

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING**  
**MAY 17, 2011**

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Present: Mayor John P. "Jack" Seiler  
Vice Mayor Bobby B. DuBose, Commissioners Bruce G. Roberts,  
Charlotte E. Rodstrom, and Romney Rogers

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 Joel Winfrey

### **I-A – City Manager Recruitment**

Mayor Seiler suggested the Commission rank the candidates individually and come to a consensus. The City Manager Selection Committee was recognized. The Commission made remarks of a general nature concerning this topic.

Mayor Seiler thanked the Acting City Manager for assuming the position in a difficult time. He indicated that he has heard nothing but praise concerning her performance. He felt she has moved the City forward, made it a better place and set the table for a new manager.

Commissioner Rogers wanted to hear of any concerns other members of the Commission may have as a result of their due diligence. Mayor Seiler remarked that although he received anonymous information, but has never given information any consideration if it is anonymous. Vice Mayor DuBose thought there are some intangibles that one does not grasp from paper and a formal interview. Questions in his interviews pointed to diversity because of its impact on the economy and so forth. He did not think it would wash well to respond to Commissioner Rogers' request. Commissioner Rogers thought it is understood that they are all qualified, but he simply wanted to have some insight into the thinking of other members of the Commission. Commissioner Rodstrom thought the Commission should clearly express their expectations to whoever is selected. She agreed with Vice Mayor DuBose about expressing concerns about candidates. Commissioner Rogers did not see any negative that would offset the Commission's decision at this time.

Mayor Seiler opened the floor for public comment.

Marc Dickerman, 1417 SW 2 Street, expressed support for Lee Feldman and elaborated upon some reasons for his position.

There was no one else wishing to speak.

Commissioner Roberts ranked the candidates as: Feldman, Levinson and DiGiovanni.  
Commissioner Rodstrom ranked the candidates as: Levinson, DiGiovanni and Feldman.  
Vice Mayor DuBose ranked the candidates as: Feldman, DiGiovanni and Levinson.  
Commissioner Rogers ranked the candidates as: Feldman, Levinson and DiGiovanni.  
Mayor Seiler ranked the candidates as: Levinson, Feldman and DiGiovanni.

Mayor Seiler indicated that he would find either Mr. Feldman or Mr. Levinson acceptable. Commissioner Roberts was anxious to move forward and as such favored the Florida

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

candidates. There was consensus to narrow the selection to Mr. Feldman and Mr. Levinson.

Commissioner Rogers wanted input from other members of the Commission as to their strengths. As to Mr. Feldman's positives, Mayor Seiler understood from his conversations with people with whom he has worked that all of the relationships have been good, including staff, the commission, colleagues and intergovernmental relations. The former mayor for which Mr. Feldman worked called to speak about him. Mr. Feldman seems very enthusiastic and positive. He ranked Mr. Levinson above Mr. Feldman because he has a lot of those traits, but he looked at the results in Coral Springs. He elaborated upon areas of public safety, budgeting and parks and recreation in Coral Springs. He also thought that Mr. DiGiovanni could do the job. He ranked Mr. Levinson first because of the budget. Whoever is selected must hit the ground running with respect to the budget. Commissioner Roberts agreed that Mr. Levinson is a proven commodity and has done a great job as has Mr. Feldman. He thought that Mr. Feldman has done the most preparation for this job. His comments during the interview exhibited that he has already started doing the job in terms of homework. He gives an edge for effort and energy so far to Mr. Feldman. The styles are different. He felt Mr. Feldman is more empowering. Vice Mayor DuBose thought the difference in the candidates is marginal. The management team in Coral Springs was not very diverse. He believed the government should be more reflective of the citizenry. The other candidates had more experience in bringing diversity to the table. He liked Mr. DiGiovanni, however, he noted his salary range and that the cost of living in San Antonio is less than Fort Lauderdale. Otherwise he would have considered him along with Mr. Feldman. Mr. Feldman has shown that he can handle the budget. All of the candidates have put results on the table. For whoever is selected, their success or failure depends on the policy set by the Commission. Commissioner Rogers indicated given that all of the candidates have the tools to perform the job, he has been dwelling on the intangibles of who wants a job and who wants this job. He recalled that Mr. Feldman indicated in the interview that he was comfortable with his present position and wanted to be challenged. He noted Mr. Levinson's tenure of sixteen years in Coral Springs. Mr. Levinson indicated that he had resigned and was not comfortable not working; he wanted a job. This job was available. He also believed both candidates have the tools. He felt that Mr. DiGiovanni has a great resume, but he will always choose a local candidate if possible. Commissioner Rodstrom thought Mr. Levinson was realistic. She did not think that he looked to be challenged. With his experience, he brings a well oiled machine to the table. She wanted a business approach to the budget. She did not have a problem with his retirement. She was not interested in someone getting involved in a lot of public relations like the former manager, but rather someone who does the job and treats the City and employees with respect. She wanted an open-door policy and someone who is transparent. She believed he has proven results. She was looking for someone who has been challenged and achieved results. She felt he brings an air of professionalism and maturity. She wanted someone who would meet the challenges posed and help the City move to where the Commission would like to go. She liked that he has experience with public – private partnerships. She appreciated his systematic approach. She felt Mr. Feldman is enthusiastic and very much wants the position. She did not get a positive response from people she knew in Palm Bay and Melbourne. She found that comments about the other candidate were not true. She agreed about Mr. DiGiovanni but the need to get moving quickly. Commissioner Roberts indicated that he posed a question to the candidates yesterday. Mr. Feldman's answer was specific whereas Mr. Levinson's answer was process. Mr. DiGiovanni was at a little disadvantage. He felt Mr. Feldman is a problem-solver, a doer and a leader. He sent the question via email

around 9 a.m. Mr. Feldman indicated he would reply by 3 p.m. and did so. The other responses were the next day. This is an example of moving forward quickly.

Mayor Seiler thought he could easily work with Mr. Feldman. Vice Mayor DuBose indicated he did his own due diligence. Mr. Feldman is respected nationally. He spoke to people in Palm Bay and Melbourne where his wife's family lives. In response to Commissioner Rogers, Commissioner Rodstrom indicated there was something raised in terms of character concerning Mr. Feldman that she found in her due diligence. Commissioner Roberts remarked about people who worked for him and followed him from city to city. He knows one individual and he believed that individual would not have followed someone with any concern as to style. In response to Mayor Seiler, Commissioner Rodstrom was sure she could work with Mr. Feldman. There was consensus for Mayor Seiler to negotiate with Mr. Feldman first and Mr. Levinson as the backup. At the Mayor's request, the City Attorney and City Auditor were directed to assist. The City Attorney indicated the item listed on the regular meeting agenda is in the form of a resolution, but only need be a motion. It will be a resolution when the matter comes back to the Commission.

Mayor Seiler believed there is already consensus that the salary will not be in the ballpark of the last city manager.

Commissioner Rogers wanted the most thorough background check as possible. Mayor Seiler asked the Human Resources Director to check with the executive search consultant to see what has been done and he would decide what should be added if necessary.

#### **I-D – Port Everglades Sand By-Pass Project**

Eric Myers, Assistant Director of Broward County Environmental Protection and Growth Management, reviewed the chronology of this project set forth in Commission Agenda Report 11-0717. He noted in 2008-2009 Broward County made a presentation to the City Commission as well as many condominium associations and other interested parties regarding the project's status. There was opposition to the project at the time. In 2010, a contract amendment was approved and authorization was granted to proceed with Task 4, sand trap rock removal methods study and plan development. He reviewed slides on the project which are attached as part of these minutes.

Mayor Seiler inquired as to the current budget this year for beach replenishment. Mr. Myers indicated for the area between Hillsboro Inlet and Port Everglades is estimated in the high \$20 million range with assistance from the federal and state levels. In another area to the south, Segment 3, the Army Corps of Engineers paid about fifty percent. The State typically pays about twenty-five percent. The County and cities share the remaining twenty-five percent. Federal funding is getting more and more questionable, therefore discussions will be needed as to the future funding formula. In response to Broward County Commissioner Chip LaMarca, Mr. Myers advised that the \$3.98 million reprogrammed from Palm Beach to Broward County by Congressman West was primarily reimbursement for Segment 3.

Christopher Creed of Olsen Associates, Inc., on behalf of Broward County, reviewed slides on technical aspects of the project, including some comparison with the bypass at Hillsboro Inlet. He responded to Commissioner Rodstrom as to Olsen's experience with other sand bypass projects. He responded to questions and discussed the following

technical aspects: reasons for the sand movement; the concept to only collect excess available sand and maintain a consistent beach condition north of the inlet; what was done in 1980 and what has been observed; funding; why it is not proposed that sand be moved north instead of south; rising sea levels.

Commissioner Roberts emphasized that there are factors other than scientific that need to be considered. He drew attention to issues having to do with businesses, tourism and economics. Residents of Galt Ocean Mile are upset because they have been waiting since 1998. Mr. Myers discussed the timing on the project and achieving results. Commissioner Roberts did not feel that cost effectiveness should be associated strictly with project protocols, but also with issues associated with economic realities of tourism and business on the beach. He wanted that to be incorporated into the formula. Commissioner Rogers added that equity should also be considered. He recalled that the Diplomat Hotel area received the last load of sand, therefore he asked about Fort Lauderdale. Mr. Creed noted that environmental resource issues have become more difficult. He responded to Mayor Seiler's question and indicated they are very aware of the potential port expansion and federal involvement. He also responded to other questions relating to what could occur years into the future if the port is expanded. Mr. Myers noted that this project is not a complete source of sand for either Segments 2 or 3. Mr. Creed indicated there will continue to be a lot of need for sand on an annual basis. Discussion then turned to the dredging and rock excavation and test holes.

Commissioner Rogers questioned if there may be something more cost effective when considering all of the mitigation, permits and so forth. Mr. Creed indicated non-domestic sources have been explored and they are currently looking at upland sources. All potential sand sources are being examined. Currently, sand bypassing including mitigation is a very effective long-term sand management tool for Broward County. Mr. Myers indicated that the cost of energy in the future is a consideration. A huge amount of the cost is energy driven. Bypass is a prettier picture over a twenty, thirty-year period. Mr. Creed responded to Commissioner Rodstrom's question concerning the alternative idea of simply using the channel as a sand trap and dredging it out regularly. He was not aware of any federal navigation channels that are used in that way. Discussion took place with respect to the project in general, the testing and the public outreach.

Mayor Seiler opened the floor for public comment.

Genia Ellis of the South Beach Alliance, noted there has been opposition to this project for years. She questioned the impact on quality of life from a recreational point of view once the weir is in place. It is a public beach. Constant pumping of sand makes for cloudy water. There are divers and wildlife. This area is a short cut for smaller boats. Condominiums also have concerns. She questioned what is planned to retain the sand once it is moved.

Ina Lee, resident of Point of Americas, recalled the last time this matter was presented to the City Commission, there was unanimous opposition. It was pointed out that Fort Lauderdale was promised that Segment 2 would be next after Hollywood. Also, the Army Corps of Engineers indicated at the time that Segment 2 renourishment would only be to south of the Bonnet House. She questioned how long would this major public beach be out of commission. There is a tourism impact. There is no guarantee that the bypass will work or that it will no impact buildings. She noted that funding has dramatically changed. The federal government has not reimbursed the Hollywood

segment. The State has completely altered their funding source. She questioned interfering with mother nature.

**I-B – Broward Center for the Performing Arts – Request for Capital Improvement Funding**

John Milledge, representing Broward Center for the Performing Arts, indicated that this \$43 million capital plan will upgrade the facility to state-of-the-art capability, build a new education center and new outdoor pavilion on the New River to integrate it according to the New River Master Plan. The Center is requesting \$300,000 per year for fifteen years or a current value of \$3.8 million. The City would be leveraging greater than ten to one to get this project underway. He elaborated upon the Center's present economic impact and what this project would do for residents and businesses.

Kelley Shanley, president and CEO of Broward Center for the Performing Arts, reviewed slides on this topic, which are attached to these minutes.

In response to Commissioner Rogers, Mr. Shanley advised that the Center has raised over \$16 million in private support. With Vice Mayor DuBose asking what impact this contribution would have on existing projects, discussion ensued about the City's capital improvement plan including funds for Riverwalk improvements and prioritizing. Diana Alarcon, Director of Parking and Fleet Services, noted that each year any remaining funds from the parking garage are transferred to the Center. The garage falls under the City, Downtown Development Authority and the Center. Commissioner Rogers noted the annual economic impact of the Center and expressed support in making this requested investment. Mayor Seiler elaborated upon looking at the center from multiple standpoints of tourism, educational, cultural and economic impact. He saw this as the future link of Riverwalk. The Center needs to be turned to open to Riverwalk.

Returning to Vice Mayor DuBose's question, Stephen Scott, Director of Economic Development, explained that today staff was looking for direction as to whether this should be a priority. With such direction, staff will look into how it can be done. Vice Mayor DuBose wanted to make sure proper planning and a full analysis is done so that how it will be funded for fifteen years is definitively identified. Commissioner Roberts supported the request and elaborated upon reasons for his support. He commented that perhaps bonding or a loan may be the course of action to take. The City Auditor suggested budgeting the money today which could be dispersed over future years in order to avoid the impediment of binding future commissions. Mayor Seiler thought the Commission could set a priority and a tone because of the project's critical importance to the city and Riverwalk.

Mayor Seiler asked during the redevelopment that the Center look into what can be done to help the 7<sup>th</sup> Avenue corridor. He believed there is unanimous consensus in support of the request and indicated the new city manager will be directed to find a funding source. He suggested considering using the City's funding for expansion of the parking garage and the hillside Riverwalk public realm improvements.

Mr. Milledge indicated the Center would like to pursue signage on Broward Boulevard similar to that approved for the Parker Playhouse. Mayor Seiler did not want to open the sign ordinance; he asked that they consult the City Attorney.

**I-C – Fort Lauderdale Stadium and Lockhart Stadium – License Agreements with School Board of Broward County and Traffic Sports USA, Inc.**

Mayor Seiler and Commissioner Roberts left the meeting at approximately 4:22 p.m. and returned momentarily.

Cate McCaffrey, Director of Business Enterprises, reviewed the chronology concerning this item as outlined in Commission Agenda Report 11-0730. She corrected the report by indicating that the School Board and Traffic Sports (Strikers) have not yet agreed to the draft agreement terms. Staff still needs to meet with the School Board and the Strikers. Terry Rynard, Acting Director of Parks and Recreation, advised that last year the Commission approved a subsidy of \$140,000 for eight months. The Strikers are requesting assistance for six-months to extend to the end of the calendar year which would be a little over \$100,000. Commissioner Rogers asked whether stadium revenue could be used as an offset. Commissioner Rodstrom left the meeting at approximately 4:27 p.m. and returned momentarily. The City Attorney advised that the Federal Aviation Administration (FAA) views the two contracts as separate and will not allow the City to combine them. Commissioner Rogers noted that the FAA contends the City must get fair market rent, however, the City must subsidize in any event. Ms. McCaffrey explained that by agreeing to the extensions, the FAA is acknowledging that the City is not getting fair market rent. Mayor Seiler liked Commissioner Rogers' approach.

There was consensus for the item to be rescheduled on a conference agenda after staff meets with the School Board and the Strikers and consults the FAA concerning Commissioner Rogers' suggestion.

**I-H – Fiveash Water Treatment Plant – Water Disinfection Methodology – Responses to Request for Letters of Interest**

Albert Carbon, Director of Public Works, noted in April staff was requested to issue a request for letters of interest to vendors of on-site generation and bulk chlorination. Gary Bors of Hazen and Sawyer reviewed slides on this topic including the responses highlighted in Exhibit 1 of Commission Agenda Report 11-0627. A copy of the slides is attached to these minutes. He provided more explanation concerning Odyssey Manufacturing Co.'s suggestions about reducing the building size which would require some compromise on utility operations. Siemens Water Technologies responded by email, indicating that they support the City's approach. Carter & Verplanck did not provide a detailed response. They requested detailed design drawings, specifications and other materials that could not be provided because it is a new concept. The City provided a floor plan layout, design criteria and everything possible.

Mayor Seiler indicated that he had received an email from Carter & Verplanck (C/V) indicating that the City never provided what they requested and what the Commission directed be provided. At his request, Mr. Carbon provided the Commission with a copy of the March 15, 2011 conference minutes as well as Memorandum 11-080, explaining actions taken pursuant to Commission direction to solicit cost-saving ideas from vendors including a request for letters of interest. A copy of Memorandum 11-080 is attached to these minutes. He noted that the design criteria and footprints were furnished. However, placement on the site was left to the responder. In response to Commissioner Rogers, Mr. Carbon explained that C/V wanted detailed plans of the design, however, the City does not have the plans and has not been given direction to prepare them. C/V wanted to provide engineering design information, however, doing so would eliminate

them from being able to bid on the project because it would be entering into the design phase. Mr. Bors indicated that the recommendation has not changed. Mr. Carbon referred to the "Recommended Plan" slide and noted there may have been confusion about installation of on-site generation equipment; it is only if or when deemed appropriate. Staff would like to build a bulk system and continue reviewing the status of on-site generation. If it becomes economically and process advisable, staff would recommend moving forward with on-site generation. Commissioner Roberts pointed out that C/V would still be eligible to bid if the City decides to seek bids for on-site generation. In response to Commissioner Rogers and Mayor Seiler, Mr. Carbon referred to the "Utility trends in CL<sub>2</sub> Use" slide from 2008 AWWA (American Water Works Association) Disinfection Systems Committee Report on Current Use. Mr. Bors explained this committee produces a report every ten years. Bulk has increased and on-site generation has increased to a lesser degree while chlorine gas has decreased. Also 81 percent of utilities migrating away from chlorine gas were selecting the bulk option. In 1998 when the last study was conducted, chlorine gas usage was 68 percent and on-site generation was around two percent. As to the trend, there are more systems so the percentages stay the same, but migration is toward bulk. Mr. Carbon clarified that from 1998 to 2008 there are more treatment facilities using chlorine as a basis of disinfection. The bulk systems remained at 30 percent relative to the number of systems, but the increase in systems that have gone to bulk (storage) outnumbered chlorine gas systems which reduced in number. Commissioner Rogers concluded if the trend is correct, the City should decide upon cost effectiveness and look at safety factors. He wanted to know how it could be monitored in order to make an informed decision with respect to safety and the economics.

Rick Johnson, Water Facilities Manager, indicated that he just completed a survey of twelve facilities. Six were using the bulk approach. Six had tried on-site generation, but only three are continuing with it. The reasons had to do with maintenance/safety and cost. Commissioner Roberts pointed out that an on-site bulk system is needed regardless and thought the City should consider proceeding with that now because of the associated safety factors. He raised the idea of waiting to see the results of Miami's project. He wanted a monitoring schedule that would be brought back to the Commission so that when more information is available on-site generation could be seriously examined. In response to Commissioner Rogers' question concerning an operational cost comparison between the two types of systems, Mr. Bors indicated an analysis was conducted as to the operational and maintenance cost of an on-site generation system compared to the cost of bulk hypochlorite at the gate. Once the liquid product is made and placed in storage, it is then an even comparison, therefore that was not considered. The building was also not considered. Capital cost and future maintenance/replacement for an on-site generation system was considered. He discussed information on the 20-Year Cumulative Cost (comparison) slide. He indicated there is the same degree of certainty with the assumptions for both approaches. There is a break-even point at about eighteen years, however, there could be technology and economic changes. Prices have not been consistent over the past twenty years. The information presented includes a four percent increase assumption. From a cost perspective, it appears the two systems are comparable and there is no harm in taking the more cautious approach. In further response to Commissioner Rogers, Mr. Bors advised installation (bulk storage) would take about a year to eighteen months. The recommendation is to construct the facility, take delivery of bulk hypochlorite and continue to monitor prices of all of the commodities as well as the technology and safety of on-site systems. Mr. Carbon advised that a design contract would be presented to the Commission in the June timeframe. Staff could report back to the Commission on a



regular basis when purchases are made. They would also monitor Miami-Dade and changes in technology.

Mayor Seiler opened the floor for public comment.

Pat Allman, general manager of Odyssey Manufacturing, indicated Odyssey is the largest hypochlorite manufacturer in Florida into the municipal market; distributor of process solutions for MicrOclor on-site generation units; and a licensed plumbing and general contractor, having installed over 1,500 bulk hypochlorite systems in Florida. He believed his sales show the trend the Commission was interested in because he has called on every utility in Florida. Eleven years ago, when the Odyssey business started four percent of Florida systems used hypochlorite and the total market was 4 million gallons. Today eighty-two percent use hypochlorite and Odyssey has ninety percent of the market. He believed in five years chlorine gas will be gone. Odyssey began to sell on-site generation, competing against itself, because he believes on-site generation will have fifteen to twenty percent of the market in about ten years. It is more economical on large systems such as Fort Lauderdale's system. However, he supports a phased approach because it is the quickest way to get rid of chlorine gas. Also, most of the systems installed in Florida in the last eleven years have not performed very well. Hazen & Sawyer's economic analysis relied upon data in the marketplace. There is new technology. He explained the differences between vertical and horizontal cells and associated dangers with horizontal cells. A phased approach allows time to evaluate technology. It is not necessary to design around a specific manufacturer. Having the building does not preclude any manufacturers. Mayor Seiler wanted the most competition. Both Mr. Allman and Mr. Sawyer believed this approach allows for that competition. Mr. Allman responded to Commissioner Rogers' question about safety issues with the on-site generation systems and how Odyssey's technology has eliminated historical problems.

Mr. Carbon concluded that staff will return with request for design by Hazen and Sawyer for bulk hypochlorite which would include a footprint for future on-site generation.

**EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 5:12 P.M.**

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

**Collective Bargaining**

**CLOSED DOOR SESSION ENDED AT 5:32 P.M.**

Note: The City Commission reconvened and addressed a non-agenda item concerning grandstands at the Aquatic Complex and other conference agenda items at approximately 12:19 a.m. in the City Commission meeting room on the first floor of City Hall.

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Non-Agenda; Aquatic Complex Grandstands; National YMCA Swim Championships

Mayor Seiler had requested staff look into what could be done with respect to grandstands at the Aquatic Complex so that the National YMCA event could take place and was shocked at the cost associated with demolishing the existing grandstands and using temporary ones. Albert Carbon, Director of Public Works, displayed a preliminary cost estimate on the grandstand removal and renovation. A copy is attached to these minutes. He pointed out that in any event the grandstands have to be removed. Equipment associated with the chlorination system and a Florida Power and Light junction box comes into play with the removal. Commissioner Rodstrom thought the proposal on the Aquatic Complex redevelopment is over the top; the Commission needs to direct a scaling down. Cate McCaffrey, Director of Business Enterprises, indicated that the developer understands the project needs to be scaled down.

Mayor Seiler felt a commitment needs to be made to the YMCA separate from the Aquatic Complex redevelopment project. In response to his question, Mr. Carbon advised that the bleachers are temporary and could be moved to another park for other use. Strengthening interior bathroom walls might be some lost cost.

It was clarified that the YMCA is only interested in knowing the availability for next year as they understand the upcoming construction at the Aquatic Complex.

Discussion ensued as to the timeline for this work, starting in September and concluding in November, December or first of the year. The pool would have to be closed while the demolition itself takes place. The cost estimate was prepared by staff. Commissioner Rogers thought it would be helpful for a demolition vendor to review the estimate. He was also interested in knowing the amount of lost revenue in addition to the YMCA if the repairs were not made. In response to Mayor Seiler, Ms. McCaffrey indicated that the only other event that would require the same extent of seating as the YMCA (1,500) would be the Red Bull event. Mike Leonard of the YMCA indicated the YMCA needs to make a decision by June 15. Mayor Seiler wanted to be able to get more information on exact costs to decide whether it makes economic sense. Mr. Carbon explained for definitive numbers, a bid package would have to be put together, however, he could utilize a demolition contractor under contract with the City for an estimate. The metal bleacher cost is based on the previous purchase. These are the two big ticket items. Mayor Seiler questioned inclusion of demolition in the engineering item of the cost estimate. Commissioner Roberts asked whether a partial demolition could be done in order to accommodate the temporary bleachers to supplement the 950 already available. Mr. Carbon advised that he would not recommend it based on unit costs, but offered to consult the demolition contractor. Mayor Seiler emphasized that a decision needs to be reached on June 7.

**I-F – Intracoastal Waterway Dredging Projects – Florida Inland Navigation District “FIND” Grant Applications**

Cate McCaffrey, Director of Business Enterprises, explained that FIND has indicated the City would be required to utilize fifty percent or greater of funds collected at the site for project maintenance, which she indicated would be \$300,000 or greater that the City would have to commit to maintenance. FIND has further indicated they would consider the City's actual cost, however the language of the resolution FIND required has not changed. Today, FIND has indicated if the City could provide anticipated maintenance for the next 25 years versus income, a determination could be made of how much would

have to be put aside. Staff does not know what this means for Bahia Mar or the Aquatic Complex. In response to Commissioner Roberts, Ms. McCaffrey advised that FIND's correspondence indicated if this the information is not provided by June 1<sup>st</sup>, the City would not longer be in contention for the grants. If information is provided, the City would be scheduled for their meeting on June 17. Staff has communicated by email with questions. She felt they seem to want to work it out. In response to Mayor Seiler, Ms. McCaffrey indicated there is no "in perpetuity" language; most FIND grants are twenty-years or greater or the life of the project. In response to Commissioner Rogers, Andrew Cuba, Marine Facilities Manager, gave assurance that staff could organize the data.

There was consensus approval for Mayor Seiler to work with staff and FIND in negotiating a solution.

#### **I-G – Employee Suggestion Program**

Averill Dorsett, Director of Human Resources, outlined recommendations shown in Exhibit 1 to Commission Agenda Report 11-0256, reactivating the program outlined in Exhibit 2 to the report and increasing the maximum award to \$5,000. This program has not been budgeted. She has a few emails of interest where employees were recognized at previous Commission meetings. One suggested program amendment would be for the employee to make application within six months of the suggestion being implemented. The resolution (94-161) speaks about intangible suggestions being given monetary awards, which would be at the City Manager's discretion; historically, \$25 and \$50 gift certificates were given.

Commissioner Roberts requested a resolution be drafted for Commission consideration.

Mayor Seiler thought the City Auditor and a representative of the Finance Department should be part of the review process to ensure a savings exists. The Auditor should be the last step in the process to sign off on recommendations.

#### **I-I – Broward County Municipal Code of Ethics Proposed by Broward League of Cities**

The City Attorney advised that the League of Cities requested the City support their recommendation concerning amendments to Broward County's ethics ordinance that would apply to cities. In most regards, Fort Lauderdale's ordinance is more strict. He did not know that the Commission would want to take any action, but could adopt the League's recommendation. The League's proposal is a reduction in what the County would like to impose under their newly found ethical powers. If it is passed, he would probably recommend Fort Lauderdale's be conformed to it to avoid confusion. One item requested by the League is an opt-out provision, however, he did not think it is likely to succeed. Vice Mayor DuBose advised that he has served on the League's task force for this topic. He provided more insight to the opt-out provision and the topic in general. The ordinance attempts to apply a broad stroke to thirty-one municipalities. There have been a multitude of issues. The City Attorney did not think the County will allow any municipality to opt-out; they would like uniformity. Vice Mayor DuBose wanted to send a letter of support to the County Commissioners in Fort Lauderdale's jurisdiction. In response to Commissioner Rogers, the City Attorney advised that if the ordinance is adopted, the Inspector General would have authority over municipalities. Whether the ordinance is broad or very narrow, the Inspector General would, at the minimum, have authority over all elected officials in the county. Commissioner Rogers wanted to

accommodate the Vice Mayor's request. Mayor Seiler could not support an opt-out provision. In response to Mayor Seiler, Vice Mayor DuBose explained the League has identified items where one code of ethics could pose serious issues from the standpoint of municipalities. Essentially, this touches on home rule. A general discussion ensued as to perception when the matter is addressed by the County Commission.

There was consensus approval for the City Attorney to draft a letter for the Mayor's signature in support of ethics being governed by home rule and respect for local municipal charters.

Commissioner Rodstrom left the meeting at approximately 1:06 a.m.

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

No objection.

**I-K – Fiscal Year 2011-2012 Budget – Expenditures**

Mayor Seiler advised that he requested this item be deferred until the new city manager is onboard.

**II-A – Emergency Vehicle Replacement – Two Police Pursuit Vehicles – State of Florida Contract**

No discussion.

**III-A – Communications to City Commission and Minutes Circulated for Period Ending May 12, 2011**

**Marine Advisory Board**

**By consensus, the Board recognizes the importance** of the water taxi and its economic value to the City and its visitors. In keeping safety a paramount issue, the Board has sought input providing guidelines regarding the operations of the boats. The Board requests that Staff be directed to commence with the above, and that a moratorium be placed on all new applications until guidelines are established.

Mayor Seiler requested this item be scheduled on the June 7 conference agenda. More information would be helpful.

**Police and Firefighters Retirement System, Board of Trustees**

**The actuary has verified that the modifications made** to the DROP plan have reduced the plan's unfunded actuarial liability. The Board requests that Chair Dew make a short verbal presentation of the actuarial results to the City Commission.

No discussion.

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

Note: Please see regular meeting item R-04.

### **City Commission Reports**

#### **Growth Management Legislation; Development of Regional Impact Regulations**

Commissioner Rogers requested the City Attorney look at the City's code be examined with regard to development of regional impact (DRI) regulations to determine if the City needs to take any action as a result of recent growth management legislation. The City Attorney advised that the legislation is currently being reviewed.

#### **Events and Matters of Interest**

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

#### **Residential Burglaries, Croissant Park; Alleyways**

Commissioner Rogers mentioned recent burglaries in Croissant Park. He wanted staff to look into public safety and whether it could be improved with possibly vacating alleyways.

#### **First Vice President, Broward League of Cities**

Vice Mayor DuBose announced that this Thursday he will be sworn in as the first vice president of the Broward League of Cities.

#### **Moment of Silence in Memory of Gregory Lewis**

At Vice Mayor DuBose's request, a moment of silence was observed in memory of Gregory Lewis.

### **I-E -- Homelessness - Salvation Army Disaster Relief Mobile Unit**

This item was removed from the agenda at the request of the City Manager.

### **City Manager Reports** – none

There being no other matters to come before the City Commission, the meeting was adjourned at 1:18 a.m. The City Commission then convened as the Community Redevelopment Agency Board of Commissioners from 1:18 a.m. to 1:21 a.m.