

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING**  
**OCTOBER 19, 2010**

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**CITY COMMISSION CONFERENCE MEETING      1:34 P.M.      October 19, 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 C. Love  
City Auditor      John Herbst  
City Clerk      Jonda K. Joseph  
City Attorney      Harry A. Stewart  
Sergeant At Arms      Sergeant Dana Swisher

**I-A – Elections**

This item was removed from the agenda at the request of the Broward County Supervisor of Elections.

**II-D – Planned Unit Development Zoning District**

In response to Vice Mayor Rogers, Commissioner Rodstrom suggested this item be deferred to a time certain of 1:30 p.m. on November 2, 2010. Mayor Seiler asked that the Director of Planning provide additional detail on this item prior to the meeting.

Continued below

**City Commission Reports**

In response to Commissioner DuBose, Mayor Seiler explained how the conference agenda is managed in terms of the number of items. This particular meeting is heavy because of Commissioner Roberts being absent from a meeting and items were deferred. There were other meetings with time constraints that required deferrals as well. He was open to the Commission discussing the number of items and possible deferrals and so forth. Commissioner DuBose noted that he does not know the heaviness of an agenda until he receives it and because of the Sunshine Law it is not possible to monitor the number of requests. It was noted that the Community Redevelopment Agency Board of Directors typically meets the first Tuesday of the month. Commissioner DuBose wanted to make changes for more efficient management of the conference agenda. Discussion followed. The Acting City Manager noted that conference reports do not necessarily have to be discussed; they are provided for information only. Some items are requests from staff for policy directions and other items are a result of a request from a member of the Commission.

**II-D –Planned Unit Development Zoning District**

With input from the audience, there was consensus to move this item to December 7, 2010, as the first conference item. Commissioner Rodstrom requested information be provided to the Commission in advance.

**I-B – BusinessF1rst – Business Concierge – 2010-2011 Work Plan**

Stephen Scott, Economic Development Director, outlined the request to establish a

**City Hall, 100 North Andrews Avenue, 8<sup>th</sup> Floor & 1<sup>st</sup> Floor Chambers**

position of business concierge as detailed in Memorandum 10-185 provided to the Commission as an exhibit to Commission Agenda Report 10-1413 for this item. An existing vacant position would be used in order to avoid adding any full-time equivalents (FTE) to the staff. With direction to move forward, a job description will be created and presented to the Commission at a future date.

Commissioner DuBose wanted to know the source of the vacant position as it would have a departmental impact.

Dan Lindblade of Greater Fort Lauderdale Chamber of Commerce, advised that the team has been reconstituted team, bringing together the best talent. To date, the chamber has raised \$20,000 for this second phase and intends to raise a total of \$30,000. The City is requested to match this funding. He reviewed other phase two items contained in Memorandum 10-185, including an internet portal. A key component of the site will be the status of real estate in the city. It will be a stand-alone site. Another part of the second phase will be ordinance review.

Mayor Seiler asked that the proposed ordinance by WorkForce One be reviewed.

Mr. Lindblade concluded the presentation, noting that the team will continue their site visits (with local businesses).

Ronald Perkins, chair of Business First, asked the Commission to provide the names of any businesses they would like the team to interview. Mayor Seiler asked the email system be used.

Mayor Seiler wanted to expedite filling the concierge position. He did not think a national search is necessary. Commissioner Roberts wanted the Acting City Manager to make sure that the city administrative structure is organized in order to support Business First. He noted what Los Angeles has done as an example. He agreed this needs to be expedited. Commissioner Rodstrom thought the code needs to be changed to be more business friendly. Vice Mayor Rogers wanted to model what is done for the walk-in customer (Building Services) and provide it for business customers. It is important to have a direct report to the city manager. Perception alone will make a big difference. Mr. Lindblade explained that the intent is to compliment the staff, working hand in hand.

Mayor Seiler opened the floor for public comment.

Fred Carlson, 625 Orton Avenue, supported this concept but questioned if homeowner associations would be afforded the same courtesy. Mayor Seiler and Vice Mayor Rogers clarified the purpose of this item.

### **I-C – Discount Parking for Holiday Season**

Darlene Pfeiffer, Parking and Fleet Services, reviewed the history and scope as contained in Commission Agenda Report 10-1523. Vice Mayor Rogers asked about making adjustments so that there is simply free parking during a specified period of time. Diana Alarcon, Director of Parking and Fleet Services, offered to followup with determining equipment capability. She offered more logistical detail of plans in cooperation with Las Olas Merchants Association. Vice Mayor Rogers wanted to do more than what was done last year. Commissioner Rodstrom thought it would be helpful to allow alcoholic beverages to be served by 10 a.m. on Sundays during the season.

The City Attorney indicated that the law could be changed, but not only during the tourist season.

Vice Mayor Rogers mentioned another municipality that includes a restaurant discount coupon with their parking tickets.

There was no objection expressed.

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

No discussion.

### **City Commission Reports**

Mayor Seiler asked the Economic Development Director and City Attorney staff to followup on a permit issue for use of a lot in connection with the boat show.

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

Albert Carbon, Director of Public Works, reviewed the chronology of this item contained in Commission Agenda Report 10-1392, noting it is scheduled to come before the Broward County Commission and then to the cities for acceptance by December 31, 2010. Staff does not recommend approval because the report does not contain the financials.

Ron Greenstein, executive director of Broward County Resource Recovery System, advised that the disposal rate (tipping fee) has been reduced from \$49.75 to \$47.75. In January, it is the intent of the Resource Recovery Board to come up with the \$12 charge (service fee). He has proposed \$10.72. They are working to get eighty percent participation by December 31. There is a \$12 million (signing) bonus of which Fort Lauderdale would be entitled to about \$2 million. It would be based on 2011 tonnage, but pretty standard as to the percentage. There will be two boards: board of directors and executive board. The board of directors will be composed of all participating cities. They will meet twice a year and decide the rate, budget, all contracts over \$100,000, status of an executive director and attorney. The executive board will meet once a month and deal with daily operations. He provided a copy of the 2011 proposed service fee breakdown and an example proration of Wheelabrator's signing bonus, which were made a part of the record. He noted that Margate and Weston have accepted it and about fourteen others are scheduled to consider acceptance within the next two weeks. It is a ten-year agreement with a ten-year option. There is a change of law provision of 10 percent. It would have to be state or federal law. Over the last twenty years, change of laws have not impacted the tipping fee more than one dollar. No change of law impact is anticipated over the next nine years.

In response to Commissioner DuBose, Eugene Steinfeld, representing Broward County Resource Recovery Board, advised that the tipping fee is set 120 days prior to the fiscal year, which would be prior to August 4, 2011 when the new agreement would be effective and the new board configuration. The current board will be setting the rate sometime subsequent to January 1 but before April of 2011. The board will determine what programs they want to compose the \$12 per ton (service fee), although they

believe it will be less than that amount on top of the \$47.75. The new rate would be effective October 1. He agreed with Commissioner DuBose that June 1 would probably be the latest date in which to decide upon a rate using the new formula. Mr. Greenstein explained that by January, 2011, participants in the system will be known by then. The board will be establishing rates between January and April of 2011. In response to Vice Mayor Rogers, Mr. Greenstein advised that there will be a weighted voting system based upon tonnage and population.

Commissioner Roberts asked for staff's recommendation however Mr. Carbon explained that he is awaiting the numbers. In reviewing information with Mr. Greenstein, he noted a \$61 fee composed of \$47.75, a maximum of \$12, and a one-time inflationary adjustment fee from Wheelabrator from October 2009 estimated conservatively at \$1.25. Last year, the City was trying to get the fee into the high fifties. If the \$12 is adjusted as Mr. Greenstein noted, it is in the \$59 range. For fiscal year 2010-2011, (single family) residential solid waste tipping fees are estimated at \$4.4 million and with the new rate structure if authorized, the fees would be \$2.7 million. Total savings for commercial and multi-family residential would be \$6.2 million. He hoped to prepare a five-year projection, working with Wheelabrator and the Resource Recovery Board, to provide to the Commission when a decision must be made.

Mr. Greenstein articulated a summary of what Broward County has done for Mayor Seiler. It is intended to be on Broward County Commission's consent agenda within the month. The Broward County Administrator has publicly said she has no problem with the independent district. Mayor Seiler thought this was to be approved by Broward County first and then distributed to the cities. Mr. Greenstein explained there is a legal problem because when Broward County adopts an ordinance, it is essentially indicating a majority commitment. Therefore, it will come before the County Commission for their conceptual approval on the consent agenda. Mayor Seiler wanted a confirming letter on this point.

Mr. Carbon requested written confirmation on the \$12 million signing bonus. He also wanted written documentation on who would be responsible for the code enforcement component. Chris Carey of Wheelabrator indicated that there is a guarantee on the \$12 million signing bonus until December 31<sup>st</sup> and he offered to furnish this guarantee in writing. Mr. Greenstein advised this is stipulated in the service agreement approved by the Resource Recovery Board, but he thought it is important to also furnish written confirmation in a letter.

### **II-C – Sign Code Amendments**

Greg Brewton, Director of Planning and Zoning, noted the Commission requested staff investigate the possibility of amending the sign code with respect to: 1) message center signs; 2) sandwich board signs; 3) banner signs and 4) projection signs on buildings. He displayed photographs of examples primarily in the SE 17<sup>th</sup> Street corridor that were made part of the record. The goal was not to negatively impact the safety of those traveling past a given sign and to consider area aesthetics.

With respect to **sandwich board signs**, Mr. Brewton advised that although staff is not opposed to looking for ways to achieve some additional signage, sandwich board signs (for each business) along the public walkway would create some safety issues as well as sign clutter. He mentioned a certain image that the City has historically tried to maintain. If there is consensus to go forward with sandwich board signs, he recommended a pilot

program, targeting one particular area. Consideration should be given to whether it would include properties sitting back some two hundred feet from the major thoroughfare.

Continued below.

To accommodate a volunteer, Mayor Seiler turned to the following item:

### **II-A – Sustainability Report – Citizens Sustainability Green Committee**

Tony Abbate, chair of the Citizens Sustainability Green Committee, presented the report, mentioning the committee's work and offered to answer questions.

Commissioner Roberts questioned the need to implement Section 7, Quality Assurance and Quality Control, before the other sections but he felt that would be a good course for the long-term and complex items, not those of a smaller nature. Mr. Abbate agreed. The overall idea is if the City is going to pursue a long-term sustainability initiative that it be embedded in every fiscal decision it makes.

In response to Vice Mayor Rogers, Mr. Abbate indicated that the committee would like to continue to expand the public involvement component and transition perhaps into an advisory role to the Commission.

There was consensus approval of the committee's recommendation to establish a permanent sustainability advisory board. In order to move forward, Mayor Seiler asked staff's comprehensive review and report on short-term and long-term recommendations, which require Commission action and which simply require direction. He wanted to move forward with implementation. Mr. Carbon anticipated being able to come back with information before the committee sunsets at the end of the year.

In response to Commissioner DuBose, the City Clerk explained the distinction between a board and a committee and membership eligibility generally. Commissioner DuBose was concerned about individuals who serve on this committee and a board not being able to continue in both roles if this committee is established as a board. Mr. Abbate offered to make this clarification to the committee.

Mayor Seiler wanted to look at multi-family recycling. Mr. Carbon indicated a comprehensive look of the solid waste division is anticipated and part of it would be to expand multi-family. It has to do with renewing the City's recycling contract and a route contract in the April-June timeframe.

Vice Mayor Rogers suggested a goal could be creation of a measurement system. Mr. Carbon noted this was part of the committee's recommendations.

### **II-C – Sign Code Amendments**

Continued from above.

With respect to **banner signs**, Mr. Brewton referred to a photographed property example and indicated there is already ample existing signage (wall, window and freestanding signs). He could not find any existing signs that would be comparable, but drew attention to banner signs in the parking areas of Disney World as an example. The

intent is to be able to locate a business once one arrives in the parking area. Staff believes there is already a number of signs currently permitted that would achieve this goal. If the Commission wishes to move forward, staff recommends a pilot program.

With respect to **message center signs**, Mr. Brewton noted staff was previously directed to draft a code amendment to allow these signs on sites similar to the Parker Playhouse site. Mayor Seiler clarified the direction was only that location for performing art centers. Mr. Brewton concurred, but explained that the code cannot be written for site specific. A draft is going forward to the planning and zoning board and Commission. As a result of requests from other property owners, the area of permission/allowance would be broadened more than anticipated and as such, staff would like to conduct further analysis. The question is whether to suspend the Parker Playhouse proposal so that more analysis could be conducted as to expanding the allowance or move forward with the Parker Playhouse proposal, conduct an expansion study and present that information at a later date.

With respect to **projection signs on buildings**, Mr. Brewton estimated there are about a dozen buildings in both directions on Interstates 95 that could accommodate the same type of signage previously discussed by the Commission, although all of the properties are not the same size. If a limitation was imposed to buildings of fifty feet in height or higher, he mentioned in general terms areas where there may be buildings that would meet the criteria. This would be considered off-premise signage and he drew attention to previous litigation regarding billboards where the City was required to amend the code to limit such signage. All existing billboards in the city are grandfathered as a result of being in existence prior to that lawsuit. He offered more detail on the settlement agreement as to the number of billboards in total allowed in the city, state guidelines that must be met and the existing number.

Mr. Brewton concluded by indicating staff would suggest limiting currently allowed signage types if more signs are to be allowed in order to avoid sign clutter and does not fit with the guidelines of past direction of the city. A pilot program for signage that could be removed is an option.

Vice Mayor Rogers asked about the length of a pilot program considering investment that would have to be made by businesses. Mr. Brewton believed in the past pilots have been two or five years, but he could not recollect for certain. He thought that businesses would want it to be as long as possible. Vice Mayor Rogers suggested thirty-six months.

In response to Commissioner Rodstrom, Mr. Brewton indicated that other areas besides SE 17<sup>th</sup> Street have asked for additional signage and mentioned the beach as well as Las Olas Boulevard. Staff examined this area with an interest in whether it would work in an area set back from the main thoroughfare. Commissioner Rodstrom elaborated about the relief needed for the shopping center on the north side of SE 17<sup>th</sup> Street after Publix moved to an area on the south and set back from the thoroughfare. Mr. Brewton noted that code amendments were made to make it possible for that shopping center on the south to be developed on that site. Retail is not permitted, but a variance was granted by the board of adjustment several years ago as well as a variance to allow signage above the ground floor. Commissioner Rodstrom thought it is possible that the north side shopping center does not have the infrastructure to accommodate various types of signage and has resorted to sandwich signs. There is a problem. Vice Mayor Rogers believed something is needed in the front because people driving by cannot see due to shadow and glare. Mr. Brewton pointed out that when vehicles are parked in

front of the building, the signage is no longer visible for people driving by. The only benefit from sandwich signs will be to people who are out of their vehicles, walking along. The City Attorney noted there are also fascia signs.

Mayor Seiler opened the floor for public comment.

Donna Mergenhagen, 1374 SE 17 Street, shared some history about market changes that small businesses on SE 17<sup>th</sup> Street began to experience in 2007 and simultaneously there was increased enforcement that occurred. Some of the businesses came together and decided that a \$300 sandwich sign went a long way to attract pedestrians. A petition signed by every small business from Federal Highway to the base of the bridge was presented to the Commission. Twenty percent of those businesses are no longer in business and because of that loss, some of the uniqueness of 17<sup>th</sup> Street is filtering away. Chain and privately operated stores are entirely different experiences. The petition addressed private sidewalks set back in plazas. She discussed the competing advertisements that challenge small businesses. These business owners live throughout the city and county. She presented a fact sheet of their responses to the Commission's concerns about changing the sign code at that time. A copy is attached to these minutes. She hoped something could be implemented that is sufficiently broad so as to truly work. Light pole banners would work also.

In response to Commissioner Rodstrom, Ms. Mergenhagen indicated that the reality is that sandwich signs exist throughout the city. She believed that business owners have been worn down. It is done successfully in other cities in the state. Business owners do not want to create a safety hazard or for the area to look trashy, but rather unique and appealing. Commissioner Rodstrom asked about investigating other communities. Ms. Mergenhagen mentioned San Antonio, but it may be too liberal. Another community is Vancouver. A different approach is needed for dense retail areas.

Art Seitz, 1905 North Atlantic Boulevard, indicated two years ago he counted one hundred signs between East Sunrise Boulevard to about 19<sup>th</sup> Street and the other night counted one hundred fifty only on the northbound side. He mentioned the City is about to receive some \$800,000 in grant funding for signage on A-1-A because it has been designated as a scenic highway, however, he felt there needs to be less signage in general along the beach front. He was opposed to advertising on bus benches on A-1-A.

John Loos, 1815 Cordova Road, Harbor Shops developer, presented photographs of the Harbor Shops site (aerial view) and the entrance corridor from SE 17<sup>th</sup> Street that were made a part of the record. He elaborated upon the cooperation and changes made so that this area could be developed as it is today. Instead of fuel tanks previously on the site, an environmental cleanup was done. Sandwich signs are effective. It is a rough time for small businesses and some franchises. People come into the center to a particular business and leave. It is difficult for small businesses to be identified. Landscaping materials block existing signs. He also supported banners and sandwich signs. Harbor Shops is set away from 17<sup>th</sup> Street; a unique setting. People entering Harbor Shops are not passing by, but have driven to the center to shop. He supported a pilot program for a duration that will allow businesses time to amortize their costs.

There was no one else wishing to speak.

With respect to message center signs, Mayor Seiler wanted to continue with the previous direction for a code amendment. In response to Vice Mayor Rogers, Anthony

Fajardo, Planning and Zoning, outlined the parameters of the proposed ordinance (coming before the planning and zoning board). Mr. Brewton indicated when this item comes to the Commission, staff could look at how the Commission may wish to move forward on another expansion. There will be some analysis available at that time. There was consensus approval to continue only with the previous direction for a code amendment.

With respect to sandwich board signs, Mayor Seiler favored allowing such signage on private property. Commissioner Roberts and Mayor Seiler supported a trial basis for anything where a consensus is reached today. Commissioner Roberts thought there should be control as to secure placement and size. Mayor Seiler agreed and added there should be some a maximum number.

Mr. Brewton indicated the area studied is situated back from the main thoroughfare; staff has a concern about properties directly abutting the thoroughfare. Vice Mayor Rogers cited a sandwich board example of a restaurant sitting directly on Oakland Park Boulevard. Mr. Brewton advised that the City can only regulate location, size, height and dimension. Commissioner Rodstrom agreed with Mr. Brewton's suggestion of a size similar to those on the south side of SE 17<sup>th</sup> Street. She thought that corner properties should be allowed two signs however Mr. Brewton noted that sandwich signs are double-sided. There was consensus approval for a pilot program of twenty months to allow sandwich board signs on private property.

With respect to banner signs, Mayor Seiler agreed for Harbor Shops, people enter the area for the sole reason of shopping and therefore he supported banner signs in those situations. He did not support banner signs along the thoroughfares. Mr. Brewton suggested and Mayor Seiler agreed to target properties approximately two hundred feet from a major thoroughfare as a guideline. Mayor Seiler indicated if this pilot is successful, staff could look at other possible areas. There was consensus approval for such a twenty-month pilot program.

Mayor Seiler was opposed to projection signs on buildings unless it could be limited to the one example where it was to be in furtherance of the arts. In response to Vice Mayor Rogers, the City Attorney explained there must be a relationship between the regulations and protection of the public interest. They are billboards that are prohibited. Vice Mayor Rogers thought it could be defined in order to limit them based on size and view angle and perhaps time of projection. He wanted to try it. The City Attorney believed there is no question that an image could be projected onto a building, but it is a question of how much the sign code is put to risk. Billboard companies have inquired about exchanging existing billboards for electronic ones which the City does not allow. Vice Mayor Rogers suggested specifying not for profit, for the arts only or a public purpose. The City Attorney explained that only time, place and manner may be regulated; content cannot be regulated. There must be equal protection. He elaborated upon litigation that occurred that resulted in reducing the number of billboards in the city. Vice Mayor Rogers felt the RoboVault is a unique situation and that area only could be regulated. The City Attorney clarified that the definition of a billboard is off-site advertising. He went on to say that Vice Mayor Rogers' suggestion could be accomplished, but he felt it would put the billboard prohibition ordinance at risk. There was no consensus on projection signs.

As requested, Mr. Brewton agreed to move forward so that this should be accomplished for the holiday season.

Note: The Commission convened as the Community Redevelopment Agency Board of Directors from 3:49 p.m. to 4:01 p.m. Commission returned to conference agenda item I-G at 4:02 p.m.

### **I-G – Cemetery Perpetual Care Trust Fund**

Cate McCaffrey, Director of Business Enterprises, summarized the two issues articulated in Commission Agenda Report 10-0967: 1) should the investment parameters be changed and 2) once the investment parameters are determined, a request for proposals for custodial and investment management services of the fund will be issued. She went on to highlight points of interest from the commission agenda report.

In response to Mayor Seiler and Commissioner Rodstrom, Ms. McCaffrey indicated that the custodial and investment manager has historically done a good job. Vice Mayor Rogers questioned whether the fund would ever be used to purchase more property for cemetery use. If this is not the case, it is only a matter of maintaining. Julius Delisio, staff liaison to the Cemetery System Board of Trustees, advised that the trust fund dates back to the 1950's when the cemeteries were created. The corpus is all of the deposits made or money people have placed into the fund. It is strictly to maintain for eternity. The funds (earnings) may be used for capital improvements which could be expanding the cemeteries. He noted how much longer each of the three cemeteries will have space available. He went on to note what has been spent to date in capital expenditures and what will soon be requested. The contractor is making capital improvements to the extent of \$2.1 million that would otherwise be charged to the fund. Vice Mayor Rogers thought that the more equities invested in, the more the corpus is excess. Mr. Delisio disagreed. Vice Mayor Rogers thought the reality is how much risk to take and the City Auditor has cautioned against taking very much risk. He did not want to be in violation of the statutes and wanted to be prudent in the investments. Mr. Delisio discussed fluctuations in the investment ratio historically. Technically, only the income from the fund is needed. Discussion ensued concerning the investment ratio. Commissioner Roberts did not want to make any changes, but to monitor it. Vice Mayor Rogers did not think that the statute or the guidance are supposed to have such flexibility. Commissioner Roberts thought that it still meets the criteria. The City Attorney indicated that legally, the question is whether it (ratio) meets the criteria. The purpose of the fund is not simply maintenance, but also the ability to make capital expenditures which could include expansion of the cemeteries. The cemetery system board of trustees has had a policy at the time of and since the Commission approved their policy in 2004 which is different from the City's policy. There is no legal requirement that those policies be identical. The policy indicated they are looking to expand when possible. If the Commission really wants to test this, he suggested having a financial advisor look at it. Vice Mayor Rogers did not favor 60 percent investment in equities. It is not the City's money.

The City Auditor agreed the fund management has been successful, however, under the statute, it is the last thing to consider. The law provides that safety should be considered first. Return is the last thing to worry about when considering investment of public funds. Originally, he felt the funds should be invested according to the City's investment policy which is zero equities. However, understanding the income needs of the system, he has moved to a low risk portfolio of 30 percent equities and 70 percent. Commissioner Roberts felt they need flexibility to adjust to the market. The City Auditor believed the worst thing to do is try to time the market. He referred to the Wall Street Journal news

article (October 18, 2010) that he provided to the Commission indicating that money managers for pension funds are moving toward a 70-30 percent ratio. Commissioner DuBose agreed with Commissioner Roberts. The investment manager has done an excellent job even in this climate.

Vice Mayor Rogers noted that an RFP will be issued for a new money manager whose results may be different than the previous manager. This is an opportunity to redefine the criteria. In response to Commissioner Roberts and Mayor Seiler, Ms. McCaffrey explained an RFP is being issued because one has not been issued since 1972. Mr. Delisio explained it has been structured as a trust. The City Auditor noted that this violates the City's policies as well. Ms. McCaffrey explained that when the cemetery board considered separating the custodial and investment management services, a decision was made to issue an RFP. Subsequently the decision was made not to separate the two services. During this time the investment policy question arose. Commissioner Rodstrom questioned issuing an RFP based on the success of the current money manager and during this market. Mayor Seiler thought that thinking runs contrary to what the Commission has been saying. After forty years, it must go out to bid. Commissioner Rodstrom was concerned that the new manager might not be of the same caliber. She questioned why an RFP has not been issued in the past. Kirk Buffington, Director of Procurement Services, explained it has been discussed periodically, but because the trust fund is outside of city funds it was not done.

Mayor Seiler referred to the Wall Street Journal news article speaking to Alcoa changing from 57 percent to 30 percent of their assets in stocks but in order to do so they had to contribute \$600 million to the fund in the form of Alcoa shares. He asked if there is some middle ground on this issue. The City Auditor explained the basic principal of finance is that risk equals return. For a pension plan, this is perfectly reasonable, however, the percentages allowable under the existing cemetery trust fund policy are representative of a pension fund. Florida law specifically recognizes this need in the case of pensions. The article shows that pension funds which are at the higher end of the risk scale are fleeing stocks. Some dialogue ensued about the cost of bonds and other investment points to consider.

Vicki Mowrey, chair of the Cemetery System Board of Trustees, advised that the board unanimously supports continuing the current investment policy and do not object to an RFP. The board has always prioritized their thinking that the cemeteries in Fort Lauderdale are for the people of Fort Lauderdale and their families, and for the safety of the money so that the money and cemeteries remain in perpetuity. The board regularly monitors the fund status. The board does not believe the investment policy is in violation of Florida law and has not been able to find anyone other than the City Auditor to make such a statement to them. The City Auditor noted that no one has likewise stated that the fund is in compliance with Florida law.

Mayor Seiler did not think this is a matter of right or wrong, but rather one of a degree of conservativeness. Ms. Mowrey confirmed for Commissioner Rodstrom that the equity percentage has varied between 30 and 60 percent. Commissioner Rodstrom wanted the policy to provide for flexibility. Ms. Mowrey confirmed for Mayor Seiler that the long-term target ratio is 50/50. The City Auditor indicated the target was established to comply with state law given the thinking at the time roughly ten years ago. In response to Vice Mayor Rogers, Ms. Mowrey advised that the investment fee structure has just been changed to basis points. Mr. Delisio added that it is basis points on the fund balance. Vice Mayor Rogers pointed out that as such the manager has an incentive to

earn the most money as opposed to safety and security. He was concerned about the degree of flexibility in the policy. Commissioner Roberts noted the other side is that the manager would also not want to lose money.

Commissioners Roberts, Rodstrom and DuBose did not support changing the investment policy.

In response to Mayor Seiler, Mr. Delisio was confident there would be sufficient competition for the RFP addressing custodial and investment services. There was no objection to proceeding with an RFP.

### **I-H – Surplus City Owned Properties**

A copy of Exhibit 2 to Commission Agenda Report 10-1515 (potentially saleable properties) is attached to these minutes.

