

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
SEPTEMBER 7, 2010

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CITY COMMISSION CONFERENCE MEETING 1:30 P.M. September 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: Acting City Manager Allyson Love
City Auditor John Herbst
City Clerk Jonda K. Joseph
City Attorney Harry A. Stewart
Sergeant At Arms Sergeant Harvey Jacques

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

No discussion.

I-A – Operation of Southside School – The Friends of Southside School

Phil Thornburg, Director of Parks and Recreation, highlighted information in Commission Agenda Report 10-1123, noting the Friends of Southside have expressed an interest in operating the facility once it opens.

John Wilkes, Chair, Friends of Southside School, indicated that the Friends' proposal would tap the City's contribution and result in a substantial savings of the estimate by staff and the consultant. He indicated this would be a public/private partnership. Today's request is only to approve the concept and direct staff to prepare an agreement that would come back to the Commission. It is proposed that the Friends would present an annual proposed budget with an historical account. They are only looking for an initial five-year commitment with the hope that more savings could be achieved. The term would be fifty years. The Friends would be carrying requisite insurance coverage for workers compensation and liability. The City would be responsible for maintenance and replacement and casualty. The Friends would be responsible for interior maintenance. They would also be responsible for any specialty exterior program maintenance. The intended uses were approved by the Commission in 2005. He elaborated upon the demand for use of this type of facility and why the Friends should be granted their request.

Commissioner DuBose asked how this would compare with the City's relationship and involvement with the Delta Education and Life Development Foundation, Inc., Eula Johnson and Annie Beck houses. Mr. Thornburg advised the City does not provide funding for those facilities. Commissioner DuBose felt this is a little misleading. He was concerned about the timing and budget impact on existing programs. Mr. Thornburg explained the only way to not expend any funds for operations would be to delay the opening. Commissioner DuBose thought a delay in the opening may be something to consider. He referred to the staffing freeze and the need to hire employees for this facility. Mayor Seiler indicated he also has similar questions about this item. In response to Commissioner Roberts, Mr. Thornburg advised that the current budget contains \$250,000 for start-up and four months of operational costs. Four employees are proposed. Discussion ensued concerning the staffing needs and revenue estimates of the Friends. Mr. Wilkes advised that the Friends believe they can generate more donations than reflected in the proposal. Mayor Seiler noted there could be City

exposure if the Friends are not able to deliver as anticipated. Vice Mayor Rogers did not want to lose sight of the original vision for this facility. Commissioner DuBose also did not want to lose the vision, but it is about timing. Vice Mayor Rogers noted programming in general being cut and was concerned about losing momentum. Mayor Seiler questioned use of the facility by non-residents. Vice Mayor Rogers questioned stopping all capital improvement program projects. He wanted to stay with the five-year adopted plan. Mayor Seiler pointed out that the City has never turned over the operation of a City facility to a not-for-profit. Mr. Wilkes clarified that the Friends began in 2004 and received its 501c3 designation in 2006. He went on to explain that the Friends have not yet done any fundraising because there was no place to use the funds. As to delaying the opening, there are covenants whereby Broward County could take the facility back. Both Mayor Seiler and Commissioner Rodstrom questioned if there are restrictions on use of the facility based on funding from Broward County and so forth. Mr. Wilkes believed the language specifies the facility would be open to the public. The Friends are looking into offering discounts to members. In response to Mayor Seiler, the City Attorney did not believe that arrangement would be possible. The language provides the facility be open to the public. Historically, Broward County has required there not be a distinction between county and city residents. Vice Mayor Rogers thought that a fee could be charged even if the facility is open to the public. Mayor Seiler noted the fee would not go to the City. Discussion ensued about whether it would be possible to offer a membership to a public building, the City's arrangements with the Deltas, Annie Beck and Eula Johnson houses and the goal of being self-sustaining.

Mayor Seiler was concerned about the consequences if the Friends are not able to be sustainable and pay their bills. With the City operating the facility, there could be direction for a soft-opening with minimal staffing, etc. When the commitment was made on this facility, the City was in a much different financial situation. Vice Mayor Rogers thought that staff could be directed to do a skinny operational plan. In answer to

Commissioner DuBose and Mayor Seiler, Albert Carbon advised the total cost including what is on this evening's agenda and purchase of the property is a little over \$12 million. As to how much the project has deviated from the original projection, he offered to furnish documentation to address this question. As to operational costs, Mr. Thornburg advised that the figures have not fluctuated since they were compiled a couple years ago. He did not recall any discussion originally on operational costs. Staffing for this facility is comparable to what the City uses for other facilities. He elaborated upon the difference in the financials between the City and the Friends. Mayor Seiler was concerned about the revenue side. He asked about what happened with revenue for the Westside School facility. Mr. Thornburg advised the City's proposal is conservative as to revenue. Mr. Wilkes advised that in order to run the proposed programs, they need to generate about \$380,000 in revenue annually. He assured it could be done and drew attention to a facility in Hollywood. Yasemin Wasserman of the Friends offered some insight about the Hollywood facility, noting that although there was a revenue loss last year due to the economic downturn, the overhead was significantly more than would be the case with Southside. The operator was paying monthly rent of \$27,000 to a private entity. However, the operation was generating \$75,000 per month in revenue. The building is a similar size but not used as well as proposed for Southside. Mayor Seiler pointed out that the utilities and over overhead would be borne by the City. Ms. Wasserman noted that operator had those overhead expenses as well. She mentioned there were also payments on a \$3 million renovation loan.

Mayor Seiler asked the City Attorney to look into the City's obligations to the public in exchange for the funding it has received. Some discussion ensued as to the varying sizes of the park and Southside site.

Commissioner Roberts wanted to look at the subject more closely as he had budgetary concerns but also did not want to abandon it. Mayor Seiler agreed, but wanted to make sure there are no restrictions that would prohibit the facility going about raising \$300,000 in revenue needed. Vice Mayor Rogers wanted to give direction now to move forward toward activating the facility. Mayor Seiler thought perhaps it should be activated with one employee. Commissioner Rodstrom asked if the City would get any return from the Friends. Mr. Wilkes advised that the Friends are looking to reduce the City's commitment. The Friends could operate the facility for \$140,000 less yearly than the City operating it. They could reduce the services if the City wishes that to be done, but he emphasized they need money in order to generate revenue. The Friends are not in the business to make money for themselves. The City would be in control of program and staffing reductions as it sees fit. Discussion returned to the budget, including a question of whether a bidding process would be required for furnishings if handled by the Friends. The City Attorney offered to provide more detail if the Commission wishes to proceed, but it was placed on the agenda as a concept.

Commissioner DuBose was concerned that the money is already committed in the budget and it has an impact on current parks and recreation services. Vice Mayor Rogers disagreed, indicating the money is not committed until it is voted upon. Commissioner DuBose emphasized there are current issues with programming and infrastructure. With the percentage reduction directed by the Commission and the same needs, there is less funding. Vice Mayor Rogers did not think any programming was being jeopardized. Commissioner DuBose used an example of playground improvements, in the amount of \$58,000, for Osswald Park where there was not enough money to do what was promised with the annexation and the work was scaled back. He felt it is important to make sure citizens can continue to receive the same services. Debate ensued on the purpose of establishing a project budget, how it could fluctuate and impact on the existing budgeted items and services. In response to Mayor Seiler, Mr. Thornburg advised that \$250,000 has been budgeted for Southside. Mayor Seiler asked if the Friends could operate the facility with that amount. In further response to Mayor Seiler, Mr. Wilkes advised that the Friends could live with \$250,000 for the City's budget year time frame.

The City Auditor referred to his memorandum to the Commission that questions whether this should be competed. It is possible to deal directly with a not-for-profit, but that does not mean the City should do so. Mayor Seiler thought the Friends are the right entity to operate the facility. The City Auditor did not recall the Commission directing that a non-profit be created for the operation of this facility. Mayor Seiler noted the agenda backup (business plan, attachment to letter from Friends of South Side, Inc. dated August 26, 2010) indicates that the Friends was established at the direction of the City. Mr. Wilkes believed it was proposed from the beginning because a non-profit organization could do things more cost effectively and generate contributions so that the facility could operate at the anticipated level at less cost. In response to Mr. Wilkes, the City Auditor clarified that a memorandum from an assistant city manager is not direction from the Commission. Commissioner Rodstrom requested the City Clerk determine whether the record reflected any such direction from the Commission.

Mr. Wilkes responded to Mayor Seiler's question about reference to an open space park management plan. Mayor Seiler felt all of the documentation should be made available for the City Attorney's review. He went on to note restrictions imposed by the School Board and wanted the City Attorney to look at potential programming and leasing implications. Mr. Wilkes explained that the Friends organization was established to serve as a buffer on use requests from the private sector and so forth. The Friends went to the public and, as such, developed programs. In his meeting with Broward County Commissioner Rodstrom, his direction was to move forward with opening it. He also went on to respond to Mayor Seiler's question on reference to Southside north.

Mayor Seiler thought it should be clear that the maximum exposure would have to be less than what is budgeted for the City to operate the facility for the budget year and with that being the case, the item could move forward with the details to come back to the Commission. The City Attorney confirmed that any modification has to be approved by the School Board. Although he felt this is something that should be done for the citizens of the south side of the city, Mayor Seiler felt there needs to be a full understanding from the beginning on operations. He questioned whether a private dance instructor renting space, for example, would ultimately pose a funding subsidy issue. Vice Mayor Rogers suggested that ArtServe might be a model however Mr. Wilkes noted that ArtServe does not operate its own programs.

Vice Mayor Rogers wanted the item to be moved forward so that the Friends could commence fundraising and so that a centennial event could be held at the facility. The City Attorney advised that the work by his office could be completed by October. Sandy Casteel of the Centennial Celebration Committee, indicated there are plans for a soft opening of this facility in March.

Mayor Seiler noted another concern to be addressed is whether an injury would be outside of the City's sovereign immunity if another entity was operating the facility.

The Acting City Manager noted that there is \$250,000 in the proposed budget earmarked for Southside. Commissioner DuBose reiterated that he is not opposed to the facility, but he has concern about potential impact on existing programming. Mr. Thornburg advised that although there is \$250,000 budgeted, there are reductions proposed. The only way to reduce the impact would be to shift that \$250,000 to something else.

Mr. Thornburg confirmed for Commissioner Rodstrom that program fees are set through the City Manager.

Mayor Seiler requested the Commission be provided with copies of contracts from other cities who have partnered with organizations for provision of services. Mr. Wilkes indicated that the Friends will be required to have insurance coverage much greater than the City's sovereign immunity. The City Attorney explained the City cannot share its sovereign immunity.

I-B – Broward County B-Cycle Bike Sharing Program

Greg Brewton, Director of Planning and Zoning, noted that Broward County selected B-Cycle, LLC to implement a pilot Bike Sharing Program as part of the initiative for greener cities. He gave a brief overview of the program as outlined in Commission Agenda Report 10-1247.

Bob Burns, president of B-Cycle, LLC, explained that the purpose of bike sharing is to provide a low-cost, alternative form of transportation. He claimed that 90 percent of (car) trips in the United States are less than two miles. He went on to review a slide presentation concerning this matter. A copy of the slides is attached to these minutes. B-Cycle responded in April to an RFP issued by Broward County for bike-sharing in the county. He elaborated upon B-Cycle experience in other areas of the world, including Paris and Denver. Denver is the first city in the United States to have a large-scale bike sharing program. A not-for-profit organization is used to operate the Denver program, at no cost to the City; sponsorships of bike kiosks are sold. He elaborated upon the Denver business model.

The following information was furnished in response to questions posed by the Commission to Mr. Burns. Depending upon whether the station is single or double-sided, it can fit into approximately the size of a parking space. The stations can be placed on public property, right-of-way or private property. The greater number of stations, the better it is. In general there are 1.5 docks or places to park a bike per bikes in the system. All of the bikes are adult, single-ridership; baby seats are not included. The bikes are reallocated as needed to stay evenly distributed. Mr. Burns reviewed pricing information in the commission agenda report. A B-Cycle membership is transferrable to all participating cities in the country. Various sites the City identifies could be highlighted on B-Cycle's maps. Mr. Brewton advised that staff would be reviewing the possibility of revenue generating opportunities. The bike stations could be placed near public transportation stops. Cindy Corbett-Elder, Broward County Transportation Department, pointed out \$311,000 in available Florida Department of Transportation (FDOT) funding. The County was more focused on alternative transportation than revenue. The \$311,000 would be used to start the program and B-Cycle would add 75 bikes. They would be making a significant investment. She elaborated upon issues such as to advertising policy and permitting that need timely review in order to launch the program six months after entering into a contract. In response to the City Attorney, Mr. Burns elaborated upon what happens if a bike is not returned and anti-theft hardware on the bikes.

In response to Mayor Seiler, Mr. Brewton indicated that Kathleen Gunn, Grants and Legislative Affairs, has volunteered to serve as the City liaison for this program. There was consensus approval of the concept. Mayor Seiler thought linking neighboring oceanfront cities would be favorable.

I-C – Procurement Code Amendment – Protests of Awards

Kirk Buffington, Director of Procurement Services, explained that this is a proposed ordinance to implement a protest policy which the City has attempted to use informally over the last several years. The intent to award date would be the trigger for any protests. He went on to outline the process. Going forward, he recommended that Paragraph (b) (1) include the language, "all awards recommended by department heads", because some awards are now recommended by Public Works. As to Paragraph (c)(1), he requested more flexibility than the specified seven days in which to resolve a protest.

Commissioner Roberts thought the timeline should be business days. Mr. Buffington agreed to make the change to business days.

In response to Vice Mayor Rogers, Mr. Buffington advised that Paragraph (e) has to do with costs incurred by the protestor. In response to Mayor Seiler, Mr. Buffington advised that the ordinance does not include a proposed fee or bond and he would not recommend one as it may pose to be a barrier to small businesses. Mayor Seiler believed a small fee would protect against frivolous protests. Commissioner Roberts agreed with having some fee. Mayor Seiler thought \$50 to \$100 would be reasonable. He suggested a threshold based on the contract amount. There was no support for refunding if the protest is upheld. Vice Mayor Rogers thought it should be handled like an appeal bond.

In response to Mayor Seiler, Mr. Buffington explained Paragraph (c) (3), that gives the director of procurement services authority to render moot any written protest that is overtaken by events. The City Attorney offered to bring back clarification on types of events that would apply. Mayor Seiler suggested including language that the Commission makes the final determination. Mr. Buffington offered to work with the City Attorney's office to bring clarification to this section.

I-D – Parks and Recreation Volunteer Background Screening Policy

Commissioner DuBose explained that the current policy (revised January 6, 2010) has caused some volunteers to be removed with no avenue for appeal. There were individuals who had volunteered for several years and were suddenly removed. In the future, he suggested such changes come before the Commission in this format. He has collaborated with the City Attorney and the parks and recreation department to develop the proposed revised policy. Mayor Seiler expressed his approval of the (proposed) revisions. Commissioner Roberts agreed with the concept of an appeal process except in the case of sexual offenses which follows the National Recreation and Park Association Recommended Guidelines for Credentialing Volunteers. Commissioner DuBose cited one example of a sexual offense with a dating relationship with a minor and his support of an appeal process. After some discussion, Mayor Seiler agreed that the dating relationship needs to be clarified. He suggested an age threshold of twelve years be established.

Mayor Seiler opened the floor for public comment.

Vernice Brown, president of Fort Lauderdale Hurricane Football League, chronicled his knowledge of the City's background screening policy. He pointed out that the lack of an appeal process poses a problem. He questioned whether an individual who previously went through the appeal process would be grandfathered in. The City Attorney explained that the individual would be grandfathered in if his or her record has not changed.

Mayor Seiler requested the City Attorney meet with Commissioners Roberts and DuBose to modify the language regarding sex offenses. There was no other objection to the proposal.

I-E – Amendments to Unified Land Development Regulations – Boat Slips, Docks, Boat Davits, Hoists and Similar Mooring Devices

Greg Brewton, Director of Planning and Zoning, pointed out the Commission's previous direction to develop recommendations on this topic as a result of Marine Advisory Board recommendations.

Anthony Fajardo, Planning and Zoning, noted that, based on the Broward County Property Appraiser's website, roughly over 903 lots may be affected by boat hoists for lots over 200 feet. He went on to explain that the Development Review Committee process is recommended along with a thirty-day Commission call-up provision. With the many variables, staff did not feel a formula could be devised. He noted two additional recommendations of the Marine Advisory Board to revise the Unified Land Development Regulations contained in Commission Agenda Report 10-1231 1) provide that the height of the lowest appendage of a boat on a life be no greater than one foot above the seawall cap and 2) permit an additional boatlift for two personal watercraft by right.

Mr. Brewton indicated that this matter will come back to the Commission for final approval after the public hearing process. There was no objection.

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 4:08 P.M.

The City Commission shall meet privately pursuant to the Noted Florida Statutes regarding the following:

JEFF KEATING – PP L 04-867

RICH HERSH – PP L 04-861

BONNIE REDDING – PP L 04-882

JASON KOTOCH – PP L 04-868

RAYMOND DEL PAPA – PP L 04-853

and

RICHARD WORWETZ vs. CITY OF FORT LAUDERDALE CASE 09-3482 05 and CLAIM GL 08-594 [F.S. 768.28(16)]

CLOSED DOOR ENDED AT 4:20 P.M.

I-G – 2.5% Hazardous Duty Pay Plus 2.5% General Pay Increase – Compensating Non-Bargaining Police Captains at Level Provided in Collective Bargaining Agreement

The City Attorney explained, with respect to the bargaining unit of police captains and lieutenants, two positions (captains) are assigned who, according to the collective bargaining agreement, cannot be part of the union. Before this particular union came along, there was a captain's pay scale adopted in the pay plan. The collective bargaining agreement creates a separate pay scale for all other captains. These captains rotate in and out of the two positions assigned to them and this has caused them to be excluded from the union. Historically when the Commission has granted a raise to the collective bargaining unit, they have given those two captains a raise by separate ordinance. He was asked to find a way to avoid having to address it by separate ordinance each time. He outlined the proposed ordinance. It has been made retroactive to October 1, 2009 as was done with the collective bargaining agreement. These two captains would be paid the same pay as all of the other captains.

Commissioner Roberts pointed out that this is also related to the detail policy which he understood staff will be presenting and it differs from other management pay issues. The City Attorney remarked that a grievance filed by the union was the catalyst for this proposed ordinance. He strongly believed the City will prevail in the litigation.

John Dargis, Employee Relations Director, chronicled the actions that he and Gordon Rogers, the City's former labor attorney, took to create certain non-bargaining positions to support various management functions. In addition to the two captains, there are thirteen other non-bargaining employees that were also removed. These thirteen employees did not receive a raise in October, 2009. In response to Mayor Seiler, Mr. Dargis explained that the thirteen are disbursed throughout various departments. In response to Vice Mayor Rogers, Jack Lokeinsky, President/Fort Lauderdale Fraternal Order of Police, confirmed that a similar grievance was filed in 2006; a settlement was reached and the grievance was withdrawn without prejudice. He elaborated upon negotiations that took place this year. It was agreed at the negotiation table that these two positions would be made whole. He agreed with the City Attorney that there is case law for both side. However, there is case law that states if an employee is transferred outside of a bargaining unit, bargaining must take place if the bargaining unit requests it. This request was made at the negotiation table and he thought it was agreed upon. He expressed his desire for the issue to be resolved.

Commissioner Roberts recalled when he was the chief of police it was never intended to not participate in the salary increases to these police captain positions. The 2006 agreements worked this out and it should have been rectified by now. The City Attorney is attempting to permanently resolve it. In response to Mayor Seiler, the City Attorney was unaware why an ordinance like the proposed was not initially adopted. He pointed out the disincentive for non-bargaining captains because of the significant cut in pay. Vice Mayor Rogers asked if there is any difference between the thirteen employees and the police captains other than the grievance. The City Attorney indicated that he has not reviewed the thirteen positions. Police Chief Frank Adderley drew attention to the fact that the police captains do not have a choice as to their assignment. Mr. Dargis maintained that the same applies to the administrative positions.

Mayor Seiler opened the floor for public comment.

John LeRoy Bucci, Public Works Department, explained that he is one of the thirteen employees. He indicated that he did not choose non-bargaining status; the decision was made for him based on the sensitive nature of his work. He noted that all City employees received the 2009-2010 budgeted five percent raise, except approximately 240 employees. He asked the Commission to consider these employees. The budgeted funds were not disbursed in pay raises, rather it is being put back into the reserve. He recalled that this group of employees made sacrifices to help see the City through previous difficult economic times. He emphasized that currently there is no mechanism in place for these employees to file a grievance. Almost all of the employees are over the age of 40, long tenured, and are not eligible for merit increases. He reiterated his request to include all employees in the pay adjustment.

Mayor Seiler thought the police captain issue should be resolved today, and the issue regarding the thirteen employees could be brought back on a conference agenda. Commissioner Roberts noted his intent to raise the (13-employee) issue during the budget process. He believed the issues are separate. He expressed concern in how the backup was presented because it was not the intention to raise that issue. He planned to raise the issue at the evening meeting. In response to Mayor Seiler, the Acting City Manager explained that it is standard procedure to bring forward all prior Commission items and this was part of an item presented in May. The City Attorney advised that this issue has to do mostly with compression. Mayor Seiler recalled the Commission's request in April, May for a salary survey of the affected employee group. Jerry Crossley,

Compensation Manager, noted that survey information is attached to the backup. The salary survey was provided in May, (2010). In response to Mayor Seiler, Mr. Crossley advised that the full exposure is \$1.1 million.

Upon Mayor Seiler's request, Mr. Dargis and Mr. Crossley explained that the thirteen employees are within the non-bargaining group of 246 employees, but differ because they have identical classifications to other employees, like the captains, that receive pay raises. Mr. Crossley chronicled the (pay raise) procedure followed for Schedule I and Schedule II employees before the Federation union was formed. When the Federation formed in 2005, the thirteen were excluded. In response to Mayor Seiler, Mr. Dargis explained when the Federation union formed, they were granted the same as management. Mr. Crossley noted that the other employees received a five percent raise, but this group was excluded this year while they received the same in other years. In response to Vice Mayor Rogers, Mr. Crossley indicated that fire battalion chiefs and above are non-union. The City Attorney explained that, historically, fire battalion chiefs were treated the same as police captains in terms of pay raises. The battalion chiefs were non-union and were not assigned to any non-union position like police captains. Mr. Dargis noted that the captains, fire battalion chiefs and administrative staff were previously included in management. Mayor Seiler requested staff meet with each member of the Commission individually. Mr. Dargis offered to provide a history of the benefits provided to Federation members when they formed.

In response to Commissioner Rodstrom, Ms. Dorsett advised that 70.7 percent of the supervisory/managerial employees are at the top of their salary range, and 76 percent of the confidential employees are at the top. These employees receive no increase other than the five percent.

In response to question of whether an ordinance was provided, the City Attorney indicated this is a workshop discussion to determine if the Commission wishes to have an ordinance. Mayor Seiler emphasized this matter was part of the union negotiated agreement where a commitment was made to treat the (two police captains) the same. The other issue seems to be one of equity, but there has been no prior agreement, which is why the two matters should be treated separately.

In response to Commissioner Roberts, Mayor Seiler requested the detail policy be brought forward at the September 21, 2010 conference. Discussion arose regarding whether the detail policy and the police captain ordinance should be brought forward together. The City Attorney explained that the ordinance for this item and the detail policy would naturally be found on two separate areas of the agenda. Mayor Seiler questioned whether the general employees' negotiated concessions have also been applied to this group of employees. Mr. Crossley believed the only outstanding item is that new hires may still receive longevity payment. Mayor Seiler felt that would have to go in order for there to be equal treatment.

I-H – Ordinance Amending City Charter, Providing for Sale of Surplus Real Property for Affordable Housing or Economic Development

Mayor Seiler chronicled the prior actions on this item. It was believed the question could be inexpensively placed on the November, 2010 ballot. However, the actual cost is \$38,000. Commissioner Rodstrom pointed out that Mary Cooney, Broward County Supervisor of Elections office, quoted a cost of \$31,000. The Supervisor of Elections office will be negotiating with cities until November, 2010. The City Clerk clarified that in

addition to the \$31,000, there are legal advertising fees of an additional \$7,000. The City Auditor remarked that the amendment is not a dire emergency; the same accounting measures taken previously can be continued to accomplish the transfer of properties. Mayor Seiler pointed out that the question will be at the very end of the ballot. He questioned whether it is worthwhile for that cost. Vice Mayor Rogers and Commissioner Roberts concurred.

Commissioner Rodstrom was concerned that the Commission is not moving forward with recommendations of the Charter Revision Board. Mayor Seiler advised that this item originated from discussions between himself and the City Auditor. The City Auditor outlined that the item was presented to the board, who voted on it and recommended it to the Commission. Commissioner Rodstrom believed the cost should have been addressed before the ordinance was brought to the board. Commissioner DuBose thought the ordinance could be included on another election cycle. The City Attorney recalled that the cost was previously addressed. However, staff's advice was based on previous charges that were almost nothing. He gave an overview of prior actions regarding this issue. The City was previously told the deadline for removal of an item was August 12 and has now been told that if the question is removed by tomorrow, the cost will be about \$30 for the translation charge which has already been done. The question could then be placed on the March ballot which is an already required election; therefore, incurring no additional cost.

Commissioner DuBose thought there should be consideration about future costs for elections. The City Clerk explained that the Supervisor's pricing formula has been changed; therefore, the cost of elections will increase in the future. In response to Commissioner Rodstrom, the City Clerk recalled that there is a trail of communications reflecting difficulty obtaining a price quote from that office. When the price was finally provided, she alerted the Commission. She mentioned that the Supervisor of Elections office is scheduled to provide the Commission an overview on October 5, 2010. She offered to invite their chief financial officer to discuss the new pricing. Commissioner DuBose wanted to get an idea of the cost.

Commissioner Rodstrom believed that after an advisory board has examined the issue, the City's unwillingness to incur the expense to present an issue to the voters is wrong. She recalled that the cost was not addressed in recent discussions. Vice Mayor Rogers pointed out that the price was assumed, based on previous history. Commissioner Rodstrom recalled a previous ballot question to protect park space. Discussion ensued on particulars of the ballot question wherein the City Attorney explained that there is a charter requirement for competitive bidding for surplus property; however, there is currently no mechanism in place to 'incentivize' the purpose for which the surplus property is to be used. Mayor Seiler did not recall any email on this item. The City Attorney thought the ordinance should be adopted with the date of the election changed. In response to Mayor Seiler, the City Clerk advised that there is a mandatory election in March, so the City will incur a ballot cost regardless. To her knowledge, there is a single charge for the election, regardless of the number of items included on the ballot. Mayor Seiler requested the ordinance be placed on the March 13, 2012 ballot.

II-A – July, 2010 Monthly Financial Report

In response to Vice Mayor Rogers' question about balances and reserves year to date for the sanitation fund (page 14), Shonda Singleton-Taylor, Acting Director of Office of Management and Budget, explained that balances and reserves are not tracked on the

monthly financial report. The information will be presented at the end of the fiscal year. In response to Mayor Seiler, she indicated that it is not projected for expenses to exceed revenue in this fund. Albert Carbon, Public Works Director, noted that reserves were appropriated to pay off the bond amount of approximately \$2.3 million which is why reserves do not show as revenue. Funds were taken from sanitation reserves. There is approximately \$6 million in sanitation reserves. In response to Vice Mayor Rogers, the City Auditor pointed out that, in the original budget, approximately \$2 million was to be drawn down from the sanitation fund balances; paying off the outstanding bond brought the fund balance from \$12 million to approximately \$6.5 million.

In response to Mayor Seiler, Ms. Singleton-Taylor explained that the reason for the variance in expenses and revenues in the self insurance fund is an increase in claims activity. Once the balances and reserves are considered, the fund is not overspent. The reserve fund for self insurance is \$10 million. The projected amount for balances and reserves at the end of the fiscal year is \$9.4 million. However, their revised budget increased to \$10.6 million and about \$1 million of that amount is projected to be used. The City Auditor confirmed that there are reserve funds to cover the projected \$1.9 million loss. In response to Commissioner Rodstrom, Ms. Singleton-Taylor explained that the self insurance reserve fund is replenished by charges for services. The Acting City Manager clarified that there may be unforeseen things occur and adjustments through rate increases or use of the fund balance must then be considered. Mayor Seiler and Commissioner Rodstrom questioned how this fund builds its reserve. The City Auditor explained that replenishment of reserves between sanitation and self-insurance differs in that sanitation is based on an external charge and self-insurance is internal. For self insurance, it is essentially a transfer from the general or enterprise funds.

In response to Commissioner Rodstrom, Ms. Singleton-Taylor explained that there are four internal service funds; all carry a reserve. In response to Mayor Seiler, Diana Alarcon, Director of Parking and Fleet Services, explained that, in terms of the vehicle rental fund, reimbursement funds are received from risk management. Ms. Singleton-Taylor noted that the vehicle rental fund is mostly internal as are the self insured casualty and central services funds. The City Auditor elaborated upon accounting standards for the various funds.

III-A – Communications to City Commission and Minutes Circulated for Period Ending September 2, 2010

Audit Advisory Board

Motion made by Mr. Kurtz requesting that Renee Foley, Internal Audit Director, attend the board's next meeting to update the board on what her department is doing, seconded by Mr. Alston. In a voice vote, the motion carried unanimously.

There was consensus approval for the Internal Audit Director attend this board's next meeting.

Citizens Sustainability 'Green' Committee

By unanimous consensus, the Committee indicated that their report is being finalized and per the requirement that the report be presented to the City Commission within 12 months of their first meeting, requested a one-month extension for presentation at the October 19, 2010 City Commission conference meeting.

There was consensus approval of the extension.

Fire-Rescue Facilities Bond Issue Blue Ribbon Committee

By unanimous consensus, the Committee expressed concern that they have still not seen the final copy of the feasibility study, and there were questions that need to be answered and incorporated. Staff informs the Committee that this will happen perhaps in September.

In response to Mayor Seiler, Albert Carbon, Public Works Director, explained that the committee reviewed the feasibility study draft and made comments. He recently received their comments and is reviewing them. He offered to provide the (final copy) of the feasibility study to the committee by the end of the week.

Continued below.

IV - City Commission ReportsFire Station Openings

Mayor Seiler requested a simple opening ceremony for the upcoming two fire stations.

Continued on page 13.

III-A – Communications to City Commission and Minutes Circulated for Period Ending September 2, 2010 - continued

Continued from above.

Police and Fire Pension Board

Motion made by Mr. Hole, seconded by Mr. Rudominer, to specifically request of the City that they include the Board's policy from December 10, 2008, stating that applications for both service and non-service disability retirements will not be accepted after 30 days from termination. In a voice vote, the motion passed unanimously.

There was consensus among the Trustees that the following items should also be communicated to the City Commission:

1. The Board has conducted two meetings to review the Investment Consultant RFP responses and they are scheduled to have another meeting on August 31, 2010.
2. The Board is hosting a Retirement Seminar for all members of the retirement system on September 13th – 14th.

There was consensus among the Trustees that the following items should also be communicated to the City Commission:

1. The Board received a letter from their Actuary, Stanley, Holcombe & Associates clarifying that the inclusion of DROP Payroll, although not impacting the city contributions it does reduce the city's contribution as a percentage of payroll, from 49% percent (as indicated in the Actuarial Report) to 42% of the covered payroll. (Enclosure)
2. The Board also wanted to make sure that the Commission is aware of the Government Accounting Standards Board's (GASB) has issued a preliminary review statement that addresses the assumption rate for funding. The City, as the plan sponsor, would be negatively impacted by a change in the assumption ratings. The Board urged the City to contact National Conference on Public Employee Retirement Systems (NCEPERS) or go to their website for more information. The comment period closes September 17, 2010.

In response to Mayor Seiler, Police Chief Frank Adderley indicated that police employees were given notice about the retirement seminar. Mayor Seiler requested staff provide notice to all employees.

In response to Vice Mayor Rogers, the City Auditor explained GASB's (Government Accounting Standards Board) proposal noted by the board. In response to Mayor Seiler, he indicated that the City has not typically adopted a resolution setting forth its position. In further response to Vice Mayor Rogers, he articulated that there is a shift toward lower assumed rates of return throughout the pension industry. The long-time, common assumed rate of return was approximately eight percent; but it has shifted by a number of large pensions to approximately six percent. Approximately 40 percent of the total fund growth is based on investment return; if investment returns go down, then employee and employer contributions concurrently have to increase to offset the loss. He offered to provide a white paper analysis.

IV - City Commission Reports

Continued from page 12.

In response to Mayor Seiler, the City Clerk advised that the Commission Assistant Coordinator is coordinating a date for the Commission to meet with the Budget Advisory Board on their recommendations. Mayor Seiler asked the Commission to assist in finalizing a meeting date.

Note: The City Commission recessed at 5:31 p.m. and reconvened at 12:02 a.m. in the City Commission meeting room on the first floor of City Hall with Conference Item IV.

Financial Advisor RFP; Governing with Finances Federal Legislative Bill

In response to Commissioner Rodstrom, Lynda Flynn, Interim Director of Finance, explained that the financial advisor contract will expire at the end of October. Staff is compiling an RFP. In terms of new licensing requirements set forth in a new federal legislative bill, she believed a currently practicing financial advisor must apply for (any new) licenses and this will be incorporated into the RFP.

Commissioner Rodstrom requested information on a recently passed federal legislative bill that offers guidelines and licensing criteria for finance directors. Kathleen Gunn, Grants and Legislative Affairs, offered to research and provide her the information.

Commission Access to Draft (Read-Only) Commission Agenda Reports

Due to the volume and window of time for review, Commissioner Rodstrom asked if the Commission could be granted access to commission agenda reports for upcoming meetings in draft/read-only form. Tim Edkin, Information Technology Services Director, elaborated upon the workflow process and the software used. The system could be programmed to include the Commission, though a policy decision would be required. Mayor Seiler expressed concern about the Commission interfering in the work product stage and elaborated upon the possible negative impact. Commissioner Rodstrom indicated her willingness to adhere to any restrictions as to read-only access. Mr. Edkin confirmed that it would be possible to alter a draft. Directors only have access to their own documents. He elaborated upon the viewing and approval process, noting that major changes are often made. Mayor Seiler suggested that Commissioner Rodstrom meet with Mr. Edkin. She went on to comment that the City's website for agenda items is not user friendly. Mr. Edkin agreed.

Planned Unit Development Zoning

Commissioner Rodstrom noted some upcoming projects seeking PUD zoning and requested a briefing at a conference meeting.

Children's Services Council of Broward County; Grants to Offset Park Programming Fees

In response to Commissioner Rodstrom, Phil Thornburg, Director of Parks and Recreation, offered to look into possible grant funding from the Children's Services Council of Broward County for park programming fees.

Las Olas Boulevard Rails and Bridges

Commissioner Rodstrom noted meetings have been held on this topic and it appears efforts will be made to match the north bridge railing with the south side.

Community Bus Services; Downtown Fort Lauderdale Transportation Management Association; Grant for Northwest Circulator and Expanded Service - Galleria Mall

Vice Mayor Rogers announced that the Downtown Fort Lauderdale Transportation Management Association (TMA) received a grant for approximately \$2.4 million for the northwest circulator community bus route. Also, there will be an event at the Galleria Mall on October 1st concerning the expanded tour.

Upcoming Events

Vice Mayor Rogers and Mayor Seiler announced upcoming events.

III-B – Board and Committee Vacancies

Note: Please see regular meeting, Item R-04.

V – City Manager Reports - none

There being no other matters to come before the Commission, the meeting was adjourned at 12:17 a.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk