

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
January 19, 2011

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CITY COMMISSION CONFERENCE MEETING 1:34 P.M. January 19, 2011

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 Joyce Fleming

I-A – Planned Unit Development Zoning District

Greg Brewton, Director of Planning and Zoning, provided an overview of the history of the planned unit development (PUD) ordinance dating back to 2002 to allow for creative development to occur that would otherwise not be possible under the traditional zoning districts. He listed projects that occurred under the PUD process. There is a more intense staff review for PUD projects. He highlighted the process. Like regular site plans, PUD projects have 24 months to obtain a building permit, unless an extension is requested. 2009 legislation allows for an automatic two-year extension of approved projects. Projects must be a minimum of two acres unless otherwise approved by the Commission. A PUD is a rezoning. Unlike other rezoning applications, a site plan must be submitted with a PUD rezoning. The developer is confined to the content of the application that is approved. Any change to the uses would require a new application.

Mayor Seiler opened the floor for public comment.

Mary Fertig and Anne Hilmer, representing the Idlewyld Improvement Association, summarized their written statement on this topic which is attached to these minutes. They provided letters of support for a PUD moratorium from the following: Harbordale Civic Association; Croissant Park Civic Association; Idlewyld Improvement Association; The Lauderdale Isles Civic Improvement Association; Melrose Manor Homeowners Association; Melrose Park Homeowners Association; Sailboat Bend Civic Association; Tarpon River Civic Association; Victoria Park Civic Association; Colee Hammock Homeowners Association; Coral Ridge Preservation Association, Inc.; Dolphin Isles Home Owners Association; Golden Heights Neighborhood Association; Mark Colin, resident of Seven Isles; Himmarshee Landing Homeowners Association; Imperial Point Association, Inc.; and the Trust for Historic Sailboat Bend, Inc. Copies of the letters were made a part of record. They also provided photographs of PUD projects along with a list providing additional detail that are attached to these minutes. Concerning Mayor Seiler's question about the MODCO project, Ms. Fertig confirmed that the Progresso area does not have a two-acre requirement. There is no two-acre requirement for projects that include an affordable housing component. Returning to her statement, she noted that there is an argument that the PUD is not working because of the state of the economy but many of these projects occurred during the boom. Two projects were sold after their approval and in the case of the Fairwinds (Ireland's Inn) project, it was sold after the City vacated one-half acre of City-owned property that became part of the PUD. Additionally Ms. Fertig provided letters from Jim Brady and Michele Mellgren offering their comments and professional opinions on the City's PUD ordinance which are attached to these minutes. In conclusion, Ms. Fertig emphasized their desire for a workable ordinance.

Ann Shumpert, representing Jim Brady, a Colee Hammock resident and land use attorney, submitted his draft of an ordinance for a PUD moratorium which was made a part of the record. She went on to summarize Mr. Brady's written statement on this topic which is attached to these minutes.

Patricia Rathburn, 500 SE 17 Street, noted as president of Croissant Park Civic Association, she wrote to the City Commission supporting a moratorium to allow more time to improve the ordinance. She could not support ambiguity that would leave zoning and land use decisions in flux. This ordinance was clearly written for Sailboat Bend but it applies to everyone. She was concerned about the two-acre minimum that may be waived and that there is no criteria upon which neighborhoods can rely. The ordinance should be a mechanism for development that is unique and not a way around existing zoning or a substitute. The ordinance is vague and encourages abuse; it opens the door to development of cookie cut boxes.

Charles Jordan, Sailboat Bend Civic Association, believed the ordinance was clearly written by and for the lobbyists for Lennar Corporation. It was a landmark historic site with a landmark building within a historic district. In order to circumvent these things, it was necessary to create an ordinance so vague that one could make their own argument for whatever they wanted. It was so poorly advertised that he was the only individual that came forward at the public hearing. The buildings around the Westside School are dwarfing the historic landmark. It is suburban pattern of apartment development imposed on a historic district. With this being citywide it jeopardizes all neighborhoods. The ordinance also places the planning and zoning and historic preservation boards into an advisory capacity instead of being on the track of the zoning approval process. He concluded by advocating a moratorium so that a new process may be developed.

Jackie Scott, Colee Hammock Association, commented that Lisa Maxwell, who was previously a lobbyist for Lennar Corporation, and Ms. Maxwell indicated to her that Lennar paid the attorney for this ordinance in order to develop in Sailboat Bend. In such case, she felt it makes sense that the ordinance would be arbitrary and loose. It is nothing more than a super variance with every little criteria to build different projects. A PUD ordinance would not be described for a warehouse on Interstate 95 or expansion of a church in a historic neighborhood. As to the flexibility the ordinance provides, there is no benefit to neighborhoods to offer flexibility without predictability. She advocated fixing the ordinance.

Alysa Plummer, president of Sailboat Bend Civic Association, noted the association's letter requesting a moratorium (see reference in Mary Fertig's comments). She noted that the association issuing Lennar Corporation because they never finished the project and promised amenities. It is a blight within this historic neighborhood relative to mass and scale. The Westside School was painted the same colors as the Lennar development and consequently is not recognized for its unique historic qualities. She mentioned that the developer of a new building in their neighborhood has cited the Lennar development as something they would also want to build, instead of using historic buildings as references. She advocated a historic component in the PUD ordinance. Also she hoped the Commission would move forward with approving the historic site surveys being done in various neighborhoods. The ordinance should define what makes a development unique and innovative.

Peter Henn, representing Bahia Mar, pointed out all of the discussions that take place along the way, but he felt the PUD process could be improved. It is a weak ordinance. He still believed the process works because there are good people who make it work. He referred to the Commission's November 2nd decision on the Bahia Mar project. He elaborated upon the importance of the Bahia Mar project moving forward, noting consequences that could impact the boat show if it does not. He did not want any action taken on the PUD ordinance to impact Bahia Mar. He suggested that developers and the community be allowed to work with the City staff in a conceptual framework and come to the Commission sooner; then go back to work on the details and come back to the Commission to bless the project. The American Planning Association's literature on PUD's that sets forth many courses of actions, but he emphasized developers being allowed to come before the Commission early. He volunteered to work on any ad hoc committee that may be created.

Jerry Jordan, president of Colee Hammock Homeowners Association, read a letter from the president of Lake Estates Homeowner Association, which was attached to these minutes.

Joe Holland, 1919 NE 32 Avenue, supported the moratorium. With so many projects going this route, it demonstrates it is good for developers. He noted it is a nationally conceived loophole as it did not originate in Fort Lauderdale.

Miranda Lopez, 3031 NE 21 Street, summarized her written statement on this topic which is attached to these minutes.

Art Seitz, 1905 North Atlantic Boulevard, elaborated upon the advantages of the PUD ordinance for developers. He noted examples in the Ireland's Inn that prove his point. The residents ultimately forfeit amenities. He suggested that Disney be sought as a consultant for the \$75 million project on the beach. The developer of the water themed park at Lockhart Stadium could also be consulted. He was concerned that one local company is being used. He went on to mention that it is the same company that Allyson Love, in her former capacity as auditor, discovered questionable activities. Returning to the topic of the PUD ordinance, he discussed problems with the Ireland's Inn PUD and that it has been a blight for four years and could be for several more years because of provisions lacking in the development agreement. PUD has done monumental damage to the city.

Christine Timmon, 1901 SE 1 Avenue, advocated learning from past mistakes. She elaborated upon problems that occurred in Lansing, Michigan. She suggested the Commission move slowly in face of the nationwide housing crisis. There should be no more development until the housing market changes.

Robert Walsh, 401 East Las Olas Boulevard, encouraged compromise. He noted that development means job creation.

There was no one else wishing to speak.

Mayor Seiler provided a brief historical chronology concerning PUD developments in the city and the PUD ordinance. He understood the exception that allows less than two acres for affordable housing, but questioned why other projects of less than two acres were allowed. The size of the site should not be the driving force as to whether a PUD is sought. He was concerned that the ordinance conditions are too loose. He mentioned

transit and the definitions of unique and innovative. Mr. Brewton responded to various questions on the current ordinance. He questioned that there are no strict guidelines or standards. Some dialogue ensued concerning the intent and purpose section of the ordinance being broad wherein Mayor Seiler thought this language should be more tight. Mr. Brewton agreed with the suggestion of tightening the ordinance and thought it is not unusual to look at provisions from time to time.

Vice Mayor Rogers asked about projects where the timeline for permitted has lapsed and those projects that are half-built. Mr. Brewton explained that the ordinance provides that the Commission may initiate a project reverting to the old zoning. The City Attorney explained that zoning can only be changed through legislative action. When the development rights lapse, the rights under the zoning become void. Commission action is then necessary to change the zoning to where it was before or another category. The City Attorney further confirmed for Vice Mayor Rogers that the City has not required a performance bond or some mechanism of assurance that a project will be completed.

Commissioner Roberts wanted to see a specific list of concerns and objections from Ms. Fertig and Ms. Hilmer. Mayor Seiler thought such a list could be presented to a committee that he felt should be formed. Commissioner DuBose thought that list is a start but there are other concerns as well. Both Commissioners Rodstrom and Roberts agreed as to the need for an ad hoc committee.

With respect to considering a moratorium, Mayor Seiler did not wish to impact the Northwest Progresso Community Redevelopment area. Vice Mayor Rogers was concerned about South Andrews. He hoped some of the historic properties will be re-adapted and utilized. He wanted a historic element in the PUD. Along these lines he wanted to focus on the mass transit exception. As a general discussion ensued, the City Attorney advised that historically the City has not applied a moratorium to anything in the pipeline.

Mayor Seiler inquired about other cities with respect to a PUD ordinance. Commissioner Rodstrom remarked about the PUD approach being used for large areas, but when it is applied in smaller areas in the vicinity of neighborhoods it is problematic. Mr. Brewton offered to conduct such research and provide that information.

Mayor Seiler requested a report on the impact of a moratorium, other PUD ordinances in place and other relevant information by February 15 including establishing a task force similar to what was done with the short-term residential rental issue in March.

I-C – Operation of Southside School - Status

Vice Mayor Rogers reviewed a position document from Southside School (Nova Southeastern University's responses indicated in red) provided to the Commission and attached to these minutes. As Nova is willing to absorb all programming costs, the term of the operating agreement needs to be focused on the extent of their investment. Because this venture is not a money-maker initially and Nova is a not-for-profit entity, they will be attempting to raise funds. Nova would like a twenty-year term. He also referred to an exhibit, attached, to the position document that addresses hours of operation.

George Hanbury, representing Nova Southeastern University, wanted to clarify that the programs will not be limited to Nova students, but rather open to the general public. He

believed the pricing is in line with that of the City's Parks and Recreation Department. Additionally there are scholarship opportunities. Nova wants to be part of the community. Neither the museum nor the studio school are not-for-profit. He anticipated \$550,000-\$600,000 first-year investment in equipping the facility and at least \$350,000 annual operational costs if their projection of 2,500 is accurate. Nova welcomes feedback as well as formation of an advisory committee. Nova's only request is a sign designating the facility as a studio school.

Mayor Seiler opened the floor for public comment.

David Rose, Friends of Southside, Inc., appreciated the clarifications made today. He wanted assurance that there is time made available for community uses other than those brought forward by Nova.

John Wilkes, chair of Friends of South Side, Inc., referred to programming questions between Nova and Southside and indicated they are working together to finalize the proposed programming. An important element is community use and access.

At Mayor Seiler's suggestion, it was noted that meeting space could be made available at the museum for a community use as a last resort. He encouraged both parties to reach an agreement. He agreed that the citizens need to have access.

Commissioner Rodstrom wanted to make sure that Nova can store their supplies and equipment when space is being used by the public.

Mayor Seiler thought the advisory board should have representation of one from the neighborhood, two from Friends of Southside, three from the museum and one from the Commission for a total of seven.

In response to Public Works Director Albert Carbon's question, Mayor Seiler indicated staff may proceed with developing a change order, using Nova's plans, for Commission consideration as soon as possible.

Pete Witschen, Nova Southeastern University, responded to a question from Bruce Cummings (830 SW 9 Street) and advised that the parking was increased.

Mr. Wilkes wanted assurance that the kitchen would not be removed as well as a sufficient sized meeting room which the contractor recommended closing. Another item the contractor recommended removing was a harlequin dance floor which is necessary for that program. Mayor Seiler hoped these issues could be worked out before the item comes back to the Commission.

Note: The Commission convened as the Community Redevelopment Agency Board of Directors from 3:33 p.m. until 3:37 p.m.

I-B – Financial Advisor – Special Obligation Refunding Bonds, Series 2010A and 2010B

Mayor Seiler noted that the Commission has expressed a desire to hear directly from Frank Hall, City's financial advisor, concerning these issuances. Sidney Calloway, representing Fidelity Financial Services, indicated because the City Attorney provided some backup documentation, Mr. Hall spoke with him and he wanted to address a

portion of what this discussion entails. Commissioner Rodstrom questioned if the Commission must deal with Mr. Hall's attorney every time they have a question of the financial advisor. Mayor Seiler felt this is a unique situation and he thought it would be helpful. Mr. Calloway understood the City would have an interest in any issue that would concern the ability of their consultants to perform. He believed that Mr. Hall could speak directly to any questions the Commission may have with respect to misrepresentations. He understood questions have been posed to other governmental agencies to investigate Mr. Hall and, or his company, which is why he (Mr. Calloway) is present today. He understood the issue is whether Mr. Hall said something that the Commission would deem to be untrue. His comments will have to do with whether Mr. Hall has violated any law or done anything unethical. Mr. Hall is willing and able to handle any legal issue that arises in this matter. He believed an inordinate amount of time and resources are being spent on an issue that does not rise to the level of any legal concern, but rather more of a political nature. Mr. Hall has serviced the City for many years ethically and responsibly and to the City's benefit. If there are any questions relating to whether he should be subject to some sort of legal enforcement action, he wanted to hear from the Commission so that Mr. Hall could respond directly. Commissioner Rodstrom was perplexed that Mr. Hall would think this is that serious that he brought Mr. Calloway. The questions are simple for Mr. Hall to answer and that was always the intent. Mayor Seiler explained there were serious allegations made on the record. There is a long-term precedent in the United States that simply because one retains an attorney is not an inference of any guilt or liability.

Mr. Calloway assured that they have no reason to believe that there are no legal issues to be had by either side. Mr. Hall and his company have every right to do business without being maligned or subject to having their reputations and business destroyed. In these days, it is important for businesses to be vigilant so that nothing gets in the way of them being able to operate professionally, ethically and at the same level as any other mainstream company.

Commissioner Rodstrom referred to background information for the October 19 (2010) meeting, concerning a decision made to take advantage of a proposal for 2008A Series, after dialogue with the Financial Advisor, Bond Counsel, City Manager and City Auditor. She questioned why those were the only individuals that had any dialogue on this decision. She also referred to the verbatim minutes where Mr. Hall indicated that he had not seen the backup. Had he done so, she felt there might not have been any confusion because Mr. Hall would have known the nature of her questions. He did respond that he had spoken with other banks, but perhaps not knowing what was in the backup which shows that was not done. In response to her question, Mr. Hall advised in his calls to BB&T and Suntrust, he mentioned he was calling on behalf of the City of Fort Lauderdale, but not when he spoke to Bank of America because he normally does not provide specific information if the bank is not the current holder of the outstanding debt. When he spoke to BB&T, he indicated to them that he would also be talking to Suntrust and vice versa. He spoke to Bank of America about the general market conditions and terms, but nothing specific about the October 19 agenda item. As to discussions with institutions, he did not believe there is an industry norm, but this is how he has conducted business for over twenty years. With the banks being extremely hungry, especially for Fort Lauderdale paper, she thought by informing a bank that he was looking for a rate for Fort Lauderdale, he might get a really great rate because they would want the City's total finance package. She mentioned several banks and asked if he checks with them of them. Mr. Hall explained in this case, it was a unique situation. The bond series held by BB&T had a balloon payment coming due in excess of \$10

million near the end of October. In response to her question, he indicated that he did not request a thirty-day extension because it would sound alarm to a banker. The staff was notified of the pending balloon payment. He confirmed that the background is correct about a decision being made to take advantage of the 2008A proposal after dialogue with Bond Counsel, City Manager, City Auditor and himself. He clarified another statement in the verbatim minutes (October 19, 2010) that he never had any conversation with the City Auditor. He indicated that he never indicated the City Manager was involved; but this was during the time that Ms. Love was in the acting capacity.

Commissioner Rodstrom asked if Lawanna Gatton in the leasing department of Suntrust, who provided Mr. Hall with an indicative rate, was able to bind the bank. Mr. Hall advised that none of the individuals at either of the banks with which he spoke could bind the bank. Commissioner Rodstrom thought a deal such as 2008A would require speaking with an individual who could bind the bank. Mr. Hall disagreed. He would not normally communicate or work with individuals who could bind the bank. He worked through individuals whose job is to work on these types of transactions. Ms. Gatton would take a proposal to more than one other individual at the bank. Commissioner Rodstrom concluded that rate she provided was not a true indicative rate because she never did any analysis or took it to any committee. Mr. Hall assured the individuals with which he speak with routinely know what they are doing with respect to indicative rates. They know the bank's position on interest rates at any given time. Commissioner Rodstrom referred to an email from John Winn of Bank of America, indicating he was not aware of the opportunity. A copy of the email (November 17, 2010) was made a part of the record. In response to her question, Mr. Hall advised that he received an indicative rate from Mr. Winn in their discussions, but he did not share with him the transaction would be with Fort Lauderdale.

Commissioner Rodstrom asked what comparisons were made in order for Mr. Hall to indicate that BB&T beat the other two by a long shot. Mr. Hall advised that he spoke with three different banking institutions. Commissioner Rodstrom noted besides BB&T, the rate from Suntrust was not firm because the individual had to take it to a committee. Mr. Hall advised that rate was not close to BB&T. Commissioner Rodstrom questioned why there was no documentation on the other institutions' rates. Mr. Hall indicated he collected indicative rates verbally, shared the information with the finance director and a decision was made. Commissioner Rodstrom pointed out that the current finance director (Lynda Flynn) is interim and that Mr. Hall would have to treat anything brought to that individual with a certain amount of sensitivity in a mentoring fashion. Mr. Hall disagreed because Ms. Flynn knew very clearly the topic and he got the impression that she was talking to people above her although he could not venture to guess whom. Upon further question by Commissioner Roberts, Mr. Hall indicated everything was done verbally until the point when the process reached the formal proposal stage and written documentation was requested which he could furnish. Commissioner Roberts commented about the problem being that the Commission never received the documentation. Mr. Hall advised he followed normal procedures. He provided copies of two proposals from BB&T (August 25, 2010 and September 27, 2010) that were made a part of the record. Upon Commissioner Rodstrom's question, Mr. Hall explained that a decision was made not to issue an RFP and reiterated the circumstances of the balloon payment coming due. She thought it was the responsibility of staff and the financial advisor to plan for there to be enough time to issue an RFP. Mr. Hall saw his role as simply informing staff. Commissioner Rodstrom was concerned about the lack of documentation and her responsibility of justifying the financial advisor's performance to

the taxpayers. She noted that the information furnished to the Commission was only one sheet of paper. The City does not know if there were substantial savings in the issuance because comparisons with other banks were not done. Commissioner Rodstrom elaborated upon the fact that there could have been variables in play with other banks and with the City having great credit, there might be banks hungry for this business, but were not given the opportunity. The decision was made amongst four individuals shown on the agenda item. In the future, she hoped this business would be done in a more informative manner. In response to Commissioner Roberts, Mr. Hall indicated the refinance could have been done by a bank other than the one already holding the bond. In this particular instance, a decision was made jointly to take the route that was taken.

In response to Vice Mayor Rogers as to why the previously referenced email from John Winn indicates he was not aware of the opportunity, Mr. Hall indicated that Mr. Winn is acquainted with him and his staff was aware. He claimed Mr. Winn told the City's staff about their conversations. Mr. Hall responded to Vice Mayor Rogers' questions about the chronology of the balloon payment timeline and practice/procedure in regard to maturing issuances. By October 25, Mr. Hall indicated that he had come to the conclusion that the BB&T rate was the best and was ultimately successful in having them drop the rate even lower.

In response to Mayor Seiler, Mr. Hall indicated the number of institutions from which he would seek quotes is dependent upon the situation, and in this case there were three who happened to be the most aggressive at the time. He would always include the current debt holder. He thought three was sufficient. He confirmed for Commissioner Rodstrom that as much information was not given to all of the banks he consulted. In further response to Mayor Seiler, Mr. Hall reviewed in more detail the terms he discussed with the banks.

Mayor Seiler was concerned about the comment that Mr. Hall had not seen the backup for the item when it was presented to the Commission. Mr. Hall advised that he has not previously reviewed backup documentation before past presentations to the Commission, however, he assumed the documentation he provided staff comprised the backup. Mayor Seiler stressed that in the future the backup documentation should be reviewed in advance by the presenter. Lynda Flynn, Interim Director of Finance, explained that the only written quotes received were from BB&T and that would have been in the backup.

In response to Commissioner Rodstrom, Ms. Flynn explained when BB&T submitted their second offer, she stopped bond counsel from proceeding with the paperwork in order to consider it. She was working simultaneously with all of the parties involved. She reads rates all the time. From what they saw in the industry, she thought it was the best. Also, Mr. Hall did his due diligence. She confirmed for Commissioner Rodstrom that she used Mr. Hall's information from three banks, one of which did not have the same information as the other two.

I-D – Neighborhood Stabilization Programs 1 and 3

Neighborhood Stabilization Program 1

Jonathan Brown, Housing and Community Development Manager, advised that a total of 28 properties were purchased which surpasses the NSP 1 goal of 25. As funding rolls

over, it will be spent until the program expires in March, 2013. The vendors are available for questions.

In response to questions concerning Fort Lauderdale Community Development Corporation, Mr. Brown advised that this vendor had three properties originally, however, it was not possible to move forward on one of those properties. Lennard Robinson, executive director of Fort Lauderdale Community Development Corporation (FLCDC) elaborated upon why the third property in District IV was not purchased. It was a short-sale and they were not able to get the seller to agree until after the City reassigned the funds.

Commissioner Rodstrom questioned when Suzanne Weiss was removed as registered agent for FLCDC. She noted Ms. Weiss' experience in these types of projects and pointed out that her decision to select FLCDC was partially based on her presumed affiliation. She indicated Ms. Weiss was listed on FLCDC's RFP in 2008 despite her being removed as registered agent in 2007. Mr. Robinson confirmed Ms. Weiss was shown as their registered agent when FLCDC responded to the RFP. He believed she was removed when their annual report was done for the following year.

Mr. Robinson requested that FLCDC be allowed to utilize funds from the sale of the two houses they are working on currently to purchase more houses. Commissioner Rodstrom recalled the Commission's decision to address reinstatement when the work was completed. She wanted to see documentation reflecting FLCDC's current registered agent. She reiterated that her decision to select FLCDC was based on Ms. Weiss' presumed affiliation. Mr. Robinson noted that he is the current registered agent. He elaborated upon his prior work experience. Mayor Seiler thought the sale process should first be completed. He referred the request to staff.

Neighborhood Stabilization Program 3

Mr. Brown highlighted information in Commission Agenda Report 11-0100. During his individual meetings with members of the Commission, it was noted that there is no single neighborhood that reflects the impact of NSP 1. Based on information provided at the individual meetings, staff utilized HUD's mapping tool to determine areas eligible for NSP 3 by district and provided it to the Commission.

Commissioner DuBose pointed out that the original map of NSP 1 foreclosures (Exhibit 2 to commission agenda report) was inaccurate with respect to District III. Mr. Brown advised that another map has now been reviewed with the Commission. The original map reflected information collected by Code Enforcement as well as the MLS. The map that was subsequently provided only shows foreclosure activity as it reflects to the MLS. He explained that it was provided to give the Commission more guidance of foreclosure activity. Commissioner DuBose wanted clarity on how foreclosure is defined in that previously properties where owners may have not made two mortgage payments were shown as foreclosures. Mr. Brown reiterated that the current map is based on the MLS. He noted that HUD's amended foreclosure definition includes homes in default. Staff wanted to capture information that HUD would use. Commissioner DuBose emphasized his desire to focus on abandoned properties, rather than those late on mortgage payments which are still on the tax roll. Mr. Brown agreed that the MLS does not convey whether properties are only in arrears. The program will focus on homes that are in foreclosure, vacant, or abandoned. Mayor Seiler agreed with Commissioner DuBose. Mr. Brown explained that the map is merely guidance. The Commission must show

provide those areas to enter into HUD's system to determine eligibility. Commissioner DuBose reiterated his point that the map (Exhibit 2) is not accurate.

Mr. Brown noted the timeline for Mayor Seiler. Mayor Seiler requested staff provide a ranking system so that areas that do not meet the threshold are eliminated. Vice Mayor Rogers thought it best for the City to buy, rehabilitate and sell the homes because of the current large inventory. At Commissioner DuBose's request, Mr. Brown provided more detail on the timeline.