The City Auditor explained at Mayor Seiler's request, his office reviewed all parcels in the name of the City, totaling about seven hundred. Staff identified approximately 105 properties that could be sold. Staff recommended the City's existing committee for reviewing properties look at each of them, rigorously evaluate the need and present a final list to the Commission. He did not see in the minutes that there was a significant amount of justification when a department expressed the desire to retain a parcel. Therefore, he believed that a number of parcels on the list may still represent opportunities to be surplus.

Stephen Scott, Director of Economic Development, explained the real estate division relies on the various departments to determine what properties are needed. He mentioned the process used to dispose of surplus properties. There are details about the properties, such as the first twenty-one commonly known as the Wingate site and related nearby parcels where there are limitations of what can be done.

Mayor Seiler opened the floor for public comment.

Deatra McCoy, 1740 NW 24 Terrace, referred to the Wingate site where a municipal incineration process operated from 1954 to 1978 and the City's efforts to address contaminants on the site. She wanted to make sure the City has all information concerning potential reuse and indicated that the right of way committee did not have all of the information necessary to make a wise decision. She felt the City should re-open dialogue with citizens and understand the topic's sensitivity. She discussed health issues and deaths that she believed occurred as a result of the contaminants. There are millions of dollars available from the federal government. Investigation should be conducted for a proper course of action. She did not want put the property out for bid when there are contaminants on it. A copy of information she distributed concerning this property is attached to these minutes.

Margie Alexander, member of the Affordable Housing Committee, mentioned her native Indian heritage and concern that the housing in Davie for native Indians is better than this city. There is no assistance for these people. She was also concerned about the cost of living in Broward County and impact on the poor. She wanted a facility for the dying poor, not just for those with HIV/AIDS, and to use some of this surplus property for affordable housing. She wanted to approach the native Indian community in Davie and others with means for assistance.

Peter Henn, representing the Affordable Housing Committee, noted the Commission previously requested a report from the committee concerning partnerships and he anticipated it will be completed for presentation in early 2011. The committee believes there are opportunities with the housing authority and private and not-for-profit developers. He suggested staff categorize this list of properties as follows: 1) needed for government purposes; 2) can the property be used for affordable housing; 3) sell the property; and 4) other. Perhaps some of the revenue from sale of surplus properties could be used to fund affordable housing. There is no dedicated funding source for affordable housing.

Fred Carlson, representing the Central Beach Alliance, referred to the Alhambra properties just south of the Casa Blanca restaurant, extending from State Road A-1-A west to Birch Road and emphasized the need for more parking. He believed that this property should be retained by the City for parking.

Roosevelt Walters, member of the Affordable Housing Committee, indicated that the committee would like the Commission to allocate a portion of these funds for affordable housing. The committee has identified at least twelve entities that could partner if the property was made available. Affordable housing should not be situated in one area, but rather throughout the city.

Dev Motwani, 401 East Las Olas Boulevard, indicated that they (Motwani family) own a number of units in the building (Alhambra property) adjacent to city property that is shown in the beach master plan to be developed as a parking garage. It is under-utilized and will continue in that state as long as there are multiple owners. He believed the City needs to sell their property or acquire the entire area. He would be happy to help facilitate with the other owners.

Art Seitz, 1905 North Atlantic Boulevard, concurred that parking is vital to the beach. He believed that property will never be more available or cheaper. He felt the City has an obligation to future generations to negotiate with developers to acquire green space especially on the beach. He hoped the City will sell the useless parcels and think seriously about a centennial park. He cited the American Golf Course property as a possibility. Mayor Seiler indicated that people who purchased residences around American Golf Course are almost unanimously opposed to the property being converted to a park. Mr. Seitz clarified his thinking is about the western portion, near Federal Highway, and perhaps it could be donated.

Robert Walsh, 401 East Las Olas Boulevard, agreed with Mayor Seiler with respect to converting American Golf Course property to a park.

There was no one else wishing to speak.

Parcels 1-31, Wingate – In response to Mayor Seiler, Mr. Carbon advised that all of the Wingate site is in the city. The City Auditor advised that information in the backup (Exhibit 2 to Commission Agenda Report 10-1515) was collected from Broward County Property Appraiser's database. Stephen Scott, Director of Economic Development, offered to get this clarified. Mr. Carbon advised that Wingate landfill and incinerator site is 61 acres and shown as Parcels 1 and 2. The following twenty-nine properties were purchased for a buffer. Victor Volpi, Real Estate Officer for Economic Development, advised that the twenty-nine properties are five acres. Mr. Carbon indicated they are

single family lots. Mayor Seiler questioned who prepared the information submitted by Ms. McCoy and the timeframe. Commissioner DuBose believed it was published by the Environmental Protection Agency and Commissioner Rodstrom noticed a date of September 2001 on its face. It was then noted that the information is two documents. Mayor Seiler noticed one document is dated October 2010.

In response to Mayor Seiler, the City Attorney advised that Wingate was a designated Superfund; the cleanup is complete. There are guidelines on its use. He elaborated upon the cleanup details. Commissioner DuBose noted the reuse opportunities cited in one of the documents furnished by Ms. McCoy of golf course, health clinic or senior center came from discussions. There was no official action. Mr. Carbon indicated the property is not within the Community Redevelopment Agency (CRA) boundaries. Alfred Battle, Northwest Community Redevelopment Agency Director, indicated that he has no knowledge of why the CRA would be cited as a contact on the document. In further response, the City Attorney provided more historical details about the cleanup, including the state's actions and related litigation in the timeframe of 2005-2006. Mayor Seiler requested a summary on the status of the Wingate property.

Commissioner DuBose explained that Wingate is a very sensitive issue in District III. He wanted to know the Commission's intent on it. Mayor Seiler clarified that he would not sell the Wingate property without making an informed decision as to what exists on the property. The Commission needs more information. Commissioner Roberts believed the Commission would consider disposing of the property once all of the information is provided. Commissioner DuBose emphasized the need for caution and priority given to the community as to what they want before any decision is made. He wanted to hold a public hearing before it goes forward. The same approach should be extended as given to people about the golf course (American Golf Course) just discussed. Mayor Seiler agreed that the disposition of Wingate would not be discussed without a full public hearing. He wanted today's discussion to be about only those properties upon which the Commission could absolutely agree. He wanted to identify some property for affordable housing, some for sale and some that should be maintained.

Parcels 22-25, Old Wellfields, Sludge Pit, Partial Lease – Mayor Seiler believed this is the first site without an issue. Mr. Carbon agreed. This parcel is connected to other three parcels. The properties are located in unincorporated Broward County; commonly known as South Dixie Wellfield. There are currently two Floran wells on the properties. Commissioner Roberts indicated that the Town of Davie intends to annex the property. Mr. Carbon advised that Fort Lauderdale would still own the wellfields. The properties are needed for future well drilling.

Parcels 26 and 27, Old Sludge Plant, Vacant – Mr. Carbon advised that this is the old compost facility site in Dania Beach. There is currently a small meter operation at the site. The Central Wastewater Region purchased the property closing out the EPA grant associated with the compost. The plan was to locate public works, sanitation and fleet services on the site. Fort Lauderdale composes about eighty percent of the Central Wastewater Region along with other large users, i.e. Oakland Park, Wilton Manors, some unincorporated Broward County and Tamarac.

Parcels 28, 29, 30 and 31, Old Heliport and Parking – Diana Alarcon, Director of Parking and Fleet Services, advised money has been set aside as a capital improvement project to develop this property as a parking lot. There have been requests from Broward County Transit and surround property owners. In the future, it would be a good location

for parking and using public transportation. One hundred twenty seven parking spaces could be placed on it. Mayor Seiler asked about the idea of soliciting offers to develop the property as a public/private mixed use with parking. Vice Mayor Rogers wanted to check into those handling the Wave project because the City has a \$10 million contribution required for the Wave. Mayor Seiler asked staff to look into the idea with the Downtown Development Authority and others.

Parcel 32, 33, 34 and 35, Alhambra Parking Lot/Lease, Vacant Land Acquired for Redevelopment - Ms. Alarcon advised that this property is being examined in the barrier island parking study and she hoped information will be available in January.

Parcel 36, Old Sewage Treatment Plant A, Vacant – Mr. Carbon advised that this is the Lincoln Park facility, a major sewage lift station and sanitation operation. Remediation needs to be completed.

Parcel 37, Old One Stop Shop – Mayor Seiler wanted to explore a public/private development and discuss the idea with those handling the Wave and the Downtown Development Authority. Commissioner Roberts noted that the Metropolitan Planning Organization might have some input as well.

Parcel 38, Coral Ridge Country Club Old Pump Station – Mr. Carbon advised it is an existing pump station in use.

Parcel 39, Proposed Fire Station – Mr. Scott advised that the property was purchased for a fire station that was not ultimately built. The Florida Department of Transportation has just corresponded with the City about this property. Greg Brewton, Director of Planning and Zoning, indicated that the property is located within walking distance of the proposed north FEC commuter station. He provided a map of proposed Fort Lauderdale FEC commuter stations that was made a part of the record. He believed a land swap is a possibility and possibly mixed use development. In response to Commissioner Rodstrom, Renee Cross, Planning and Zoning, advised that a twenty-five percent local match is required in the form of land or cash.

Parcel 40, Linden Development Corp. – Mr. Scott advised this property is already in the surplus property process.

Parcel 41, Vacant Land – Jonathan Brown, Housing and Community Development Manager, advised this is the Milton Jones project – Northwest Commercial; it is on the southeast corner.

Parcel 42, Vacant Land – Mr. Scott advised this is the welcome park.

Parcel 43, Vacant Land – Mr. Brown advised that this property was purchased years ago. It could be surplusd however there was some U.S. Housing and Urban Development (HUD) funds used and as such their guidelines would need to be followed. The funds would have to be returned to the City's line of credit with HUD. Mayor Seiler concluded this could be surplusd.

Parcel 44, Vacant Land – Mr. Carbon advised it is an existing pump station.

Parcels 45, 48, 49 and 53, Vacant Land – Mr. Brown advised this is the Mizell Center site.

Note: The City Commission recessed at 5:46 p.m. and reconvened with Conference Item I-H at approximately 9:22 p.m. in the chambers on the first floor of City Hall.

Mickey Hinton, 713 NW 19 Avenue, wanted to make sure that for any transfer of property in Durrs neighborhood and on 19 Terrace the other party be informed of the contamination issues. The corner property on 19 Avenue is highly contaminated. He did not want to see this property sold.

Note: The City Commission recessed at 9:26 p.m. and convened as Community Redevelopment Agency Board of Directors to address agenda item 6 and adjourned at 9:27 p.m. The Commission reconvened the conference meeting, agenda item I-H at 9:27 p.m.

Parcel 46 – Mr. Brown advised this is a duplex lot. When there is a major rehabilitation or replacement of housing, the residents are housed at this location.

Parcel 47, Vacant Land – It was noted that this is an existing park.

Parcel 50, Vacant Land – Phil Thornburg, Director of Parks and Recreation, advised this is Sistrunk Park.

Parcel 51, Vacant Land – Mr. Brown advised that the committee recommended this property be surplused. There is approximately \$9,000 of federal dollars used for this property.

Parcel 53, Vacant Land – Mr. Brown advised this property was acquired with Community Development Block Grant funds to a single family affordable housing project. The cost to remediate properties that the City owns in the Durrs neighborhood would be \$300,000-\$400,000. Further testing would be necessary to confirm. Commissioner DuBose noted this is the property referenced by Mr. Hinton.

Parcel 54, Vacant Land – Mr. Brown advised this property is owned by the City. Many of these properties fall within the Northwest Neighborhood Improvement District, a safe neighborhood. In this area, the City has been either constructing homes or providing the land and down payment in order for people to construct homes. Generally this infill housing has been accomplished with State Housing Improvement Program (SHIP) funding and that funding has not been available for the last couple years. There are Community Development Block Grant and HOME dollars in this property.

Parcel 55, Vacant Land – Mr. Brown indicated that inquiry of interest needs to be made to the Community Redevelopment Agency (CRA). There are Community Development Block Grant dollars in this property. Mayor Seiler asked staff check with the CRA.

Parcel 56, Vacant Land – Mr. Brown indicated that this lot could be used for affordable housing. Mayor Seiler and Commissioner Rodstrom expressed concern about it being vacant for some twenty-three years. Commissioner DuBose explained that many of the lots in this area are contaminated even though they may not have been identified. He believed this may be the previous site of a gasoline station. Mayor Seiler wanted to make decisions on the properties and take action.

Parcel 57, Vacant Land – Mr. Brown advised that the CRA has been consulted and there is no interest. This parcel may be surplus.

Parcel 58, Vacant Land – Mr. Scott advised that the property could be surplus.

Parcels 59, 60 and 61, Vacant Land – Mr. Brown indicated that these properties are located in the Northwest Neighborhood Improvement District. Staff would like to use these lots for affordable housing. Mayor Seiler noted the length of time the property has been held. He wanted to take action or convey it to another entity that can use it for affordable housing.

Commissioner Rodstrom pointed out that for those vacant properties in the CRA, tax increment funding is not accruing. Mayor Seiler felt staff should come back on all of the properties after discussion with the CRA, so there can be discussion on what staff would like to do.

Parcel 62, Vacant Land – Gene Groves, Real Estate Officer for Housing and Community Development, advised this is a right-turn area purchased by the City. It includes part of a sidewalk. Part of it is paved. It should not be surplus.

Parcels 63, 64 and 65, Vacant Land – Mr. Brown indicated these properties are located in the Northwest Neighborhood Improvement District and staff will come back to the Commission with a plan for their use (affordable housing).

Parcel 66, Vacant Land – Mr. Brown indicated this property may be surplus.

Parcel 67, Vacant Land – Mr. Brown indicated this property is located in the Northwest Neighborhood Improvement District and staff will come back to the Commission with a plan for their use (affordable housing).

Parcels 68 and 69, Vacant Land – Mr. Scott advised these properties may be surplus.

Parcel 70, Vacant Land – Mr. Brown advised this property is located within the Durrs area and therefore recommended to be retained until additional research may be conducted. Mayor Seiler asked this topic be brought back along with the others.

Parcel 71, Vacant Land – Mr. Brown advised this property is located in the Northwest Neighborhood Improvement District and staff feels it could be used for affordable housing. Mayor Seiler asked if staff has the resources to make use of the properties. Mr. Brown indicated in the past, properties have been to construct infill homes or providing the land and down payment in order for people to construct homes.

The City Auditor advised that Florida statute requires the City to compile a list of all City properties that would be useful for affordable housing. Through this exercise, such a list could be compiled.

Vice Mayor Rogers thought staff's plan should include reasonable expectations of dollars to build and a ranking of the properties.

Parcel 73, Vacant Land – Mr. Brown advised this property is located within the Durrs area and therefore recommended to be retained until additional research may be conducted.

Parcels 74 and 75, Vacant Land - Mr. Brown advised this property is located in the Northwest Neighborhood Improvement District and staff feels it could be used for affordable housing.

Parcel 76, Vacant Land – Mr. Brown advised this property is located within the Durrs area and therefore recommended to be retained until additional research may be conducted.

Parcels 77 and 78, Vacant Land - Mr. Brown advised this property is located in the Northwest Neighborhood Improvement District and staff feels it could be used for affordable housing.

Parcel 79, Vacant Land – Mr. Brown advised this property could be surplused.

Parcels 80, 81, 82, 83, 84 and 85, Vacant Land – Mr. Brown advised this property is located in the Northwest Neighborhood Improvement District and staff feels it could be used for affordable housing. In response to Mayor Seiler, Mr. Brown explained that some lots are strategically situated or adjacent to other (City owned) lots and may have been acquired by tax deed (instead of purchase).

Parcel 86, Vacant Land - Mr. Brown advised this property is located in the Northwest Neighborhood Improvement District and staff feels it could be used for affordable housing.

Parcels 87 and 88, Vacant Land – Mr. Groves advised that these lots are not under Housing and Community Development control. Mayor Seiler confirmed these could be surplused.

Parcel 89, Vacant Land – Mr. Brown advised staff would like to discuss this property with the CRA to determine their interest as it is within the CRA boundaries. In answer to Commissioner DuBose, Alfred Battle, Northwest Director of Community Redevelopment Agency, indicated this property may have some contamination as it is adjacent to a former gasoline station.

Parcels 90, 91, 92 and 93, Vacant Land – Mr. Brown advised these properties are located within the Durrs area and therefore recommended to be retained until additional research may be conducted.

Parcel 94, Vacant Land – Mr. Brown advised the property is located in the Northwest Neighborhood Improvement District and staff will come back to the Commission with a plan for their use (affordable housing).

Parcel 95, Vacant Land – Mr. Brown indicated records show this parcel as sold.

Parcel 96, Vacant Land - Mr. Groves advised that this lot is not under Housing and Community Development control. Mayor Seiler confirmed it could be surplused.

Parcels 97 and 98, Vacant Land – Mr. Brown advised these properties could be surplused. There are federal dollars in both of these properties, thus a minimum price at the federal dollar level should be set.

Parcel 99, Vacant Land – Mr. Brown advised this is near the Mizell Center and could be used for additional parking. Mr. Groves explained there are other lots in the vicinity of the Mizell Center that have been paved, however, this property is not paved. He noted it is between the parking lot and an existing duplex. It is fifty foot. It would be difficult for a business to be situated on this property. Mayor Seiler asked this be considered in the plan coming back to the Commission.

Parcel 100, Vacant Land – Mr. Brown indicated records show this parcel as sold.

Parcel 101, Vacant Land - Mr. Brown advised this property could be surplused. There are federal dollars in it, thus a minimum price at the federal dollar level should be set.

Parcels 102 and 103, Vacant Land – Mr. Brown advised staff recommends these properties be maintained. They are within the Northwest Neighborhood Improvement District and will be included in the plan coming back to the Commission.

Parcel 104, Vacant Land - Mr. Brown advised that this lot is not under Housing and Community Development control. Mayor Seiler confirmed it could be surplused.

Parcel 105, Vacant Land – Mr. Brown advised this property could be surplused. There are federal dollars in it, thus a minimum price at the federal dollar level should be set.

Commissioner DuBose requested staff have discussions with the Affordable Housing Committee as well as the Community Redevelopment Agency concerning these properties because many do not fall within the CRA. Mayor Seiler wanted the Commission to be kept apprised of staff's actions in moving the properties. He felt the City should start keeping a closer watch on the property inventory.

Mr. Groves responded to Vice Mayor Rogers' question of how Housing and Community Development markets and advertises its properties. Vice Mayor Rogers was interested in knowing about marketing, for example, Parcel 43, a multi-family zoned property at 628 15<sup>th</sup> Avenue. If it was placed in a multiple listing, it would get more activity than a newspaper advertisement and posting on the City's website. Mayor Seiler suggested this discussion be deferred until staff can prepare.

Mayor Seiler indicated when staff returns with their plan, he wanted to discuss the possibility of a joint public private project for some of the downtown parcels.

Commissioner Rodstrom was interested in pursuing more funding for first-time homebuyers and having a discussion with HUD along these lines, using the vacant parcels. She asked information on this point be brought back to the Commission when the plan is presented.

Commissioner DuBose felt the City Attorney will need to weigh in on the marketing with respect to the process for designating a property as surplus. The City Attorney agreed to work with staff.

## **II-E – Controlled Substance Audit – Fire Rescue Department**

The City Auditor indicated their review found the internal controls in place are well-designed. There are some opportunities for improvement; mostly on the side of recordkeeping. None were material weaknesses or significant deficiencies. The

department has generally concurred with most of the recommendations in the audit. Some have already been implemented. Generally he believed the operation is well-run and does not represent any risk to the City.

Jeff Justinak, Fire Rescue Chief, advised that the recommendations have been, will be or are under consideration for implementation.

### **III-A – Minutes Circulated for Period Ending October 14, 2010**

No discussion.

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

Note: Please see regular meeting, Item R-07.

### **I-D – City Manager Recruitment – Executive Search Services**

Averill Dorsett, Director of Human Resources, referred to the October 12, 2010 special meeting and direction at that time concerning executive search firms listed with Broward County: Slavin Management Consultants, Affion Public, LLC, Bob Murray & Associates, The Mercer Group, Ralph Andersen & Associates, Alliance Resource Consulting, LLC and Cooperative Personnel Services. She asked the firms to provide relevant experience and qualifications for public sector executive searches, specifically city managers, recent relevant searches, pricing, success of candidates hired and contact information. All of the firms responded; pricing ranged from \$21,000 to almost \$35,000. There were responses for professional services and then with expenses not to exceed a certain amount. One firm did not put a cap on those expenses, but listed them. When the last recruitment was conducted in 2004, the search firm budget was \$40,000, \$5,000 for assessment exercises and evaluations, \$7,000 for advertising, \$5,000 for candidate travel for a total of \$57,000.

In response to Mayor Seiler, Ms. Dorsett advised that there is no local firm, but there is an associate with Bob Murray and Associates that works out of Tallahassee. The Mercer Group indicated they have a Florida office. Slavin Management indicated they have a consultant in Key West. She noted her experience with Ralph Anderson and that they worked for the City in 2002 for a finance director recruitment. They also did another recruitment in 2005 for a finance director. She also has experience with Affion Public. Slavin Management also worked for the City for a finance director recruitment.

Commissioner Roberts asked if any of the firms have worked with larger municipalities and agencies. Ms. Dorsett indicated that Ralph Anderson did a city manager recruitment for Santa Barbara and Beverly Hills. Concerning Affion Public, she spoke with the City of Tamarac concerning their recruitment of a fire chief and was informed of Affion's community involvement. They have extensive experience with city managers. They are currently working on such a recruitment for Savannah.

Vice Mayor Rogers suggested picking the top three and schedule interviews. He noted particular city government experience of the managing partner for Alliance. In response to Commissioner Rodstrom, Ms. Dorsett advised that The Mercer Group has indicated that James Mercer would be handling the account; he is located in Atlanta and Santa Fe. She believed all of the firms are non-local.

Mayor Seiler suggested and there was consensus approval to call a special meeting for October 27, 2010, at 6:30 p.m. to rank all of the firms and select the top three with plans for interviewing the top three on November 2.

Kirk Buffington, Director of Procurement Services, explained that staff will be following a bid waiver process, however, it does not address short-listing and negotiating. The pricing furnished is by no means a scope of work; a firm contract would need to be negotiated. Mayor Seiler felt that would be part of the interview. The City Attorney explained the complications and challenges with the bid waiver process.

Mayor Seiler opened the floor for public comment.

Robert Walsh, 401 East Las Olas Boulevard, was opposed to the order of the agenda being changed and the delay and uncertainty of when items will be addressed which is an imposition to citizens.

Mr. Walsh suggested some department directors and union representatives who have day to day interaction with the city manager be involved instead of an executive search firm.

#### **I-E – Acting City Manager - Compensation**

Mayor Seiler felt there is no doubt that additional compensation is warranted based on the additional duties. Commissioner Rodstrom agreed. She felt an amount needs to be set based on budget constraints and that this is a terrific resume-building experience. She did not want to set a monetary number without more background on Ms. Love. Mayor Seiler was not opposed to deferring the item, but thought whatever action is decided upon needs to be retroactive to the date she took the position. Commissioner DuBose agreed. Commissioner Rodstrom did not object to retroactive. She wanted to know the starting salary of former city manager, George Gretsas. Mayor Seiler referred to pertinent information on salary and benefits supplied by the City Auditor that was provided at his request. Commissioner Rodstrom wanted the starting salary. Commissioner Roberts indicated that he has known Ms. Love for many years and he has confidence in her ability to perform this job. With any job there is a growth and adjustment time. He as well as the Mayor were comfortable granting a salary above that of the City Auditor and under \$200,000. He was open to a review in six months for another potential increase. Commissioner Rodstrom clarified her request is strictly related to this business decision before the Commission. Commissioner Roberts pointed out and Commissioner DuBose agreed that the Commission would not compensate her less than the Auditor who does not have the same complexity of responsibilities. Commissioner DuBose pointed to the difference between receiving documentation during the Auditor's interview and that of Ms. Love is that Mr. Herbst was an unknown whereas Ms. Love is onboard and the Commission has stated that she is doing a phenomenal job. He was surprised by Commissioner Rodstrom's comments. He did not want any further delay. Vice Mayor Rogers commended Ms. Love for her work and felt she should be fairly compensated. He was not opposed to waiting to accommodate Commissioner Rodstrom because it will be retroactive. He wanted a unanimous vote. Mayor Seiler was agreeable to a deferral provided there is a consensus that the salary would be retroactive to August 1. He saw the range being between \$176,000 and below \$200,000. Commissioner Rodstrom agreed with the retroactive stipulation. She would meet with Ms. Love so that it could be voted on at the next meeting (November 2).

Mayor Seiler opened the floor for public comment.

Robert Walsh, 401 East Las Olas Boulevard, suggested Ms. Love be granted a bonus of perhaps \$25,000 at the end of the interim period that he anticipated to be June or July.

Mayor Seiler asked that a resolution be scheduled for November 2 with conference discussion on an amount. The City Attorney advised the resolution would need an amount, an effective date, and a provision that in the event she is not selected as the permanent city manager, she would return to her previous position. Mayor Seiler noted that she would also go back to the previous position's salary. He asked each member of the Commission meet with Ms. Love and be prepared to vote on November 2.

### **City Commission Reports**

#### Las Olas Boulevard Merchants Association

Vice Mayor Rogers announced there is a new executive director of the Las Olas Boulevard Merchants Association and during the week of December 13, there are plans for a workshop. He invited other members of the Commission to attend. He is working with the director of economic development on this effort.

#### Local Government Certification; Historic Preservation

Vice Mayor Rogers announced that the city recently received this certification.

#### Las Olas Boulevard and District IV Events

Vice Mayor Rogers announced upcoming events on Las Olas Boulevard and in District IV.

#### Boat Show

Commissioner Rodstrom announced the upcoming boat show and urged attendance.

#### Financial Advisor Request for Proposals

Commissioner Rodstrom indicated she will be meeting with the Director of Procurement Services to resolve her questions on the financial advisor RFP.

#### Inspector General Ballot Question (November 2, 2010)

In response to Commissioner Rodstrom, the City Attorney advised if this item is passed by the electorate, he will provide an update on changes.

#### October 27, 2010 Joint Workshop with Budget Advisory Board and Special Meeting on City Manager Executive Search Firm Ranking

Mayor Seiler asked all members of the Commission to have reviewed all of the information in advance.

November 9, 2010 Joint Workshop with Beach Redevelopment Advisory Board and Beach Community Redevelopment Agency Board of Directors

Mayor Seiler asked all members of the Commission to have reviewed all of the information in advance.

City Manager Search Committee Appointments

In response to Commissioner Roberts, the City Clerk advised this item is scheduled for the November 2, 2010 meeting. Mayor Seiler noted one member is to be a former elected official. Any commissioner who has someone in mind should contact that individual in advance. The Commission would then rank the individuals on November 2.

**City Manager Reports** - none

There being no other matters to come before the Commission, the meeting was adjourned at 10:47 p.m.