mayor Seiler felt staff was following Commission direction as to careful attention and compliance with all such regulations.

#### **Riviera Isles; Flooding**

Commissioner Rodstrom advised that the Riviera Isles neighborhood would like to consider the red valve drainage approach that would be less costly and has requested one or two valves be placed in Riviera Isles as a test. Albert Carbon, Director of Public Works, advised the valve cost is \$5,000-\$10,000 each depending on size. He provided more detail on installation which raises the installation to \$20,000-\$25,000 each. There are nine outfalls in Riviera Isles. Commissioner Rodstrom requested a document on pricing.

Riverwalk Urban Market

Vice Mayor Rogers advised that Riverwalk would like to extend their urban market through December. There was no objection.

Events in District IV and other areas

Vice Mayor Rogers noted upcoming events in District IV and other areas of the city.

District III Events

Commissioner DuBose noted upcoming events in District III.

Pinecrest School; NW 62 Street Road Closure

Commissioner Roberts asked staff to pursue Broward County expediting this work.

City Manager's Employment Contract

Mayor Seiler advised that an interim appointment needs to be addressed. There was consensus approval to make an appointment this evening instead of calling a special meeting, although Vice Mayor Rogers and Commissioner Dubose were not in favor. Mayor Seiler suggested an interim appointment until the August 17 meeting and then another interim appointment be made. Vice Mayor Rogers wanted to maintain status quo until a search committee could be organized and so forth or the current city manager does not wish to stay any longer. He favored a month to month arrangement. In response to Commissioner DuBose, the City Attorney advised that the contract expires and the options are renewal, the City enter into another contract or make an appointment without a contract. Commissioner Roberts agreed with Mayor Seiler. He emphasized that the decision was made in November and it is time to move forward. Commissioner DuBose agreed with Vice Mayor Rogers and discussed the human side of the issue. It may be that there is not unanimous agreement about the interim appointee. It is the middle of the budget cycle. Commissioner Rodstrom concurred with Commissioner Roberts. Mayor Seiler spoke of the difficulty of this and his efforts to assist the City Manager in finding employment. He wanted the interim appointment to be unanimous consensus. Vice Mayor Rogers emphasized that the City Manager has brought the City to this point and he did not think it is fair to put him on the street in this tough economy.

As discussion turned to naming an interim appointee, Mayor Seiler indicated that he did not think it would be appropriate to discuss individuals outside of the City administration without a scheduled meeting. Commissioner DuBose pointed out that three members of the Commission have stated the City Manager has done a good job and he wished the send off could have been different. Commissioner Roberts offered the following names: Assistant City Manager Allyson Love, the City Auditor or the City Attorney. Commissioner Rodstrom asked if the City Attorney would accept the interim appointment, as she thought there may be conflict with the City Auditor.

The City Auditor referred to the comptroller general governmental auditing standards precludes him from holding a position of responsibility within the City. He would be precluded from ever coming back and conducting an audit of City operations after having



held a position of management responsibility. He would like to continue in his current position and profession. He therefore declined.

The City Attorney indicated it would need to be on a very short-term basis.

Ms. Love advised that she would be willing to serve until August 17.

Mayor Seiler emphasized this appointment would only extend to August 17 when a publicly noticed meeting could be held. He believed any appointment for the next thirty days would disqualify that individual from a subsequent interim appointment. If Ms. Love has a desire to continue beyond August 17, he did not think that is the purpose of this evening's action.

Commissioner Roberts suggested the City Attorney. Commissioner DuBose suggested Ms. Love because she already serves in the absence of the City Manager. However, he questioned precluding her from future consideration. Vice Mayor Rogers wanted the City Attorney to be in a position to serve in that role and he was concerned about Mr. Stewart trying to perform both functions. As far as seamlessness is concerned, Ms. Love makes the most sense.

In response to Mayor Seiler, Ms. Love advised that she has not thought about whether she would want to assume the position beyond August 17 as this has just come up. Commissioner Roberts clarified his thinking was to keep options open for Ms. Love.

In response to Commissioners DuBose and Rodstrom, Mayor Seiler did not think there should be a condition precluding Ms. Love from applying to serve beyond August 17. It is unfair for her to make such a decision at this time.

Noting that the regular meeting had not been adjourned, motions were made on this matter and appear in the regular meeting minutes.

Commissioner DuBose thanked the City Manager for his service.

**V - City Manager Reports** - none

There being no further business to come before the Commission, the meeting was adjourned at approximately 3:24 p.m.