Returning to what action is needed today, there was consensus approval on the approach for the City to buy, rehabilitate and sell the homes. Mayor Seiler requested commissioners review one another's districts to determine target areas (before this item comes back on February 15).

Commissioner Roberts raised the idea of leveraging the NSP 3 funds as much as possible and questioned whether this program could be tied to other ongoing initiatives. Along that line of thinking, Commissioner DuBose noted the cost to demolish the New River Condominiums would likely consume the entire Building Services demolition budget. He believed NSP 3 could be a funding source and, if so, would alleviate strain on the general fund. Mr. Brown advised that a 10 percent maximum of NSP 3 funds can be used for demolition. Commissioner DuBose mentioned that it may not be necessary to use the entire 10 percent, but he thought a plan should be in place. Mayor Seiler wanted to address this in February, but agreed that some NSP 3 funds should be allocated for demolition.

There was consensus approval to advertise all properties (at or above the 17 HUD score threshold) for public comment. In response to Commissioner DuBose, Mr. Brown confirmed that it would make sense to include the demolition in the advertisement. Vice Mayor Rogers asked about including in the advertisement the distinction of NSP 3 being different than NSP 1 and Mr. Brown confirmed that could be done. Mayor Seiler left the meeting at approximately 4:55 p.m. and returned at approximately 4:59 p.m. A general discussion on the ranking ensued.

There was no objection to Mr. Brown's request for confirmation that staff may provide down payment assistance (for NSP 3). Mayor Seiler was not present.

I-E – Florida's Hardest Hit Mortgage Program – Participation as an Advisor

Jonathan Brown, Housing and Community Development Manager, highlighted information in Commission Agenda Report 11-0099. Mayor Seiler returned to the meeting at approximately 5 p.m. and requested this item be addressed in the evening.

Continued on page 14

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

No objection.

Note: The City Commission recessed at 5:01 p.m. for the Executive Closed Door Session.

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 5:01 P.M.

The City Commission shall meet privately pursuant to Florida Statutes 447.605, regarding the following:

Collective Bargaining**EXECUTIVE CLOSED DOOR SESSION ENDED AT 5:45 P.M.**

Note: The City Commission reconvened at 7:10 p.m. in the Chambers on the first floor of City Hall with Item III-A.

III-A – Communications to City Commission and Minutes Circulated for Period Ending January 13, 2011**City Manager Search Committee**

The Committee is requesting City Commission approval of the attached advertisement and draft manager profile prepared by the search firm, Bob Murray & Associates, as amended by the Committee.

The Committee is also requesting the City Commission allocate a specific budget for candidate travel of \$6,000. The Committee plans to interview the finalists in March and the top candidates in April. During the 2004 city manager search, \$5,000 was allocated for candidate travel.

Dan Lindblade, vice chair of the City Manager Search Committee, indicated that approval is being sought for city manager recruitment job advertisement that has been provided to the Commission.

Mr. Lindblade also noted that because the committee has to come back to the Commission numerous times for approvals, their original timeline cannot be met. He requested authority for the committee to select the top seven candidates from a pool of fifteen without coming back to the Commission. The committee's sessions would be publicly noticed. The City Attorney explained that this is an advisory board; it does not have absolute power to do anything. If the committee narrows the pool of candidates, it is the Commission's decision as to whether that is accepted. He sees his function as one of maximizing the Commission's authority unless the Commission wishes to give it away. Commissioner Rodstrom agreed.

Commissioner Rodstrom did not feel the job requirements presented under The Ideal Candidate of the brochure met her criteria as she expressed in meeting with Renee Narloch, executive search consultant. She delineated examples. Mr. Lindblade indicated that the committee had nothing to do with drafting the brochure; it was drafted by the executive search consultant. Commissioner Roberts agreed with Commissioner Rodstrom about some omissions in the brochure. He also delineated examples. Commissioners Rodstrom and Roberts indicated they would address this with Ms. Narloch.

In response to Vice Mayor Rogers, Mr. Lindblade reiterated that additional items could assuredly be added to the job description, but it will ultimately rest with the interviews. He suggested each member of the Commission send their input to Ms. Narloch or Maxine Singh, Commission Assistant Coordinator. Commissioner Rodstrom wanted to interact with Ms. Narloch, who was retained for this task.

Commissioner DuBose agreed with the City Attorney. He did not object to such matters coming back to the Commission considering the importance of this decision. He did not want to streamline the process. Mr. Lindblade responded to various procedural questions raised by Commissioner Rodstrom concerning the information before the Commission, revisions made and so forth. In response to Vice Mayor Rogers' question about a revised timeline, Mr. Lindblade estimated 45-60 days, but indicated he would have to correlate the committee's timeline with Commission meeting dates. Commissioner Rodstrom thought if there was any confusion about the advisory committee's role, it should also be square away. Mayor Seiler did not want to micromanage this process. Vice Mayor Rogers agreed and suggested a negative notice approach for the committee. Commissioner Roberts thought the original direction to the committee was to narrow the pool from fifteen to seven and now there appears to be mixed signals. Discussion ensued as to when the committee should come back to the Commission and whether a negative notice or process similar to call-ups could be used. The City Attorney had problems with a negative notice concept. He believed that by the time the Commission receives the committee's minutes and is in a position to take action, the committee may have already taken action again. Vice Mayor Rogers thought there are really only two aspects, one being the advertisement which is before the Commission now and the other is not moving forward with certain candidates. The City Attorney clarified the committee is simply narrowing the candidates to seven and presenting those names to the Commission at which time they can accept or reject their recommendation. Commissioner Rodstrom pointed out that a special meeting is another option. Mr. Lindblade outlined the candidate elimination process. The executive search consultant will present fifteen semi-finalists to the committee who will then narrow the list to seven. The seven would then be interviewed by the committee at a public meeting that the Commission could attend. There could be a pause or issues when narrowing the candidates from fifteen to seven. There will be need to coordinating of the interviews by the committee and then the Commission. He warned that the recruitment environment is competitive. He emphasized the committee will follow whatever system the Commission selects. Commissioner Rodstrom thought the executive search consultant, not the committee, should be doing the leg work. Mr. Lindblade concurred that is the case.

Commissioner Roberts wanted to interview seven candidates and be apprised of the initial fifteen candidates. Commissioner Rodstrom agreed. In response to Mayor Seiler's question of what was agreed upon at the conference, Mr. Lindblade advised the process was for the committee to review fifteen resumes submitted by the executive search consultant and decide upon seven for the committee to interview. The committee then narrows the list to three finalists for the Commission to interview. Mayor Seiler and Vice Mayor Rogers agreed that was their recollection. Commissioner DuBose recalled it was acknowledged that the Commission would nevertheless be presented with the seven names before any final action on those seven. He did not want to give the committee authority to narrow the list from seven without it coming before the Commission, but not necessarily interviewing. Vice Mayor Rogers offered two processes to satisfy the concerns. Mayor Seiler pointed out what the Commission agreed at the last meeting. If the Commission is going to be involved in narrowing from seven, it is backtracking from what was previously decided. Commissioner DuBose was unaware that the

Commission would not be included in narrowing the candidate pool from seven. He had concerns at the time and this is still a concern. Before action is taken to narrow the pool from seven, he wanted those names presented to the Commission. The Commission would not need to conduct the interviews. Commissioner Rodstrom believed the Commission should have the opportunity to discuss the seven candidates and determine the finalists. She also did not feel the Commission needs to interview at that stage. Mayor Seiler was satisfied with the committee selecting the finalists. Mr. Lindblade pointed out that the resumes of all the candidates will be available to the Commission because it is public record. The Commission can exercise its authority to request the committee interview a particular candidate at any time during the process or add an individual to the list of finalists. Commissioner DuBose suggested the list of seven candidates be included as a conference agenda item before any further action is taken by the committee. He felt this would make the process more transparent. As further clarification for Mr. Lindblade, he explained it would be after the interviews but before the committee narrows the pool from seven. Commissioner Rodstrom brought to light the process for the most recent manager recruitment wherein the Commission interviewed five candidates. Mr. Lindblade pointed out that comments of the Commission on the list of seven candidates will have an impact on the committee. Commissioner Roberts was accustomed to rankings by different groups coming together. In other words, the committee could proceed with ranking the seven and the Commission could then do the same. The Commission still has the right to add names. The Commission's recommendations will either validate, differ from, or add to those of the committee. Commissioner Rodstrom and Mayor Seiler agreed to a candidate pool of five, rather than seven. Mayor Seiler wanted the committee to be able to do their job, which is to vet and screen. Commissioner Roberts emphasized that the ultimate decision rests with the Commission as the committee is advisory. Mayor Seiler contended if the Commission disagrees with the committee's recommended candidate pool, it is not allowing them to do their job. Commissioner Roberts reiterated that they are advisory. Vice Mayor Rogers also felt the committee is not being allowed to do its job. Commissioner Roberts disagreed, noting his liking for a consensus based on input from a variety of sources. In response to Mayor Seiler, Commissioner Roberts believed the committee narrowing the pool from seven to three candidates will save time. Mayor Seiler disagreed; he thought the Commission could add names and bring the list back to seven.

There was consensus approval for the committee to narrow the candidate pool to seven and that information be presented to the Commission before the committee narrows the pool to the finalists. Mayor Seiler and Vice Mayor Rogers were opposed.

Maxine Singh, Commission Assistant Coordinator, noted that no funds have been allocated for travel. Mr. Lindblade indicated the interviews will take place sometime the end of March and early April. Mayor Seiler asked this item come forward at the next meeting.

This item (exhibit 2 of Commission Agenda Report 11-0081) was revised in accordance with the email communication that is attached to these minutes.

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Note: The City Commission recessed again at 7:54 p.m. and reconvened again at 9:33 p.m. with Item I-E.

I-E – Florida’s Hardest Hit Mortgage Program – Participation as an Advisor

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In response to Commissioner DuBose, Greg Brewton, Director of Planning and Zoning, explained that the City would simply be providing information to those who would be qualified to carry out the program. It was a pilot program in Lee County. The City would notify agencies with which it has a relationship. This item is somewhat time sensitive.

There was consensus approval as recommended.

III-A – Communications to City Commission and Minutes Circulated for Period Ending January 13, 2011

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Marine Advisory Board

Following waterfront resident attendance over the course of the last three or four meetings, the board has become increasingly aware of a problem with the water depth of city canals, much of which are based upon 30 year old survey data, and its affect on boating and real estate. By unanimous consensus, the board recommends a master plan, including a survey, be authorized to establish dredging priorities within the navigable waterways of the city.

Cate McCaffrey, Director of Business Enterprises, summarized the request. Mayor Seiler agreed with the recommendation. Vice Mayor Rogers also agreed, but pointed out the funding deficiency in the current dredging schedule. Albert Carbon, Director of Public Works, advised there are about forty canals on the schedule. Twenty have been surveyed and dredging justified. The request would involve several hundred thousand, if not a million dollars. Mayor Seiler requested staff provide the Commission with a budget, however, Mr. Carbon explained it would require direction to develop a project. Vice Mayor Rogers suggested the board explore alternatives, such as self-imposed assessment. In response to Mayor Seiler, Mr. Carbon advised that dredging is done on a first-come, first-served basis, however a preliminary survey is conducted. He elaborated upon the criteria. The survey cost has to do with determining how deep an area can be dredged based on width of the canal and stability of adjacent seawall or embankment. In response to Commissioner Rodstrom, Mr. Carbon advised that \$500,000 is budgeted annually. Mayor Seiler noted the survey would cost more than what the City budgets annually. He asked that the cost be discussed with the board.

III-B – Board and Committee Vacancies

See regular meeting item agenda item R-04.

City Commission Reports**Charter Revision Board**

Commissioner Rodstrom requested and there was no objection to the Charter Revision Board reconvening to address some of their items in view of the upcoming 2012 election.

Lifeguard Stand and Rip-Current Signage; Ireland's Inn (Fairwinds)

Commissioner Rodstrom recalled when this project was approved, the developer was to contribute \$50,000 for a lifeguard stand or beach cleaning equipment. She wanted to consider requiring a lifeguard stand. Mayor Seiler asked the Director of Planning and Zoning to followup with Commissioner Rodstrom. She was also interested in rip-current signage in that area.

Request for CRA (beach) Funding for Centennial Event

In response to Commissioner Rodstrom's question about correspondence she received on this event, Don Morris, Community Redevelopment Agency Director (beach), indicated the idea is making its way through the process and is soon to be presented to the Beach Council (Chamber of Commerce).

Power of One; Volunteerism; Citizen Volunteer Corps; Members of the Commission Soliciting for Third Party

In response to Vice Mayor Rogers, the City Attorney explained that the City's ordinance defines a donation as anything of value, and prohibits members of the Commission from soliciting a donation. Time and service have a value. Soliciting for the Rotary Club would be prohibited, but it would be permissible for the Citizen Volunteer Corps because it is a City project.

Wastewater and Water Consultant Award; Selection Committee Process

Vice Mayor Rogers wanted to know the criteria used by selection committees when making award recommendations of single or multiple vendors for any given contract. He suggested and Mayor Seiler agreed that such a discussion be scheduled on a conference agenda. He thought that multiple vendors on a contract would give the City an idea of who is more efficient and cost-effective.

In response to Commissioner Rodstrom, Albert Carbon, Director of Public Works, advised that pursuant to Commission direction, staff is negotiating contracts with two consultants and one contract for water consulting. Mayor Seiler believed the water scope was four-times the size as the wastewater scope. Mr. Carbon explained it has to do with the volume of work in the next five years. If the City must expand Lohmeyer Wastewater Treatment Plant, the fee could easily be \$10 million whereas the water treatment plants are not planned to be expanded. In response to Commissioner Rodstrom, Mr. Carbon indicated there was a big spread in vendor responses on the water side. Commissioner Rodstrom also wanted this to be discussed at a conference meeting.

Floating Docks; Riverwalk

Vice Mayor Rogers indicated a resident has expressed concern that the floating docks currently being installed along Riverwalk might be too intense and present aesthetic issues. He asked that the Commission visit the area so that this could be discussed at a future point in time.

School Boundaries

Commissioner DuBose noted school enrollment issues that the Commission will need to be aware of.

Wastewater and Water Consultant Award; Selection Committee Process

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Vice Mayor Rogers noted that Camp Dresser and McKee would like to be present at the conference meeting to express their objection to the award being granted to two vendors instead of one. Commissioner Rodstrom questioned whether direction should be given to stop negotiations, however Mayor Seiler pointed out that the Commission has already taken action. Mr. Carbon noted the term is five years. Vice Mayor Rogers noted it is project based.

Security in Public Buildings

Commissioner Roberts wanted staff to look into improving security in public buildings.

Sistrunk Parade

Mayor Seiler asked staff to coordinate with the neighborhoods in the vicinity of Sistrunk to avoid any blockages and improve traffic flow. Commissioner DuBose suggested staff speak with the Sistrunk committee to ensure that all stakeholders are involved.

Events

Members of the Commission announced recent and upcoming events of interest.

City Manager Reports - None

There being no other matters to come before the Commission, the meeting was adjourned at 10:00 p.m.