

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
MAY 5, 2009

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
May 5, 2009**

Meeting was called to order at 6:09 p.m. by Mayor Seiler on the above date, 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 None

Invocation was offered by Chaplain Charles Sneed, Fort Lauderdale Police Department, followed by the recitation of the Pledge of Allegiance led by Marc Dickerman.

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 DuBose to approve the minutes of February 17, 2009 Conference meeting and March 17, 2009 Regular meeting.

The City Clerk announced that on page 1 of the March 17, 2009 Regular meeting minutes there is a notation referencing Mayor Naugle which will be corrected. Also, on page 3, the resolution title for Item CR-01 was corrected after preparation of the minutes.

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

Presentations

1. National Prayer Day – May 7, 2009 (PRES-01)

Commissioner Rogers presented a proclamation, designating May 7, 2009, as National Prayer Day, to Daphne Creary, Broward County's Event Coordinator.

Ms. Creary thanked the Commission and announced that a service would be held at City Hall, at 12:00 p.m. on May 7.

2. Drinking Water Week – May 2-9, 2009 (PRES-02)

Commissioner Rodstrom presented a proclamation, designating May 2-9, 2009 as Drinking Water Week, to Rick Johnson, Regional Water Treatment Plant Manager and Julie Leonard, Assistant Utilities Services Director of Operations. Mr. Johnson thanked the Commission and invited everyone to tour the plant.

3. Outstanding City Employees (PRES-03)

Diana Alarcon, Director of Parking and Fleet Services, recognized Security Guard Yves Saint Gilles as employee of the month for April, 2009, for his work in assisting the police with information regarding a vehicle that crashed into the wall at the City Park Garage, thereby enabling the police to capture the individual.

Frank Adderley, Police Chief, recognized Officers Amanda Alexander, Jacqueline Sanchez, and Thomas Stenger as officers for the month of May, 2009, for their work in freeing accident victims from a burning vehicle and saving their lives. He announced that Officer Alexander recently retired after 27 years of service.

Chief Bret Blue of Ocean Rescue and Assistant Chief John Melinder, Chief of Operations Bureau, recognized Lifeguards Maria Florida Morales, John O'Donnell, Amanda Wilson and Mitchell McCrady, along with Lieutenants Allen W. Reed and Robert O. Hamilton, Driver-Engineer David Landers and Firefighters Steven A. Guernsey, Miguel A. Calle and Brian J. Dunn of the Fire Rescue Department, and EMS Supervisor Daniel Moran and Acting Battalion Chief Michael Viveros for their work in saving an individual at the beach.

**4. Distinguished Budget Presentation Award (PRES-04)
Office of Management and Budget**

The City Manager recognized Allyson Love, Assistant City Manager and former Director of Management and Budget, for receiving the Distinguished Budget Presentation Award for the 2008-2009 budget from the Government Finance Officers Association.

Ms. Love thanked the Commission and recognized all of the staff that worked as a team to make this possible.

Consent Agenda (CA)

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

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

Event Agreement – Beach Tennis USA**(M-01)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Beach Tennis USA, LLC for Beach Tennis USA to be held May 9, 2009, 9 AM – 5 PM and May 10, 2009, 11 AM – 5 PM, at Fort Lauderdale South Beach, contingent upon Risk Management receiving and approving valid certificate of insurance.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0520

**Event Agreement - Hospice Regatta 2009
Closing SW 4 Avenue Cul-De-Sac At Riverwalk****(M-02)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with HospiceCare of Southeast Florida, Inc. for Hospice Regatta 2009, to be held at Lauderdale Yacht Club, in the ocean and at Esplanade on May 16, 2009, 6:30 AM – 11 PM and closing SW 4 Avenue cul-de-sac at Riverwalk, 3 PM – 12 Midnight.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0434

**Event Agreement – Broward Invitational Advanced
Life Support Competition****(M-03)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Fire Chiefs Association of Broward County, Inc. for Broward Invitational Advanced Life Support Competition to be held May 19, 2009, 7 AM – 4 PM, at George English Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0518

**Event Agreement – 2nd Annual Corn Toss Tournament
And Family Fun Day (M-04)**

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Facing It Together, Inc. for 2nd Annual Corn Toss Tournament and Family Fun Day to be held May 17, 2009, 12 Noon – 5 PM, at Huizenga Plaza.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0519

Yappy Hour – Mutts and Martinis Event – Location Change (M-05)

No budgetary impact.

A motion approving a change of location for the Riverwalk Fort Lauderdale, Inc. event Yappy Hour – Mutts and Martinis from Las Olas Riverfront to Laura Ward Plaza on May 15, 2009 and September 25, 2009.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0537

**Event Agreement – 5th Anniversary Ronald McDonald House
Closing SE 1 Avenue and SE 15 Street (M-06)**

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Ronald McDonald House Charities of South Florida, Inc. for 5th Anniversary Ronald McDonald House Fort Lauderdale, to be held May 16, 2009, 11 AM – 2 PM, at Ronald McDonald House, 15 SE 15 Street and closing SE 1 Avenue and SE 15 Street in front of the house, contingent upon City Attorney's Office receiving and approving executed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0545

**Event – Police Memorial – Closing Eastbound and
Westbound Curb Lanes Of SW 2 Street (M-07)**

No budgetary impact.

A motion authorizing Police Department to conduct a police memorial to be held at Esplanade Park on May 6, 2009, 2 PM – 3 PM and closing eastbound and westbound curb lanes of SW 2 Street, from SW 5 Avenue to SW 7 Avenue, 1 PM – 4 PM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0546

Event Agreement – Family Series – Events For A Change (M-08)
Closing Sistrunk Boulevard East Curb Lane -
Donating Application Fee

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Team of Life, Inc., for Family Series – Events For a Change, to be held at Lincoln Park and Sistrunk Park on May 9, June 20, and August 1, 2009, 5 PM – 8 PM, closing eastbound curb lane of Sistrunk Boulevard during the march portion of the events and authorizing donation of the \$100 application fee by the City.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0554

Amendment 10 – Work Authorization 16724.53 – Keith and (M-09)
Schnars, P.A. – Shady Banks Septic Area 5 – Net Zero Cost

\$12,857.50 is available in Fund 482, Subfund 01, P10543.482-6534 encumbrance; EP02534.

A motion authorizing the proper City Officials to: (1) execute Amendment 10 to Work Authorization 16724.53 with Keith and Schnars, P.A. – additional engineering and design services during construction – Shady Banks Septic Area 5 – Project 10543, and (2) reallocating unused funds in the amount of \$12,857.50, resulting in a net zero cost for this amendment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0258

Contract Award – Dave Foote Environmental Construction, Inc. - (M-10)
\$899,905.69 – Poinciana Park South, Twin Lakes and Melrose
Manors North Pump Stations

Appropriate \$1,007,894.37 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11310.482-6599.

A motion authorizing the proper City Officials to: (1) award and execute contract with Dave Foote Environmental Construction, Inc., in the amount of \$899,905.69 – construction of three pump stations – Poinciana Park South, Twin Lakes and Melrose Manors North – Project 11310; and (2) appropriate \$1,007,894.37 to fund this contract and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0511

Change Order 1 – Acupower, Inc. - \$19,457.29 (M-11)
Executive Airport Security Improvements

\$19,457.29 is available in P10965.468C-6599, Fund 468, Subfund 02.

A motion authorizing Change Order 1 with Acupower, Inc., in the amount of \$19,457.29 – Executive Airport Security Improvements – Porject 10965.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0447

Change Order 1 (Final) – Intercounty Engineering Inc. - (M-12)
Credit (\$152,533.15) – Edgewood Pump Stations – Add 220 Days

Reduce encumbrance in Fund 482, Subfund 01, P10580.482-6599 by (\$152,533.15); EP03384.

A motion authorizing: (1) Change Order (Final) with Intercounty Engineering Inc., in net CREDIT amount of (\$152,533.15) and the addition of 220 non-compensable calendar days to contract period – additional work and final quantity reconciliation – Edgewood Pump Stations – Basins A, B and C – Project 10580H; and (2) reduce encumbrance by (\$152,533.15).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0477

Change Order 5 (Final) – Foster Marine Contractors, Inc. - (M-13)
Credit (\$255,875.49) – Sanitary Sewer and Water Main Improvements Area 2 East Basin B

Reduce encumbrance in Fund 482, Subfund 01, P10832.482-6599 by (\$255,875.49); EP03408.

A motion authorizing: (1) Change Order 5 (Final) with Foster Marine Contractors, Inc., in the net CREDIT amount of (\$255,875.49) – final quantity reconciliation – Sanitary Sewer and Water Main Improvements Area 2 East Basin B – Project 10832B; and (2) reduce encumbrance by (\$255,875.49).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0478

Grant Application – 2009 Assistance To Firefighters Grant - (M-14)
\$640,000 – Federal Emergency Management Agency –
Marine Firefighting Boat

No current year budgetary impact.

A motion authorizing the proper City Officials to apply for grant funds in the amount of \$640,000 from U.S. Department of Homeland Security, Federal Emergency Management Agency – 2009 Assistance to Firefighters Grant Program – replacement marine firefighting boat.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0550

Ride Along Agreement – Paramedic and EMT Students (M-15)
Florida Medical Training Institute

No budgetary impact.

A motion authorizing the proper City Officials to execute three-year agreement with Florida Medical Training Institute, Inc. allowing paramedic and EMT students to ride along with City Fire-Rescue Department paramedics to gain practical experience.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0506

Grant Application – Assistance To Firefighters Grant Program - (M-16)
\$854,298 – Federal Emergency Management Agency –
Cardiac Monitor Defibrillators

No current year budgetary impact.

A motion authorizing the proper City Officials to apply for grant funds in the amount of \$854,298 from Federal Emergency Management Agency, U.S. Department of Homeland Security – 2009 Assistance to Firefighters Grant Program – 42 Physio-Control LifePak 15 cardiac monitor defibrillators with associated batteries and equipment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0549

Settlement of Worker Compensation File WC-08-13397 - (M-17)
\$50,000

Funds are budgeted in INS010101-5125 (Workers' Compensation Claims), Fund 543 Sub Account 01. There are sufficient funds to cover the \$50,000 settlement.

A motion authorizing settlement of Worker Compensation File WC-08-13397 (Donald Weintraub) - \$50,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0483

Self-Funded Group Health Plan Amendment

(M-18)

INS220101/Subobject 5131, Fund 545/Subfund 01. There are sufficient funds to cover up to \$25,000 annually for these claims.

A motion authorizing an amendment to group healthcare plans to include coverage for reconstructive surgery – treatment of impotence due to cancer surgery, chemotherapy and or radiation.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0500

Community Bus Services – Agreement – United Residents Council - \$37,225

(M-19)

The \$37,225 that Broward County will reimburse the City will be available in Fund 129, Subfund 01, GURC09-4204. When the appropriation of funds from the Budget Amendment in CAR 09-0553 is booked (this item is contingent upon approval of that Budget Amendment).

A motion authorizing the proper City Officials to execute an agreement with United Residents Council – continued Community Bus Services (April 30, 2009 through September 30, 2009), in the amount of \$37,225 – contingent upon approval of Interlocal Agreement with Broward County and associated budget amendments to fiscal year 2008-2009 final operating budget.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0555

**Community Bus Services – Agreement - \$91,123.46
Downtown Fort Lauderdale Transportation Management Association**

(M-20)

\$91,123.46 will be available in Fund 129, Subfund 01, GSHUTTLE09-4204 contingent upon approval of the budget amendments in CAR 09-0553. When the appropriation of funds from the Budget Amendment in CAR 09-0553 is booked (this item is contingent upon approval of that Budget Amendment).

A motion authorizing the proper City Officials to execute an agreement with Downtown Fort Lauderdale Transportation Management Association – continued Community Bus Services (April 30, 2009 through September 30, 2009) in the amount of \$91,123.46 – contingent upon approval of Interlocal Agreement with Broward County for public transportation services and associated budget amendments to fiscal year 2008-2009 final operating budget.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0556

Disaster Recovery Initiative Grant – Extension of Time (M-21)
Housing Rehabilitation and Temporary Relocation Assistance

\$873,117 is budgeted in Index Code CD0708STDRI, Fund 108, Subfund 01, SOB8001.

A motion authorizing the proper City Officials to submit a request to Broward County for a six-month extension of time – Disaster Recovery Initiative Grant.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0568

Summer Youth Employment Program (M-22)

Funds are budgeted in General Fund 001, Subfund 01, GEN010101, Subsubject 4210/FY08-09, impact a maximum of \$160,000.00.

A motion authorizing the proper City Officials to execute an agreement with Workforce One for Summer Youth Employment Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0450

CONSENT RESOLUTION

Amend Operating Budget – Increase in Scope of Work - (CR-01)
LTJ, Inc. v. City Billing, Cochran, Lyles, Mauro & Ramsey, P.A.

\$60,000 is available in Fund 409, Subfund 01, PB5090301-3299

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0272

RESOLUTION NO. 09-111

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, 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 \$60,000 TO THE LAW FIRM OF BILLING COCHRAN, LYLES, MAURO & RAMSEY, P.A. AS SPECIAL COUNSEL, REPRESENTING THE CITY IN LTJ, INC., V. CITY OF FORT LAUDERDALE.

Change Order 1 – Tenex Enterprises, Inc. - \$34,355 (CR-02)
Sunset Memorial Gardens Fence Wall

Appropriate \$39,167 from Fund 627 Sunset Perpetual Care Fund Reserves (Screen 6400-Fund 627 no Subfund G/L Account 260) to P11217.331-6599, Fund 331, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0529

RESOLUTION NO. 09-112

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING 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 TRANSFERRING AND APPROPRIATING \$39,167 TO P11217.331-6599 TO FUND CHANGE ORDER 1 WITH TENEX ENTERPRISE, INC. FOR THE ADDITIONAL WORK AT SUNSET MEMORIAL GARDENS CEMETERY.

Grant Acceptance – Broward County - \$7,500 (CR-03)
Public Space Recycling Program – High Volume Areas

Appropriate \$7,500 of grant funding to GWASTE09 revenue, Subobject J190 and expenditure Subobject 3943, Fund 409, Subfund 03. The \$7,968 containers purchase will be funded as follows: \$7,500 from GWASTE09-3943 and \$468 from PBS090601-3943, Fund 409, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0481

RESOLUTION NO. 09-113

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE RESOURCE RECOVERY BOARD OF BROWARD COUNTY AND THE CITY OF FORT LAUDERDALE AND 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 ACCEPTING AND APPROPRIATING GRANT FUNDS PURSUANT TO SAID AGREEMENT IN THE AMOUNT OF \$7,500 AND APPROPRIATING \$468 FROM PBS090601-3943, FUND 409, SUBFUND 01 TRANSFERRING-IN SAID FUNDS TO GWASTE09 REVENUE, SUBOBJECT J190 AND EXPENDITURE SUBOBJECT 3943, FUND 409, SUBFUND 03 FOR THE PURCHASE OF EIGHT RECYCLING CONTAINERS.

Amend Operating Budget – Appropriation - \$4,000 (CR-04)
Community Appearance Board Annual Awards Event

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

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0552

RESOLUTION NO. 09-114

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 AT CITY HALL 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.

Community Bus Services – Interlocal Agreement - (CR-05)
Broward County - \$283,431.43

For the TMA portion appropriate \$155,082.97 to F209 (Rev. County Share) and appropriate \$91,123.46 to N968 (Rev. – City Gas Tax Share) and appropriate

\$246,206.43 to expenditure in 4204 all in Fund 129, Subfund 01 GSHUTTLE09. For the URC portion, appropriate \$37,225 to Fund 129, Subfund 01, GURC09, F209 (Rev.) and expenditure in 4204 (there is no City match or contribution in the URC agreement).

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0553

RESOLUTION NO. 09-

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 \$283,431.43 FOR TRANSPORTATION SERVICES AND APPROVING AN EXTENSION OF AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE CONTINUATION OF COMMUNITY BUS SERVICES.

State Road A-1-A Light Replacement – Turtle Friendly Fixtures - \$3,290,702 – Joint Participation Agreement - Florida Department of Transportation (CR-06)

Appropriate \$3,290,702 to grant funding to revenue in P11498.129-D479, Fund 129, Subfund 01 and to expenditure – 6599.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0461

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO RECEIVE FUNDING IN THE AMOUNT OF \$3,290,702 FOR THE STATE ROAD A1A LIGHT REPLACEMENT PROJECT P11498 AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009 BY ACCEPTING AND APPROPRIATING GRANT REVENUE TO FUND 129.

Centennial Celebration Committee – Membership Increase and Procedures For Fact-Finding Tasks

(CR-07)

Not provided.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0567

RESOLUTION NO. 09-115

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 08-108, TO EXPAND THE BOARD MEMBERSHIP FROM FIFTEEN TO TWENTY-ONE MEMBERS AND AUTHORIZING THE COMMITTEE CHAIR TO APPOINT INDIVIDUAL COMMITTEE MEMBERS TO UNDERTAKE FACT-FINDING TASKS OUTSIDE THE MEETING FOR PLANNING THE UPCOMING CENTENNIAL CELEBRATION.

Appointment of Squire, Sanders & Dempsey, L.L.P. As Counsel – IRS Arbitrage Audit – Bond Issue – Pine Crest Preparatory School

(CR-08)

Not to exceed \$25,000 to be paid from FD001-01, General Fund, GEN010201/Subobject 3119, Legal Services.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0523

RESOLUTION NO. 09-116

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING THE LAW FIRM OF SQUIRE, SANDERS & DEMPSEY L.L.P. TO ACT AS COUNSEL TO THE CITY OF FORT LAUDERDALE, FLORIDA IN CONNECTION WITH THE INTERNAL REVENUE SERVICE EXAMINATION OF THE PINE CREST PREPARATORY SCHOOL, INC. INDUSTRIAL DEVELOPMENT REVENUE BONDS.

Grant Acceptance – FM Global Fire Prevention Grant - \$1,660 Arson and Forensic Investigation Equipment

(CR-09)

Appropriate \$1,660 of Grant Funds to Fund 129, Subfund 01, GFMGLOB09, F740 (Rev), and Expenditures in 3946 (\$1,660).

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0547

RESOLUTION NO. 09-117

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$1,660 FROM THE FM GLOBAL FIRE PREVENTION GRANT PROGRAM FOR ARSON AND FORENSIC INVESTIGATION EQUIPMENT; 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 GRANT REVENUE FUNDS TO FUND 129.

Office Space – Former Tyrone Bryant Library Building - (CR-10)
Osswald Park Lease Agreement – Delta Education and
Life Dev. Foundation, Inc.

\$20,000 from General Fund Anticipated year end Balance, FD001/9901, Subfund 01 to EDV010102, Subobject 3425, Fund 01, Subfund 01, also revenue of \$10.00 to be deposited into EDV010102, Subobject N176, Fund 001, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0565

RESOLUTION NO. 09-118

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING, PURSUANT TO SECTION 8.13 OF THE CITY CHARTER, ITS INTENT TO LEASE PREMISES WITHIN "OSSWALD PARK" LOCATED AT 2220 N.W. 21ST AVENUE, FORT LAUDERDALE, FLORIDA TO DELTA EDUCATION AND LIFE DEVELOPMENT FOUNDATION, INC., A FLORIDA NOT FOR PROFIT CORPORATION TO BE USED AS A COMMUNITY FACILITY PROVIDING EDUCATIONAL, MENTORING, SOCIAL AND RECREATION PROGRAMS FOR A TERM OF FIFTY (50) YEARS AT AN ANNUAL RENT OF TEN AND NO/100 DOLLARS (\$10.00), SUBJECT TO FURTHER TERMS AND CONDITIONS AND SCHEDULING A PUBLIC HEARING BEFORE THE CITY COMMISSION ON JUNE 16, 2009 FOR CONSIDERATION OF THE TERMS OF THE LEASE AND AUTHORIZATION FOR EXECUTION OF SAME BY THE PROPER CITY OFFICIALS; AND INSTRUCTING

THE CITY CLERK TO PUBLISH THIS RESOLUTION IN THE OFFICIAL NEWSPAPER AS MORE PARTICULARLY SET FORTH BELOW.

Amendment To Lease – Extension of Term – Use of Lockhart Stadium – School Board of Broward County (CR-11)

\$10,000 (approximately) is for receipt of revenues in Fund 468, Subfund 01, BUS070101-N259.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0485

RESOLUTION NO. 09-119

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A THIRD AMENDMENT TO LEASE AGREEMENT WITH THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, REGARDING THE USE LOCKHART STADIUM THROUGH JUNE 30, 2011, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

Amendments – Florida Ship Program Local Housing Assistance Plans (CR-12)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0557

RESOLUTION NO. 09-120

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 ADD NEW STRATEGIES, UTILITY CONNECTION PAYMENT, HOMEOWNER DEVELOPMENT AND MULTI-FAMILY RENTAL DEVELOPMENT.

Homelessness Prevention And Rapid Re-Housing Program - \$852,872 – Amendment To Consolidated Plan 2008 Action Plan

CR-13)

Upon appropriation of the HPRP grant in amount of \$852,872, revenue received will be deposited into Fund 108, Subfund 01, Index Code HRP09, SOB C587 and expense in 8027.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0559

RESOLUTION NO. 09-121

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 HUD GRANT FUNDS IN THE AMOUNT OF \$852,872.00 AND AMENDING THE 2008-2009 HUD ANNUAL ACTION PLAN TO PROVIDE FOR THE HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM.

**Grant Acceptance – Harbordale Park - \$75,000
Broward County Land Stewardship Program – Parks For People**

(CR-14)

Appropriate \$75,000 of grant revenue funds to fund type 10, Fund 129, Subfund 01, P11182.129-F733, Broward County Cultural Recreation grant, and \$75,000 expenditures to P11182.129-6599, construction, Fund Type 10, Fund 129, Subfund 01. No cash match.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1901

RESOLUTION NO. 09-122

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$75,000 FROM BROWARD COUNTY THROUGH THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT LAND STEWARDSHIP PARKS FOR PEOPLE PROGRAM FOR HARBORDALE 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 GRANT REVENUE
FUNDS TO FUND 129.

Grant Acceptance – Coral Ridge Park - \$45,580
Land Stewardship Program – Parks For People

(CR-15)

Appropriate \$45,580 of grant revenue funds to Fund Type 10, Fund 129, Subfund 01, P11184.129-F733, Broward County Cultural Recreation grant, and \$45,580 expenditures to P11184.129-6599, construction, Fund Type 10, Fund 129, Subfund 01. No cash match.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1905

RESOLUTION NO. 09-123

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$45,580 FROM BROWARD COUNTY THROUGH THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT LAND STEWARDSHIP PARKS FOR PEOPLE PROGRAM FOR CORAL RIDGE 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 GRANT REVENUE FUNDS TO FUND 129.

Grant Acceptance – Dolphin Isles Park - \$28,000
Broward County Land Stewardship Program – Parks For People

(CR-16)

Appropriate \$28,000 of grant revenue funds to Fund Type 10, Fund 129, Subfund 01, P11124.129-F733, Broward County Cultural Recreation grant, and \$28,000 expenditures to P11124.129-6599, construction, Fund Type 10, Fund 129, Subfund 01. No cash match.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1902

RESOLUTION NO. 09-124

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$28,000 FROM BROWARD COUNTY THROUGH THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT LAND STEWARDSHIP PARKS FOR PEOPLE PROGRAM FOR DOLPHIN ISLES 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 GRANT REVENUE FUNDS TO FUND 129.

Grant Application – Buffer Vegetation At Snyder Park - (CR-17)
\$10,000 – Florida Urban and Community Forestry Grant Program

\$10,000 matching funds are available under PKR 060301-1101 Permanent Salaries, GF001, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0496

RESOLUTION NO. 09-125

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR GRANT FUNDING IN THE AMOUNT OF \$10,000 THROUGH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, URBAN AND COMMUNITY FORESTRY GRANT PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT ON BEHALF OF THE CITY WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND ANY OTHER NECESSARY DOCUMENTS ASSOCIATED WITH SUCH GRANT.

PURCHASING AGENDA

193-10272 – Ammunition – Police Department**(PUR-01)**

Funds are budgeted: Fund 001, Subfund 01, \$43,064.30 in POL020211, 3999; \$24,572.22 in POL030406, 3999 and \$29,135 in POL040401, 3999.

Purchase ammunition for monthly training programs and department issue on-duty ammunition is being presented for approval by the Police Department.

Recommend: Motion to approve.

Vendor: Florida Bullet Incorporated
Clearwater, FL
Lawmen's and Shooters' Supply, Inc.
Vero Beach, FL

Amount: \$96,771.52

Bids Solicited/Rec'd: 540/4

Exhibit: Commission Agenda Report 09-0516

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

**Vehicle Replacements – Florida Sheriff's Association
Contract and Bid Award 592-10242****(PUR-02)**

\$107,373.43 is budgeted in Fund 583, Subfund 01, PAR030101, 6416.

Purchase eight vehicle replacements as identified in 2008-2009 Fleet Plan and approved in 2008-2009 Fleet Services Capital Budget is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Various Vendors (see attached)

Amount: \$107,373.43

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-0356

The Procurement Services Department has reviewed this item and recommends award from the Florida Sheriff's Association Contract and Bid 592-10242.

**Continuing Contract – Kimley-Horn and Associates, Inc.
General Engineering Aviation Consultant Services****(PUR-03)**

No budgetary impact – work is assigned by task order and funds are identified at the time task orders go through the approval process.

A motion authorizing the proper City Officials to execute an Agreement with Kimley-Horn and Associates, Inc. – continuing contract for general engineering aviation consultant services.

Recommend: Motion to approve.

Vendor: Kimley-Horn and Associates, Inc.
Cary, NC

Bids Solicited/Rec'd: 899/5

Exhibit: Commission Agenda Report 09-0360

The Procurement Services Department has reviewed this item and recommends awarding the contract to Kimley-Horn and Associates, Inc. with the rates contained therein.

493-10279 – Reject Bids and Re-Bid - Water Distribution Parts (PUR-04)

No budgetary impact.

Reject all bids for purchase of water distribution parts, Groups A and G and re-bid is being presented for approval by the Public Works Department.

Recommend: Motion to reject and re-bid.

Bids Solicited/Rec'd: 697/9

Exhibit: Commission Agenda Report 09-0494

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

492-10222 – Elevator Maintenance (PUR-05)

City Hall, 100 N. Andrews Ave, Annual Price - \$10,800.00, Fund 001, Subfund 01, Index Code PBS030401-3428; Police Dept., 1300 W. Broward Blvd., Annual Price \$4,800.00, Fund 001, Subfund 01, Index Code POL020401/POL020407 – 3428; Downtown Parking Garage, SE 1 Ave & SE 1 St, Annual Price \$7,200.00, Fund 461, Subfund 01, Index Code PAR020104-3428; PW Administration Bldg, Annual Price \$1,800.00, Fund 450, Subfund 01, Index Code PBS010101-3428; GT Lohmeyer WT Plant, 1765 SE 18 St, Annual Price \$6,000.00, Fund 451, Subfund 01, Index Code PBS670502-3428; Von Mizell Center, 1409 NW 6 St, Annual Price \$1,200.00, Fund 001, Subfund 01, Index Code PBS030301-3428; Performing Arts Garage, 200 SW 5 Ave, Annual Price \$2,400.00, Fund 643, Subfund 01, Index Code PAR020201-3428; FiveAsh WT Plant, 4321 NW 9 Ave, Annual Price \$4,800.00, Fund 450, Subfund 01, Index Code PBS670302-3428; Peele-Dixie WT Plant, 1500 S. St. Rd. 7, Annual Price \$1,200.00, Fund 450, Subfund 01, Index Code PBX670304-3428; Swimming Hall of Fame, 501 Seabreeze Blvd., Annual Price \$2,400.00, Fund 001, Subfund 01, Index Code BUS040101-3428; Downtown Helistop in Downtown Parking Garage, 150 SE 2 St, Annual Price \$1,200.00, Fund 468, Subfund 01, Index Code BUS070201-3428;

Fire Station #47, 1000 SW 27 Ave, Annual Price \$1,200.00, Fund 001, Subfund 01, Index Code FIR010101-3428; Fire Station #53, 2200 Executive Way, Annual Price \$1,200.00, Fund 001, Subfund 01, Index Code FIR010101-3428; Carter Park Press Box, 1450 W Sunrise Blvd., Annual Price \$ 600.00, Fund 001, Subfund 01, Index Code PKR032901-3428; Fire Administration, 528 NW 2 St, Annual Price \$1,200.00, Fund 001, Subfund 01, Index Code FIR010101-3428; Holiday Park Press Box, 1200 S Holiday Park Cir, Annual Price \$ 600.00, Fund 001, Subfund 01, Index Code PKR032901-3428; Parking Services Bldg, 290 NE 3 Ave, Annual Price \$ 960.00, Fund 461, Subfund 01, Index Code PAR020101-3428; Total: \$49,560.00

Two-year contract for purchase of elevator maintenance services is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Eastern Elevator Service Inc.
Davie, FL

Amount: \$49,560.00 Annually

Bids Solicited/Rec'd: 449/8

Exhibit: Commission Agenda Report 09-0515

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 FY 09/10 budget, funding will be available in Fund 409, Subfund 01, PBS090201, 3255.

Three-year contract for purchase of residential cart collection services is being presented for approval by the 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 09-0542

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

Community Bus Services – Agreement – United Residents Council - \$37,225

(M-19)

Mayor Seiler announced that this item has been removed from tonight's agenda.

Community Bus Services – Agreement - \$91,123.46 (M-20)
Downtown Fort Lauderdale Transportation
Management Association

Mayor Seiler announced that this item has been removed from tonight's agenda.

Community Bus Services – Interlocal Agreement - (CR-05)
Broward County - \$283,431.43

Mayor Seiler announced that this item has been removed from tonight's agenda.

Vehicle Replacements – Florida Sheriff's Association (PUR-02)
Contract and Bid Award 592-10242

Mayor Seiler announced that this item has been removed from tonight's agenda.

Event Agreement – Family Series – Events For A Change (M-08)
Closing Sistrunk Boulevard East Curb Lane –
Donating Application Fee

The City Clerk said that the \$100 donation for the application fee would be charged to the Parks and Recreation account GF001, Subfund 01, other services.

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

Motion made by Commissioner Rodstrom and seconded by Commissioner Rogers that Consent Agenda Items M-14, M-16, CR-06, and PUR-06 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

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

Grant Application – 2009 Assistance To Firefighters Grant - (M-14)
\$640,000 – Federal Emergency Management Agency –
Marine Firefighting Boat

Grant Application – Assistance To Firefighters Grant Program - (M-16)
\$854,298 – Federal Emergency Management Agency –
Cardiac Monitor Defibrillators

Commissioner Rogers was concerned about the necessity. He wanted staff to try to secure a boat at no cost by trade-in or sale. Generally, he wanted to make sure the proposed equipment is got to have and not want to have.

Motion made by Commissioner Rodstrom and seconded by Commissioner DuBose to approve Item M-14 as presented. Roll call showed: YEAS: Vice Mayor Roberts, Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

Motion made by Commissioner Rodstrom and seconded by Vice Mayor Roberts to approve Item M-16 as presented. Roll call showed: YEAS: Vice Mayor Roberts, Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

**State Road A-1-A Light Replacement – Turtle Friendly
Fixtures - \$3,290,702 – Joint Participation Agreement –
Florida Department of Transportation (CR-06)**

Commissioner Rodstrom was concerned about the amount that would come out of the General Fund, if the grant is not secured. She asked that the matter be deferred to May 19, 2009, so should could look for a way to avoid additional expenditure by discussing the matter with representative of the Florida Department of Transportation and the Florida Department of Fish and Wildlife.

Donald Morris, Beach Community Redevelopment Agency Director, indicated the agreement needs to be executed by the end of May, 2009. Vice Mayor Roberts concurred with the deferral. Mr. Morris provided more clarity as to the funding and what is being charged to the General Fund and the CRA. Preliminary estimates are that there would be a \$1.6 million shortfall after the grant which would be shared equally. Mayor Seiler asked when will the City know exactly what savings could be achieved. Mr. Morris indicated an upcoming task order will address potential savings. The design phase must first be completed. He could not estimate an amount. If possible, Mayor Seiler requested such details for the May 19 meeting.

Motion made by Commissioner Rodstrom and seconded by Vice Mayor Roberts to defer the item to May 19, 2009. Roll call showed: YEAS: Vice Mayor Roberts, Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

**Event – Police Memorial – Closing Eastbound and
Westbound Curb Lanes of SW 2 Street (M-07)**

Jack Lokeinsky, President, representing the Fraternal Order of Police Lodge #31, announced this is a yearly memorial, honoring twelve fallen officers. He noted this is the first year the union had to apply for a permit.

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

Vice Mayor Roberts wanted more information made available for the benefit of the public. He asked the City Auditor to review his report on financials.

Motion made by Vice Mayor Roberts to award the contract to World Waste Services, the lowest and responsive bidder.

The City Auditor noted he was requested to review financial statements for the recommended responder and the otherwise low bidder. He believed that Choice Environmental Services has the financial ability to perform during the term of the contract, but that World Waste Services does not have the ability to perform financially during the term of the contract without a significant equity contribution.

Kirk Buffington, Director of Procurement Services, said staff's recommendation to award to Choice remains the same. The issue of eligibility was addressed, and staff maintains that World Waste Services did not meet the minimum eligibility requirements.

Jim Blosser, representing World Waste Services, noted that World already renders collection services to the City. He submitted various documents into the record. He noted that World continues to feel certain that they have thirty-eight months experience. The thirty-eight months is a documented, verifiable threshold amount of time according to calculations they made from records within the City's file. They believe there was a miscalculation by City staff. World has also submitted a detailed explanation of each entry of the timeline presented at staff on April 21. There are World representatives present to respond to the financial questions. World is clearly the low bid. They have demonstrated that the equipment is available, that they have the personnel to perform under the contract and are prepared to do so within 120 days of contract award. They have followed the code with respect to bid protest. They believe they have followed the process. He noted the City Auditor's claim tonight that World is not financially qualified is new information. The Commission is the ultimate arbitrator as to what is in the best interests of the City. This vendor already renders services to the City and to 220,000 households in Dade County totaling thirteen times the size of this contract provides clear evidence as to their qualifications for entitlement to this bid. He read a letter, dated November 6, 2008 from Christopher Rose, Deputy Director of Miami-Dade County, to the City of Miami Beach Procurement Department, recommending World Waste. A copy of this letter was provided to the Commission. He concluded World is the low responsible and responsive bidder and should be awarded the contract. It is not in the City's best interests to have one financially weak vendor as sole provider of services.

Eric Golumb, indicated he is a Florida certified public accountant. He provided detail as to his qualifications, licenses and experience. He indicated that he is an independent, outside CPA for World. He noted and questioned certain points in the City Auditor's report. He indicated that he has been involved with World for the past six years. He has seen nothing to indicate any unusual fluctuation between what is currently being reported and what might happen at the end of the year. World has been in a growth spurt since 2002 when it was incorporated and is now realizing some of the benefits of its hard work including the Miami-Dade County contract of 220,000 homes, which is reflected in the first quarter results. With the first quarter net income of \$550,000, it appears that according to the trend that World has forecasted in their budget that there will be a \$7.5 million earnings before interest, taxes, depreciation and amortization.

Mike Adams, owner of World Waste Services, referred to documents provided: a commitment from Mack Truck that World is ready and able to finance trucks for this contract; \$5 million capital commitment that is verifiable; and he offered to post a performance bond. He has secured a Grade A bonding company letter on this. He asked the Commission to vote in their favor of the low and responsive bidder, World. He believed that to this day no one understands the process. He noted that he grew up in

Fort Lauderdale and is familiar with it. He expressed concern about having one company servicing the City.

In response to Commissioner's Rogers' question regarding calculations with respect to months of experience, Mr. Blosser indicated the date the bid was submitted on October 22 was used as the starting date. He displayed a handwritten note obtained from the City records with World employee names totaling thirty-five months. Also in the City records is a typed summary of the document. He went into detail concerning Gino Profera and his experience totaling thirteen and not twelve months calculated; Robert Saroza and his experience totaling eight and not seven months; Mike Adams and his experience totaling twelve and not eleven months. Commissioner Rogers explained the need to know the starting and ending month and day. Eileen Damaso of World Waste Services explained that the bid was written as November 1998 to November 2008. Mr. Adams worked for BFI since 1987 or 1989, or before the date noted. They started on November 1, 1989. For Mr. Sorosa, they started on June 1, 2001 through January 31, 2002.

Mr. Buffington explained staff met with World in early February and World submitted a statement on experience. Both agreed that Mr. Adams had eleven months, Mr. Sorosa had seven months and Mr. Profera had twelve months, although staff questions whether Mr. Profera was part of the firm at the time the bid was submitted. Staff continues to maintain that World is eligible for five months through the end of November, 2008. World contends that someone on the City staff indicated to them that they could take six months credit for the actual five months. They cannot identify who. Mr. Buffington noted that this is in direct conflict with what is in the written documents. Further, World has now delivered new calculations that differ from what they had submitted and was agreed upon by both parties. A copy is attached to these minutes. Staff maintains it is thirty-five months. He displayed a copy of what was agreed upon and went on to respond to more details about the discussions in February. A copy of the chart is attached to these minutes.

With respect to a performance bond offer, Mr. Buffington clarified the City's challenge if the firm went out of business is that they would have to work through a third party to get a replacement contractor and the surety may choose a contractor different than what the City might select. It was not part of the original specifications. He suspected that Choice would be willing to post a bond also.

Ms. Damaso responded to Commissioner Rogers' question as to whether there is a dispute that the meeting took place in February and the only dispute was one month. Because Mr. Profera and Mr. Adams worked before the November 1998 threshold, therefore they counted the full month of that year. She noted the dispute is about the summary year. At the meeting World contended the experience was at thirty-six months and the City contended thirty-five.

Grant Smith, representing Choice Environmental Services, noted that World Waste Services is one month short; they have not met the qualifications. He noted that Mr. Profera was not included as a principal in the original bid response. If ten lawyers with each one-year of experience were portrayed as ten years of experience, it would not have the same meaning. He quoted the experience portion from the bid that calls for bidder or principals. They are essentially double counting experience. Choice has uninterrupted experience in the City for the last eight plus years. The type of service is

also the same. Also, information provided at the April 21 meeting by World is totally inconsistent with their bid. Concerning the \$5 million equity infusion, he pointed out that the City Auditor did not mention this in his report, which he believed means they have not provided any means for the Auditor to verify this and that it was not part of their submission to the Auditor. Therefore, he questioned the true existence of such equity. He went on to elaborate upon what Choice provided in response to the Commission's request for audited financials. He emphasized the Auditor's conclusion. Also, the difference in price is between one-half and one percent. All information provided by Choice was done so on a timely basis. Concerning one firm being the only provider of a service, there are twenty-six municipalities in Broward that have single source trash collection. There is not a lot of risk in this area. He went on to elaborate upon his belief of the intent in the experience language.

Neil Rodrigue (no sign-in card) representing Choice Environmental Services, clarified why their audit is not unqualified audit; they elected to not have an appraisal of the firm as the cost was \$25,000 to \$35,000 and it was not a requirement of the bank. In regard to experience, he pointed out that two individuals for World have the same eleven months.

Ms. Damaso noted World's owner and principals have been in the waste industry for over twenty-six years and over one hundred years of combined experience. It regard to the double-counting, it was allowed by the City. Mr. Adams and Mr. Profera were both involved in different contracts.

Mr. Blosser referred to the point of thirty-five or thirty-six months and thought there may be a hang up over form rather than substance. The measure should be what is in the best interest of the City. World has a great track record. They have offered a performance bond. He submitted that World is responsive and responsible and meet the threshold criteria as the low bidder.

There was no one else from the audience wishing to speak.

Commissioner Rodstrom commented that residents in her district have service by Choice and they are pleased with it. She was confident in the recommendation made by the City's professional staff and that the process was followed to the letter.

Commissioner DuBose was concerned about there being one service provider and the dollars. The experience calculations appear to be inconsistent. Both companies are start-up and as such there are common issues regarding financial status in their early years. The City Auditor has pointed out that both firms are highly leveraged leaving exposure in a difficult credit market. Within a year or so, neither firm may align differently.

Vice Mayor Roberts believed these are two good companies that perform well for the City now. He mentioned the savings and belief that World is the low and responsive bidder and in this day and age, the City is trying to save money.

Commissioner Rogers felt that tighter bid and protest guidelines including timelines are needed. He was concerned about financial liability which should be the driving factor. He believed it would cost the City more in the long run, if there would be a service interruption.

Mayor Seiler had no concerns about World being able to complete the contract; their financial liability is not an issue. He was concerned about there being only one service provider, but he intended to support abiding by the process. He believed this could have been resolved if either of the two had approached the Commission about the experience calculations. He was concerned that the issue was not raised until five, six months into the process. He did not like for the process to be attacked in the final step. He asked such matters be brought to the Commission's attention early on and not after ranking. He supported staff's recommendation.

Motion made by Commissioner Rodstrom and seconded by Commissioner Rogers to approve staff's recommendation of Choice Environmental Services of Broward, Inc. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner Rogers, and Mayor Seiler. NAYS: Vice Mayor Roberts and Commissioner DuBose.

Commissioner DuBose asked if Item MD-02 could be heard next because of the number of people present, however, Mayor Seiler indicated there are no speakers for MD-01.

MOTIONS

**Annual Renewal – Airport Liability Insurance -
\$10,513.33**

(MD-01)

INS010101/5135 Other Carrier Premium, Fund 543/Subfund 01. There are sufficient funds to cover the amount of \$10,513.33.

A motion authorizing purchase of airport liability insurance which is determined to best meet the needs of the City in the amount of \$10,513.33.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0479

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

Police Digital In-Car Video Camera Project

(MD-02)

No budgetary impact at this time, funds for this project previously encumbered.

A motion providing direction concerning police digital in-car video camera project and contract with Coban Technologies, Inc.

Recommend: Motion to approve..

Exhibit: Commission Agenda Report 09-0573

Mayor Seiler opened the floor for public comment.

Alfreda Coword indicated that although she resides in Lauderhill, much of her law practice is in Fort Lauderdale. She urged support of this item as the City has already invested money in it. She believed this equipment will protect everyone involved. It is about accountability and public access.

Michael Bo Johnson, a resident of 873 NW 16 Avenue supported this item, Option 1. He spoke about accountability, honor and fairness. He acknowledged Vice Mayor Roberts for his good service as former chief of police.

Shirley Baker, a resident of Plantation, supported this item for the community and the officers. Money has already been invested. In response to Commissioner Rodstrom, Ms. Baker did not believe Plantation has this equipment but Plantation has not had the incidents experienced in Fort Lauderdale.

Robert Walsh, a resident of District II, supported this item. He noted that money has already been invested. He referred to the cost of investigating brutality charges. He liked the idea of having film to show what happened.

Michael Albetta, a resident of 1117 NE 10 Avenue, noted he is a director of Crime Stoppers for the Broward Sheriff's Office. He supported this item, referring to the reputation and the safety of a police officer. There is money for this purchase.

Louise Dowdy, a resident of 825 NE 16 Avenue, supported this item. There is money for this purchase.

Roosevelt Walters, a resident of 1207 NW 10 Place, said the faces of the Commission have changed, but the promise of the previous Commission remains. He spoke of accountability. He believed the City will be sued if the contract is canceled because the vendor creates the product in advance and thus has already expended money. A price cannot be put on a life. The money for this project is already in the Commission's hands. He urged the Commission to keep the promise already made to the community and purchase all 269 cameras.

Marc Dickerman, a resident of 1417 SW 2 Street, supported full funding for this project and not a pilot. He emphasized the importance of public safety. Not funding it could bring back suspicion and friction between the police and the community.

Marsha Ellison, a resident of 1409 Sistrunk Boulevard and President of Fort Lauderdale chapter of the National Association for the Advancement of Colored People, provided some history about the deaths of four individuals in 2007 at the hands of the Police Department with no documentation other than the word of those involved. There was unrest and distrust in the community. There has been no sustained police brutality complaints in eight years. There is no diversity in Internal Affairs. There is retaliation when complaints are filed as information is leaked to the accused officer. No documentation of the encounter. There is no community policing. Then Police Chief Roberts expressed to the community that their needs and wants were significant. The Commission agreed and therefore the vote for in-car cameras was unanimous. There is a fear and distrust of the Police Department. She noted the involvement at that time of

two individuals who are present today and discussed the comments of Mayor Seiler during his candidacy. The Commission needs to be accountable. She urged approval of 269 cameras and not just the pilot program.

Desorae Giles-Smith, resident of 1740 NE 3 Court, discussed an article from Police One.com on in-car cameras in police cars concerning safety, professional behavior and assistance the recordings provide in clearing officers of complaints and saving investigation time. She urged approval of 269 cameras.

Margaret Haynie Birch, resident of 1821 NE 26 Terrace, read an editorial from today's *Sun-Sentinel* regarding funding of this program. The article notes there have been no sustained police brutality complaints for some eight years. Cases were thrown out or closed because citizens did not follow-up; many were not fully investigated. While cameras are not perfect, they provide some documentation. When money is equated on the same level of importance as a person's life, there should be some rethinking. She noted the cost of investigating complaints. She noted Vice Mayor Roberts' previous support of in-car cameras. She urged support to install cameras in all police cars.

Juanita Gray, resident of 3011 NW 21 Street, mentioned the violence of this day. She felt accountability should be in place; said it would be a wonderful world if everyone was perfect, the same as if all rules and regulations, including the Commandments, were regarded and observed. There is a lot of violence in the world, and accountability should be in place but it seems it is all about money. Everyone has to be responsible for what they do. She urged support of this item.

Jana Gray-Williams, resident of 512 NE 22 Avenue, discussed how misconduct is reported at Boyd Anderson High School. She referred to the values printed on the agenda and hoped the Commission can uphold these values. She commented how video cameras in a home can be helpful. She went on to elaborate upon a traffic accident that occurred because of a police chase. She felt the cameras are less expensive than legal fees and time; they are needed. This problem is not just in northwest Fort Lauderdale, but throughout the county and nation. She urged approval of Option 1.

George Burrows, Jr., resident of 527 NW 20 Avenue, asked the Commission to stay with the process and keep their promise to District III.

Larhonda Ware, resident of 417 NE 16 Avenue and President of Dorsey Riverbend Homeowner Association, referred to everything already said this evening. She emphasized the need for accountability.

Theresa Gillis Gassett, resident of Plantation, indicated her son is a Fort Lauderdale police officer. She felt it is fiscally responsible to have a way of settling frivolous lawsuits and ensuring there is accountability on both sides. She urged the Commission to vote based on fiscal responsibility and on their moral conscious.

There being no further comment from the audience, Mayor Seiler closed the public comment.

Commissioner DuBose thanked the public for attending and apologized for them having to come out again. He referred to the previous promise made by the Commission when

only Commissioner Rodstrom was on the Commission. It was a tense time. He believed this is a city-wide issue. Whenever there is an issue in any district, it should be viewed as a city issue. The City is only as strong as its weakest link. The Department of Justice recognized this as a national issue and allocated grant funding for in-car cameras. Many states are putting cameras in cars. The funds have been allocated. If there was not an issue with process, the cameras would be in the cars. He mentioned other programs involving cameras. It has been repeated over and over that this is a win-win situation for the community, City, and police officers. The partnership with the police and the community has been an issue in District III and other districts, but this promise made during a time when there was friction needs to be fulfilled. He urged the Commission to be mindful of the step backward they could potentially take. This is a work in progress that the City needs to continue to work on. It is not a simple issue. The big picture needs to be considered. Speaking personally, he would be much better knowing that cameras are in the cars.

Vice Mayor Roberts emphasized this is a budget issue. The City is short 87 police officers. In his experience as a police officer, he knew of no instance where a camera would have done anything for him. He wanted to reallocate these savings for overtime until 87 police officers are brought onboard. He lived through what occurred in 2007 and he understands the perception, but the biggest danger for officers is the lack of adequate resources to protect them and the public. The total cost remaining for this program is \$1.85 million, which does not include maintenance costs of over \$700,000 for years two through five. Some \$360,000 has been expended. The \$400,000 could be used toward money already spent.

Commissioner Rogers believed this is important for the entire community, these cameras address accountability and the financial argument is strong, but that would be taken away if a pilot program is conducted. In normal circumstances he would like to see cameras in all cars, but these are not normal circumstances. These are the toughest financial times in a hundred years. A pilot program with an additional ninety-five cameras could be accomplished for \$10,000. This will absolve many complaints and the associated time. Technology is good and the in-car camera is a technological advance. If the pilot works, the contract could be completed. Promises were made by the Commission, the police force and the administration.

Commissioner Rodstrom indicated she voted for this originally when there were several components/options. Her position has changed because of the financial situation has changed.

Tim Edkin, Information Technology Services Director, responded to various questions raised by Mayor Seiler as to the number of cameras currently installed and the number that have been delivered. He did not know the total answer to other Broward cities with this program in place, but thought that Hollywood and Pembroke Pines have such a program to some extent, but he was not certain.

In response to Mayor Seiler's question, Frank Adderley, Police Chief, said there are eighty-seven enforcement officer vacancies which includes officers presently in training. The number of vacancies fluctuates.

In response to Commissioner DuBose's question, Chief Adderley indicated there were vacancies in 2007. In further response, Mr. Buffington indicated the City is obligated for

certain milestone points in the contract, but they have not issued payment for the thirty-three cameras at this time.

Concerning reference to other cities that may or may not have this program, Commissioner DuBose noted these other organizations did not make a promise to their communities. This was budgeted when there were police officer vacancies. It is in the budget. The City has a history of renegeing on the northwest. He urged the Commission to follow the district commissioner's lead.

Vice Mayor Roberts noted in 2007 there were twelve vacancies and it was the City's second lowest crime rate. He reiterated that critical mass is safety for the community and the officers.

In response to Commissioner Rogers, Chief Adderley indicated the Police Department has twelve frozen positions; there is a green light to fill all remaining. Chief Adderley confirmed that more money would not make a difference in the hiring process. Mayor Seiler questioned the increase in vacancies from twelve to eighty-seven in a period of two years. Chief Adderley indicated the number is not actually eighty-seven when considering the training process.

In response to Commissioner Rogers, Mr. Edkin noted other communities in the United States and Florida with in-car cameras.

Vice Mayor Roberts noted it takes a year for an individual hired to be fully trained and put on the street as an officer. There were similar problems in 2003 to 2007 when there were other cutbacks.

Commissioner Rogers pointed out that the money is available to put officers on the street if hired. The City Manager confirmed that as correct.

Commissioner DuBose noted there are other issues with recruitment and retention besides dollars; it is morale. In-car cameras would alleviate some issues with false complaints.

In response to Vice Mayor Roberts' question regarding possible overtime revisions to the budget, the City Manager explained staff is looking at the Police Department's overtime budget and will find funding within the current budget to cover the increase. Chief Adderley responded to further question about the vacancy rate, indicating the rate continues to go down.

In response to Commissioner Rogers, Mr. Buffington explained that the City is contractually obligated to pay \$760,000; the grant is specifically for the in-car video project. He continued to elaborate upon staff's opinion that if the contract is terminated, Coban would say they did all this work and there will be protracted discussions. The total expense of the customizations relating to the software was \$55,400; the mounting was done at no additional charge. Some discussion ensued concerning a potential lawsuit and customization.

In response to Vice Mayor Roberts' question about potential savings, Mr. Buffington indicated he was not comfortable stating requirements of the Department of Justice appropriation. The allocation is \$1.85 million.

The City Auditor understood the City's obligation is \$760,000, but the total installation cost under Option 5 is \$545,000. He asked if this is the City's extent of its obligation, \$545,000. Mr. Buffington concurred the vendor has agreed to the thirty-five cameras for the \$545,000, however, if a decision is made outside of the two hundred and sixty-nine original cameras, he did not know what the vendor will believe they are obligated to. The City Auditor concluded the worse case scenario would be an obligation of \$145,000 if the Department of Justice appropriation is used. He believed the Justice appropriation could be applied as it would be used for the in-car camera program. Some \$214,000 could go back into the General Fund. He believed the City's obligation at this point is for the thirty-five cameras received.

In response to Mayor Seiler, Mr. Buffington indicated that the vendor has agreed to Option 5 of thirty-five cameras. Based on previous direction, staff is also presenting Options 3 and 4 which are ninety-five cameras or termination of the contract. He confirmed that Option 5 would provide thirty-five cameras at no additional cost to the City except \$21,700 in annual maintenance; the City would save \$215,000. Commissioner Rogers noted that assumes use of the Justice funds. Mayor Seiler noted if those funds cannot be used, the City would be out \$186,000, but if those funds can be used, the City could save \$215,000.

Commissioner Rogers asked what is an adequate number of cameras for a pilot program. Chief Adderley indicated a pilot program was never proposed. He had no personal experience with pilot programs in other areas. He did not think it is correct to target certain areas or groups. Commissioner Rogers wanted an answer to this question before making a decision. Chief Adderley discussed some particulars of implementing a pilot citywide.

In response to Vice Mayor Roberts, Mayor Seiler noted that the vendor has agreed to the thirty-five cameras at a cost of \$545,000 regardless of what number has been programmed. Mayor Seiler questioned why this was not made known to the Commission. Mr. Buffington clarified staff's discussions with the vendor, noting they had come into the meeting with a contract for two hundred and sixty-nine cameras as the Commission had not taken any other action. The vendor wanted to work with the City. He also provided some background in the competition between this vendor, Coban, and Motorola. Coban has agreed to amend the contract for the thirty-five cameras.

Commissioner Rogers questioned how thirty-five cameras could provide a full shift with the take-home car policy. For an additional \$10,000, the City could have ninety-five cameras. With only thirty-five cameras, officers will have to be shifted out of their normal routine. Vice Mayor Roberts felt a random sampling throughout the entire City in all shifts.

Vice Mayor Roberts commented about use in other agencies in this area are not for the entire force, but rather for specific purposes.

Commissioner DuBose asked about confirmation from the Department of Justice on use of the \$400,000. Kathleen Gunn, Assistant To The City Manager, advised that the \$400,000 appropriation is for an in-car police video camera - technology package. She has asked questions, but has not received a written response. The date the City was

told they could use the monies was as of March 11 when the appropriations bill was signed. She expected to receive a written reply to her questions shortly.

The City Auditor said that generally these things work on a reimbursement basis so encumbered funds are not spent. When a check is cut, a request for reimbursement is submitted, however, the City has not cut checks for any of these things. He believed it is likely that all of these expenditures would be covered by that appropriation. According to his communications with the congressman's office, Mayor Seiler understood since payment would not be made until after March 11, the \$400,000 could be applied to the cameras. Mr. Buffington confirmed that purchase orders have been issued, but no checks have been expended. Mayor Seiler reiterated the City would have a net \$215,000 savings and a pilot program.

Commissioner Rodstrom felt this is a good compromise.

Commissioner Rogers was not comfortable the City will receive the \$400,000. In response to his question, Mr. Edkin confirmed the City received the cameras but there has not yet been an invoice and the City has stopped the vendor from completing some milestones that they would have invoiced for.

Commissioner DuBose referred to the promise made. A portion of this Commission is going to keep that promise in terms of the northwest being recognized, appreciated and included in the City's master plan. Too often in history, this very scenario has played out on a different issue but the same play book. It could be based on dollars, but it is much bigger. It was promised. The money was allocated. This is a critical issue to the City and the nation. Fort Lauderdale is supposed to be the flagship city. The City just put away consideration of dollars in the interest of a green committee. One can see that the City spends money on other things that will equate. This is about the false perception that it will put more police on the street. He emphasized the importance of this issue and he urged the Commission to follow the lead of the district commissioner. There are cameras everything; everyone should be held accountable. He urged support in its full capacity.

Vice Mayor Roberts felt this is not just about the dollars, but about public safety. He was originally opposed to any expenditure but there is now an opportunity to move forward with a pilot program. He did not feel the City could afford to do more than the thirty-five now and look to the future.

Mayor Seiler felt the most frustrating thing tonight was misinformation that came out from the City about the City's obligation to millions of dollars and a lawsuit if the City did not go forward with it. As of Friday, the City was made aware that the City could take a leadership role in the county with a pilot program. He emphasized this has not been done in Broward County; the cities mentioned had programs for DUI's or an aggressive driving task force. Money is actually being returned to the City's coffers by the deal negotiated with Coban. As of the last meeting, he was inclined to have no cameras. He noted his research about use of such cameras throughout the United States and his discussions with the congressman's office and the Department of Justice. If the \$400,000 is expended tomorrow on cameras or technology packages, it would be applied to what has already been purchased. In 2007, the City was flush. However, next year the City will probably be looking at a \$30 million revenue drop. He was committed to no layoffs. Every expenditure must be looked at. He elaborated upon the

history of discussion on this topic; the whole talk was about the ability to exchange information, the databases and laptops in the cars; there was no mention of the cameras. He did not believe this is a necessary law enforcement tool or a valid crime fighting measure. It is not possible to get a complete picture when only 20% of what is happening outside the car is being filmed. Suspicion creeps in about why a vehicle was pointed in a certain direction. He did not believe the shooting would have been captured on film. This is a luxury item. He was concerned it could provide a false sense of security. When this was submitted, there were discussions about Homeland Security funds, Florida Department of Law Enforcement funds and State and Federal dollars that would be available for this, but nothing has come about. He supported a pilot program of thirty-five cameras. Fort Lauderdale would be the first in the county to do this. He offered to place them in District III.

Motion made by Commissioner Rodstrom and seconded by Vice Mayor Roberts to approve thirty-five cameras.

Commissioner Rodstrom did not agree to Commissioner Rogers' suggested amendment that if the \$400,000 grant money is not possible, the City spend an additional \$10,000 and obtain ninety-five cameras.

Commissioner DuBose clarified it has never been his intention to have a pilot program in District III because it would not be productive for the City. This needs to be a city-wide program. Mayor Seiler did not object to it being city-wide.

In response to Commissioner Rogers' question, Mayor Seiler indicated the Chief of Police would address placement of the equipment and so forth. The City Attorney concurred.

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

RESOLUTIONS

Traffic Signal Installation – State Road A-1-A And Riomar Street (R-01)
Right-of-Way Easement Dedication – Florida Department of Transportation

No budgetary impact.

Commissioner DuBose introduced the following resolution:

RESOLUTION NO. 09-106

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION AND DELIVERY BY THE PROPER CITY OFFICIALS OF AN EASEMENT DEED TO THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT OF A BLACK TROMBONE TYPE

TRAFFIC SIGNAL AT THE INTERSECTION OF RIOMAR STREET AND STATE ROAD A-1-A (SOUTH ATLANTIC BOULEVARD) WITHIN THE EASEMENT AREA MORE PARTICULARLY DESCRIBED BELOW.

Which resolution was read by title only.

In response to Commissioner Rodstrom's question, Peter Partington, City Engineer, advised a signalization study was requested by Hilton Hotel from the Department of Transportation. There are national warrants that must be met. This location met those standards therefore the Department of Transportation is moving ahead with it at their cost. He provided detail on the need for the easement from the City. If the Commission does not approve the easement, the Department of Transportation could not move forward.

Commissioner Rodstrom asked about State Road A-1-A, north of Sunrise Boulevard, before the signal at the Shore Club. Mr. Partington did not believe any request has been made of that area.

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

Dock Permit Application – H & Q Real Estate Investments, LLC – 1101 Cordova Road

(R-02)

No budgetary impact.

Applicant: H & Q Real Estate Investments, LLC
Location: 1101 Cordova Road

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 09-107

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING, PURSUANT TO SECTION 8-144 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, THE USE AND MAINTENANCE OF A DOCK AND ADJOINING SEAWALL ON PUBLIC PROPERTY BY H & Q REAL ESTATE INVESTMENTS, LLC, SAID DOCK AND SEAWALL LOCATED ON PUBLIC PROPERTY ABUTTING THE WATERWAY ADJACENT TO 1101 CORDOVA ROAD, THE LEGAL DESCRIPTION OF WHICH IS MORE PARTICULARLY DESCRIBED BELOW, UNDER CERTAIN TERMS AND CONDITIONS.

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

New River Trading Post Development, LLC**(OB)**

Motion made by Vice Mayor Roberts and seconded by Commissioner Rogers to permit New River Trading Post Development, LLC, Lessee of property owned by the City, to use the space known as the Museum Space for uses permitted under the Unified Land Development Regulations, subject to use restrictions under the Lease, for other than a museum or other not-for-profit use. (Please see May 5, 2009 Conference meeting)

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

CITIZEN PRESENTATIONS

Robert Walsh – Elderly Exploitation**(CIT-01)**

Robert Walsh noted he requested and received information from the City on elderly exploitation, abuse and neglect. He provided information on this subject which was made part of the record. He suggested staff be assigned specifically to help the elderly. He introduced Lynn Evans who indicated that she is a consumer activist retained by the Barbara Kessler's estate to assist in getting Judge Seidlin and members of his family charged with the exploitation and elderly abuse of Barbara Kessler. She referred to the Miami Herald news article provided by Mr. Walsh. They have firsthand testimony as to the Seidlin's methodical plan to win over and lay claim to an estate valued roughly at \$6 million. She provided more detail about the case. Elderly abuse is a big problem in South Florida. She asked for the City's help in addressing this issue. If anyone has any information regarding this case, she asked that they contact her.

Mayor Seiler believed the State Attorney General has opened an investigation of this matter as of April, 2009. He did not think the City has any jurisdiction in this matter.

Jessica Cammock – 2009 Fourth of July Fireworks Display Cost**(CIT-02)**

Not present

Bishop Michael Bo Johnson – Crimes in 2009 – Northwest Fort Lauderdale**(CIT-03)**

Bishop Johnson was concerned about crime in the City, particularly drugs, teenagers purchasing alcohol and illegal firearms. He felt the governor should be called upon to send a special task force because he believed there is fear by local authorities. He noted 533 NW 13 Avenue and a building that needs to be torn down. He asked why New Hope Missionary Baptist Church has turned their back to righteousness. He mentioned one individual involved. He elaborated upon his concerns about these crimes, including a conflict at Joseph C. Carter Park. Since 2007, there has been some six hundred incidents at this park. He suggested a curfew be implemented for minors to stop crime. He wanted justice.

Commissioner DuBose asked if the complaints had been officially made to the City. Bishop Johnson indicated yes, but claimed that the officers refuse to do their jobs. Concerning the store at 13th and 6th, Commissioner DuBose indicated the City is aware of it, but there is a process. He believed that the Chief of Police is aware of the 13th and 6th area. He asked Bishop Johnson to followup with the Chief of Police. He indicated that these areas are on the City's radar. He thanked Bishop Johnson for his assistance.

PUBLIC HEARINGS

Dock Waiver Application – Distance Limitations
Massimiliano DiLeo and Tammella DiLeo – 1256 Seminole Drive

(PH-01)

No budgetary impact.

Applicant: Massimiliano DiLeo and Tammella DiLeo
Location: 1256 Seminole Drive

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

Cate McCaffrey, Director of Business Enterprises confirmed to Vice Mayor Roberts that the noted conditions will be part of the resolution.

Commissioner Rogers asked for color photographs provided for an item to be reproduced and provided to the Commission in color.

Vice Mayor Roberts introduced the following resolution:

RESOLUTION NO. 09-108

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3.B & C OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW MASSIMILIANO DILEO AND TAMMELLA DILEO TO CONSTRUCT AND MAINTAIN A SINGLE WOOD FIXED FINGER PIER EXTENDING A MAXIMUM DISTANCE OF 56' AND TWO (2) SETS OF CLUSTER MOORING PILINGS VARYING FROM MAXIMUM DISTANCES OF 55.5' AND 35.5' INTO THE WATERS OF SUNRISE BAY FROM THE PROPERTY LOCATED AT 1256 SEMINOLE DRIVE, SUCH DISTANCES AND PROPERTY AS BEING MORE PARTICULARLY DESCRIBED BELOW.

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

Dock Waiver Application – Distance Limitations
2400 Del Lago, LLC – Joseph Umosella – 2400 Del Lago Drive

(PH-02)

No budgetary impact.

Applicant: 2400 Del Lago, LLC – Joseph Umosella
Location: 2400 Del Lago Drive

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

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 09-109

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3.B OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW 2400 DEL LAGO, LLC, A FLORIDA LIMITED LIABILITY COMPANY TO CONSTRUCT AND MAINTAIN A CONCRETE MARGINAL PIER AND RELOCATE AN EXISTING 16' W X 21' L CRADLE TYPE BOATLIFT EXTENDING A MAXIMUM DISTANCE OF 36.3' INTO THE WATERS OF THE INTRACOASTAL WATERWAY FROM PROPERTY LOCATED AT 2400 DEL LAGO DRIVE, SUCH DISTANCES AND PROPERTY AS BEING MORE PARTICULARLY DESCRIBED BELOW.

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

ORDINANCES

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

(O-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)

Commissioner Rogers introduced the following ordinance on SECOND 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. 11TH STREET, ON THE WEST SIDE OF N.W. 8TH 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: Vice Mayor Roberts, Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

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

(O-02)

No budgetary impact.

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)

Commissioner Rodstrom introduced the following ordinance on SECOND 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 24TH AVENUE AND SOUTHWEST 26TH AVENUE, AND

NORTH OF SOUTHWEST 3RD 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. Roll call showed: YEAS: Vice Mayor Roberts, Commissioners Rodstrom and Rogers, and Mayor Seiler. NAYS: Commissioner DuBose.

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

Commissioner Rodstrom announced with whom she had spoken with a County Commissioner Rodstrom and former Mayor Jim Naugle.

Commissioner Rodstrom believed an ordinance was adopted in 2004-2005 requiring a super majority vote in order to change the land use for public open space and thought previously it was put out for a referendum in order to change park space to community facility. Phil Thornburg, Parks and Recreation Director, believed there was a charter amendment whereby the Commission must vote 5-0 in order to sell park property.

Commissioner Rodstrom introduced the following ordinance on SECOND 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 19TH STREET BETWEEN NORTHWEST 15TH 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: Vice Mayor Rogers, Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

**Purchase of a Fire Rescue Department Technical
Rescue Team Training**

(OB)

GUASI 07 – 3199-Fund 129/Sub Fund 01 (current available balance \$59,000)

FIR010301 – 4101-Fund 001/Sub Fund 01 (current available balance \$20,000)

FIR010302 – 4101-Fund 001/Sub Fund 01 (current available balance \$5,000)

Mayor Seiler summarized the request.

In response to Commissioner Rodstrom's question as to why this was not scheduled as an item on the agenda, James Eddy, Fire Rescue Chief, advised staff just learned at the last minute of UASI funds and it would be appropriate to use it for this training. The UASI funds must be expended by the end of next month.

Chief Eddy responded to Mayor Seiler's question providing detail about the training.

Motion made by Commissioner Rodstrom and seconded by Vice Mayor Roberts to approve the item as recommended (Bid 292-10266 award to School Board of Marion County, Florida, in the total amount of \$80,025 as detailed in Memorandum 09-104 attached to these minutes). Roll call showed: YEAS: Vice Mayor Roberts, Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

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

(OB)

Motion made by Commissioner Rodstrom and seconded by Vice Mayor Roberts to reconsider Item PUR-08 (Neighborhood Stabilization Program) from the April 21, 2009 Regular Meeting.

Commissioner Rodstrom explained that she discovered additional information during her research. If the developer fee is removed and the scores are recalculated, there is a big difference. She wanted a revote so she could vote no. She was uncomfortable about the qualifications of one vendor.

In response to Commissioners Rogers and DuBose, Commissioner Rodstrom indicated based strictly on qualifications, it would be Florida's Attainable Home Company, LLC, Inner Urban Asset Management of Ft. Lauderdale, LLC and Dania Economic Development Corporation, not Fort Lauderdale Community Development Corporation. They only received more points because of the low price offered, not based on their qualifications.

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

Advisory Board /Committee Appointments

(OB)

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

Affordable Housing Committee	Willie McNair
Beach Redevelopment Board	Chuck Malkus Bradley Deckelbaum Tim Schiavone
Budget Advisory Board	Marc Dickerman June Page Anthony Timiraos Desorae Giles-Smith
Code Enforcement Board	Howard Nelson Howard Elfman (Alternate) Frederick Allen (Alternate) Ronald Major (Alternate)
Community Services Board	Carmelita Singh Mayor
Marine Advisory Board	John Terrill Barry Flanigan Mark Swenson
Northwest-Progresso Flagler Heights Redevelopment Board	Alfred Battle
Nuisance Abatement Board	Sal Gatano Sean Thompson D. Ryan Saunders (Alternate)
Parks, Recreation & Beaches Advisory Board	Bruce Quaily
Planning and Zoning Board	Peter Witschen Michelle Tuggle
Board of Trustees of the Police And Firefighters Retirement System	Jim Naugle

Vice Mayor Roberts introduced a written resolution entitled:

RESOLUTION NO. 09-110

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

Note: After board and committee appointments, the City Commission returned to the conference agenda at 10:45 p.m. until 10:51 p.m. when they discussed Commission Reports.

There being no other matters to come before the Commission, the meeting was adjourned at 10:54 P.M.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk