

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING**  
**APRIL 21, 2009**

**Agenda**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE  
April 21, 2009**

The meeting was called to order at 6:12 p.m. by Mayor Seiler on the above date, in the City Commission Meeting Room.

Roll call showed:

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

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 | Sgt. Jeff Brull  |

Invocation was offered by Chaplain Charles Sneed, Fort Lauderdale Police Department, followed by the recitation of the Pledge of Allegiance led by former Commissioner Jack Latone.

**NOTE: All items were presented by Mayor Seiler 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 Rogers and seconded by Commissioner Rodstrom to approve the minutes of the February 3, 2009 Conference Meeting and the March 3, 2009 Regular Meeting. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

**Presentations**

1. **Community Appearance Board – WOW Award - District I** (PRES-01)

Vice Mayor Roberts presented the WOW Award for District I to Shannon & Rolando Alfonso who reside at 2211 Imperial Point Drive.

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2. **Arbor Day – April 24, 2009** (PRES-02)

Commissioner Rodstrom presented a proclamation designating April 24, 2009, as Arbor Day in the City to Gene Dempsey, City Forester.

Mr. Dempsey thanked the Commission for the award. He invited everyone to the Arbor Day celebration, noted the City's accomplishments in achieving Tree City U.S.A. recognition for thirty years and a tree planting at Stranahan Park in recognition of the upcoming Super Bowl.

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**3. Commendation – Charter School of Excellence (PRES-03)  
Fort Lauderdale Campus**

Commissioner Rogers presented a commendation to Robert Haag, Superintendent of the Charter School of Excellence Fort Lauderdale Campus, congratulating them on their national recognition for improving student achievement.

Mr. Haag thanked the Commission for the award and elaborated on his efforts since 1997 to change education by giving working families in the downtown area with an opportunity to go to school and reach out to low students and raise them.

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**4. Green Expo Day – April 25, 2009 (PRES-04)**

Commissioner Rogers presented a proclamation to Bunney Brenneman, Chair, Utility Advisory Committee, designating April 25, 2009, as Green Expo Day in the City.

Ms. Brenneman thanked the Commission for the proclamation. She said the committee is honored to carry out the green initiatives the City has created. She elaborated upon the initiatives. She invited everyone to the expo.

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**5. Pine Crest Varsity Basketball Team Day - (PRES-05)  
April 21, 2009 – Back-To-Back State Champions**

Vice Mayor Roberts presented to a proclamation to David Beckerman, Head Coach, Pine Crest High School Boys Varsity Basketball Team, designating April 21, 2009, as Pine Crest Varsity Basketball Team Day in the City in recognition of their back-to-back state championships.

Coach Beckerman thanked the Commission for the award, commented on the hard work of these student athletes and hope that they continue on the road of success.

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**6. Comcast Cares Day – April 25, 2009 (PRES-06)**

Commissioner DuBose presented a proclamation to Dawn Stagliano, South Florida Regional Manager for Comcast, designating April 25, 2009 as Comcast Cares Day. Ms. Stagliano thanked the Commission for the award and explained they were going to "green" Delano Park.

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**Expression of Sympathy****(OB)**

The Mayor and City Commission extended an expression of sympathy to the families of Broward Circuit Judge M. Daniel Futch, Jr.; Grace Annmarie Lawson, mother of Ted Lawson, Assistant City Manager; Elizabeth Sissenstein, mother of Karen Reese, Economic Development Department; and Ruth Johnson, mother of Rick Andrews, Procurement Department.

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**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.

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**24<sup>th</sup> Annual Fort Lauderdale International Film Festival Co-Sponsorship Banners****(M-01)****No budgetary impact.**

A motion approving co-sponsorship of Fort Lauderdale International Film Festival 24<sup>th</sup> anniversary to be held October 23, 2009 through November 15, 2009 and allowing installation of banners at specified locations, subject to permitting regulations.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0457

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**Event Agreement - Fleet Week****(M-02)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Broward Navy Days, Inc. for Fleet Week celebration to be held in the vacant lot east of the Galleria Mall, April 28-30, 2009, 10 AM – 7 PM each day.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0460

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**Event Agreement – Relay For Life****(M-03)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with the American Cancer Society Florida Division, Inc. for Relay For Life to be held at Huizenga Plaza on May 8 and 9, 2009; Galleria Mall on May 15 and 16, 2009; and Joseph C. Carter Park on June 5 and 6, 2009, 6 PM on Fridays to 12 noon on Saturdays.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0334

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**Event Agreement – Old Florida Fish Fry  
Closing SW 2 Avenue From SW 2 Street To Riverwalk****(M-04)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Fort Lauderdale Historical Society, Inc. for Old Florida Fish Fry, to be held at Fort Lauderdale History Center on May 9, 2009, 4:30 PM – 8:30 PM and closing SW 2 Avenue from SW 2 Street south to Riverwalk, 7 AM – 12 midnight, contingent upon the City Attorney's Office receiving and approving the executed agreement.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0439

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**Event Agreement – Fort Lauderdale Super Boat Grand Prix****(M-05)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Super Boat International Productions, Inc. for the Fort Lauderdale Super Boat Grand Prix, to be held at Bahia Mar and in the ocean, on June 5 and 6, 2009, 9 AM – 5 PM and June 7, 2009, 8 AM – 5 PM.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0440

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**Event Agreement – Movies and Mutts  
Closing SE 6 Street from SE 5 Avenue To SE 5 Terrace****(M-06)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Broward County Film Society, Inc. for Movies and Mutts, to be held April 28, 2009, 7 PM – 10 PM,

at Cinema Paradiso and closing SE 6 Street from SE 5 Avenue to SE 5 Terrace, leaving garage and condominium access open, contingent upon the City Attorney's Office receiving and approving the executed agreement.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0446

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**Green Expo And Closing SE 1 Avenue**

**(M-07)**

**\$3,000 is available under PBS040801-3516, printing GF001, Subfund 01 and \$10,000 is available under PBS040801-3199, GF001, Subfund 01.**

A motion authorizing City Parks and Recreation Department, working with Utility Advisory Committee, to conduct the Green Expo at Stranahan Park on April 25, 2009, 9 AM – 3 PM and closing SE 1 Avenue from Broward Boulevard to SE 1 Street, from 7:30 AM to 4 PM.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0453

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**Change Order 4 (Final) – Foster Marine Contractors, Inc. -**

**(M-08)**

**Credit (\$1,661,964.14) – Sanitary Sewer and Water Main Improvements -  
Lauderdale Manors Basin B**

**Decrease encumbrance in Fund 482, Subfund 01, P10517.482-6599 by (\$1,661,964.14); EPO3253.**

A motion authorizing: 1) Change Order 4 (Final) with Foster Marine Contractors, Inc., in net CREDIT amount of (\$1,661,964.14) – final quantity reconciliation – Sanitary Sewer and Water Main Improvements - Lauderdale Manors Phase III Basin B – Project 10517B; and 2) reduce encumbrance by (\$1,661,964.14).

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0417

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**Change Order 3 (Final) – Foster Marine Contractors, Inc. -**

**(M-09)**

**Credit (\$176,535.57) – Sanitary Sewer and Water Main Improvements –  
Lauderdale Manors Basin A**

**Appropriate \$11,500 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10517.482-6599 and reduce encumbrance of (\$186,657.33) in Fund 490, Subfund 01, P10517.490-6599; EP03300.**

A motion authorizing: 1) Change Order 3 (Final) with Foster Marine Contractors, Inc., in net CREDIT amount of (\$176,535.57) – final quantity reconciliation – Sanitary Sewer and



Water Main Improvements Lauderdale Manors Phase III Basin A – Project 10517A; and 2) reduce encumbrance by (\$176,535.57).

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0424

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**Change Order 1 (Final) – Man-Con, Incorporated - Credit (M-10)**  
**(\$2,336,893.92) – Sanitary Sewer and Water Main Improvements**  
**Edgewood Basin G**

**Decrease encumbrance in Fund 482, Subfund 01, P10580.482-6599 by (\$2,336,893.92); EPO3263.**

A motion authorizing: 1) Change Order 1 (Final) with Man-Con, Incorporated, in net CREDIT amount of (\$2,336,893.92) – additional work and final quantity reconciliation – Sanitary Sewer and Water Main Improvements Edgewood Basin G – Project 10580G; and 2) reduce encumbrance by (\$2,336,893.92).

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0406

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**Second Amendment To Agreement – One-Year Extension (M-11)**  
**Testing Laboratory Services – Nodarse & Associates, Inc.**

**There is no initial cost to renew this amendment. Purchases are made on an as-needed, per project basis and available budget.**

A motion authorizing the proper City Officials to: 1) execute Second Amendment to Agreement with Nodarse & Associates, Inc. – one-year extension – testing and laboratory services – Project 10938.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0415

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**Reimbursement To City Of Wilton Manors - \$59,470.21 (M-12)**  
**Cost Sharing Of Middle River Dredging**

**\$59,470.21 is available in P10953.331-6599, Fund 331, Subfund 01.**

A motion authorizing reimbursement of \$59,470.21 to City of Wilton Manors, for City of Fort Lauderdale's portion of shared cost – dredging Middle River – Project 10953.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0392

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**Revocable License – Sunrise East Condominium, Inc.  
Installation and Maintenance Of Decorative Pavers On NE 9 Court**

**(M-13)**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute a Revocable License with Sunrise East Condominium, Inc. – installation and maintenance of decorative pavers on NE 9 Court.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0484

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**Grant Application – School Resource Officers and Evidence Processing – Byrne Memorial Justice Assistance - \$663,572**

**(M-14)**

**No current year budgetary impact; no cash match required.**

A motion authorizing the proper City Officials to apply for grant funds, in the amount of \$663,572, from U.S. Department of Justice – Byrne Memorial Justice Assistance Grant Formula Program – American Reinvestment and Recovery Act – four school resource officer positions and evidence processing equipment.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0456

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**Disbursement Of Funds/Joint Investigation/ O.R. 08-46695  
Law Enforcement Trust Fund**

**(M-15)**

**\$14,625.08 is available in Fund 107 (DEA Confiscated property) in account GL 219-08-46695 (Deposits Trust).**

A motion authorizing the equitable disbursement of \$14,625.08 with each of the eleven participating law enforcement agencies to receive \$1,125 and Sunrise and Fort Lauderdale police departments to receive \$2,250 due to additional assigned agents.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0364

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**Disbursement Of Funds/Joint Investigation/O.R. 08-46695  
Law Enforcement Trust Fund**

**(M-16)**

**\$3,542.89 is available in Fund 107 (DEA Confiscated property) in account GL 219-08-46695 (Deposits Trust).**

A motion authorizing the equitable disbursement of \$3,542.89 with each of the eleven participating law enforcement agencies to receive \$272.53 and Sunrise and Fort Lauderdale police departments to receive \$545.06 due to additional assigned agents.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0365

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**Disbursement Of Funds/Joint Investigation/O.R. 07-91173 (M-17)**  
**Law Enforcement Trust Fund**

**\$12,622.77 is available in Fund 107 (DEA Confiscated Property) in account GL 219-07-91173 (Deposits Trust).**

A motion authorizing the equitable disbursement of \$12,622.77 with each of the twelve participating law enforcement agencies to receive \$970.98 and Sunrise Police Department to receive \$1,941.96 due to additional assigned agent.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0369

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**Disbursement Of Funds/Joint Investigation/O.R. 07-36229 (M-18)**  
**Law Enforcement Trust Fund**

**\$60,000.00 is available in Fund 107 (DEA Confiscated property) in account GL 219-07-36229 (Deposits Trust).**

A motion authorizing the equitable disbursement of \$60,000.00 with each of the eleven participating law enforcement agencies to receive \$4,615.38 and Sunrise and Fort Lauderdale police departments to receive \$9,230.76 due to additional assigned agents.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0368

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**Settlement of Vehicle Accident General Liability (M-19)**  
**File VA GL 08-163 - \$58,500**

**Funds are budgeted in INS010101/5104 (Automobile Liability Claims), Fund 543/01. There are sufficient funds to cover the amount of \$58,500.**

A motion authorizing settlement of Vehicle Accident General Liability File VA GL 08-163 (Larry Walker) - \$58,500.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0423

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**City Centennial Celebration – Transfer - \$5,000 (M-20)**  
**Budget Amendment**

**Transfer \$5,000 from GF 001, Subfund 01, GEN010101, 4210 to GF 001, Subfund 01, PUB040101. Allocate funds in the General Fund as shown in Exhibit 2.**

A motion amending final operating budget for fiscal year 2008-2009, transferring approved funding of \$5,000 for City's Centennial Celebration.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0458

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**Fire Station 46 At Mills Pond Park – Conditions For (M-21)**  
**Broward County Land Use Plan Map Amendment**

**No budgetary impact.**

A motion approving conversion of Fire Station 46 property to a passive pocket park subject to approval of Broward County Land Use Plan Map Amendment for relocating Fire Station 46 to Mills Pond Park and amending the Community Development Block Grant Annual Action Plan for improvements to Mills Pond Park.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0493

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**CONSENT RESOLUTION**

**City Cemeteries General Price List (CR-01)**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-0402

RESOLUTION NO. 09-96

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE GENERAL PRICE LIST FOR THE CITY CEMETERIES EFFECTIVE, JUNE 1, 2009.

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**Amend Operating Budget – Appropriation - \$211,020  
Scheduling and Timekeeping Software and Hardware Purchase**

**(CR-02)**

**Appropriate \$211,020.00 from Fund 107, Subfund 01, undesignated fund balance to Fund 107, Subfund 01, POL080101, \$182,720.00 Subobject 6405, \$28,300.00 Subobject 6404.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-0396

RESOLUTION NO. 09-97

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, BY APPROPRIATING FUNDS IN THE AMOUNT OF \$211,020.00 FROM THE DEA CONFISCATED PROPERTY TRUST FUND FOR SCHEDULING AND TIMEKEEPING SOFTWARE AND HARDWARE FOR THE POLICE DEPARTMENT ADMINISTRATIVE SUPPORT DIVISION.

**No Objection To Plat Note Amendment – Pat’s Plat  
201 NE 9 Street – Case 6-P-91**

**(CR-03)**

**No budgetary impacts.**

**Applicant:** D. Fredrico Fazio and Sea Gate Land Ventures I, LLC.

No Objection To Plat Note Amendment to Pat’s Plat to accommodate Sea Gate site plan – adding unrestricted commercial use.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-0430

RESOLUTION NO. 09-98

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA EXPRESSING NO OBJECTION TO A CHANGE TO A NOTE ON A PLAT KNOWN AS “PAT’S PLAT.”

**No Objection To Plat Note Amendment – American Tectonics  
Plat 2 – 2855 West Commercial Boulevard – Case 6-P-85**

**(CR-04)**

**No budgetary impacts.**

**Applicant: CSH-ing Willow Wood, LP**

No Objection To Plat Note Amendments to American Tectonic Plat 2 – reducing number of units and restricting their use.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-0352

RESOLUTION NO. 09-99

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPRESSING NO OBJECTION TO A CHANGE TO A NOTE ON A PLAT KNOWN AS “AMERICAN TECTONICS PLAT NO. 2.”

**Grant Acceptance – Recycling Receptacles - \$7,500  
Broward County Resource Recovery Board**

**(CR-05)**

**Appropriate \$7,500 of grant funds to Fund 129, Subfund 01, GRECYCLE09, F303 (revenue) and expenditure in 3943 Sanitation Carts. No cash match.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-0389

RESOLUTION NO. 09-100

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$7,500 FROM THE BROWARD COUNTY RESOURCE RECOVERY BOARD FOR RECYCLING RECEPTACLES AT MILLS POND PARK, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS TO RECEIVE SUCH GRANT FUNDS AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, BY ACCEPTING AND APPROPRIATING SUCH GRANT FUNDS TO FUND 129.

**Grant Application and Acceptance – Summer Food Service Program - \$100,290 – Various City Parks and North Fork Elementary School (CR-06)**

**Appropriate \$100,290 into GFOD09-3231 Food Services Fund Type 10, Fund 129, Subfund 01. Revenue into Subobject GFOD09-C593. No cash match.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-0422

**RESOLUTION NO. 09-101**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR AND ACCEPT A GRANT IN THE AMOUNT OF \$100,290 FROM THE FLORIDA DEPARTMENT OF EDUCATION FOR THE SUMMER FOOD PROGRAM AT VARIOUS CITY PARKS AND NORTH FORK ELEMENTARY SCHOOL AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, BY ACCEPTING AND APPROPRIATING SUCH GRANT FUNDS TO FUND 129.

**Grant Acceptance – 2008 Urban Area Security Initiative - \$437,726 – Memorandum of Agreement – City of Miramar (CR-07)**

**Appropriate \$437,726 of Grant Funds to Fund 129, Subfund 01, GUASI09, F204 (Rev); and Expenditures in 3199 (\$31,900), 3216 (\$3,000); 3407 (\$10,396), 3516 (\$8,000), 3907 (\$8,250), 3928 (\$4,800), 3946 (\$17,800), 3999 (\$3,580), 4101 (\$2,000), 4113 (\$800), 4337 (\$75,000), 6401 (\$226,000), 6404 (\$7,000) and, 6499 (\$39,200). There is no cash match required.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-0455

**RESOLUTION NO. 09-102**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$437,726 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY FOR THE 2008 FORT LAUDERDALE URBAN AREA SECURITY INITIATIVE, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS TO RECEIVE AND DISBURSE GRANT FUNDS AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING

SEPTEMBER 30, 2009, BY ACCEPTING AND APPROPRIATING SUCH GRANT FUNDS TO FUND 129.

**Amend Operating Budget – Appropriation - \$35,333.98 (CR-08)**  
**Transportation Management Association – Bus Services –**  
**Route Funding**

**To transfer and appropriate \$66,929.50 from the General Fund Anticipated Fund Balance, FD001, Subfund 01, Subobject 9901 to Fund 129, Subfund 01, GSHUTTLE09, Revenue Subobject F209 and Expenditure Subobject 9901.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-0459

RESOLUTION NO. 09-103

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, BY APPROPRIATING FUNDS IN THE AMOUNT OF \$66,929.50 FROM GENERAL FUND ANTICIPATED FUND BALANCE TO FUND THE DOWNTOWN FORT LAUDERDALE TRANSPORTATION MANAGEMENT ASSOCIATION COMMUNITY BUS SERVICES GALT MILE ROUTE AND A PORTION OF THE NORTHWEST CIRCULATOR ROUTE.

**Community Appearance Board Annual Award Event (CR-09)**

**Appropriate \$4,000 from G/L Subsidiary account 219-450110, Fund 001, Subfund 01 to Revenue in PBS070101 Subobject N983 Fund 001, Subfund 01 and expense to Subobject 3322. \$7,000 is budgeted in PBS070101 Subobject 3322, Fund 001, Subfund 01.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-0433

RESOLUTION NO. 09-104

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE COMMUNITY APPEARANCE BOARD ANNUAL AWARD EVENT TO BE HELD ON MAY 27, 2009 IN THE CITY COMMISSION CHAMBERS AND AMEND THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING



OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, BY TRANSFERRING AND APPROPRIATING \$4,000 FROM SUBSIDIARY ACCOUNT 219-450110 TO REVENUE IN PBS070101, ALL IN FUND 001.

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**2009 Citizen Recognition Honorees**

**(CR-10)**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-0495

RESOLUTION NO. 09-86

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SELECTING AND HONORING ESSIE "BIG MAMA" REED AS CITIZEN OF THE YEAR FOR 2009

RESOLUTION NO. 09-87

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SELECTING AND HONORING TED E. DRUM AS HONORED FOUNDER FOR 2009

RESOLUTION NO. 09-88

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SELECTING AND MICHAEL A. PURSELL AS EXEMPLARY FORMER CITY EMPLOYEE FOR 2009

RESOLUTION NO. 09-89

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SELECTING AND HONORING FREDERIC E. STRESAUAS DISTINGUISHED CITIZEN FOR 2009

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**Establishing Identity Theft Prevention Program - Red Flag Rules**

**(CR-11)**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-0394

## RESOLUTION NO. 09-105

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING A RED FLAG POLICY AND IDENTITY THEFT PREVENTION PROGRAM PURSUANT TO THE FEDERAL TRADE COMMISSION'S RED FLAG RULES, AND PROVIDING FOR THE IMMEDIATE IMPLEMENTATION OF THE RED FLAG POLICY AND IDENTITY THEFT PREVENTION PROGRAM.

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|--------------------------|
| <b>PURCHASING AGENDA</b> |
|--------------------------|

**Wireless Data Service For Pinpoint Modems And EVDO Cards** **(PUR-01)**

**\$169,957.12 is available in Fund 01, Subfund 001, POL020602, 3199.**

Purchase wireless data services is being presented for approval by Police Department.

**Recommend:** Motion to approve.

**Vendor:** Verizon Wireless Personal Communications LP  
Bedminster, NJ

**Amount:** \$169,957.12 (not-to-exceed)

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 09-0425

The Procurement Services Department has reviewed this item and agrees with awarding from the State of Florida Contract and General Services Administration (GSA) contract.

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**Scheduling and Timekeeping Software and Hardware Purchase** **(PUR-02)**

**\$211,020 will be available in Fund 107, Subfund 01 POL080101, \$182,720-6405 and \$28,300 – 6404 after approval of CAR 09-0396.**

Purchase scheduling and timekeeping software and hardware is being presented for approval by Police Department.

**Recommend:** Motion to approve.

**Vendor:** Principal Decision Systems International, Incorporated  
Irvine, CA  
Dell Marketing USA, LP, Round Rock, TX

**Amount:** \$211,020.00

**Bids Solicited/Rec'd:** 1266/3

**Exhibit:** Commission Agenda Report 09-0397

The Procurement Services Department has reviewed this item and recommends awarding to the first ranked proposer and utilizing the Western States Contracting Alliance (WSCA) Contract.

**572-9694 – Parking Permits**

**(PUR-03)**

**\$11,152.21 is budgeted in Fund 461, Subfund 01, PAR020101, 3999.**

Purchase of parking permits is being presented for approval by the Parking and Fleet Services Department.

**Recommend:** Motion to approve.

**Vendor:** Dri-Stick Decal Corp. dba Rydin Decal  
Streamwood, IL

**Amount:** \$11,152.21 (not-to-exceed)

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 09-0409

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

**493-10258 – Water Distribution Parts**

**(PUR-04)**

**Purchases are made on an as-needed basis and charged to individual operating budgets per available funds and in accordance with established pricing. Funds for these purchases are budgeted in PBS704135-5401, Fund 450, Subfund 01.**

One-year contract for purchase of water distribution parts is being presented for approval by Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** HD Supply Waterworks, LTD.  
Atlanta, GA

**Amount:** Per Unit Prices

**Bids Solicited/Rec'd:** 698/3

**Exhibit:** Commission Agenda Report 09-0395

The Procurement Services Department has reviewed this item and recommends awarding to low responsive and responsible bidder.

**692-10204 – Repair Sabre Jet Static Display-  
Holiday Park**

**(PUR-05)**

**\$71,200 is budgeted in Fund 125, Subfund 01, Project P16029.125, 6599.**

Purchase FEMA eligible reimbursement services to repair Sabre Jet Static Display at Holiday Park is being presented by Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** American Aero Services, Inc.  
New Smyrna Beach, FL

**Amount:** \$71,200.00

**Bids Solicited/Rec'd:** 134/4

**Exhibit:** Commission Agenda Report 09-0225

The Procurement Services Department has reviewed this item and recommends awarding to the low responsive and responsible bidder.

**692-10119 – Residential Cart Collection Services**

**(PUR-06)**

**There will be no budgetary impact in the current fiscal year. Upon approval of the FY09/10 Budget, \$1,649,920.56 will be available in Fund 409, Subfund 01, PBS090201, 3255.**

Three-year contract for residential cart collection services is being presented for approval by Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Choice Environmental Services of Broward, Inc.  
Pompano Beach, FL

**Amount:** \$1,649,920.56 (annual total)

**Bids Solicited/Rec'd:** 384/7

**Exhibit:** Commission Agenda Report 09-0393

The Procurement Services Department has reviewed this item and recommends awarding to low responsive and responsible bidder.

**Maintenance, Repair and Operating Supplies**

**(PUR-07)**

**There is no initial cost to enter into this contract. Purchases will be made on an as-needed basis. The cost of individual purchases will be charged to the appropriate department's approved operating budget.**

Purchase maintenance, repair and operating supplies is being presented for approval by Procurement Services Department.

**Recommend:** Motion to approve.

**Vendor:** Home Depot U.S.A., Inc.  
Atlanta, GA  
HD Supply Facilities Maintenance, LTD  
Atlanta, GA

**Amount:** Per Unit Prices  
**Bids Solicited/Rec'd:** N/A  
**Exhibit:** Commission Agenda Report 09-0340

The Procurement Services Department has reviewed this item and recommends approval to purchase from the U.S. Communities Agreement.

**395-10211 – Neighborhood Stabilization Program Delivery Services – Best and Final Offer Awards (PUR-08)**

**\$3,330,096 budgeted Fund 108, Subfund 01, NSP0809, 8027. NSP Grant Acceptance, Amend Operating Budget & Appropriation of NSP Grant approved 4/7/09 CC Mtg-CR-10.**

Award contracts for Neighborhood Stabilization Program Delivery Services, best and final offers, is being presented for approval by Planning and Zoning Department.

**Recommend:** Motion to approve.

**Vendor:** Florida's Attainable Home Company, LLC d/b/a FAHC  
 Pompano Beach, FL  
 Fort Lauderdale Community Development Corporation  
 Fort Lauderdale, FL  
 Inner Urban Asset Management of Fort Lauderdale, LLC  
 Lauderdale Lakes, FL

**Bids Solicited/Rec'd:** 1025/7  
**Exhibit:** Commission Agenda Report 09-0467

The Procurement Services Department has reviewed this item and recommends awarding to the top three ranked proposers.

**Amend Operating Budget – Appropriation - \$35,333.98 (CR-08)**  
**Transportation Management Association – Bus Services –**  
**Route Funding**

The City Clerk announced that there is a correction in the amount based on the afternoon's discussion. The amount should be \$66,929.50.

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

**Motion** made by Commissioner DuBose and seconded by Commissioner Rodstrom that consent agenda Items M-05, M-07, M-11, M-14, M-21, CR-02, CR-04, CR-08, CR-09, PUR-02, PUR-06, and PUR-08 be deleted from the Consent Agenda and considered separately, and that all remaining consent agenda items be approved as recommended. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

**Proprietary – Repair Of Effluent Pump Impeller****(MD-04)**

The City Auditor removed this item from the agenda.

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**Property Conveyance To Northwest Neighborhood Improvement District – Twenty-Seven Residential Parcels – Infill Housing Program****(R-03)**

The City Auditor removed this item from the agenda.

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**Event Agreement – Fort Lauderdale Super Boat Grand Prix****(M-05)**

Commissioner Rodstrom thanked the sponsor for hosting and bringing this event to the City.

**Motion** made by Commissioner Rodstrom and seconded by Commissioner Rogers to approve the item as presented. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

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**Green Expo And Closing SE 1 Avenue****(M-07)**

In response to Commissioner Rogers' question regarding concession stands, Phil Thornburg, Parks and Recreation Director, said that concessions are not typical at that park with the restaurants across the street. Bunney Brenneman, Chair, Utility Advisory Committee, said the committee would also like to have exhibitors, but there is no access to electricity at this park. The goal is to secure sponsorships so that the event can pay for itself.

**Motion** made by Commissioner Rogers and seconded by Vice Mayor Roberts to approve the item as presented. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

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**Second Amendment To Agreement – One-Year Extension Testing Laboratory Services – Nodarse & Associates, Inc.****(M-11)**

In response to Commissioner Rogers' question as to efforts to get better pricing, Albert Carbon, Public Works Director, indicated this is 2005 pricing and the last extension; Nodarse has performed very well. A new RFP will be issued next year. It is on an as-needed basis.

In response to the Mayor's question, Mr. Carbon indicated that these costs are figured into the capital improvement project cost. Costs have decreased since much of this work was for WaterWorks 2011 and those costs have gone down.

**Motion** made by Commissioner Rogers and seconded by Vice Mayor Roberts to approve the item as presented. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

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**Grant Application – School Resource Officers and Evidence Processing – Byrne Memorial Justice Assistance - \$663,572 (M-14)**

In response to Vice Mayor Roberts, Michael Kinneer, Finance Director, confirmed this is not be an increase in personnel; it is a reallocation.

**Motion** made by Vice Mayor Roberts and seconded by Commissioner Rodstrom to approve the item as presented. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

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**Fire Station 46 At Mills Pond Park – Conditions For Broward County Land Use Plan Map Amendment (M-21)**

In response to Commissioner Rogers' question regarding the funding source, Albert Carbon, Public Works Director, advised that park improvements would be charged to Community Development Block Grant funds. Commissioner Rogers pointed out that loss of park funds are being mitigated by placing a fire station at this location. If the fire station was placed elsewhere, it would cost money, therefore he thought those savings could be used for park improvements. Mr. Carbon did not think fire bond funds could be used in that way, but would have to verify that with bond counsel. He agreed to get an answer for the May 5 meeting when this matter will come before the Commission.

**Motion** made by Commissioner Rogers and seconded by Commissioner DuBose to approve the item as presented. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

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**Amend Operating Budget – Appropriation - \$211,020 Scheduling And Timekeeping Software And Hardware Purchase (CR-02)**

Commissioner Rodstrom had secured answers from staff on her questions. In response to Commissioner Rogers' question as to whether this is a necessary purchase, Frank Adderley, Police Chief, said that the purchase will enhance services and would be charged to trust funds (law enforcement trust fund). The work is currently being handled manually

**Motion** made by Vice Mayor Roberts and seconded by Commissioner Rodstrom to approve the item as presented. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

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**No Objection To Plat Note Amendment - American  
Tectonics Plat 2 – 2855 West Commercial Boulevard –  
Case 6-P-85**

**(CR-04)**

Removed by the applicant in error.

**Motion** made by Commissioner Rodstrom and seconded by Commissioner Rogers to approve the item as presented. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

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**Amend Operating Budget – Appropriation - \$35,333.98  
Transportation Management Association – Bus Services –  
Route Funding**

**(CR-08)**

Commissioner Rodstrom wanted to vote no.

**Motion** was made by Commissioner DuBose and seconded by Commissioner Rodstrom to approve the item as corrected. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioner DuBose and Mayor Seiler. NAYS: Commissioner Rodstrom.

NOTE: Announced amount correction to \$66,929.50.

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**Community Appearance Board Annual Award Event**

**(CR-09)**

Commissioner Rogers was concerned about liability with an open bar at City Hall. The City Attorney said that Risk Management decided it was okay, but there would be an insurance requirement. Commissioner Rogers indicated he would still have a concern. He provided some history on the event, explaining last year the event was at a private facility whereby the cost exceeded the \$50 per person admission. The board is concerned about cost and having to charge that much.

In response to Commissioner DuBose, Commissioner Rogers indicated that the board has raised some funds, but he believed an additional \$4,000 from the City is needed. Albert Carbon, Public Works Director, confirmed that is correct. It is an annual budgeted item. Commissioner Rodstrom about the caterer's insurance covering the liability. She suggested it being held outside. Mr. Carbon confirmed the food and alcohol will be outside in the courtyard.

Mayor Seiler suggested that one of the condominiums along the riverfront to hold the event. He was reluctant to start the precedent of alcohol in city hall. Mr. Carbon indicated the event was held with beer and wine in 2007. He went on to explain the arrangement planned for the serving of alcohol. The board would be willing to limit it to beer and wine.

In further response to Commissioner Rogers' concern, the City Attorney believed it is proposed to issue tickets and only two per person.

In response to Mayor Seiler, Mr. Carbon advised that attendance was 175 last year.



In response to Commissioner DuBose, Mr. Carbon did not recall the City's portion of funding in 2007 when beer and wine were served.

Commissioner DuBose was also concerned about liability and perception.

Mayor Seiler wanted to defer the issue and see if another venue could be secured. There was consensus for staff to express the Commission's support of the event, but concern about alcohol at any city facility.

**Motion** made by Commissioner Rogers and seconded by Vice Mayor Roberts to defer this item to May 5, 2009, 6 p.m. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

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**Scheduling And Timekeeping Software And Hardware Purchase** (PUR-02)

Commissioner Rogers indicated his question was addressed under Agenda Item CR-02.

**Motion** made by Commissioner DuBose and seconded by Commissioner Rodstrom to approve the item as presented. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

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**692-10119 – Residential Cart Collection Services** (PUR-06)

This item was removed from the consent agenda by members of the public as well as Commissioner Rogers.

Kirk Buffington, Director of Procurement Services, provided a brief background from when the bid was opened and it appeared that World Waste was the low bidder. A significant amount of time was devoted to attempting to validate and determine whether World met the minimum requirements. As staff believes there is only thirty-five months experience, they recommend Choice Environmental which is the second and low responsive and responsible bidder. After the agenda went to print, Mr. Blosser, representing World, contacted him and indicated he had additional information that might change the recommendation. He received that information yesterday morning and it was then provided to the Commission. The information shows an individual as a principal being brought to the board of directors of World Waste in January of 2007. Staff had been asking for this information for five months. Staff has not had time to determine if it meets qualifications set forth in the bid, as to requisite experience. Staff has determined that World is non-responsive, did not meet the minimum qualifications, and recommend that Choice be awarded the contract.

In response to Commissioner DuBose's question, Mr. Buffington explained the price difference between World and Choice is approximately \$70,000 on a \$1.2 million contract. Staff believes they have given this company more than adequate opportunity and time to meet the requirements. Information was given to the City in dribs and drabs and then this information was provided at the last minute.

Mayor Seiler asked when was World notified that they did not qualify. Mr. Buffington explained that staff determined on November 6, 2008 that the vendor did not meet the

required specifications; at the same time, determined that they were three months behind in paying their franchise fees and requested additional qualifying information. In further response to Mayor Seiler, Mr. Buffington indicated that the requirements were established primarily by Sanitation, Public Works, and Procurement. During the bidding process, he received communication and he met with Southern Waste, the fourth or fifth bidder. As a result, an addendum was issued which allowed principals of a firm to be qualifying for the experience. Otherwise there was no communication that the requirements were restrictive in any nature. A pre-bid conference was held where all bidders were invited to meet with staff. When the exception becomes the rule, there are no longer rules.

Mayor Seiler asked the City Attorney to comment on the process. The City Attorney indicated he talked with the Director of Procurement. He was informed a call was made on November 6 and information was received the next day which still did not show they had the requisite experience. He elaborated upon the clarity of the RFP as to experience. The individual World claimed had the experience did not have the experience at the time the bids were opened. World indicated the individual was an officer, but according to state records, the individual was not. Information just received Monday was board minutes and W-2 forms to show the individual was an employee and a member of the board of directors, but that was well after the opening. In order to award the bid to World, the Commission would have to waive the requirements.

In response to Commissioner Rogers, Mr. Buffington indicated World missed the experience requirement by one month based on a couple of principals. Similar years of experience has been used in qualifications before.

Mayor Seiler asked the City Auditor if the procedures seemed to be in order. The City Auditor explained in review of the Procurement Department, he planned to bring forward the need for a formal protest policy. At this time, it is up to the Commission's discretion.

In response to Commissioner Rogers, the City Auditor indicated that he did not review the financials. Mr. Buffington advised that the Sanitation staff reviewed the financial statements. Commissioner Rogers thought that both companies seem to be in the red in their cash flow in millions. Mr. Buffington elaborated upon what staff had done about this concern as well as lateness on franchise fees. He did not feel it was sufficient to find them non-responsible, but it did raise questions and that is why staff addressed it. Ed Udvardy, Assistant Public Works Director, indicated much the same review was conducted of Choice's financial statements. There were concerns with theirs and staff had discussions with them.

In further response to Commissioner Rogers, Mr. Buffington explained the current contract status for services which includes three contracts. Mr. Udvardy advised that when the Republic Services contract expires, those routes would become part of the current Choice contract.

Mike Adams, owner of World Waste Services, provided information about World Waste and his background. They believe they are qualified, have over a hundred years of combined experience and are the lowest and responsive bidder.

Jim Blosser, representing World Waste Services, believed that the timeline from October and now dealt with many issues other than qualifications. Official notification was not received of being unqualified or non-responsive until they received the Commission

agenda on Friday morning via the Internet. They promptly filed a protest and submitted it on Monday. World Waste Services is the 48<sup>th</sup> largest waste service company in the country, and since September, 2007 has been a vendor to the City. They responded to the City's bid request on October 29, 2008, and was the low bidder according to the staff report. Service was to commence in late 2009 or early 2010. They have fully cooperated with staff since their proposal was submitted in October of 2008, which he detailed. He provided an affidavit that was submitted by World on January 22, 2009, reflecting a minimum of thirty-six months of experience. From this affidavit the City extrapolated thirty-five months. After hearing concerns, they met with staff in March to review the experience issue. They were informed of the staff's conclusion of thirty-five months and that Mr. Profera may be rejected from the calculation as he did not appear to be a principal in World. World reviewed their documentation and believes they well meet the experience requirement. Upon receipt of staff's report last Friday finding World unqualified, they filed a protest yesterday. It includes a corporate resolution whereby Mr. Profera was elected vice president on January 2, 2007 along with W-2 statements, indicating his continued employment as vice president for all of 2007 and 2008. World believes that Mr. Profera's experience should be considered for the full years of 2007 and 2008. With World having organized in 2002, it has the minimum three years experience as well as extraordinary qualifications for this bid. He referred to their service to over 30,000 households per day in Miami-Dade County compared to this contract of 4,000 per day. He indicated that he had provided letters of commendation from Miami-Dade County Public Service Department. He believed it would not be in the best interest of the City to disqualify World. It would clearly be form over substance. He noted that awarding this contract to the recommended bidder would in essence provide a monopoly of service in the City.

Commissioner Rogers asked if the thirty-six months is a matter of calculating the date of service or the bid cut off time. Mr. Blosser explained that the cutoff for the bid was set for October 22. The affidavit includes that time. As to the thirty days, it is a difference of opinion. It seems so de minimis realizing this contract does not go into effect for another several months.

In response to Commissioner Rogers' question about the financial position of World, Mr. Adams referred to the timeline of seeing that information and World's involvement at the time of starting a contract with Miami-Dade County which was completed successfully. World passed Miami-Dade and Fort Lauderdale's financial due diligence. He noted that World has a letter showing a \$5 million injection into the company. It is an equity infusion. He preferred to provide that letter to the City Manager. Commissioner Rogers wanted the City Auditor to look at the financials. Mr. Adams noted that World runs profitably. About half of the equipment needed for this contract is already in World's ownership, brand new.

In response to Mayor Seiler's question regarding when World knew they did not meet the bid requirements, Mr. Blosser explained that his client was in regular communication with staff, responding to requests. When World submitted the affidavit on January 22, they thought that criteria had been met. Mr. Adams noted that the bid awarded two years ago for the current contract did not have this requirement.

Mayor Seiler agreed with staff about the need for a cut off and continued to want to know when World had notice. He was concerned that the information was requested repeatedly and it is then presented on the eve of a vote. He believed there needs to be one set of rules. He was concerned about giving all business to one vendor and about not going with the lowest price. Mr. Blosser referred to World submitting the affidavit and that they did

not receive formal notification until they reviewed the agenda on Friday. He went on to discuss other conversations with staff.

Discussion turned to the affidavit and Mr. Profera's experience. Mr. Ristaino indicated that Mr. Profera became an officer on January 2, 2007.

Vice Mayor Roberts wanted information about the service record of Choice outside of Fort Lauderdale. Mr. Buffington advised that both contractors perform well in their current contracts.

Mr. Buffington clarified that he personally told Mr. Blosser in March that staff was bringing a recommendation for Choice to the first meeting in April and Mr. Blosser had requested it be deferred to this meeting to not conflict with a vacation.

Mr. Udvardy responded to the Vice Mayor's question about the due diligence done on Choice contracts. He went on to elaborate upon the experience credits granted to World. When the affidavit was presented, staff was still questioning whether Mr. Profera was a principal of the company therefore the amount of experience validated was around thirty-one or thirty-two months. At that time staff requested World to provide additional information about Mr. Profera, which did not come. Mr. Buffington met with Mr. Blosser and this is why the recommendation was made.

Mr. Udvardy provided more detail in response to Commissioner Rogers about the depth of staff's financial review. He noted staff that conducted the review are not CPA's.

Commissioner DuBose also had some of the concerns as Mayor Seiler. He also asked about a formal notice. Mr. Udvardy indicated that is not usual practice. There were a series of meetings with both contractors. Mr. Buffington had notified Mr. Blosser of staff's recommendation. He believed that both sides knew how staff was planning to proceed.

Commissioner DuBose thought a formal notice might be advisable in the future. Mr. Buffington thought the point was well taken, but noted that generally such things do not go on for long periods of time because decisions have to be made before contracts expire. If bidders are found to be non-responsive, they are informed. Since this contract does not expire until September, 2009 and both are current contractors, staff went back and forth with both vendors until they felt comfortable with the recommendation.

The City Auditor was concerned about financial statements not being reviewed by someone other than a CPA. There are qualified staff in the Finance Department and this should be delegated to them.

Grant Smith, representing Choice Environmental Services, emphasized that at the close of the bid, World did not meet all the experience requirements. Also, there is a \$12,000 difference between the two bids. He noted particulars about Choice's experience and history with the City. They are the lowest responsive and responsible bidder. He noted the extent to which staff has gone to allow World to substantiate their qualifications. World has failed to do so. He expanded upon the experience requirement and World's actions. He has been informed by his client that the individual offered by World has limited or no experience in the residential market; he is listed as an executive account manager. Mr. Smith believed that is a sales person. Further he is not listed in the principal section of their response. He questioned why World waited five months to include this individual.

He referred to World engaging an investment banking firm to seek further investment in the company and that the offering document shows three principals as listed in their bid. Yet here they are trying to make another individual a principal so they can qualify. They have taken five months to supplement their bid submission. As a matter of policy, the City should not allow them to add information when sealed bids were due six months ago. Choice has provided audited financials. Choice is a known quantity to staff and residents and has done a superb job. They are locally owned and operated. Choosing Choice will free up staff time in not having to administer multiple vendors. Choice has never been late with their franchise fees. Choice's qualifications are contiguous in time and within the last three years whereas World's qualifications have a gap in time of almost six years.

Mr. Buffington responded to Commissioner DuBose's question on the difference in contract amounts between the two vendors and noted when the first term extension is due there will be negotiations on costs. The price is really only firm for the first term of the contract. Essentially the difference in cost is \$36,000.

Commissioner Rogers reiterated his concerns about the financial statements on the two bids under discussion, yet the bid of the current vendor, Waste Management, is a million dollars more. With this combined information, he was concerned about the ability to do the job. He wanted the full financials properly reviewed.

In response to Mayor Seiler, the City Attorney indicated if a contractor is unable to provide the service the City could replace that contractor, if a replacement can be found. Mr. Buffington advised that there is no financial performance clause in the contract that requires them to maintain a particular financial portfolio, but one that they must perform. He noted that procedure.

The City Attorney noted that in order to review the financials, the City would have to decide at what point in time the financials should reflect. Commissioner Rogers wanted current financials. The City Attorney explained that this was a competitive bidding process which provides that at some point in time bids are closed and no additional information could be submitted to be considered. Commissioner Rogers indicated if the only legal recourse is to reject all bids, he was prepared to do so. He suggested information as current as possible based on October, 2008 when the financial information was supplied. Both of these companies are private.

Commissioner Rodstrom pointed out that everyone who bid on this was experienced with the process. She did not want to reject the bids. She commented about their good performance. She supported staff's recommendation.

Vice Mayor Roberts shared Commissioner Rogers' concerns about the financials and entering into a contract for the potential of seven years with the companies having difficulties. He was also concerned about a monopoly developing.

In response to Commissioner Rodstrom, Mr. Buffington elaborated upon how the contract could be terminated at any time with thirty days notice and how a performance issue would be addressed. He elaborated upon the negotiations that occur over long periods of time on large contracts of this nature.

In response to Commissioner Rogers, Mr. Udvardy indicated that Waste Management's bid was considerably lower, but there were extenuating circumstances at the time. He went on to provide historical information concerning Waste Management's contract with

the City awarded five years ago. It seems that in communities around the county, Waste Management has been bidding higher. Both of these contractors have current contracts with the City and both do a good job.

In regard to a monopoly, Mr. Smith explained that a public bid process prevents a monopoly, but it is not uncommon to have only one vendor for some services such as utilities.

Neal Rodrigue, President and CFO of Choice Environmental Services, provided information about his background, including that he is a CPA in the waste business. He provided additional information about the financials of the company. Choice does not need an equity infusion because they cash flow. They will be debt free in less than four years. Choice has audited financial statements.

In response to Commissioner Rogers, Mr. Rodrigue indicated if the line of credit is removed, Choice is close to \$300,000 away from being positive on that side (of the statement). The September 30, 2008 audited financials were provided to staff.

Commissioner Rogers reiterated his desire for the City Auditor to review the financials. Also, there are concerns about the experience criteria and the potential for one vendor in the City. If the only recourse is to reject all bids, he would proceed in that direction. The City Attorney felt the question is what would be done with the information once the financials are reviewed. There should be discussion about criteria as to financial solvency. The City Auditor was happy to review the financial statements, but as a matter of process he does not get involved with them because it is an operational matter. He cannot be involved in the operating management decisions the City makes and be independent in auditing them in the future. However, he could review these financials as an isolated case.

In response to Commissioner Rodstrom's question as to why the Finance Department does not make such review of financial statements as a matter of procedure, Mr. Buffington explained that many times bidders are private contractors, and any financials submitted become public record. Many private companies refuse to comply with that requirement. The majority of the City's contracts are awarded to private companies.

Vice Mayor Roberts suggested deferring for two weeks to obtain additional information.

The City Manager noted that the issues of the additional month of experience and the financials are policy issues. Unless directed otherwise, staff feels that the information has been provided. Both companies provide good service. Therefore, the question is whether the minimum requirements in place during the bidding process are important, and whether the process is important enough to override the cheaper price. These are policy issues.

Commissioner Rogers needed to be comfortable that both companies are in sound financial footing. These are different economic times.

Mayor Seiler indicated that he has always abided by the lowest bidder provided the process is fair. In this case, there are two concerns: one, the lowest and most responsive bidder and two, the creation of a monopoly. There must be rules. To overrule staff and procedure, he felt it is setting a bad precedent. He felt both companies could do the job.

Commissioner Rogers concurred about being true to the process, but wanted review of the financials.

**Motion** was made by Commissioner Rogers and seconded by Vice Mayor Roberts to defer this item to May 5, 2009 so financials of both companies could be examined. Roll call showed: YEAS: Commissioner Rogers and Vice Mayor Roberts. NAYS: Commissioners Rodstrom and DuBose, and Mayor Seiler.

**Motion** made by Commissioner Rodstrom and seconded by Mayor Seiler to approve the item as presented by staff. Roll call showed: YEAS: Commissioner Rodstrom and Mayor Seiler. NAYS: Commissioner Rogers, Vice Mayor Roberts, and Commissioner DuBose.

The City Manager recommended a two-week deferral.

**Motion** made by Commissioner DuBose and seconded by Commissioner Rogers to reject all bids and rebid.

Mr. Buffington commented about the time crunch and pending contract expiration. It takes a long time to prepare for such a contract. Therefore, staff would request that the bids not be rejected. The City Auditor concurred about the length of time to gear up for a contract of this nature. If one contractor became insolvent or they were found in default for that reason, the City would not have the ability to transfer the contract on short notice. Financial solvency is a key issue.

In response to Commissioner DuBose's question as to whether it is possible to rebid this, Mr. Buffington enumerated the time constraints, concluding it would be June before an award recommendation could be made at the best scenario. These companies may say they could rebid in that timeline, but neither one may not be the low bid the next time. It really has to do with the contractor, not staff.

In response to Commissioner Rogers' question about extending the existing contract in terms of pricing, Mr. Buffington did not believe extensions are allowed and the contractor would not be obligated to hold the pricing.

Roll call on the above motion was as follows: YEAS: Commissioners Rogers and DuBose. NAYS: Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler.

**Motion** made by Commissioner Rodstrom and seconded by Vice Mayor Roberts to reconsider the motion to defer this matter to May 5, 2009 so financial statements could be examined. Roll call showed: YEAS: Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: Commissioners Rogers and DuBose.

**Motion** made by Commissioner Rodstrom and seconded by Vice Mayor Roberts to defer this matter to May 5, 2009 so financial statements could be examined. Roll call showed: YEAS: Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: Commissioners Rogers and DuBose.

In response to Commissioner DuBose, the City Attorney explained that procedurally, it would be the lowest and best bid. If one company is financially unable to perform the service, a determination could be made that they are not the lowest and best bid.

Commissioner Rogers questioned what would happen if both companies are financially sound. The City Attorney indicated he would reply by May 5.

The City Manager reiterated staff's core issue is that World did not meet the qualifications. Staff will not change their recommendation on this point and the Commission will decide whether that point is de minimis. Over the next two weeks, staff and the City Auditor will address the financial statements.

Commissioner Rodstrom felt that in the future the Finance Department should be involved.

Mayor Seiler afforded the bidders time to comment.

Mr. Blosser asked if the Commission has already accepted staff's recommendation of Choice. Mayor Seiler believed at this point the slate is clear. The City Manager believed from the Commission's perspective, the slate is clear and they will make a decision based on information provided. Staff will not be reconsidering the thirty-six month qualification.

Mr. Smith understood that the City Auditor would review the financial information provided as part of the bid. The review needs to be completed by a different person and method. He anticipated the Commission would act on staff's recommendation in two weeks with the additional benefit of a recommendation concerning the financial footing.

The City Auditor requested from World and Choice the audited financial statements submitted as part of the bid response and current audited financial statements.

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**395-10211 – Neighborhood Stabilization Program Delivery  
Services – Best And Final Offer Awards**

**(PUR-08)**

Commissioner Rodstrom distributed copies of the City of Tampa's action plan for projected use of funds received from this program. She referred to staff's recommendation, the evaluation committee's rating and asked, if the Commission wants to award to three vendors, a condition be imposed. She wanted an implementation plan targeting the neighborhoods that are ready. She was uncomfortable awarding to three vendors. Two vendors were evaluated very low. She wanted a targeted neighborhood plan.

Commissioner Rogers agreed and wanted a plan from the program administrator.

Commissioner DuBose pointed out that this is time sensitive and the program can go far with this funding because it regenerates.

**Motion** made by Commissioner DuBose and seconded by Commissioner Rogers to approve the item as presented by staff with a monitoring system whereby if any commissioner has a problem with the homes it would be brought to the Commission for direction.

Commissioner Rodstrom emphasized the importance of the monies being evenly distributed based on HUD's (U.S. Department of Housing and Urban Development) guidelines. If the money will go to targeted neighborhoods of need based on HUD guidelines, she wanted the plan to be in place. Greg Brewton, Director of Planning and Zoning, said when this was first brought to the Commission, staff identified targeted areas



rated by the risk factor. The Commission at that time directed staff to focus on those areas which have been identified by mapping. Any change to those instructions would compromise what they were attempting to do. If specific neighborhoods are to be targeted, the City may have to amend their application which may delay the process. They have committed to using the identified risk areas and spend the money in all districts that have those risk areas. The Commission directed staff to focus on properties visible from major thoroughfares and those along entrances to neighborhoods. If this Commission wishes to do something else, it could be done, but it would be a big blow to have to amend the application in their attempt to meet the deadline.

In further response to Commissioner Rodstrom, Mr. Brewton explained staff will target risk areas in every district; staff did not commit any amount of dollars per neighborhood. He believed that every district has high risk area foreclosures. The Commission at that time indicated that they did not care how it was done in terms of neighborhoods provided there is representation in every district and areas entering neighborhoods where there would be the most visibility. HUD does have requirements as to income level, 25%.

Commissioner DuBose agreed with Commissioner Rodstrom as these two districts have a high level of foreclosures. This is very time sensitive; the longer the City delays, the less houses it will affect. He wanted to move forward as he did not see any negatives associated with this program.

Commissioner Rogers wanted to be informed at every step to take care with the funding. Mr. Brewton noted that there is built-in monitoring in the form of a quarterly report to HUD which will also be provided to the Commission.

Mayor Seiler asked about providing a mechanism for district commissioners to provide input. The City Manager offered to furnish progress reports to the Commission. He did not want to get into a position where commissioners are directing staff about specific properties. Mayor Seiler suggested it be an agenda item and any commission could raise a question.

Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

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| <b>MOTIONS</b> |
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**Proprietary – Repair and Recertification Services**  
**Police Laser and Radar Guns**

**(MD-01)**

**\$5,060 available in Fund 01, Subfund 001, POL020406, Subobject 3407 and \$6,340 available in Fund 01, Subfund 001, POL030411, Subobject 3407.**

Repair and recertification services for police laser and radar guns by Quality Communication Products & Service Corp. in the amount of \$11,440 is being presented for approval by Police Department.

**Recommend:** Motion to approve.

**Vendor:** Quality Communication Products & Service Corp.  
Fort Lauderdale, FL  
**Amount:** \$11,440.00 (estimated)  
**Bids Solicited/Rec'd:** N/A  
**Exhibit:** Commission Agenda Report 09-0355

The Procurement Services Department has reviewed this item and recommends awarding this proprietary purchase, to the only authorized vendor in Miami-Dade, Monroe, Broward and South Palm Beach Counties.

**Motion** made by Commissioner Rodstrom and seconded by Vice Mayor Roberts to approve the item as presented. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

**Proprietary – Contractual Programming Services (MD-02)**  
**Utility Billing System Data Extract And Conversion**

**\$28,125 is budgeted in Fund 409, Subfund 02, P11139.409, 6550.**

Purchase programming hours to assist with new utility billing system data extract and conversion is being presented for approval by Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** SunGard Business Systems LLC.  
Charlotte, NC  
**Amount:** \$28,125.00 (estimated)  
**Bids Solicited/Rec'd:** N/A  
**Exhibit:** Commission Agenda Report 09-0345

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

**Motion** made by Commissioner Rodstrom and seconded by Commissioner Rogers to approve the item as presented. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

**Proprietary – Liquid Oxygen System – Lohmeyer (MD-03)**  
**Wastewater Treatment Plant**

**Transfer \$1,422,000 from P00401-6599; Regional Replacement/Recapitalization, to P10767.451-6599, both in Fund 451, Subfund 02.**

A motion authorizing: 1) purchase of Liquid Oxygen System improvements and associated services by Air Products and Chemicals, Inc. in the negotiated amount of \$1,269,400 – Lohmeyer Wastewater Treatment Plant – Project 10767-A; and 2) transfer \$1,422,000 to fund this activity.

**Recommend:** Motion to approve.

**Vendor:** Air Products and Chemicals, Inc.  
Allentown, PA

**Amount:** \$1,269,400.00

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 09-0371

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

This matter was removed by the City Auditor from tonight's agenda.

**Proprietary – Repair of Effluent Pump Impeller (MD-04)**  
**Lohmeyer Wastewater Treatment Plant**

**\$53,833 is budgeted in P11339.451, Subobject 6599, Fund 451, Subfund 01.**

Repair of effluent pump impeller at Lohmeyer Wastewater Treatment Plant by Carter & Verplanck, Inc. in the amount of \$53,833 is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Carter & Verplanck, Inc.  
Tampa, FL

**Amount:** \$53,833.00

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 09-0382

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

This matter was also removed from tonight's agenda by the City Auditor.

**Contract Renewals – July, August, September 2009 (MD-05)**

**Funds associated with this item are listed as part of the attached Exhibit 1.**

A motion authorizing extension of listed contracts that expire during July through September, 2009, including contracts from May, 2009 and authorizing proper City Officials to execute all necessary documents, contingent upon each respective vendor agreeing to extension.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0416

Mayor Seiler noticed there is a contract in the submittal for June.

**Motion** made by Commissioner Rogers and seconded by Vice Mayor Roberts to approve the item with the amendment to include the month of June. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

**595-10207 – July 4<sup>th</sup> Fireworks Display**  
**Single Responsive Responsible Proposer**

**(MD-06)**

**\$80,000 is budgeted in PKR010402-3203 Artistic Services GF001, Subfund 01 (already encumbered).**

One-year contract with Pyrotechnico of Florida, LLC, in the amount of \$80,000 – July 4<sup>th</sup> fireworks display services is being presented for approval by the Parks and Recreation Department.

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| <b>Recommend:</b>            | Motion to approve.                              |
| <b>Vendor:</b>               | Pyrotechnico of Florida, LLC<br>San Antonio, FL |
| <b>Amount:</b>               | \$80,000.00                                     |
| <b>Bids Solicited/Rec'd:</b> | 405/2   |
| <b>Exhibit:</b>              | Commission Agenda Report 09-0454                |

The Procurement Services Department has reviewed this item and recommends awarding to the single responsive responsible proposer.

**Motion** made by Vice Mayor Roberts and seconded by Commissioner Rogers to approve the item as presented.

In response to Commissioner Rodstrom, Kirk Buffington, Director of Procurement Services, noted a calculation error was corrected that resulted in a reduced amount. Also, the barge was moved so that it does not have to stage, load and unload at Port Everglades. Las Olas Marina South will be utilized. Phil Thornburg, Director of Parks and Recreation provided information on what other area cities will be doing. Staff is pursuing partnership in some form next year with Lauderdale-By-The-Sea and looking for sponsorships.

Mayor Seiler advised that Pyrotechnico of Florida also contributed \$5,000 towards the event.

Marc Dickerman, 1417 SW 2<sup>nd</sup> Street, was concerned about the 40% cancellation fee, and asked about inclement weather. Mr. Thornburg explained the problem with a rain date is the double cost of staffing. Commissioner DuBose commented about difficulty with notice to the public and that it could rain for days. Mr. Buffington indicated that the 40% cancellation fee is fairly standard in the industry.

Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

**Proposed Lien Settlements – Special Magistrate Waterworks  
2011 – 727 SW 4 Street And 1487 SW 18 Avenue**

(MD-07)

**No budgetary impact.**

A motion approving proposed lien settlements – Special Magistrate WaterWorks 2011 cases – 727 SW 4 Street and 1487 SW 18 Avenue.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0488

**Motion** made by Commissioner Rodstrom and seconded by Vice Mayor Roberts to approve the item as presented.

Valerie Bohlander, Director of Building Services, indicated the amount of \$520 is in accord with discussion on April 7, 2009.

Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

**Proprietary – Hewlett Packard Blade Server Equipment**

(MD-08)

**\$84,554 is budgeted in Fund 001, Subfund 01, GEN020101, 6404.**

Purchase Hewlett Packard Blade Server equipment from Computer Systems Support, Inc., in the amount of \$84,554 is being presented for approval by the Information Technology Services Department.

**Recommend:** Motion to approve.

**Vendor:** Computer Systems Support, Inc.  
Miami, FL

**Amount:** \$84,554.00 (not-to-exceed)

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 09-0437

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

**Motion** made by Commissioner Rodstrom and seconded by Vice Mayor Roberts to approve the item as presented. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

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| <b>RESOLUTIONS</b> |
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**Lot Clearing And Cleaning – Special Assessment Liens  
For Associated Cost  
No budgetary impact.**

**(R-01)**

In response to Mayor Seiler's question regarding reimbursement for staff, Valerie Bohlander, Director of Building Services, advised that all costs would be recouped.

Mike Maloney, Code Enforcement Manager, responded to Commissioner DuBose's question about the process concerning repeat offenders.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 09-90

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, MADE PURSUANT TO CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF LOT CLEARING AND IMPOSING A SPECIAL ASSESSMENT LIEN AGAINST EACH PROPERTY FOR THE ASSESSED AMOUNT, AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

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**Site Plan Level IV – Extension of Time – Orion Hotel -  
Case 46-R-06 – Transacta Prive Developers, Ltd. –  
700 North Atlantic Boulevard**

**(R-02)**

**No budgetary impacts.**

Mayor Seiler opened the floor for public comment.

Donald Hall, representing the Applicant, provided information to be entered into the record. He noted if the Applicant demonstrates satisfaction of the three criteria in the Unified Land Development Regulations, then the extension must be approved. The application was timely filed (first criteria). There have been no changes in the zoning, building or engineering regulations since the site plan was approved (second criteria). The third criteria has to do with whether the Applicant has established good cause for the delay. The good cause is the state of the economy, financial markets in general and the inability

of hotel developers to obtain financing. This is the same good cause presented earlier this year in four applications and extensions were granted.

Mr. Hall referred to the letter from Allen Ostroff of Hotel Dynamics, LLC, dated April 20, 2009, along with his resume. He summarized arguments made in the letter. A copy of the letter and resume is attached to these minutes. In order to secure financing one needs a flag or hotel operator brand and the brands will not commit until they are convinced that financing would be forthcoming. This is the reason for the extension which is the same amount of time granted to the Wave in February.

Silvia Coltrane of Transacta Prive Developers, Ltd., elaborated upon why the additional time is needed. She noted her lengthy discussions with a flag the City would have wanted in the area. The flag was lost because of the economic times. This is an enormous undertaking in terms of the number of disciplines of consultants. They have run out of time. She referred to concessions that have been made; the site cleanup And twenty-four hour security.

In response to Commissioner DuBose, Ms. Coltrane indicated that she continues to look for financing.

Fred Carlson, Vice President of Central Beach Alliance (CBA), provided some historical background on the project from the Alliance's point of view. He spoke in favor of the design and efforts made for the surrounding area including the Bonnet House. The CBA's second and final vote was 121 in favor and 45 against. He agreed that development money is unavailable. He expressed support in the extension request.

There was no one else wishing to speak.

Commissioner Rodstrom referred to the lawsuit associated with this project and the Bonnet House and Transacta's reduction in building height and view corridor. She mentioned having been repeatedly elected for her extreme stand of making sure the standard of the beach is upheld. She did not believe the building that is on the property today presents itself as it should for the beach. She was concerned about the broken window theory coming to be on the beach. She referred to the Bonnet House being a treasure for the entire city and that it is known nationally. She believed that the Orion project is still too high and if there had been a height reduction 3-4 years ago, the project would be underway now, but that was Ms. Coltrane's business decision.

In response to Commissioner Rodstrom's questions on how much the height needed to be reduced to not impact the view corridor from the Bonnet House's perspective, Greg Brewton, Director of Planning and Zoning, did not recall the Bonnet House's request, but staff's position on this project has not changed from eighteen stories.

In response to Commissioner Rodstrom's questions about the Bonnet House litigation, the City Attorney believed the litigation went on for less than a year. Bill Spencer, representing the Applicant, provided more detail about the litigation, its duration and that it was resolved before trial.

Commissioner Rodstrom wanted to know the height that would have been acceptable and would have avoided litigation and staff time. Mr. Spencer believed the project could have been as tall as twenty-four stories. Eighteen stories were approved after full staff review.

In the settlement agreement, Bonnet House agreed not to oppose any permit extensions which was negotiated by the City.

In response to Commissioner Rodstrom's question as to whether the Commission must grant an extension, Mr. Brewton indicated that the code says "shall". Based on criteria established in the code, there is a level of comfort the Commission must have that is not specific to any particular item other than the criteria itself. Each application must be able to meet that criteria on its own merit. A specific length of time for an extension is not noted in the code. It is an eighteen month requirement relating to securing a building permit. An extension could be requested prior to the eighteen months.

Commissioner Rodstrom requested, if the extension is granted, that the building be demolished. Mr. Hall noted that condition is not afforded in the code unless the building is determined by the Unsafe Structures Board to be so unsafe to need to be demolished. The mortgage on the property prohibits the Applicant from demolition without the consent of the lender. The building still has an economic value and could be retrofitted and put back into use. Some \$425,000 was expended by the Applicant to satisfy the Bonnet House. He expounded upon not having any personal experience in a developer taking such action in his professional recollection.

Commissioner DuBose' questioned the length of the extension. Mr. Hall indicated that Mr. Osstroff of Hotel Dynamics, LLC thought thirty-six months would be a safe timeline. Secondly, that is the same extension given to the Wave located directly to the south. It is a reasonable period of time given the hotel consultant's analysis of the hotel market and financing likelihoods.

Commissioner Rodstrom pointed out that the Wave is in a different condition, the property is still viable and running.

Ms. Coltrane noted the work done to keep the property presentable and that the community at large supports the Orion. She reiterated why she needs the extension.

Given the appearance, Commissioner Rodstrom felt a thirty-six month extension is generous. There will not be any oversight over the building after the three years is granted and this Commission may not be seated in three years. Mr. Brewton noted the code requires that properties be maintained. Mike Maloney, Code Enforcement Manager, indicated that the property was cited and the owner has worked with the City. It has been cleaned up and there is security. If they do not comply in the future, it could be brought before the Code Enforcement Board.

Commissioner DuBose asked about eighteen instead of thirty-six months, Mr. Brewton indicated any time period could be granted. There could be a requirement to come back if an additional extension was needed.

Mayor Seiler felt Commissioner Rodstrom's concerns about the condition of the property are valid and should be respected. However, he felt the Applicant has shown an entitlement to the extension.

Mr. Hall indicated that all code requirements concerning the building have been satisfied.



In response to Mayor Seiler, the City Attorney suggested a better course of action would be to grant a lesser extension with the promise that if they return for another extension, it would be considered favorably. He did not know if an extension could be granted and have it contingent upon something unrelated to the ordinance which permits the granting of extensions.

Ms. Coltrane reiterated her need for thirty-six months. The City has the power to cite the property if there is non-compliance.

The City Attorney noted that an eighteen month extension would grant exactly what was provided with the initial approval.

Mr. Spencer commented about it not being normal times; he referred to extenuating circumstances that have affected the world's economy. He referred to the time needed in order to get the development pieces back into place. He respectfully requested the 3-year extension so that they could deliver a quality product. The Applicant has demonstrated willingness to go many extra steps in working with the City. He mentioned support of the Central Beach Alliance and nearby residents.

Commissioner Rogers felt Code Enforcement's job is to address conditions of the property. He referred to the aforementioned letter (Allen Ostroff of Hotel Dynamics, LLC, April 20, 2009). He believed there are unusual circumstances. He supported a thirty-six month extension.

Commissioner Rodstrom said the building deteriorated over the last four years and they willingly let the building get rundown. She was not confident that Code Enforcement could make sure the building would be pristine. It is not pristine now. It is only about wanting the extension. She was not comfortable with thirty-six months. This Commission may not be seated at that time. She feared they may not have the money to keep the building maintained.

Commissioner DuBose noted a twenty-four month extension could be granted that would not outlive the life of this Commission.

Mayor Seiler believed the Applicant is entitled to an extension; it is just a matter of the time frame.

**Motion** made by Commissioner Rodstrom and seconded by Commissioner DuBose granting an eighteen-month extension on the subject project.

The Commission made disclosures.

Vice Mayor Roberts agreed with the comments about the current economic times, but was sensitive to Commissioner Rodstrom's concerns about the site. He believed they are entitled to an extension and that eighteen months is too short. He believed it should be revisited by this seated Commission.

Commissioner Rodstrom emphasized that it is not just a matter of a change in the market, but also oversight and maintenance of the building. The motion was amended as follows:

**Motion** made by Commissioner Rodstrom and seconded by Commissioner DuBose granting a twentyfour month extension for the subject property.

RESOLUTION NO. 09-91

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN EXTENSION OF THE EXPIRATION DATE OF A DEVELOPMENT PLAN APPROVING A HOTEL WITH RESTAURANT, BAR AND RETAIL USES ON PROPERTY LOCATED AT 700 NORTH ATLANTIC BOULEVARD IN AN ABA ZONING DISTRICT, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioner DuBose, and Mayor Seiler. NAYS: Commissioner Rodstrom.

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**Property Conveyance To Northwest Neighborhood Improvement District – Twenty-Seven Residential Parcels – Infill Housing Program** (R-03)

**No budgetary impact.**

This item was removed from tonight's agenda by the City Manager.

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**Community Appearance Board Annual Award Event** (CR-09)

Peter Henn indicated he would determine if Bahia Mar or Pier 66 would be available for the event.

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**Amendments – Florida Ship Program Local Housing Assistance Plans** (R-04)

**No budgetary impact.**

Peter Henn, Chair of the Affordable Housing Advisory Committee, supported this item. He did not think that the affordable housing issue has gone away. He felt the Commission needs to take advantage of all opportunities to obtain all federal and state dollars. He did not believe lowering real estate prices will solve the affordable housing situation in Fort Lauderdale. He emphasized the need not to forget about affordable housing and homelessness.

Commissioner Rodstrom introduced the following resolution:

## RESOLUTION NO. 09-92

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE 2004-2007 AND 2007-2010 STATE HOUSING INITIATIVE PROGRAM LOCAL HOUSING ASSISTANCE PLANS TO REVISE EXISTING STRATEGIES, EXPEDITED PERMITTING PROCESS, ONGOING REVIEW PROCESS, PURCHASE ASSISTANCE PROGRAM, DISASTER RELIEF STRATEGY AND TO ADD A NEW LAND BANK INVENTORY STRATEGY.

Which resolution was read by title only.

Commissioner Rogers agreed with Mr. Henn. In response to Commissioner Rogers, Jonathan Brown, Housing and Community Development Manager, explained the land bank inventory requirement and the related process and steps being taken by staff. This is a new state requirement.

Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

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**Lincoln Park Remediation Plan – Declaration of Restrictive Covenants – Portions of Rights-of-Way – NW 19 Avenue, NW 7 Street and NW 20 Avenue**

**(R-05)**

**No budgetary impact.**

Commissioner Rodstrom introduced the following resolution:

## RESOLUTION NO. 09-93

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION OF A DECLARATION OF RESTRICTIVE COVENANTS BY THE PROPER CITY OFFICIALS FOR PROPERTY DEDICATED TO OR OWNED BY THE CITY OF FORT LAUDERDALE FOR PUBLIC RIGHTS OF WAY FOR PORTIONS, MORE PARTICULARLY DESCRIBED BELOW, OF N.W. 19<sup>TH</sup> AVENUE, N.W. 7<sup>TH</sup> STREET, AND N.W. 20<sup>TH</sup> AVENUE IN THE VICINITY OF LINCOLN PARK, AS REQUIRED BY THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR CLOSING OUT OF THE REMEDIATION ACTION PLAN ON THE PROPERTY.

Which resolution was read by title only. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

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|------------------------|
| <b>PUBLIC HEARINGS</b> |
|------------------------|

**Rezoning to Community Facilities -  
1121 NW 8 Avenue – Case 16-Z-08**

(PH-01)

No budgetary impacts.

**Applicant:** Bethel Evangelical, Baptist Church, Inc.  
**Location:** 1121 NW 8 Avenue  
**Current Zoning:** Residential Single-Family-Duplex-Low Medium Density  
 RD-15  
**Proposed Zoning:** Community Facilities – House of Worship CF  
**Future Land Use:** Medium (residential)

There being no individuals wishing to speak, a **motion** was made by Commissioner Rogers and seconded by Vice Mayor Roberts to close the public hearing. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

Commissioner Rogers introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-09-10

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RD-15 TO CF, LOTS 5 THROUGH 24, BLOCK 130 AND LOTS 1 THROUGH 7, BLOCK 196, "PROGRESSO," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED ON THE NORTH AND SOUTH SIDES OF N.W. 11<sup>TH</sup> STREET, ON THE WEST SIDE OF N.W. 8<sup>TH</sup> AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

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**Rezoning To Residential Medium High Density  
2400 West Broward Boulevard – Case 3-Z-09**

(PH-02)

No budgetary impacts.

**Applicant:** Riverbend South LLC  
**Location:** 2400 West Broward Boulevard

**Current Zoning:** Mobile Home Park MHP  
**Proposed Zoning:** Residential Multi-Family Medium High Density  
RMM-25  
**Future Land Use:** Medium High (residential)

There being no individuals wishing to speak, a **motion** was made by Vice Mayor Roberts and seconded by Commissioner DuBose to close the public hearing. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-09-11

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM MHP TO RMM-25, A PORTION OF PARCELS "B" AND "C," "AMENDED PLAT OF BLOCKS 4, 5, 6, 7 AND 14, WOODLAND PARK UNIT 1," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 30, PAGE 45 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; TOGETHER WITH A PORTION OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 50 SOUTH, RANGE 42 EAST, LYING BETWEEN SOUTHWEST 24<sup>TH</sup> AVENUE AND SOUTHWEST 26<sup>TH</sup> AVENUE, AND NORTH OF SOUTHWEST 3<sup>RD</sup> STREET AND SOUTH OF WEST BROWARD BOULEVARD, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only.

The Commission made disclosures.

Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: Commissioner DuBose.

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**Future Land Use Map Amendment – Fire Station 46 At Mills Pond Park Community Facilities – Case 6-T-07** (PH-03)

**No budgetary impact.**

**Applicant:** City of Fort Lauderdale  
**Location:** 1515 NW 19 Street – Mills Pond Park  
**Current Future Land Use:** Park-Open Space  
**Proposed Future Land Use:** Community Facilities

Mayor Seiler opened the floor to the public for comments regarding this matter.

The Commission made disclosures.

Mayor Seiler said that a form called the Comprehensive Plan Citizen Courtesy Information List is available with the Assistant City Clerk which is provided for any citizen who wants to receive a personal notice from the Florida Department of Community Affairs of the State's intentions concerning finding the amendment in compliance with state law. One does not have to testify at the hearing or submit written testimony in order to sign the form. The form will be submitted to the State along with the amendments.

There being no individuals wishing to speak, a **motion** was made by Commissioner Rogers and seconded by Vice Mayor Roberts to close the public hearing. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

Commissioner Rogers introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-09-12

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A SMALL SCALE LAND USE MAP AMENDMENT TO THE 2008 FORT LAUDERDALE COMPREHENSIVE PLAN TO CHANGE THE LAND USE DESIGNATION FROM PARK-OPEN SPACE TO COMMUNITY FACILITIES, A 1.3 ACRE, MORE OR LESS, PARCEL OF LAND IN THE SOUTHWEST CORNER OF TRACT "A," "LAKE LAUDERDALE RECREATION AREA," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 134, PAGE 38, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE NORTH SIDE OF NORTHWEST 19<sup>TH</sup> STREET BETWEEN NORTHWEST 15<sup>TH</sup> AVENUE AND INTERSTATE I-95, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED IN COMPOSITE EXHIBIT "A" ATTACHED HERETO, AND REQUESTING THE BROWARD COUNTY PLANNING COUNCIL TO RECERTIFY THE AMENDMENT.

Which ordinance was read by title only.

Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

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**ORDINANCES**

**Code Amendment – Section 26-131 - Parking  
Television and Film Crews Parking in Beach Area**

**(O-01)**

**No budgetary impact.**

Commissioner Rogers introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-09-09

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO PARKING; AMENDING SECTION 26-131, "HOUSE TRAILERS, BUSES, RECREATIONAL VEHICLES AND TRUCK TRACTORS – IN BEACH AREA" AND DELETING SECTION 26-131.1, "SAME – ON STATE ROAD A-1-A" OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO EXTEND THE EXEMPTION PROVISION FOR OFFICIAL VEHICLES AND VEHICLES THAT ARE AUTHORIZED BY THE CITY TO BE ENGAGED IN TELEVISION OR FILM PRODUCTION TO THE BEACH AREA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Which ordinance was read by title only. Roll call showed YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

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**New Surface Transportation Authorization Legislation** (OB)  
**II-A – NEW FEDERAL TRANSPORTATION AUTHORIZATION LEGISLATION**

Albert Carbon, Director of Public Works, advised that Congress is preparing to authorize a six-year transportation bill with funding to be available in the 2010-2011 federal fiscal year. In addition to those projects listed in Commission Agenda Report 09-0492, staff would like to add the WAVE (downtown transit project), Flagler Progresso Greenway and transportation improvements to the Northwest Neighborhood Enhancement project. See regular meeting walk-on item. Staff will meet with the congressional staff on selecting which projects they will support.

Commissioner Rodstrom asked about Riviera Isles street flooding. Mr. Carbon indicated that it does not meet the criteria.

In response to Commissioner DuBose and Vice Mayor Roberts, Mr. Carbon advised that the amount identified in the Capital Improvement Program for the swing bridge is being requested. As the bid is \$3.4 million, the amount would be adjusted. There is \$15 million for full replacement of seven bridges, whereas the Commission previously addressed \$400,000 for bridge repair. He explained staff's thoughts about trying to secure funding for bridge replacement. Of the information concerning twelve bridges discussed at the conference meeting, this submittal contains seven that Florida Department of Transportation indicated should be a priority.

In response to Mayor Seiler, Mr. Carbon advised that Middle River bridge (Sunrise Boulevard) is not included because it is owned and operated by Florida Department of Transportation and going through the design process now.

In response to Mayor Seiler question about A-1-A greenway, Mr. Carbon indicated a portion of the greenway is included. He noted a cost range of \$4-16 million and that it could be higher depending on whether property has to be acquired. A distance of 3 ½ miles would be \$16 million. This application would be ¾ to one mile segment in the central beach area. Mayor Seiler asked if the City's projects have been compared with Broward County's projects in the interest of synergy. Mr. Carbon felt it would be looked at countywide. The Metropolitan Planning Organization's (MPO) transportation improvement plan and therefore included by Broward County.

Vice Mayor Roberts wanted more information and asked the City Manager if he could meet with staff on the Middle River bridge.

Commissioner Rodstrom advised that the MPO moved the A-1-A greenway to the list. The executive director of the MPO wanted her to work with City staff to develop a drawing in order to present an alternate idea to the MPO for funding. Mr. Carbon offered to followup with the MPO staff.

Vice Mayor Roberts introduced the following resolution:

RESOLUTION NO. 09-94

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RECOMMENDING THE SUPPORT OF VARIOUS TRANSPORTATION PROJECTS AND SUBMITTING THEM FOR CONSIDERATION TO THE FORT LAUDERDALE DELEGATION AS HIGH PRIORITY PROJECTS FOR THE UPCOMING LEGISLATION.

Which resolution was read by title only. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

**Advisory Board /Committee Appointments**

**(OB)**

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

|                                   |  |
|-----------------------------------|--|
| Beach Redevelopment Board         | Miranda Lopez<br>Art Seitz                                   |
| Budget Advisory Board             | Ray Williams<br>Keith D. Cobb                                |
| Cemetery System Board of Trustees | Delores Sallette<br>Cameron LeRoy Mizell<br>William N. Cooke |
| Charter Revision                  | Judy Stern<br>Alain Jean                                     |
| Community Appearance              | Robert McNair  |



|  |  |
|--|--|
| Economic Development Advisory Board                        | Christopher W. "Kit" Dennison<br>Sheryl Dickey<br>Miya-Burt-Stewart  |
| Education Advisory Board                                   | Heather Moraitis<br>Katherine Leach<br>William "Bill" Borawski<br>Lillian Small<br>Mary Foster<br>Shezette Blue-Small<br>Linda Cooke<br>Leanore "Lu" Deaner<br>Jacqueline Ackerina |
| Fire-Rescue Facilities Bond Issue Blue<br>Ribbon Committee | Frank B. Anderson, Jr.   |
| Marine Advisory Board                                      | Bob Ross<br>John H. Baker<br>Stephen Tilbrook<br>Herb Rassing<br>Robert Sadowski<br>Tom Tapp<br>Mel DiPietro   |

Vice Mayor Roberts introduced the following resolution:

RESOLUTION NO. 09-95

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: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None

There being no other matters to come before the Commission, the meeting was adjourned at 11:17 P.M. at which time the Commission turned to Commission Report items. Items II-A, I-H, and I-I were addressed before the Commission adjourned the regular meeting.

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John P. "Jack" Seiler  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk