

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
DECEMBER 12, 2006**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
DECEMBER 12, 2006**

Meeting was called to order at 6:00 p.m. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Christine Teel
Commissioner Charlotte E. Rodstrom
Commissioner Carlton B. Moore
Vice Mayor Cindi Hutchinson
Mayor Jim Naugle

Absent: None

Also Present:	City Manager	George Gretsas
	City Auditor	John Herbst
	City Clerk	Jonda K. Joseph
	City Attorney	Harry A. Stewart
	Sergeant At Arms	Judy Waldman

Invocation was offered by Pastor Tom Hackett, Trinity Lutheran Church, followed by the recitation of the Pledge of Allegiance.

NOTE: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

Motion made by Commissioner Moore and seconded by Vice Mayor Hutchinson that the minutes of the October 17, 2006 Conference Meeting, November 7, 2006 Conference and Regular Meetings, and the November 21, 2006 Conference and Regular Meetings and agenda be approved. Roll call showed: YEAS: Commissioners Rodstrom and Moore, Vice Mayor Hutchinson, Commissioner Teel, and Mayor Naugle. NAYS: None.

Presentations

OB

1. Rick Case Bike For Kids Day

Commissioner Moore and the City Commission presented a proclamation designating December 12, 2006 as "Rick Case Bike For Kids Day" in the City of Fort Lauderdale to Rick Case.

Rick Case thanked the City for their continued support for this program and elaborated on the program noting it has been in existence for 21 years.

2. Expression of Sympathy

Mayor Naugle and the City Commission provided expressions of sympathy to the families of Tom Newman, Monsignor Patrick McDonnell, Joe Milbyer, the former Mayor of Plantation Frank Veltri, and Bob Rozema.

Commissioner Moore added an expression of sympathy to Yvonne Golden, Mayor of Daytona Beach.

3. Outstanding Employees

Albert Carbon, Director of Public Works, honored Sal Cupo, William Heastie and Eric Rucker, Utility Service employees, for aiding an elderly and disoriented gentleman to be reunited with his family.

Bruce Roberts, Chief of Police, honored Bette Jolly as Civilian Employee for August, 2006 for her continued willingness to go over and above her regular duties to help out where needed while still maintaining her professionalism and positive attitude.

Chief Roberts honored Donald Fahigren as Civilian Employee for October, 2006 for his alertness and observation in the apprehension of a strong-arm robbery suspect.

Chief Roberts also honored officer Jaime Costas and reserve officer Scott Russell with the Life Saving Award for January, 2006 for their efforts in assisting an individual in the Intracoastal Waterway suffering from hypothermia.

Chief Roberts also honored Officers Michael P. Smith, Luis Pagan, Christopher Wilson, Jose Lopez, and Matthew Mocerri with a Life Saving Award for August, 2006 for their efforts in preventing an individual who was high on illegal narcotics from committing suicide and getting him the medical attention he needed.

Chief Roberts also honored Sergeant Robert Borowski and Officer Shane Calvey with a Life Saving Award for September, 2006 for providing CPR to an individual found at the bottom of the Days Inn pool who was able to regain consciousness.

Chief Roberts then honored Officer John Curcio with the Officer of the Month award for December, 2006, who worked on cases provided to him after the lead detective had retired. After further investigation, he was able to have a suspect arrested in connection with a murder of a 22-year old individual found dead in a dumpster in April, 2005. Also, further investigation was conducted by Officer Curcio regarding the death of a 3-month old baby in February, 2004, and eventually the parents were arrested for murder.

4. Recognition Fire-Rescue Personnel/Harley Davidson Motorcycle Chapter

Drs. Sanadi and Gregory, along with David Ehrlich, acknowledged the following individuals with certificates of appreciation for providing emergency medical training to volunteers of the Harley Davidson Motorcycle Chapter of Fort Lauderdale:

Robert Simac, Battalion Chief
Cris Diets, Captain
Robert Marsh, Lieutenant

Bryan Porter, Driver Engineer
Gene Oppy, Firefighter/Paramedic
Jeffery Fogg, Firefighter/Paramedic
Joseph Connor, Firefighter/Paramedic
James Pilger, Firefighter/EMT
Paul Sparks, Firefighter/EMT

Beach Business Improvement District – Initial Assessment

(R-02)

Mayor Naugle announced that the City Manager has removed this item from tonight's agenda.

Mayor Naugle announced that the **Habitat For Humanity plat** will not be considered this evening.

Consent Agenda

(CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement – Chanukah Fair

(M-01)

A motion authorizing and approving execution of an Event Agreement with Chabad of Downtown, Inc. in connection with the Chanukah Fair to be held Sunday, December 17, 2006, 12 Noon – 5 PM at Huizenga Plaza.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1720

**19th Annual Las Olas Art Fairs – Closing Residential
Las Olas Area Rods**

(M-02)

A motion authorizing the closing of residential neighborhood roads during 19th Annual Las Olas Art Fairs, to be held on Saturday and Sunday, January 6-7, 2007 and March 3-4, 2007.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1719

Parks and Recreation Department – Tennis Coordinator (M-03)
Position Request

A motion authorizing the Parks and Recreation Department to add a Tennis Coordinator position to manage and administer operations of City's tennis facilities and programs.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1744

Donation of Law Enforcement Trust Funds - \$8,000 (M-04)
Drug Free Youth in Town Program

A motion authorizing the donation of \$8,000 from Law Enforcement Trust Fund to United Way of Broward County Commission on Substance Abuse in support of its Drug Free Youth in Town Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1665

Worker Compensation Settlement – Claim WC-90-5774 - (M-05)
\$60,000

A motion authorizing settlement of Worker Compensation Claim WC-90-5774 – James Hill - \$60,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1673

Continuing Services Contracts – Professional Traffic (M-06)
& Transportation Engineering Consultant Services

A motion accepting the Consultants' Competitive Negotiation Act Selection Committee's recommendation of ranking firms for continuing services contract for professional traffic and transportation engineering consultant services and authorizing the proper City Officials to commence negotiations with top three firms: (1) Keith and Schnars, P.A., (2) McMahon Associates, Inc., Transportation Engineers, and (3) Kimley-Horn and Associates, Inc.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1740

Fire Station 35 Kitchen Remodel – Reject Bid and Re-Bid (M-07)

A motion rejecting the sole bid received for Fire Station 35 Kitchen Remodel and authorizing rebidding – Project 10589-A.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1743

Grant Acceptance – Florida Department of Environmental Protection – Northeast Area Drainage Improvements - \$200,000 (M-08)

A motion authorizing the proper City Officials to execute an agreement for acceptance of grant funds from Florida Department of Environmental Protection, in the amount of \$200,000, including a cash match-construct drainage improvements in the northeast portion of the City.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1706

Change Order 5 – The Poole and Kent Company - \$15,565.40 (M-09)
Peele-Dixie Membrane Plant Bid Package B

A motion authorizing Change Order 5 with The Poole and Kent Company in the amount of \$15,565.40 – additional work for Peele-Dixie Membrane Plant Bid Package B – Project 10454B.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1599

Change Order 2 – Poole and Kent Company of Florida (M-10)
\$51,097.38 – Fiveash Water Treatment Plant Filter Rehabilitation

A motion authorizing Change Order 2 with Poole and Kent Company of Florida, in the amount of \$51,097.38 – additional work for Fiveash Water Treatment Plant Filter Rehabilitation – Project 10387A.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1694

Change Order 2 – Danella Companies, Inc. - \$250,374.53 (M-11)

Davie Boulevard Corridor

A motion authorizing Change Order 2 with Danella Companies, Inc., in the amount of \$250,374.53 – quantity adjustments – Davie Boulevard Corridor between SW 24 and 31 Avenues – Area 4 Basin G – Project 10507G.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1598

Change Order 5 – Insituform Technologies, Inc. - \$5,371.50 (M-12)
Wastewater Conveyance System Long Term Remediation & Annual Sewer Lining

A motion authorizing Change Order 5 with Insituform Technologies, Inc., in the net amount of \$5,371.50 – quantity adjustments – Wastewater Conveyance System Long-Term Remediation program – Project 4 Sewer Basin B-10 and Annual Sewer Lining Contract – Project 10872.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1724

Change Order 1 – Globetec Construction, LLC - \$78,750 (M-13)
Sewer and Water Main Improvements – Riverside Park Basin B

A motion authorizing Change Order 1 with Globetec Construction, LLC, in the amount of \$78,750 – additional work – Sewer and Water Main Improvements Riverside Park Basin B – Project 10578B.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1726

Change Order 4 – Danella Companies, Inc. - \$26,000 (M-14)
Davie Boulevard Water Main

A motion authorizing Change Order 4 with Danella Companies, Inc. in the amount of \$26,000 – business closure impacts – Davie Boulevard 24” Water Main – Interstate 95 to South Federal Highway – Package E – Project 10553E.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1728

Change Order 4 – Danella Companies, Inc. - \$54,126.60 & (M-15)
Add 24 Days Harbor Beach Wastewater System and

Water Main Improvements

A motion authorizing Change Order 4 with Danella Companies, Inc., in the net amount of \$54,126.60 – additional work and an additional 24 non-compensable calendar days to construction period – Harbor Beach Wastewater System and Water Main Improvements – Project 10671.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1689

Change Order 5 – The Poole and Kent Company - \$199,003.91 - (M-16)
Fiveash Water Treatment Plant Upgrades

A motion authorizing Change Order 5 with The Poole and Kent Company in the amount of \$199,033.91 – additional work and credit for items deleted for – Fiveash Water Treatment Plant Upgrades Phase I – Project 10387.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1690

Change Order 1 – B.K. Marine Construction, Inc. - \$20,550 (M-17)
Annual 2005-2006 Navigational Waterway Signs Replacement

A motion authorizing Change Order 1 with B.K. Marine Construction, Inc. in the amount of \$20,550 – additional work – Annual 2005-2006 Navigational Waterway Signs Replacement – Project 11033.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1568

Change Order 2 – Danella Companies, Inc. - \$2,418,162.77 (M-18)
& Reduce 70 Days – Davie Boulevard Corridor – Area 3 Basin C

A motion authorizing Change Order 2 with Danella Companies, Inc. in the amount of \$2,418,162.77 – quantity adjustments, sheet piling and a 70 calendar day REDUCTION to the contract duration – Davie Boulevard Corridor between State Road 7 and SW 31 Avenue – Area 3 Basin C – Project 10506C.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1596

Change Order 1 – Conquest Engineering Group Company (M-19)
\$30,989.97 – Sewer and Water Main Improvements – Croissant

Park Basin B

A motion authorizing Change Order 1 with Conquest Engineering Group Company in the amount of \$30,989.97 – quantity increases and additional work – Sewer and Water Main Improvements – Croissant Park Basin B – Project 10769B.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1701

Contract Award – Preventive Maintenance Support Services, Inc. - \$72,500 – City Park Mall Roofing Replacement (M-20)

A motion authorizing the proper City Officials to award and execute a contract with Preventive Maintenance Support Services, Inc., in the amount of \$72,500 – City Park Mall Roofing Replacement – Project 16059-C.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1742

Task Order 3 – Post, Buckley, Schuh and Jernigan, Inc. - \$14,830.40 – Landings Entrance Wall (M-21)

A motion authorizing the proper City Officials to execute Task Order 3 with Post, Buckley, Schuh and Jernigan, Inc. in the not-to-exceed amount of \$14,830.40 – preliminary engineering and architectural services – repair or replacement of the Landings entrance wall.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1700

Amendment 1 to Task Order 12 – CMTS Florida, LLC - \$160,739.57 – Progresso Sanitary Sewer Improvements (M-22)

A motion authorizing the proper City Officials to execute Amendment 1 to Task Order 12 with CMTS Florida, LLC, in the amount of \$160,739.57 – additional utility construction inspection services – Progresso Sanitary Sewer, Water Main, and Storm Improvements – Phase C – Project 9766C.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 06-1705

Reject Bid and Re-Bid – Lohmeyer Wastewater Treatment Plant – Concrete Rehabilitation (M-23)

A motion rejecting bids received for Concrete Rehabilitation at G.T. Lohmeyer Wastewater Treatment Plant and authorizing rebidding – Project 10541 – D.

Recommend: Motion to reject and authorize re-bidding.

Exhibit: Commission Agenda Report 06-1708

Fiscal Year 2005-2006 Budget Amendment 7 (M-24)
Fire Rescue and Parking and Fleet Services

A motion authorizing an amendment to reflect revisions to Fire Rescue Department and Parking and Fleet Services departmental budgets for Fiscal Year 2005-2006.

Exhibit: Commission Agenda Report 07-0009

CONSENT RESOLUTION

Utility Advisory Committee – Term Extension (CR-01)

A resolution extending term of Utility Advisory Committee for a one-year period to expire on December 31, 2007.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 06-1734

Florida Inland Navigation District Grant – One-Year Extension – Riverwalk at Stranahan House – Stage II (CR-02)

A resolution authorizing the proper City Officials to execute amendment to project agreement with Florida Inland Navigation District – one-year extension of Grant BR-FL-03-65 – Riverwalk at Stranahan House – Stage II.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 06-1702

Legal Consultant – Squire, Sanders & Dempsey, LLP (CR-03)
Baltimore Orioles – Spring Training – Fort Lauderdale Stadium

A resolution ratifying the appointment of Squire, Sanders & Dempsey, LLP to assist in negotiations with Baltimore Orioles – Spring Training – Fort Lauderdale Stadium.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 06-1784

PURCHASING AGENDA

775-9614 – Competitive Dive Team and Instructional Programming (PUR-01)

Two-year contract award for competitive dive team and instructional programming is being presented for approval by the Department of Business Enterprises.

Recommend: Motion to approve.

Vendor: Burgering Enterprises, Inc.
Boca Raton, FL

Amount: \$36,200.00 (estimated)

Bids Solicited/Rec'd: 241/8

Exhibit: Commission Agenda Report 06-1698

The Procurement Services Department has reviewed this item and recommends awarding to the first-ranked proposer..

Proprietary – Hardware/Software Support Renewal (PUR-02)

Approval of annual hardware/software support renewal for Tele-Works Interactive Voice Response System is being presented by the Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Tele-Works, Inc.
Blacksburg, VA

Amount: \$19,106.25 (not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 06-1699

The Procurement Services Department has reviewed this item and recommends awarding the proprietary purchase.

Proprietary – Risk Management Claim Reporting System (PUR-03)

Purchase of upgrade to Risk Management Claim Reporting Software System known as Risk Master is being presented for approval by the Finance Department.

Recommend: Motion to approve.

Vendor: Computer Sciences Corporation
El Segundo, CA
Amount: \$15,000.00 (not to exceed)
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 06-1656

The Procurement Services Department has reviewed this item and recommends approving the proprietary purchase.

582-7986 – Contract Extension – Credit Card Processing (PUR-04)

Approval to extend current contract for credit card processing services during a three-month transition period is being presented for approval by the Finance Department.

Recommend: Motion to approve.

Vendor: SunTrust Merchant Services, LLC.
Greenwood Village, CO
Amount: \$50,000.00 (not to exceed)
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 06-1725

The Procurement Services Department nd recommends extending the existing contract during the three-month transition period.

172-9595 – Group Dental Insurance Plans (PUR-05)

Request being presented for approval by the Finance Department to: (1) waive formal negotiation procedures; (2) award a two-month contract extension to Guardian Life Insurance Company of America for group dental insurance benefits; and (3) award a new three-year contract for fully insured dental PPO and DHMO plans effective March 1, 2007.

Recommend: Motion to approve.

Vendor: The Guardian Life Insurance Company of America –
SafeGuard Health Plans, Inc.
New York, NY Tampa, FL
Amount: \$926,950.00 (estimated first-year annual total)
Bids Solicited/Rec'd: 255/8
Exhibit: Commission Agenda Report 06-1772

The Procurement Services Department has reviewed these items and agrees with the recommendations.

Proprietary – Parkfolio Credit Card Communication Service (PUR-06)
Multi-Space Parking Meters

Purchase of Parkfolio credit card communication services for 70 multi-space meters is being presented by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Bytewise Solutions, Inc.
Opa Locka, FL

Amount: \$42,000.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 06-1723

The Procurement Services Department has reviewed this item and recommends approval of the proprietary purchase.

Proprietary – Ganis Smart park In-Car Meters

(PUR-07)

Approval to purchase up to 300 Ganis Smart Park in-car parking meters and 200 Smart Park cards for in-car meters in Fiscal Year 2006-2007 is being presented for approval by Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Ganis Smart Park Systems, Inc.
Nes Ziona, Israel

Amount: \$17,000.00 (not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 06-1693

The Procurement Services Department has reviewed this item and recommends approving the proprietary purchase.

262-9386 – Reject Bid and Re-Bid – Technical Rescue Training

(PUR-08)

Request to reject all bids for technical rescue training and authorize re-bid are being presented for approval by the Procurement Services Department.

Recommend: Motion to reject and authorize re-bidding.

Bids Solicited/Rec'd: 580/3

Exhibit: Commission Agenda Report 06-1717

The Procurement Services Department has reviewed this item and recommends rejecting all proposals submitted.

Consultant – Study – Use of Deadly Force (PUR-09)

Approval to conduct an emergency study on the use of deadly force is being presented for approval by the Procurement Services Department.

Recommend: Motion to approve.

Vendor: Dr. Geoffrey P. Alpert, PhD
Columbia, SC

Amount: \$40,000.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 06-1771

The Procurement Services Department recommends approving the emergency purchase.

CONSENT RESOLUTIONS

Utility Advisory Committee – Term Extension (CR-01)

No budgetary impact.

RESOLUTION NO. 06-201

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 03-17 WHICH ESTABLISHED THE UTILITY ADVISORY COMMITTEE TO EXTEND THE TERM TO DECEMBER 31, 2007.

Florida Inland Navigation District Grant – One-Year Extension – Riverwalk at Stranahan House – Stage II (CR-02)

\$145,000 cash match available in P15120.340, sub-object 6599, Construction.

RESOLUTION 06-202

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PROJECT AGREEMENT AMENDMENT WITH THE FLORIDA INLAND NAVIGATION DISTRICT ("FIND") FOR RIVERWALK AT STRANAHAN HOUSE – STAGE II, PROJECT BR-FL-03-65, AMENDING THE TERM OF THE AGREEMENT EXTENDING THE TIME OF COMPLETION TO SEPTEMBER, 2007.

Legal Consultant – Squire, Sanders & Dempsey, LLP
Baltimore Orioles – Spring Training – Fort Lauderdale Stadium

(CR-03)

Will be paid from Airport Enterprise Fund.

RESOLUTION 06-203

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RATIFYING THE APPOINTMENT OF OUTSIDE COUNSEL TO ASSIST THE CITY OF FORT LAUDERDALE IN NEGOTIATIONS FOR A FACILITIES USE AGREEMENT WITH THE BALTIMORE ORIOLES, AND SETTING HOURLY RATES FOR SUCH REPRESENTATION.

The following items were removed from the Consent Agenda as recommended:

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Teel that Consent Agenda Items M-03, M-11, M-16, M-18, Pur-04, Pur-05, Pur-08, Pur-09, CR-03, be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

Roll call showed: YEAS: Commissioners Rodstrom, and Moore, Vice Mayor Hutchinson, Commissioner Teel, and Mayor Naugle. NAYS: None.

Parks and Recreation Department – Tennis
Coordinator Position Request

(M-03)

Commissioner Rodstrom indicated there are individuals present who want to speak on this matter. She also asked for the Director of Parks and Recreation to provide an overview.

Phil Thornburg, Director Parks and Recreation, said the current agreement expired at the end of November. An extension was requested in order to re-look at how the City's tennis facilities are being operated. Staff's recommendation is to no longer contract with a company, but post a position competitively and make it a City employee who would report to the director of parks and recreation.

In response to Commissioner Rodstrom, Mr. Thornburg indicated the present individual from the company with which the City contracts for this service has operated the facility for nine years. The City would follow the class and pay process to define the position and pay range. Commissioner Rodstrom understood this individual could apply like anyone else at the pay rate offered. Mr. Thornburg concurred.

Vice Mayor Hutchinson said there has been some discussion at the Tennis Center Residents who frequent the facility want to participate in the discussion; they are interested in knowing what part the new City employee will play.

Mr. Thornburg clarified that this is for the entire City's tennis operations. If a lot of individuals apply, there would be a committee formed to rank the applicants. Therefore, a representative from the group mentioned by the Vice Mayor could serve on that committee.

In response to Commissioner Rodstrom, Mr. Thornburg indicated the present individual oversees the entire tennis operations of the City. Other employees in the tennis section are City employees.

Lakhi Mohnani requested that this item be tabled until January 23, 2007 and staff meet with representatives of the Jimmy Everett Tennis Center Development Fund, along with other members of the tennis community, in order to arrive at a consensus regarding the future of the tennis program and how it is to be staffed. He said the views presented tonight are from a group of concerned citizens who have expertise in the field of tennis representing a majority of the City's tennis community, not just one individual. Since the agenda is posted on the Friday before the Commission meeting, it does not provide enough time to garner support for an item on the agenda.

Mr. Manonni said their group is opposed to staff's recommendation regarding a permanent full-time position. They feel staff has not properly evaluated the situation, and the community has not been given the opportunity to provide their input. It could be demonstrated that staff has suppressed community input. This Center is known throughout the world for its contribution to this sport, and it is a very special place to many residents. He said that he was given permission by Jimmy Everett to make the following statement: "That he is a member of their group and has signed a letter attesting to supporting their position, and he has agreed to meet along with the rest of their group with the Parks and Recreation staff to provide input as to how this position should be properly structured." It is the group's position that the job requires a significant amount of on-court presence and that each of the two major tennis centers, Jimmy Everett Tennis Center and the George English Tennis Center, should have its own independent managing professional. The job is not an administrative job. The proposed salary of \$103,000 plus benefits is out-of-line and that the compensation consist of a minimal basic salary for administration with the balance coming from private lessons and clinics. The managing tennis professional should not have any outside business activities which would constitute a conflict of interest.

Commissioner Teel said there appears to be some confusion about Mr. Mannoni's organization. She asked when their group was founded. Mr. Mannoni said he and Mr. Everett established their organization in 1979. They provided advice to the City concerning tennis. In the last 5-6 years they became a 501-C-3 not-for-profit corporation. Commissioner Teel asked what is the purpose of their group. Mr. Mannoni

said their mission is to create a healthy lifestyle through tennis. They want to create activities at the Center, assist in organizing events and raise funds for the organization which have been donated to the City. They have created an endowment to fund some minor activities. An endowment is critical to sustaining a non-profit organization. He clarified that he is not representing the Jimmy Everett Tennis Center Development Fund. Commissioner Teel asked what benefits the City has received from their contributions. Mr. Mannoni replied that \$5,000 to \$6,000 was contributed to the Hall of Fame out of an approximate \$10,000 annual earnings. Some equipment at the Center has been contributed, token gifts to volunteers. He could provide a list. Commissioner Teel indicated an interest in being provided a list.

Commissioner Teel asked if the organization derives any income from activities at the Center. Mr. Mannoni replied yes. They operate two major tournaments during the year. This year they are hosting the 81st National Public Parks Tennis Championships. They are instrumental in organizing such events and obtaining the award of such events.

Commissioner Teel noted that City staff assists with these events and asked about income from events. Mr. Mannoni advised that all entry fees go to the organization, but all tournaments lose money. They obtain funds through grants and corporate sponsorships. He did not think there would be such donations to the City. All expenses come from the organization.

Mr. Thornburg said the City has no expense for these events, and only losing court time for open play.

Commissioner Teel asked if the court time being lost should be reviewed further. Mr. Thornburg said there are pros and cons for both sides; staff tries to balance tournaments with open court time.

Mr. Mannoni said that in the past they have paid a site rental fee. When the Center needed an ice machine, they donated it at a cost of \$3,600. They asked that their rental fee be charged against that \$3,600 until it was exhausted.

Commissioner Moore was concerned about this facility and who would select the employee. He loved the fact that Jimmy Evert's name is associated with the Center, but the Center does not belong to him. It does not give him authority to select who will run the Center. His is a public facility. He supported staff's recommendation. He appreciated their efforts and contributions. This is a public facility. He believed that according to the Parks and Recreation Director there has been public input, it is rather a difference of opinion.

Robin Gard, member of the Development Fund Advisory, said there has not been a meeting in regard to Development Fund since the beginning of summer. Some of those on the Development Fund advisory have not been apprised of this situation. There needs to be a bigger voice. It is an individual issue for Mr. Mannoni. Although money is lost with less open court time, the City gains with the attraction of people to the City for the events. As to purpose, they are the worker bees at the events and give the staff a break.

Jennifer Wiley, member of the Development Fund Advisory, said Mr. Mannoni has volunteered thousands of hours to the Center in the last 25 years. Mr. Everett is an

expert in this field. He did not tell the City that he wanted to run the Center, but offered his assistance if contacted. As the owner of a world premier tennis academy, she could not see how it would be harmful to seek his opinion. She felt there is too much work and it is too big for one individual; it would create a monopoly. With respect to George English and Holiday Park, presently, no one benefits financially from bringing more tennis to the City.

Mayor Naugle believed the group should be given the opportunity to provide input, just not direct the City in this decision. He did not see harm in tabling until January 23, 2007.

Commissioner Moore said if the City does not operate these facilities as public, individuals will continue to feel such operations belong to them. He mentioned other examples. He believed that staff is attempting to provide an administrator that would utilize the full resources of the City's venues. He suggested tabling to the next meeting.

Vice Mayor Hutchinson also saw no harm in tabling, but did not think one week is sufficient. Mr. Everett is a great resource and with personal feelings set aside, his expertise could be utilized. There could be the opportunity to provide a smaller salary and allowing them the opportunity to provide private lessons. This could be too big of a job for one individual. She noted the contract expires in February. She wanted enough time to advertise the position. She did not want to wait until the end of January, 2007.

Mr. Thornburg said if the item is tabled, then another extension would have to be considered. It will not be possible to get it done in the next three months.

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Rodstrom to table this item until January 17, 2007.

Commissioner Moore said if this is accepted, the City would essentially be privatizing. He asked why the City Manager is recommending that a City employee be hired. The City Manager said the current arrangement did not pass muster with the City Attorney. Legal issues have been raised in regard to this agreement that has been ongoing for years. He objected to what is taking place because the individual who has spoken has engaged in character assassination on the individual who currently holds the position. It is unfair and unjustified. Nothing of substance has been said by the individual. It is disgraceful to treat an employee this way. At one point in the conversations, this individual raised the idea of putting out an RFP, and submitting an application himself. He did not know what is going on, but it is not justified.

Roll call showed: YEAS: Commissioner Rodstrom, Vice Mayor Hutchinson, and Mayor Naugle. NAYS: Commissioners Moore and Teel.

Change Order 2 – Danella Companies, Inc. - \$250,374.53
Davie Boulevard Corridor

(M-11)

Commissioner Rodstrom asked if change orders are competitively bid.

Paul Bohlander, Assistant Utilities Services Director, said the original general services contract, which forms the basis for the original work order and to which this change order

pertains, was competitively bid. Most items addressed in the change orders under Items M-11 and M-18 are based on competitively established unit prices.

Commissioner Rodstrom asked who negotiates these contracts on behalf of the City. Mr. Bohlander said they are not negotiated; they are competitively bid and awarded in this forum. It is ultimately the Commission's decision. The City almost exclusively awards to the lowest responsive bidder. In response to Commissioner Rodstrom, Mr. Bohlander said direct negotiations with the contractor are done by construction managers who can be either City employees or CH2MHill employees who work for the City. Commissioner Rodstrom asked if this applies to all of the work done by Danella as well. Mr. Bohlander said all their work is WaterWorks 2011 related. Negotiations result in recommendations presented at a weekly meeting which he always attends.

Commissioner Rodstrom asked what role CH2MHill plays. Mr. Bohlander said CH2MHill is the City's WaterWorks 2011 Program management partners, including the planning stages, schedules, budgets, design and construction management.

In response to Commissioner Rodstrom, Mr. Bohlander indicated CH2MHill is paid by the hour. They do not make more money if the job is larger due to change orders. If it takes longer to do a job, it could potentially impact how much money they make. Commissioner Rodstrom concluded they should not be representing the City in this process if delays come into play. Mr. Bohlander indicated he would intercede. He understands the basis before bringing a recommendation forward to the Commission. In further response to Commissioner Rodstrom, Mr. Bohlander outlined the change order process.

Vice Mayor Hutchinson understood these original contracts to be competitive bid. Mr. Bohlander said the original contract pertaining to Agenda Items M-11 and M-18 was competitively bid to establish unit pricing for generic sanitary sewer construction. Some of the work awarded in areas with unusual ground water conditions and tree canopies require extraordinary work and items have had to be added. In Item M-11 they are dealing with quantities primarily for restoration that were overlooked in part because the work order was accelerated due to Department of Transportation work planned to very closely follow this project. There really is no price penalty as a result of this.

Motion made by Vice Mayor Hutchinson to approve the item as presented.

Commissioner Rodstrom wanted to know how much extra time this project has taken. Mr. Bohlander said that CH2MHill has been engaged in an unusual way in that they are almost seamless with City staff, and not paid by the hours spent on a particular project, but generally for their engagement in the WaterWorks 2011 Program. Most of their participants are full time WaterWorks engaged. It might be difficult to split their time on a project-by-project basis. When a contractor is delayed, inspection costs can increase which is a part of the program that they struggle with and attempt to manage. The more direct impact on a contractor's delay would be the inspection costs. Generally CH2MHill would not be engaged in that. CMTS is engaged to do the City's inspection services and they are paid by the hour.

Commissioner Moore asked if staff could meet with Commissioner Rodstrom on this to understand the process.

Motion seconded by Commissioner Moore.

Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioner Teel, and Mayor Naugle. NAYS: Commissioner Rodstrom.

Change Order 5 – The Poole and Kent Company - \$199,003.91 (M-16)
Fiveash Water Treatment Plant Upgrades

Commissioner Rodstrom asked who negotiated this on behalf of the City.

Mayor Naugle felt the bigger question is that it appears the change order is necessary due to a condition found that was not anticipated. He asked when the work was done and the grout not installed. Paul Bohlander it was in the '50's or early '60's.

Commissioner Rodstrom questioned based on knowing the age of the building, staff not foreseeing problems that might arise. She wanted to know what would stop there being change orders on every project all of the time. Mr. Bohlander said there are two levels to look at this change order. All individual components of this change order have been negotiated and the significant items have been brought before the Change Control Board where they are in a way negotiated and challenged before coming to the Commission. Many of these issues might be considered in a perfect design, but the cost to do so would probably be more than the City would want to spend. The unforeseen conditions to date in this project is only about 3%. Early in the project hurricane windows were added at a cost of \$300,000 in order to take advantage of a good price and a mobilized contractor. That represents 3% of the 6% of the change order rate to date under this project. Prices are negotiated by the project construction managers for the project and the program construction managers, which are typically CH2MHill employees and then presented to the Change Control Board and him.

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Moore to approve the item as presented. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioner Teel, and Mayor Naugle. NAYS: Commissioner Rodstrom.

Change Order 2 – Danella Companies, Inc. - \$2,418,162.77 (M-18)
& Reduce 70 Days – Davie Boulevard Corridor –
Area 3 Basin C

In response to Commissioner Rodstrom, Mr. Bohlander said the major component of this change order involves additional sheeting. The work order was accelerated for reasons mentioned previously. Until the contractor fully engaged and reviewed the work, he did not realize the extent of the sheeting required. The sheeting quantity being established in the change order is an allowance. It will need to be controlled as the work is completed. There will be ongoing efforts to limit the amount of sheeting that is actually installed.

Mayor Naugle asked if this is to keep the earth from caving in around the pipes as the work is being done. Mr. Bohlander confirmed that is correct. There are a lot of significant utilities already in this corridor and they need to control the excavation more than if it

was being done in a residential area because traffic needs to be maintained. Commissioner Rodstrom understood the need for the traffic to be able to continue.

Commissioner Rodstrom asked if the contractor expressed a desire for this to be done in the original contract. Mr. Bohlander said both M-11 and M-18 were awarded under the general services contract that established pricing for generic sewer construction which does not typically require a lot of sheeting. When the work was further analyzed, it was agreed additional sheeting would be required to safely do the work, maintain adjoining travel lanes and existing utilities. The cost of the sheeting is based on the unit price which was competitively established when the work was bid in 2004. Commissioner Rodstrom concluded that even though the unit price is the same, more money is being spent.

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Moore to approve the item as presented. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioner Teel, and Mayor Naugle. NAYS: Commissioner Rodstrom.

582-7986 – Contract Extension – Credit Card Processing

(PUR-04)

Commissioner Rodstrom removed this item due to a conflict of interest.

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Moore to approve this item as presented. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioner Teel, and Mayor Naugle. NAYS: None. Commissioner Rodstrom abstained from voting. A memorandum of voting conflict filed by Commissioner Rodstrom is attached to these minutes.

172-9595 – Group Dental Insurance Plans

(PUR-05)

Commissioner Moore noted a \$20,000 difference between SafeGuard and Delta Dental. Kirk Buffington, Director of Procurement Services, said several factors were reviewed by the Evaluation Committee which is comprised of both the Director of Finance, union representation. He could not pinpoint one particular point because each member of the Evaluation Committee brings a different perspective to the review. In the final presentations, there were a lot of concerns on behalf of the union representatives regarding customer service and dental network. It would be difficult to pinpoint. Qualifications versus bottom line price is an excellent way of doing business. Pricing was not the only factor. Commissioner Moore felt this is different than an engineering project. It has to do with co-pays and just so many dentists in the market place. There is a difference in the networks. Mr. Buffington indicated that there is a vast difference in the networks.

Marilyn Mullen, Employee Benefits Coordinator, said this is a combination of premiums for the PPO plan and the dental managed care program. Under the SafeGuard quote for the dental managed care program, the premiums were lower than those for the Delta Dental Plan. The overall cost for the PPO Plan was higher.

In response to Commissioner Moore, Ms. Mullen said approximately 60% are in the PPO and 40% in the managed care. Ms. Mullen believed the Teamsters' union representative was concerned about the cost to those members because primarily all of the Teamsters pay the full premium for their dental care. Commissioner Moore thought that is why they are offered a choice between the HMO or PPO. Ms. Mullen concurred.

Motion made by Vice Mayor Hutchinson and seconded by Commissioner Teel to approve the item as presented. Roll call showed: Commissioner Rodstrom, Vice Mayor Hutchinson, Commissioner Teel and Mayor Naugle. NAYS: Commissioner Moore.

262-9386 – Reject Bid and Re-Bid – Technical Rescue Training

(PUR-08)

Commissioner Moore said he this item from the consent by mistake.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the item as presented. Roll call showed: YEAS: Commissioners Rodstrom and Moore, Vice Mayor Hutchinson, Commissioner Teel and Mayor Naugle. NAYS: None.

Consultant – Study – Use of Deadly Force

(PUR-09)

Commissioner Moore urged the Commission to move forward with this now based on comments from the community and to show continued support for the Police Department. The City Attorney disagreed with Commissioner Moore. This does not follow the City's purchasing procedures and he sees no emergency. He has not reviewed the scope of services being requested. There are four investigations ongoing at this time with the FDLE, the FBI, the Internal Affairs Department of the City of Fort Lauderdale's Police Department, along with the State Attorney's Office. He wanted to look at the scope of services and report back to the Commission. The matter could proceed possibly in January.

Commissioner Rodstrom agreed that a study should be done, but did not believe this is an emergency or need to make a decision at this time. She asked why staff waited so long to do this. The City Manager said that Legal advised him not to move forward with this because they did not believe it constitutes an emergency. He disagreed because there have been four shootings in less than a year. Questions have been raised by the community which has two effects. It raises questions as to whether the shootings were proper and it raises questions to police officers. The City would not want officers to become reluctant to use deadly force when it is proper to do so. These two issues in his opinion constitute an emergency. The City Attorney has raised the question that if it constitutes an emergency, it could then create liability issues. However, if nothing is done, and the City delays, he questioned what would be the City's liability.

Commissioner Rodstrom said this should have been addressed after the first shooting. Mayor Naugle said the first shooting probably occurred in 1914. There have always been shootings. Commissioner Rodstrom said there have been a series of shootings recently. She thought there are weekly meetings held in the Police Department to address such issues.

The City Manager noted that just because staff wants to do a study, does not mean they are saying what the officers did was wrong. The specific shootings are being reviewed independently. This is to see whether the City's policies are appropriate for the future. As to whether the City should have done something sooner, in retrospect, one could always do things quicker. Historically, there have been more shootings in a shorter period of time. Anytime there is more of something, you want to figure out if you are doing things properly because each time there is a shooting, precedence is being set. Even though the actions may have been proper, there may be better ways of doing things. The sooner they start and get this done, the better. When there is a deadly situation for a police officer and potentially for civilians, it is an emergency.

Commissioner Rodstrom felt this study should be done, but she did not believe this is an emergency situation. The procurement process should be followed, and have the Legal Department weigh in. The study is long over due.

Vice Mayor Hutchinson believed the study should be done, but she is torn about the emergency process. She was mostly concerned because the City Attorney and the City Manager are at odds which makes her very uncomfortable. It is true it could have been done sooner. Her biggest concern is that they are not following a process which has been followed over the course of time, but she trusts the City's professionals, the Police Department, and therefore, she will support the issue. She was uncomfortable it is considered an emergency.

Mayor Naugle said one of the reasons for the number of shootings could be that even though crime is down, violent crime is on an increase throughout the nation. These are decisions are hard for police officers to make. He attended a police officer's funeral that did not use deadly force and had he done so, he might be alive today. He was sickened by comments that police officers are itching to do something like this. When they have to use deadly force, it turns their life upside down. He was not convinced that a study is necessary. There may be years without a shooting and then there may be a batch of them. It is random circumstance or patterns and increase in violent crime similar to murder rate.

Commissioner Moore wanted to correct some comments made this evening. The reason there is an emergency purchasing process is so the City may address issues in time of an emergency. There is no breaking of rank or procedure, but a way to deal with an emergency situation. He is frightened that individuals feel this should have been done earlier, and it gives them reason not to do it now. For example, if this building is on fire and water was not doused on it sooner, then it should be let to burn down. He felt they have a very good City Attorney who will always guide the Commission with legal advice. If one thought the City's liability to be high because it is dealing with an emergency purchase, he questioned what the City's liability would be if they do not address this. Under some method of thought, everyone this evening is correct. However, he felt that this should be implemented. It has been recommended by the Manager.

The City Manager was concerned about the City Attorney asking additional time to review the scope of services. His responsibility as the City Manager is to supervise employees. He has outlined what he believes is necessary to do that, while making sure what employees are doing is proper. He does not see what the scope of services has to do with legal advice and why the City Attorney would have to review the scope of

services. He understood if his opinion is that the declaration of emergency would create legal liability, but the City Manager is on record saying this does constitute an emergency, therefore, whatever legal liability has already been created.

Commissioner Teel felt that obviously this is a difficult decision. She believed there is a need for the study, but was not sure if this is the best person for the job. She was sure the City Manager and Chief of Police feel comfortable with their selection. However, she was not sure it is the right person. If it was to take six months, she would not be in favor of that, but she believed they are talking about a few weeks. She believed a short delay would not be harmful and maybe a better candidate could be found. She was not sure that she would agree this is an emergency.

Commissioner Rodstrom was also concerned about the person being selected and possibly there are other people who do the same work that are available. She thought it would behoove the City to make sure they are getting the best person. She asked if other people were checked out. The City Manager said research was done to find experts in this field. The appeal of the individual chosen was that he has done a local study in Miami. When references were checked, both sides in the study were comfortable that he was fair and professional. The individual has familiarity with the issue, an expert in this field and familiarity with the region.

Commissioner Moore felt it is curious they are looking for the best person in this instance. If one was looking for the best basketball player, there would be different names offered, but no one would question that they were very good at their profession. This person is capable and professional, but who decides who is best. The Commission has chosen a City Manager and rely on his expertise and knowledge. No one on the Commission has been a police professional and would understand the type of review required and this is why the Manager has looked into it. The Manager has stated his belief that this is an emergency issue and it should be addressed in that manner.

Motion made by Commissioner Moore and seconded by Vice Mayor Hutchinson to approve the item as presented. Roll call showed: YEAS: Commissioners Rodstrom and Moore, Vice Mayor Hutchinson, and Commissioner Teel. NAYS: Mayor Naugle.

Legal Consultant – Squire, Sanders & Dempsey, LLP
Baltimore Orioles – Spring Training – Fort Lauderdale Stadium

(CR-03)

Commissioner Moore asked if this is for only the Baltimore Orioles or all bond legal counsel. The City Attorney said this is only for negotiating the Orioles' contract.

Motion made by Commissioner Moore and seconded by Commissioner Teel to approve the item as presented. Roll call showed: YEAS: Commissioners Rodstrom and Moore, Vice Mayor Hutchinson, Commissioner Teel and Mayor Naugle. NAYS: None.

RESOLUTIONS

Voluntary De-Annexation – West Half of NW 31 Avenue – Wingate

(R-01)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 06-198

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPRESSING ITS SUPPORT FOR THE DE-ANNEXATION OF ANY PORTION OF THE WEST HALF OF NORTHWEST 31ST AVENUE BETWEEN SUNRISE BOULEVARD AND NORTHWEST 19TH STREET THAT IS WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF FORT LAUDERDALE.

Which resolution was read by title only.

In response to Commissioner Moore, Peter Partington, City Engineer, said there is an area which is in the southbound part of the roadway where the responsibility is not crystal clear for historical reasons. There is a boundary between Fort Lauderdale and Lauderdale. For clarity as to jurisdiction, especially in regard to emergency response and police coverage, this is the suggested way to move forward. Commissioner Moore said there are a number of areas that exist similar to this. He felt staff should evaluate whether it would be appropriate for the City to do the same thing in all such areas. In this way who provides services would be clearly defined. He asked for this to be placed on a Commission conference agenda.

Roll call showed: YEAS: Commissioners Rodstrom and Moore, Vice Mayor Hutchinson, Commissioner Teel and Mayor Naugle. NAYS: None.

Beach Business Improvement District – Initial Assessment

(R-02)

Applicant: Lauderdale Storage, LLP
Location: 540 SW 27 Avenue
Zoning: B-2 General Business

Mayor Naugle said this item was withdrawn from tonight's agenda.

**Appeal – Planning and Zoning Board Decision – Site Plan -
Parking Reduction V&L Associates, LLC – 3465 Galt Ocean Drive –
Case 59-R-06**

(R-03)

Zoning: **Community Business (CB)**

Mayor Naugle said that on November 15, 2006 the Planning and Zoning Board approved an application for a Site Plan Level III parking reduction. Pursuant to ULDR Section 47-26A.2, a City Commission Request for Review was filed by Commissioner Teel that this item be placed on the agenda to set a public hearing to review the application. The City Commission may adopt a resolution to set a public hearing to review the application if it finds that due to characteristics of the project and the surrounding area, the application requires additional review in order to ensure that development standards and criteria have been met, and to ensure that the area surrounding the development is protected

from the impacts of the development. If a resolution is approved, it should be set a date for hearing no later than sixty days from the date the resolution is adopted.

Commissioner Teel said she spoke with the attorney for the applicant and the applicant, and they are requesting January 17, 2007.

Commissioner Moore offered a resolution setting a January 17, 2007 public hearing.

RESOLUTION 06-111

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REGARDING THE CITY COMMISSION REQUEST FOR REVIEW OF THE PLANNING AND ZONING BOARD'S ACTION APPROVING A PARKING REDUCTION AT 3465 GALT OCEAN DRIVE, MAKING CERTAIN FINDINGS AND SETTING A PUBLIC HEARING BEFORE THE CITY COMMISSION AT 6:00 P.M. ON JANUARY 17, 2007.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Rodstrom and Moore, Vice Mayor Hutchinson, Commissioner Teel and Mayor Naugle. NAYS: None.

Mayor Naugle recognized State Representative Jack Seiler at tonight's meeting.

CITIZEN PRESENTATIONS

John Kreitner – Proliferation of Signs in Medians and Swales

(CIT-01)

John Kreitner said that according to Florida Statute, Chapter 316, Section 2, no person shall place or maintain or shall any public authority permit upon any highway any traffic sign or signal bearing hereon any commercial advertising. City Ordinance 47.50.8, Section 8 says no person shall paint, paste, print, nail or fasten in any manner whatsoever any banner, sign, paper, flag or any advertisement or notice of any kind on any curbstone, flagstone, pavement or any other portion or part of a sidewalk or street, any trees, lamp post, etc. He said this affects aesthetics of the community. He asked the Commission to take action against the violators. He was informed by the Code Division that the City's ordinance does not have teeth; a fine cannot be levied and violators cannot be cited. He showed photographs of some examples. Some are secured high on telephone poles so they cannot be easily removed. He believed this impacts tourism and showed examples on the route from the airport north along Federal Highway. He asked something be done.

Commissioner Moore agreed. He had asked the Commission to look at a policy regarding campaign signage, requiring a bond be posted by candidates. He suggested this be done. If the signs are not removed in a timely manner, the bond would be forfeited. He hoped some legal recourse be found.

Commissioner Teel said there is a situation that develops along North Federal Highway every weekend from businesses placing their advertisements along the center median of Federal Highway. She asked what could be done to resolve this. Valerie Bohlander, Director of Building, said that in July staff aggressively began attacking this problem. There is now Saturday enforcement. Businesses have been contacted and warned. On Monday, the signs are picked up. Since July, they have picked up 1,402 signs.

Commissioner Moore left the meeting at approximately 7:54 p.m.

Ms. Bohlander said they have spoken with the City Prosecutor's Office who explained the individual has to be seen placing the sign in the ground in order to prosecute.

Commissioner Moore returned to the meeting at approximately 7:55 p.m.

Commissioner Teel asked what should be done if someone witnesses a sign being posted. The City Attorney said they should call the police. Individuals cannot be prosecuted unless they are caught in the act or get someone to testify that they witnessed it being done. If there is an illegal sign on their property, the City can lien the property and charge them through the City's code enforcement process. As far as signs in the medians, the City has tried several times unsuccessfully to prosecute.

Mayor Naugle said this does present a dilemma. When the signs are on public property, they should be picked up and thrown away. People will get tired of putting more out. The City will continue to make sweeps. He asked Florida Representative Jack Seiler, in the audience, if he knew of any city that has found a solution.

Commissioner Moore reiterated his desire for a deposit on campaign signs so they would be removed by a certain date.

Representative Jack Seiler said if the League of Cities could present a proposed law, he would sponsor it. He believed that Coral Springs is working on something at this time.

Representative Seiler encouraged the Commission to make sure his office receives the City's Community Budget Requests by early January, before the January 12th deadline in order to resolve any questions in advance. There will be a special session on hurricane insurance on January 16, 2007. He asked the Commission for their input.

**Michael Garbarino – Status of Fort Lauderdale “Lockhart” Stadium - (CIT-02)
Baltimore Orioles Project**

Michael Garbarino said he is a citizen of Cooper City and has been following the Orioles project both at the City and County level. If this project moves forward in its present form, a large piece of South Florida's soccer history, Lockhart Stadium, will be destroyed. He discussed the desirability of this stadium to soccer players and fans. He urged the Commission to amend the present agreement and have Lockhart Stadium included in the renovation plans. If it is preserved, it could benefit both the City and the Orioles. There are soccer supporters who want to create an A league at Lockhart Stadium and to eventually join major league soccer. The Orioles could share in revenues from this franchise. The stadium could continue to be used by the School Board, continue to be used for high school State soccer championships and remain the

South Florida destination for soccer championships throughout the year. He asked the Commission not to alienate the soccer community.

PUBLIC HEARINGS

**Community Development Block Grant Program Amendment -
Artspace Affordable Housing - \$200,000**

(PH-01)

Motion made by Commissioner Moore and seconded by Vice Mayor Hutchinson to close the public hearing. Roll call showed: YEAS: Commissioners Rodstrom and Moore, Vice Mayor Hutchinson, Commissioner Teel and Mayor Naugle. NAYS: None.

Commissioner Moore introduced the item. Roll call showed: YEAS: Commissioners Rodstrom and Moore, Vice Mayor Hutchinson, Commissioner Teel and Mayor Naugle. NAYS: None.

Progreso Village Neighborhood – Road Closures

(PH-02)

Peter Partington, City Engineer, said this public hearing is to consider six temporary road closures in the Progreso Village neighborhood permanent. He noted the locations. Before the closures occurred, speed studies were done. The 85% speed percentile, which is the speed that 15% of the traffic is going faster than, averaged at 10 mph above the posted speed limit. In 2001, the Commission considered converting temporary closures to permanent closures in the past, particularly in the case of three neighborhoods north of Sunrise Boulevard.

Commissioner Moore left the meeting at approximately 8:06 p.m.

Mr. Partington said in making the closures permanent, it is not possible to create turn-around areas or cul-de-sacs for large vehicles. Staff is concerned about those situations. In the past staff recommended that the Commission consider an emergency gate. This adds to the cost. If the primary purpose of the closure is to address speeding, there are other traffic calming methods that could be considered.

Commissioner Moore returned to the meeting at approximately 8:07 p.m.

Mr. Partington said that the Police Chief's comments have been provided. The Chief indicated he has no operational concerns with the proposed closures, but has no studies demonstrating that road closures reduce crime. The Fire Chief has also provided input regarding accessibility to fire hydrants and the effect on emergency response times.

Mr. Partington said the 2001 referenced closures were made permanent using a simple design at which time \$3,500 per closure was allocated with the full cost being \$5,200. They excavated asphalt construct curbing and create a barrier at an estimated cost of \$9,700 each. For irrigation and a water meter, it would be an additional \$1,500. There is no funding allocated. As the closures are located within the CRA, they could be funded by the CRA or another option is the Neighborhood Capital Improvement Fund. In

the previous closures, the Commission determined that neighborhoods would be responsible for the closures. It is recommended the Commission confirm that neighborhoods are responsible for maintenance.

J. J. Hankerson, President of the Progresso Village Civic Association, showed pictures taken today of the temporary closures. He discussed historically problems in the neighborhood, establishment of their association and the positive impact of the temporary closures. Permanent closures make a difference; they help.

Motion made by Commissioner Rodstrom and seconded by Vice Mayor Hutchinson to make the existing temporary closures permanent, and request the CRA to assist in funding of the closures including irrigation. She noted the community plans to apply for an NCIP grant for the landscaping.

Alfred Battle, Director of Northwest Community Redevelopment Agency, said he would like to follow the existing engineering process established where the community contributes a portion of the cost. This item would be presented to the CRA Board for approval.

Vice Mayor Hutchinson asked that the maintenance agreement concept continue. Mr. Partington said that is staff's recommendation.

Commissioner Moore commended Mr. Hankerson for his involvement and improvements to his own property as well.

Motion made by Commissioner Moore and seconded by Vice Mayor Hutchinson to close the public hearing. Roll call showed: YEAS: Commissioners Rodstrom and Moore, Vice Mayor Hutchinson, Commissioner Teel and Mayor Naugle. NAYS: None.

Vote taken on previous motion to approve this item as above noted. Roll call showed: YEAS: Commissioners Rodstrom and Moore, Vice Mayor Hutchinson, Commissioner Teel and Mayor Naugle. NAYS: None.

ORDINANCES

**Occupational License Tax Name Change – Local Business Tax
Amending Code – Chapter 15**

(O-01)

Vice Mayor Hutchinson introduced the ordinance on first reading:

ORDINANCE NO. C-06-41

AN ORDINANCE AMENDING CHAPTER 15, LICENSES TAXATION AND MISCELLANEOUS REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CHANGING THE PHRASE "OCCUPATIONAL LICENSE TAX" TO "LOCAL BUSINESS TAX" AND BY CHANGING THE PHRASE "OCCUPATIONAL LICENSE" TO "BUSINESS TAX RECEIPT," WHERE APPROPRIATE; PROVIDING FOR PENALTIES; PROVIDING FOR

SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Rodstrom and Moore, Vice Mayor Hutchinson, Commissioner Teel and Mayor Naugle. NAYS: None.

Building Safety Inspection Program – Amending Code - (O-02)
Section 9-48 – Permit Fees

Vice Mayor Hutchinson introduced the ordinance on first reading:

ORDINANCE NO. C-06-42

AN ORDINANCE AMENDING CHAPTER 9, BUILDINGS AND CONSTRUCTION, ARTICLE II, PERMITS AND INSPECTIONS, DIVISION 2, FEES, SECTION 48, GENERAL PERMIT FEES OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY PROVIDING FEES FOR THE BUILDING SAFETY INSPECTION PROGRAM, AND PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Rodstrom and Moore, Vice Mayor Hutchinson, Commissioner Teel and Mayor Naugle. NAYS:None.

Amendment to Pay Plan – Schedule VI – Minimum Wage (O-03)

Vice Mayor Hutchinson introduced the ordinance on first reading:

ORDINANCE NO. C-06-43

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SCHEDULE VI OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY DELETING ALL PAY STEPS THAT ARE LESS THAN THE STATE OF FLORIDA MINIMUM WAGE, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS AND AN EFFECTIVE DATE.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Rodstrom and Moore, Vice Mayor Hutchinson, Commissioner Teel and Mayor Naugle. NAYS: None.

Advisory Board /Committee Appointments (OB)

The City Clerk announced the appointees/reappointees who are the subjects of this resolution:

Audit Committee	Norman Thabit Mike Moskowitz Harry Sweeney
Citizens Police Review	Stephen Muffler
Community Appearance Board	Michael Friedman John Hurley Tom O'Loughlin Franci Bindler Michael Cordts Ron Fairchild Marilyn Mammano Annette Ross Marie Christine Scarola
Economic Development Advisory Board	Tim Schiavone Ralph Riehl Cort Neimark
Fire Rescue Facilites Bond Blue Ribbon Committee	Steve Kirsch
Parks & Recreation Board	Jay Verkey Ronald J. Goff

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 06-200

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Rodstrom and Moore, Vice Mayor Hutchinson, Commissioner Teel and Mayor Naugle. NAYS: None.

There being no other matters to come before the Commission, the meeting was adjourned at 8:20 P.M.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk