

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING**  
**MAY 19, 2009**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE  
May 19, 2009**

Meeting was called to order at 6:03 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                                Sergeant Joe Hoover

Invocation was offered by Reverend Dan Czaplewski, Pastor of Shepherd of the Coast Lutheran Church, followed by the recitation of the Pledge of Allegiance.

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

**Motion** made by Commissioner Rogers and seconded by Commissioner Rodstrom to approve the minutes of the March 3, 2009 Conference Meeting and April 7, 2009 Regular Meeting. Roll Call showed: YEAS: Vice Mayor Roberts, Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

**Presentations**

- 1. WaterWorks 2011 Construction BID Contest (PRES-01)  
Winners – Stranahan High School Pre-Engineering  
Magnet Program**

Commissioner Rogers recognized Stranahan High School Pre-Engineering Magnet Program WaterWorks 2011 Construction Bid Contest winners Jesus Batista, Ryan Vega, Felix Elias, Justin Hu and Anthony Radcliff, presenting them with a plaque to display at the school and presented a check in the amount of \$500 from CH2M Hill to Juan Formoso, Program Coordinator, for use on program activities. He also recognized the school principal, Deborah Owens, J.J. Teyssandier, teacher and program volunteers.

Mr. Formoso thanked the Commission and CH2M Hill and particularly Theo Melo and Luis Rioseco of CH2M Hill for their mentorship.

Ms. Owens thanked the City and CH2M Hill for sponsoring and mentoring.

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**2. Citrix Day – May 20, 2009 - (PRES-02)  
20<sup>th</sup> Anniversary of Citrix Systems, Inc. in South Florida**

Vice Mayor Roberts presented a proclamation to Jo Moskowitz, Director, Corporate Citizenship, Citrix Systems, designating May 20, 2009, as Citrix Day in the City.

Ms. Moskowitz thanked the Commission for the recognition and their support, and acknowledged her colleagues, along with their 5,000 employees around the world.

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**3. Drowning Prevention Month – June, 2009 (PRES-03)**

Commissioner DuBose presented a proclamation to Mark Hartman, Parks, Recreation and Beaches Advisory Board Chair, designating June, 2009, as Drowning Prevention Month in the City.

Mr. Hartman thanked the Commission and said the City has engaged in many programs to help prevent drowning.

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**4. Muscular Dystrophy Awareness Month – May, 2009 (PRES-04)**

Commissioner Rodstrom presented a proclamation to Lieutenant Mike Salzano, Fire Rescue Department and Brianne Ferron, District Director, Muscular Dystrophy Association, designating May, 2009, as Muscular Dystrophy Awareness Month in the City.

Lt. Salzano thanked the Commission and staff for their support. Ms. Ferron also thanked the Commission for the recognition and continued support.

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**5. Public Works Week – May 17-23, 2009 (PRES-05)**

Commissioner DuBose presented a proclamation to Peter Partington, City Engineer, designating May 1-23, 2009 as National Public Works Week in the City.

Peter Partington, City Engineer, thanked the Commission and indicated he was accepting the proclamation on behalf of all employees of the Public Works Department and Albert Carbon, Public Works Director.

Mayor Seiler thanked all the employees in Public Works for their hard work.

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**6. Recognition of Chief of Police****(PRES-06)**

Commissioner DuBose introduced Marsha Ellison, President of the Fort Lauderdale Branch of the National Association for the Advancement of Colored People (NAACP), who recognized former Police Chief Bruce Roberts and Frank Adderley, Police Chief and the Police Department for their support and partnership of youth programs in the City. Police Detective Gabe Carmichael elaborated upon the work done to help all children in the City and the assistance that former Chief Roberts and Chief Adderley have provided. He presented a plaque to Chief Adderley.

Chief Adderley thanked the NAACP and recognized Detective Carmichael for all his hard work.

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**Consent Agenda****(CA)**

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

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

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**Change Order 3 (Final) – Conquest Engineering Group  
Company – River Oaks Basin C – Credit (\$512,534.74)****(M-01)**

**Reduce the encumbrance in Fund 482, Subfund 01, P10705.482-6599 by (\$512,534.74); EP03362.**

A motion authorizing: (1) Change Order 3 (Final) with Conquest Engineering Group Company in net CREDIT amount of (\$512,534.74) – additional work and final quantity reconciliation – Sanitary Sewer and Water Main Improvements River Oaks Basin C – Project 10705C; and (2) reduce encumbrance by (\$512,534.74).

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0482

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**Change Order 3 – Metro Equipment Service, Inc. - Add  
11 Days - \$56,632.16 – Phase I – System-Wide Pump Station Upgrades****(M-02)**

**Appropriate \$64,000 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10874.482-6599; EP03219.**

A motion authorizing: (1) Change Order 3 with Metro Equipment Service, Inc. in the net amount of \$56,632.16 and the addition of eleven non-compensable calendar days to

contract period – additional work – Phase I System-wide Pump Station Upgrades – Project 10874; and (2) appropriate \$64,000 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0486

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**Change Order 1 (Final) – Insituform Technologies, Inc. - Credit (M-03)**  
**(\$237,539) – Wastewater Conveyance System – Long Term**  
**Remediation – Sewer Basin I**

**Reduce encumbrance in Fund 482, Subfund 01, P11343.482-6599 by (\$237,539); EP03541.**

A motion authorizing: (1) Change Order 1 (Final) with Insituform Technologies, Inc, in net CREDIT amount of (\$237,539) – additional work and final quantity reconciliation – Wastewater Conveyance System Long Term Remediation Program Project 12 – Sewer Basin D-37 South – Project 11343S; and (2) reduce encumbrance by (\$237,539).

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0638

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**Change Order 1 (Final) – Insituform Technologies, Inc. – Credit (M-04)**  
**(\$80,681.40) – Wastewater Conveyance System – Long Term**  
**Remediation – Sewer Basin**

**Reduce encumbrance in Fund 482, Subfund 01, P11163.482-6599 by (\$80,681.40); EP03599.**

A motion authorizing: (1) Change Order 1 (Final) with Insituform Technologies, Inc. in net CREDIT amount of (\$80,681.40) – final quantity reconciliation – Wastewater Conveyance System Long Term Remediation Program Project 13 – Sewer Basin A-29 – Project 11163; and (2) reduce encumbrance by (\$80,681.40).

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0640

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**Change Order 4 – Poole and Kent Company of Florida - (M-05)**  
**\$225,471.48 – Wastewater Pump Station Rehabilitation –**  
**Add 122 Calendar Days**

**Transfer \$253,000 from P00401-6599 to P10537.451, both in Fund 451, Subfund 02; EP03137.**

A motion authorizing: (1) Change Order 4 with Poole and Kent Company of Florida in the amount of \$225,471.48 – additional work and the addition of 122 non-compensable calendar days to the contract period – Wastewater Pump Stations A, B and E Rehabilitation – Project 10537; and (2) transfer \$253,000 to fund this change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0642

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**Change Order 10 – Trintec Construction, Inc. - \$59,306.10 (M-06)**  
**Southside School Restoration**

**\$68,202.02 is available in P10777.331-6599 Fund 331 Subfund 01 to fund the change order and engineering fees.**

A motion authorizing Change Order 10 with Trintec Construction, Inc. in the amount of \$59,306.10 – additional work – Southside School Restoration – Project 10777A.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0658

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**Amendment 1 To Task Order 31 – Kimley-Horn and Associates, Inc. (M-07)**  
**Executive Airport Taxiway Alpha Relocation - \$26,902**

**\$26,902 is available in P10802.468-6599, Fund 468, Subfund 02.**

A motion authorizing the proper City Officials to execute Amendment 1 to Task Order 31 with Kimley-Horn and Associates, Inc. in the amount of \$26,902 – Construction Oversight and Support Services – Executive Airport – Taxiway Alpha Relocation – Project 10802.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0544

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**Contract Extension – Molloy Bros., Inc. - \$768,790 (M-08)**  
**Annual Utilities Repair Services Contract**

**Transfer \$949,500.00 from P10948.454-6599 Annual Sanitary / Storm Repair (2005/2006) to P11496.454, 2009-2010 Annual Utilities Repair Contract, all in Fund 454, Subfund 01, Subobject 6599; and transfer \$40,000.00 from P10948.470-6599 to P11496.470, 2009-2010 Annual Utilities Repair Contract, all in Fund 470, Subfund 01, Subobject 6599.**

A motion authorizing the proper City Officials to: (1) execute one-year contract extension with Molloy Bros., Inc. in original bid amount of \$768,790 – 2009-2010 Annual Utilities Repair Services – Project 11496; and (2) transfer funds.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0635

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**Contract Award – Annual Marine Facilities Maintenance - (M-09)**  
**\$124,449.50 – B.K. Marine Construction, Inc.**

**A copy of the Bid Tabulation Transfer Section (funds information) is attached to these minutes.**

A motion authorizing the proper City Officials to: (1) award and execute contract with B.K. Marine Construction, Inc., in the amount of \$124,449.50 – 2008-2009 Annual Marine Facilities Maintenance Contract – Project 11475; and (2) transfer funds.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0656

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**Community Bus Service Agreement – United Residents (M-10)**  
**Council - \$37,225**

**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 Service – April 30, 2009 to September 30, 2009, in the amount of \$37,225 – 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 09-0555

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**Community Bus Service Agreement - \$246,206.43 (M-11)**  
**Downtown Fort Lauderdale Transportation Management Association**

**\$246,206.43 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 – continued Community Bus Service – April 30, 2009 to September 30, 2009, in the amount of \$246,206.43 – 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

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**Landscape Improvements – NW 21 Avenue Right-of-Way - Rock Island – Memorandum of Agreement – Broward County** (M-12)

**No budgetary impact.**

A motion authorizing the proper City Officials to execute a Memorandum of Agreement – Broward County to provide landscape improvements to NW 21 Avenue right-of-way, from NW 19 Street to NW 26 Street and City to provide maintenance.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0448

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**Settlement – AG Realty Fort Lauderdale, LLC v City of Fort Lauderdale – 3245 South Andrews Avenue Code Violation** (M-13)

**No budgetary impact.**

A motion authorizing settlement of AG Realty Fort Lauderdale, LLC v. City of Fort Lauderdale in the amount of \$5,000 – Case 09-02937(19), 17<sup>th</sup> Judicial Circuit Court, Administrative Appeal of Special Magistrate Case CE08080558 – 3245 South Andrews Avenue.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0646

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**Community Development Block Grant Repayment Plan U.S. Department of Housing and Urban Development - Audit** (M-14)

**This item is contingent upon CRA Board approval and the CRA Board will meet on June 2, 2009 to review and approve.**

A motion approving Community Development Block Grant Repayment Plan in response to U.S. Department of Housing and Urban Development Inspector General audit findings.

**Recommend:** Motion to approve.  
**Exhibit:** Commission Agenda Report 09-0660

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**Release of Mortgage Lien – Church of God Temple - (M-15)**  
**211 NW 5 Avenue**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute and deliver a Release of Mortgage Lien on property owned by Church of God Temple – 211 NW 5 Avenue associated with Near Northwest Redevelopment project.

**Recommend:** Motion to approve.  
**Exhibit:** Commission Agenda Report 09-0652

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**Consent To Assignment of Lease – City Park Mall, Shops (M-16)**  
**108 and 11 Bar.Don Development To Firekid Publishing, LLC**

**No budgetary impact.**

A motion authorizing Assignment of Lease – Firekid Publishing, LLC to assume lease of Bar.Don Development, Inc. for Shops 108 and 112 – City Park Mall – 108 SE 1 Street.

**Recommend:** Motion to approve.  
**Exhibit:** Commission Agenda Report 09-0665

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**Baltimore Orioles Fort Lauderdale Spring Training (M-17)**  
**Fourth Amendment – Term Extension – Sports**  
**Facility use Agreement**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute fourth amendment to Sports Facility Use Agreement with Baltimore Orioles, extending term to December 31, 2009 and granting Orioles option, at their sole discretion, to extend term to June 30, 2010 with notice to City by October 30, 2009.

**Recommend:** Motion to approve.  
**Exhibit:** Commission Agenda Report 09-0669

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**CONSENT RESOLUTION**

**Community Bus Service - \$192,307.97 (CR-01)**  
**Interlocal Agreement – Broward County**

**A copy of the Funding Source information is attached to these minutes.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-0553

RESOLUTION NO. 09-129

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 \$192,307.97 FOR TRANSPORTATION SERVICES AND APPROVING AN EXTENSION OF AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE CONTINUATION OF COMMUNITY BUS SERVICES.

**Amend Operating Budget – Appropriation - \$53,833 (CR-02)**  
**Repair of Effluent Pump Impeller**

**Appropriate \$53,833 from P11339.451, Subobject 6599, Fund 451, Subfund 01 to PBS670502-3407 Fund 451, Subfund 01.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-0622

RESOLUTION NO. 09-130

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 TRANSFERRING AND APPROPRIATING \$53,833 FROM P11339.451 SUBOBJECT 6599 FUND 451 SUBFUND 01 TO PBS670502-3407 FUND 451 SUBFUND 01 FOR THE PROPRIETARY PURCHASE OF PUMP REBUILD SERVICES.

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**Amend Operating Budget, Grant Account Change - (CR-03)**  
**Green Components – Ann Herman Park, Bill Keith Preserve**  
**And Flagler Heights Park**

**A copy of the Funds Appropriation / Transfer Information is attached to these minutes.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-0654

**RESOLUTION NO. 09-131**

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 REVERSING AN APPROPRIATION OF GRANT FUNDS FROM THE BROWARD COUNTY ENVIRONMENTAL PROTECTION LAND STEWARDSHIP PROGRAM IN THE AMOUNT OF \$153,500 FROM THE SANITATION FUND 409 AND RE-APPROPRIATING SUCH GRANTS FUNDS TO THE MISCELLANEOUS FEDERAL, STATE AND COUNTY GRANT FUND 129.

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**Amend Operating Budget – Appropriation - \$2,800,300 - (CR-04)**  
**Police Overtime**

**To transfer and appropriate \$2,800,300.00 from the General Capital Projects Holding Account, Fund 331, Subfund 01, P11236.331, Subobject 6599 to Fund 001, Subfund 01, POL030201, Subobject 1501.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 09-0719

**RESOLUTION NO. 09-132**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, BY APPROPRIATING FUNDS IN THE AMOUNT OF \$2,800,300 FROM THE GENERAL CAPITAL PROJECTS

HOLDING ACCOUNT FOR THE POLICE DEPARTMENT OVERTIME.

**Grant Acceptance – State Road A-1-A Turtle Friendly Light Replacement – Joint Participation Agreement – Florida Department of Transportation** (CR-05)

**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 09-0663

RESOLUTION NO. 09-133

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.

**PURCHASING AGENDA**

**06-A-098 – Contract Extension – Diesel Fuel** (PUR-01)

**\$307,875 is budgeted in Fund 583, Subfund 01, PAR030101-3804.**

One-month contract extension for purchase of diesel fuel is being presented for approval by the Parking and Fleet Services Department.

**Recommend:** Motion to approve.

**Vendor:** B.V. Oil Company, Inc.  
Doral, FL  
MacMillan Oil Company of Florida, Inc.  
Hialeah, FL

**Amount:** Per Unit Price

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

**Exhibit:** Commission Agenda Report 09-0645

The Procurement Services Department has reviewed this item and recommends the one month contract extension.

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**595-10241 – Beach Business Improvement District (PUR-02)**  
**Signature Event(s) / Marketing Proposal**

**\$78,960 is budgeted in Fund 135, Subfund 01, EDV030101-3201.**

One-year contract to create, operate and promote a sustainable signature event – Fort Lauderdale Beach Business Improvement District – “Saturday Night Alive” is being presented for approval by the Economic Development Department.

**Recommend:** Motion to approve.  
**Vendor:** Wizard Entertainment, Inc.  
 Fort Lauderdale, FL  
**Amount:** \$78,960.00  
**Bids Solicited/Rec’d:** 445/5  
**Exhibit:** Commission Agenda Report 09-0698

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

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**493-10256 – Line Stopping Equipment – Water Distribution (PUR-03)**  
**System**

**\$5,000 is budgeted in PBS660101-3434 Fund 450, Subfund 01; \$27,802.32 is budgeted in INS010101-5102 Fund 543, Subfund 01.**

Purchase water distribution system line shopping equipment is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.  
**Vendor:** ADS LLC  
 Huntsville, AL  
**Amount:** \$32,802.32  
**Bids Solicited/Rec’d:** 380/4  
**Exhibit:** Commission Agenda Report 09-0510

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

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**495-10231 – Sludge Disposal Services (PUR-04)**  
**Lohmeyer Wastewater Treatment Plant**

**Purchases are made on an as-needed basis and charged to individual operating budgets per available funds and in accordance with established pricing. Funds**

**for these purchases are budgeted in PBS670503-3252, Fund 451, Subfund 01. The current budget is \$2,300,000 for this type of expense.**

Three-year contract for sludge disposal services is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** H & H Liquid Sludge Disposal, Inc.  
Branford, FL

**Amount:** Per Unit Prices

**Bids Solicited/Rec'd:** 1129/4

**Exhibit:** Commission Agenda Report 09-0619

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

**492-10217 – Emergency Tanker Services – Sanitary Sewer System** (PUR-05)

**\$20,000 is budgeted in PBS670502-3299, Fund 450, Subfund 01; \$20,000 is budgeted in PBS660502-3404, Fund 470, Subfund 01; \$17,250 is budgeted in PBS660602-3404 Fund 450, Subfund 01.**

One-year contract for Sanitary Sewer System Emergency Tanker Services is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** F.A. Johnson, Inc.  
Fort Lauderdale, FL

**Amount:** \$57,250.00 (estimated)

**Bids Solicited/Rec'd:** 905/3

**Exhibit:** Commission Agenda Report 09-0509

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

**195-10237 – Armored Car Services** (PUR-06)

**Fund Type 01, Fund 001, Subfund 01, FIN040201 = \$7,128; Fund Type 01, Fund 001, Subfund 01, BUS020101 = \$3,960, Fund Type 01, Fund 001, Subfund 01, BUS040101 = \$540; Fund Type 01, Fund 001, Subfund 01, BUS050101 = \$540; Fund Type 01, Fund 001, Fund 01, BLD010101 = \$3,960; Fund Type 01, Fund 001, Subfund 01, PKR010101 = \$4,488; Fund Type 40, Fund 461, Subfund 01, PAR020103 = \$19,428. All index codes are to Subobject – 3249, Security Services.**

Three-year contract to provide armored car services from various City locations is being presented for approval by the Finance Department.

**Recommend:** Motion to approve.

**Vendor:** Brink's, Incorporated  
Richmond, VA

**Amount:** \$40,044.00 (estimated annual total)

**Bids Solicited/Rec'd:** 594/2

**Exhibit:** Commission Agenda Report 09-0623

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

**193-10248 – Police Duty Gear and Holsters** (PUR-07)

**\$29,405.15 is available in Fund 01, Subfund 001, POL020406, 3949.**

One-year contract to purchase police uniform duty gear and holsters for officers and certain civilian employees is being presented for approval by the Police Department.

**Recommend:** Motion to approve.

**Vendor:** Dana Safety Supply, Inc. Jacksonville, FL  
DGG Taser, Inc. Jacksonville, FL

**Amount:** \$29,405.15 (estimated)

**Bids Solicited/Rec'd:** 609/14

**Exhibit:** Commission Agenda Report 09-0514

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

**Settlement – AG Realty Fort Lauderdale, LLC v City of Fort Lauderdale – 3245 South Andrews Avenue – Code Violation** (M-13)

The City Clerk announced this item has been removed from tonight's agenda.

**Community Development Block Grant Repayment Plan U.S. Department of Housing and Urban Development – Audit** (M-14)

The City Clerk announced that this item is recommended to be approved conditioned upon the CRA Board approval which is scheduled to meet on June 2, 2009.

**Amend Operating Budget – Appropriation - \$2,800,300 Police Overtime** (CR-04)

The City Clerk advised that the amount has been reduced to \$1,409,000.



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

**Motion** made by Commissioner Rodstrom and seconded by Vice Mayor Roberts that Consent Agenda Items M-10, M-11, M-14, M-17, CR-01, CR-05, PUR-02 and PUR-05 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.

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**Community Bus Service Agreement – United Residents Council - \$37,225** **(M-10)**

Commissioner Rodstrom noted that Broward County was not aware that this is an on-demand service; there will be some discussion at that level when it reaches the County. She was opposed to it.

Peter Partington, City Engineer, said this service is entirely subsidized by Broward County with the City as a pass-through. It was originally established as a ride to work service and as such operated best as on-demand service. It has operated in this way for more than five years. Mayor Seiler asked if there is any economic criteria as to who may use the service. Mr. Partington explained it basically serves the Housing Authority sites.

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

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**Community Bus Service Agreement - \$246,206.43** **(M-11)**  
**Downtown Fort Lauderdale Transportation Management Association**

In response to Commissioner Rodstrom's question as to what are the associated budget amendments, Peter Partington, City Engineer, explained that Item CR-01 is an agreement between the City and Broward County that creates the funds that the County passes to the City. Item M-10 is the agreement the City enters into with the Downtown Fort Lauderdale Transportation Management Association (TMA) for community bus service.

In response to Commissioner Rogers, Mr. Partington outlined previous Commission decisions and consensus on this topic.

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

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**Community Development Block Grant Repayment Plan  
U.S. Department of Housing and Urban Development – Audit****(M-14)**

At Commissioner Rodstrom's request, Greg Brewton, Director of Planning and Zoning, provided a history leading up to the call for the audit. He noted the findings have nothing to do with anything criminal or fraudulent, but with the way files were kept, accountability of the accounting process as it relates to the City's FAMIS system versus HUD's requirement for accountability in terms of financing. All of these things have been corrected. For the twenty years of the program, the City received approximately \$49 million funding and this is less than one-half percent. During the time frame, the City passed every audit from the local Miami office.

Commissioner Rodstrom was concerned that if the City had been more stringent in the process, more individuals could have been assisted through the program. She expressed trust in Mr. Brewton's competence. In response to her questions, Mr. Brewton advised those monies are proposed to be taken from the Community Redevelopment Agency (CRA). Once the \$2.5 million is paid, the monies would be returned to the City which could then be used to pay for CRA projects. There will be no limitation on the number of individuals being served, projects will be on time and delivered as originally mandated. He understood once the payment is made, the City almost immediately receives those funds back.

In response to Commissioner DuBose's question on the timing of return of the \$2.5 million, Mr. Brewton indicated it will be thirty to sixty days. In further response, Mr. Brewton did not believe there will be any negative impacts on future Community Development Block Grant funding requests because other South Florida municipalities also had findings in their audits. If there was going to be a problem with funding, the City would know about it by now. Some of the issues that have happened in South Florida could primarily be directed toward possible unclear leadership from the local office. Although he felt that Mr. Brewton is doing a good job, Commissioner DuBose was concerned because these funds primarily benefit the northwest and he did not want any repercussions. Mr. Brewton said in speaking with the HUD office, he felt the City is not in jeopardy of having its funding cut. One indication that they do not have a problem with the City's plan and how they have done business is the fact that the City has received Neighborhood Stabilization Program monies and funding in other programs.

Vice Mayor Roberts understood the guidelines have not been followed appropriately as recent as 2007. Mr. Brewton noted the comments were made on old files. Corrections have been made and staff is continuing to communicate with HUD to ensure that the necessary changes have been made. Vice Mayor Roberts noted mistakes as recent as 2007 were reflected in the audit, although he appreciated it may have much related to turmoil on staffing and the oversight. Mr. Brewton said that the audit permitted staff to identify what had been taking place and to place things in the right perspective. In regard to the past, he believed staff put need ahead of the process. The right individuals were served and continue to be served. Good things happened, but it was not correctly documented.

Vice Mayor Roberts noted the Commission became aware of this notification letter for repayment by virtue of this meeting. He asked if there are other audits in the pipeline and questioned why the Commission did not receive any earlier notice. The City Manager explained the procedure. Vice Mayor Roberts wanted more advance notice to

the Commission on any matter of this nature. Commissioner Rodstrom concurred. Mayor Seiler felt it is fair to say the full Commission would want such notice.

In response to Commissioner DuBose, Mr. Brewton clarified that his comments were about the Community Development Block Grant program. The audit addressed cases twenty years back in time. If an audit was done in 2009 or 2010 on 1990 files, for example, there could be findings inconsistent with documentation generally required by HUD. It is not to say it was illegal, but that it did not meet HUD guidelines. Staff is attempting to show HUD what the City has done and how things have been corrected and ask that they not continue to look at old files. There have been some findings on the SHIP (State of Florida Housing Initiatives Partnership) program. Staff believes what was furnished in that audit is incorrect. It will come before the Commission. Mayor Seiler asked that staff meet with the Commission in advance regarding the matter.

Commissioner Rogers expressed his support in Mr. Brewton's competence. He referred to one comment in the audit, "Did not complete projects within a reasonable period and did not have an action plan or conduct monitoring to determine how the acquisitions would be developed", and emphasized the importance of an action plan. For the future he appreciated the spreadsheets format prepared by staff for this item.

The City Auditor provided insight into an auditing process in general. These issues will have to be resolved before additional funding will be forthcoming as the Neighborhood Stabilization Program Agreement contains special conditions related to the satisfactory resolution of an OIG (Office of Inspector General) audit before additional funds would be granted.

Commissioner Rodstrom was pleased with the idea of phased payment because if there is another audit and they only have \$247,000 and the City owes money, they will keep it. She did not like voting for someone else's mistakes, but without the repayment, she did not think the City would be able to qualify for future funding. Although not upset with Mr. Brewton, she was upset with how the fund was managed over the last twenty years and especially the last seven years.

Mayor Seiler had the same concerns as all of the commissioners. He asked all audits for the Community Development Division go directly to the City Auditor on a regular basis. The City Auditor indicated his intention to conduct a follow-up audit of all audits conducted to make sure that the recommendations and responses are implemented. Commissioner DuBose wanted to make sure that when the audit is provided to the City Auditor, a copy also be provided to the Commission.

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

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**Baltimore Orioles Fort Lauderdale Spring Training  
Fourth Amendment – Term Extension – Sports  
Facility Use Agreement**

**(M-17)**

At Vice Mayor Roberts' request, Cate McCaffrey, Director of Business Enterprises, outlined the terms and pertinent facts concerning this item for the benefit of the public.

She felt it is in the City's best interests to encourage the Orioles to stay as long as possible because the City will be responsible for the stadium maintenance once the lease expires. She believed if the Orioles knew they would return next year, they would not have failed to exercise the extension option. Vice Mayor Roberts did not think the Orioles will stay much longer.

At Commissioner Rodstrom's request, Ms. McCaffrey explained that the City has two agreements with the Orioles. In addition to the short-term agreement for consideration this evening, there is a long-term agreement for use of the stadium that contemplated tearing down and redeveloping the site. The agreement is subject to a number of conditions one condition is FAA (Federal Aviation Administration) approval. The FAA has advised the City that they would not approve the agreement because of their regulations with regard to grant assurances. One assurance is that when the City leases property, the City would receive fair market value and fair market value in this case has been estimated to be as high as \$1.3 million. Under the current agreement terms the City receives 5% of the proceeds which is about \$70,000 to \$125,000 annually. This has not been resolved with the FAA.

In further response to Commissioner Rodstrom, Ms. McCaffrey advised that during the course of the negotiations probably within the last year, the City had the property appraised at park land value. The Orioles have always represented to the City that they want to stay in Fort Lauderdale. Mayor Seiler advised in his conversation today with John Angelos of the Orioles who indicated his desire to remain in Fort Lauderdale if possible. Vice Mayor Roberts believed the Orioles have been negotiating with other counties. He wanted to hear from the Orioles.

Alan Koslow, representing the Baltimore Orioles, advised that Fort Lauderdale is the only city with which the Orioles have a long-term agreement for spring training. If the FAA would be reasonable, this is the Orioles' first choice. The FAA is requesting \$1.3 million per year. They feel there are other opportunities to explore with the FAA and the Mayor has volunteered to assist. The problem is the facility is forty years old; maintenance costs being borne by the Orioles increase every year. They hope the FAA issue is resolved by December 31<sup>st</sup>; the short-term agreement is extended and they go forward with the long-term agreement. The City owns the land in fee simple and can decide upon the use. He believed the FAA is using too much leverage.

Mayor Seiler commented about his interactions as a state representative with the Angelos family for years. He believed their first choice is Fort Lauderdale, but the biggest hurdle is the FAA. He wanted to keep the option open, and therefore, recommended that this item be passed this evening.

Commissioner Rogers had the same concerns as the Vice Mayor, but without the FAA approval, the City cannot do anything on a go forward basis. He preferred the Orioles care for the facility to the end of the year. With the FAA approval, he believed there can be a deal struck. Vice Mayor Roberts did not have confidence that it would be resolved. Mayor Seiler pointed out there has just been a change in the administration. Perhaps the Obama administration will take a different approach. He wanted to keep trying.

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

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**Community Bus Service - \$192,307.97 (CR-01)**  
**Interlocal Agreement – Broward County**

Commissioner Rodstrom wanted to vote no.

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

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**Grant Acceptance – State Road A-1-A Turtle Friendly Light (CR-05)**  
**Replacement – Joint Participation Agreement – Florida**  
**Department of Transportation**

Commissioner Rodstrom noted that as the Commission consented, she consulted FDOT and Fish and Wildlife to see if the City could recoup or find a way not to have to come up with this entire amount. There is an FDOT grant of \$3.2 million for turtle friendly lights. FDOT recommended the City adopt a resolution to execute the agreement and accept the grant monies. They further indicated that the City does not have to complete the entire project. One option would be to do whatever the City could with this funding for the retrofit lights and continue with the hoods on the remainder until the economy changes. She wanted to make sure use of the additional \$1.6 million being considered to be taken from the General Fund and the Community Redevelopment Agency (CRA) is not being considered for a vote this evening.

Mayor Seiler appreciated and liked the concept as presented by Commissioner Rodstrom. Albert Carbon, Public Works Director, said that tonight's action is to accept the \$3,290,000 grant, which may only be used toward construction. The City will still have to use CRA and City funds for the design. He elaborated upon options that could be pursued to get the best value for money expended. Commissioner Rodstrom noted phasing.

Mayor Seiler asked the City Manager to direct staff to meet with and review Commissioner Rodstrom's notes on the matter.

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

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**595-10241 – Beach Business Improvement District (PUR-02)**  
**Signature Events(s)/Marketing Proposal**

Commissioner Rodstrom raised various questions on this item, to which the directors of procurement and economic development responded as follows: Kirk Buffington, Director of Procurement Services, explained that the evaluation committee arrives at a consensus on ranking the proposers. Staff's recommendation is based on the information provided by the committee. Two members of the committee service on the

Beach Business Improvement District. He elaborated upon the process and indicated that he was not aware of any conflicts of interest. There was a lot of flexibility on what the proposers brought back. The committee thought that Wizard's proposal meets the needs at the right price. Stephen Scott, Economic Development Director, concurred with Mr. Buffington. It is a marketing idea to attract people during the summer. As to marketing, Wizard would develop a website for the ongoing event that would promote the Beach Business Improvement District (BID) and the event. Another idea was to develop a map of businesses within the BID and the beach as a whole that would indicate where the various musical acts could be seen.

Commissioner Rodstrom hoped marketing would be for more than just the BID because the beach is for everyone in the county.

Commissioner Rogers questioned why the focus is only for two months and whether the goal would be achieved. Mr. Scott indicated the committee believed this would be a good start, but just the beginning; to leverage this event. He explained that the hope was for the people already at the beach over the fourth of July to spread the word about this event. Commissioner Rogers questioned what else would be happening besides the bands. Mr. Scott indicated the musical acts would take place inside establishments; there would be activities on the street put together by the promoter. Commissioner Rogers felt more assistance is needed for Friday nights, not Saturday nights. He liked another idea of "first Friday". Mr. Scott believed the idea was to start on the fourth of July, which is Saturday this year, and build momentum.

The City Manager suggested deferring for two weeks so that the BID members could speak to the item.

Vice Mayor Roberts was concerned that one proposer offered four packages for the same as another who offered seven. He was also concerned about the timing and that nothing is being done in September or October which are also slow months.

Commissioner DuBose questioned why the bands are proposed to be inside of establishments because people can already go to establishments with entertainment.

**Motion** made by Commissioner Rogers and seconded by Vice Mayor Roberts to defer the item to June 2, 2009. Roll call showed: YEAS: Vice Mayor Roberts, Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

Mayor Seiler encouraged individual Commission briefings during the interim.

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**492-10217 – Emergency Tanker Services -  
Sanitary Sewer System**

**(PUR-05)**

Randy Cordrey, representing Raider Environmental Services, indicated Raider provides environmental and emergency response to the City and counties. Raider was the second lowest responder. He understood that the first bidder did not qualify. Bidders were required to have a minimum of six vacuum trucks that could hold four thousand gallons each. He elaborated upon the onsite audit visit from staff concerning their trucks. A discrepancy on the amount of gallons two trucks could hold was satisfied to the purchasing manager. Raider is a community disadvantaged business enterprise in

Broward County. They are offering about a \$15,000 savings. According to the documents, there is a thirty to ninety day performance evaluation that could be conducted at the end of the test period and if satisfied, the contract could be continued.

In response to Commissioner Rogers, Mr. Cordrey outlined what transpired beginning with a visual inspection of the trucks to assure their capacity. There was a discrepancy on two of the vehicles in the submitted documentation. There were emails asking if anything else was needed, but the City did not respond.

Mayor Seiler noted the capacity of the two vehicles was reflected in documentation to Broward and Miami Dade counties as 3,300 and 3,400 gallons and 4,000 gallons to Fort Lauderdale. Mr. Cordrey confirmed at the time the bid was opened, that was the information furnished to staff. Mayor Seiler explained there must be a deadline on acceptance and submittal of documentation, therefore Raider was non-responsive.

In response to Commissioner Rogers, Kirk Buffington, Director of Procurement Services, advised that staff did communicate with Raider. There were never any negotiations being conducted with the third proposer. A due diligence process was followed. Staff is currently working on a protest policy will be presented to the Commission.

**Motion** made by Commissioner Rogers and seconded by Commissioner Rodstrom to approve staff's recommendation. Roll call showed: YEAS: Vice Mayor Roberts, Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

<b>MOTIONS</b>
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**Contract Award – Public Right-of-Way Services**

**(MD-01)**

**Purchases are made on an as-needed basis and charged to the individual operating budgets per available funds and in accordance with established pricing. Funds for these services are budgeted in Fund 450, Water and Sewer Fund; Fund 470, Stormwater Fund; and Fund 451 Central Regional Wastewater System Fund.**

One-year contract for repairs and replacements in public right-of-way relating to utility maintenance is being presented for approval by the Public Works Department.

<b>Recommend:</b>	Motion to approve.
<b>Vendor:</b>	Three H Learning Center, Inc. d/b/a Florida Youth Conservation Corps (FYCC) Dade City, FL
<b>Amount:</b>	Per Unit Prices
<b>Bids Solicited/Rec'd:</b>	N/A
<b>Exhibit:</b>	Commission Agenda Report    09-0512

The Procurement Services Department has reviewed this item and recommends approving these services per Florida State Statute Section 255.60.

Mark Darmanin, Public Works Department, advised that this is a contract with a 5013(c) corporation that gives the City the ability to contract with this group that works with distressed teenagers in teaching trades. It is an excellent program.

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

**Proprietary – Liquid Oxygen System – Lohmeyer Wastewater  
Treatment Plant**

**(MD-02)**

**Transfer \$1,300,000 from P00401-6599; Regional Replacement / Recapitalization to P10767.451-6599, both in Fund 451, Subfund 02.**

A motion authorizing: (1) purchase of Liquid Oxygen System improvements and associated services by Air Products and Chemicals, Inc., in a negotiated amount of \$1,158,700 – Lohmeyer Wastewater Treatment Plant – Project 10767-A; (2) transfer \$1,300,000 to fund this activity and engineering fees; and (3) previous transfer of \$373,000.

<b>Recommend:</b>	Motion to approve.
<b>Vendor:</b>	Air Products and Chemicals, Inc. Allentown, PA
<b>Amount:</b>	\$1,158,700.00
<b>Bids Solicited/Rec'd:</b>	N/A
<b>Exhibit:</b>	Commission Agenda Report 09-0525

Albert Carbon, Public Works Director, explained this is to purchase some components relating to the City's production of liquid oxygen. This is part of another bid. The alternative is replacement of the entire liquid oxygen facility with a market value of \$10 million.

The following information was furnished as a result of questions raised by Mayor Seiler. Paul Bohlander, Assistant Utilities Services Director, clarified the engineering fees for the design are not reflected in this item. The difference between the \$1,158,000 and \$1,300,000 has to do with program management and an accounting markup imposed by the Finance Department. Mayor Seiler wanted to know how the \$373,000 was used and requested deferral in order to get that clarification. The City Auditor that this is only one aspect of a larger project. As the end of the year, the Finance Department booked engineering fees for the year toward this project which had the effect of creating a deficit in that project account. The \$373,000 was to clear that deficit for other work already done which now has the engineering overhead charge. The transfer requires Commission action. Engineering fees of \$141,000 is a standard overhead allocation on all projects. Mayor Seiler concluded and the Auditor concurred that the budget was exceeded by \$373,000.

Mr. Carbon offered to provide an accounting of the \$373,000.



**Motion** made by Vice Mayor Roberts and seconded by Commissioner Rodstrom to defer the item to June 2, 2009.

In the future, Commissioner DuBose requested more detailed information on engineering fees be provided with the item backup.

In response to Commissioner Rogers' question, Mr. Carbon advised that program management and utility engineering fees are paid from separate accounts. He elaborated upon what is done at the end of the year from an accounting standpoint. Commissioner Rogers agreed with Commissioner DuBose that staff provide the outside engineering cost if it is a part of the equation. Mr. Carbon advised when the engineer is retained, it is a separate action, however that has not yet occurred with respect to this item.

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

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**Proprietary – Contractual Construction Services**  
**Underground Storage Tank Upgrade - \$189,320**

**(MD-03)**

**Appropriate \$212,500 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11118.482-6599.**

A motion authorizing the proper City Officials to: (1) execute a contract with MDM Services, Inc. – construction services for removal and replacement of two underground fuel storage tanks – Pump Station D-31 and D-54 in the amount of \$189,320; and (2) appropriate \$212,500 to fund this contract and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 09-0527

Paul Bohlander, Assistant Utilities Services Director, provided the history relating to this request, that this contractor did an excellent job on previous replacement tanks, they are prepared to meet deadline and the price is reasonable.

In response to Mayor Seiler, Mr. Bohlander advised that the standard engineering fee percentage of 12% is included. It is adjusted at the end of the year to reflect the actual amount.

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

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**Proprietary – Repair of Effluent Pump Impeller  
Lohmeyer Wastewater Treatment Plant**

(MD-04)

**\$53,833 will be available in PBS670502-3407 Fund 451, Subfund 01 after approval of CAR 09-0622 for transfer of funds.**

Purchase effluent pump repair services at Lohmeyer Wastewater Treatment Plant is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

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

**Amount:** \$53,833.00

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

**Exhibit:** Commission Agenda Report 09-0535

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

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

**Proprietary – Repair Truck Scales  
Lohmeyer Wastewater Treatment Plant**

(MD-05)

**\$6,059 is budgeted in Fund 451, Subfund 01, PBS670502-3407.**

Repair truck scales at Lohmeyer Wastewater Plant is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Cardinal Scale Manufacturing Company  
Webb City, MO

**Amount:** \$6,059.00

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

**Exhibit:** Commission Agenda Report 09-0539

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

**Motion** made by Commissioner Rodstrom 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.

**Summer Food Preparation and Delivery Services****(MD-06)**

**\$78,634 will be available under GFOD-09-3231 Food Services, Fund Type 10, Fund 129, Subfund 01.**

Agreement to provide food preparation and delivery for lunches and snacks at various City parks and North Fork Elementary School is being presented for approval by the Parks and Recreation Department, contingent upon award of grant funds to the City.

**Recommend:** Motion to approve.

**Vendor:** G.A. Food Services of Pinellas County, Inc.  
St. Petersburg, FL

**Amount:** \$78,634.00 (estimated)

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

**Exhibit:** Commission Agenda Report 09-0432

The Procurement Services Department has reviewed this item and recommends awarding to the single bidder from the Palm Beach County contract.

**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.

**Proprietary – Oracle Database Licenses and Support****(MD-07)**

**\$11,814 is budgeted in Fund 450, Subfund 01 PBS010601-3401 (Computer Maint.); \$6,445 in Fund 461, Subfund 01 PAR020101-3401; \$5,661 in Fund 001, ITS010301-3401.**

Purchase Oracle database licenses and annual support is being presented for approval by the Information Technology Services Department.

**Recommend:** Motion to approve.

**Vendor:** Oracle USA, Inc.  
Redwood Shores, CA

**Amount:** \$23,921.00

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

**Exhibit:** Commission Agenda Report 09-0522

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

Commissioner Rogers asked if this is a got to have item. Tim Edkin, Information Technology Services Director, replied in the affirmative and explained it is a database management system that supports other software. The system will not process without the underlying software.

**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.

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<b>RESOLUTIONS</b>
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**Site Plan II With Allocation of Units – Extension of Time - (R-01)**  
**Flagler Point – Housing Finance Authority of Broward County –**  
**Case 152-R-05**

**No budgetary impacts.**

Applicant: Housing Finance Authority of Broward County  
 Location: 600 North Andrews Avenue  
 Zoning: Urban Village RAC-UV  
 Future Land Use: Downtown Regional Activity Center

Exhibit: Commission Report 09-0649

Greg Brewton, Director of Planning and Zoning, noted the applicant is the Broward County Board of Commissioners.

Vice Mayor Roberts, and Commissioners Rogers and Rodstrom announced with whom he/she had spoke with concerning this matter. In response to Mayor Seiler, it was clarified that members of the Commission spoke with a representative of the Pinnacle Housing Group as lessee of Broward County.

Vice Mayor Roberts introduced the following resolution:

RESOLUTION NO. 09-104

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN EXTENSION OF THE EXPIRATION DATE OF A DEVELOPMENT PLAN APPROVING A DEVELOPMENT ON PROPERTY LOCATED AT 600 NORTH ANDREWS AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

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**Dock Permit Application – Northwest Neighborhood (R-02)**  
**Improvement District – One Vacant Residential Parcel –**  
**Infill Housing Program**

**No budgetary impact.**

A resolution conveying one vacant city-owned residential parcel to Northwest Neighborhood Improvement District for subsequent transfer to income eligible first-time homebuyer for construction of single-family home – Fort Lauderdale Infill Housing Program.

Exhibit: Commission Agenda Report 09-0650

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 09-126

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8.02 OF THE CHARTER OF THE CITY OF FORT LAUDERDALE, DETERMINING AND DECLARING ITS INTENTION TO CONVEY CERTAIN PUBLIC PROPERTY TO THE NORTHWEST NEIGHBORHOOD IMPROVEMENT DISTRICT FOR THE DEVELOPMENT OF AFFORDABLE HOUSING AND DESIGNATING A DATE AND TIME FOR A PUBLIC HEARING UPON SUCH PROPOSAL.

Which resolution was read by title only.

Mayor Seiler announced that a public hearing on this matter would be held on July 7, 2009. Greg Brewton, Director of Planning and Zoning, identified the location.

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

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**Community Bus Service – Florida Department of  
Transportation – Grant Application – Galt Ocean Mile and  
Northwest Circulator Extension**

**(R-03)**

**No budgetary impact.**

A resolution endorsing Galt Ocean Mile and Northwest Circulator Extension community bus service and authorizing the proper City Officials to apply for funding from Florida Department of Transportation – 2010-2011 Public Transit Service Development Program – Discretionary Grant Program.

Exhibit: Commission Agenda Report 09-0659

Vice Mayor Roberts introduced the following resolution:

RESOLUTION NO. 09-127

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENDORSING AND SUPPORTING THE DEVELOPMENT OF THE

TROLLEY/TRANSIT SERVICE OPERATED BY THE DOWNTOWN FORT LAUDERDALE TRANSPORTATION MANAGEMENT ASSOCIATION FOR THE GALT MILE SERVICE AND THE NORTHWEST EXTENSION; AND AUTHORIZE APPLICATION TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A DISCRETIONARY GRANT IN THE PUBLIC TRANSIT SERVICE DEVELOPMENT PROGRAM.

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

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**Board and Committee Appointments**

**(R-04)**

**No budgetary impact.**

A resolution appointing city board and committee members.

Exhibit: Commission Agenda Report 09-0676

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

**Northwest Progresso-Flagler Heights Redevelopment Advisory Board**

Vice Mayor Roberts recommended Brad Hubert be reappointed to the Northwest Progresso-Flagler Heights Redevelopment Advisory Board.

**Centennial Celebration Committee**

In response to Mayor Seiler's question, the City Attorney and City Clerk explained the process for reappointment of members. Mayor Seiler asked these appointments be scheduled for the next meeting.

Mayor Seiler recommended Jo Anne K. Medalie to the Centennial Celebration Committee.

Vice Mayor Roberts recommended John Aurelius to the Centennial Celebration Committee.

Commissioner DuBose recommended Stephanie Jean to the Centennial Celebration Committee.

**Education Advisory Board**

Mayor Seiler recommended Laura J. Clark to the Education Advisory Board.

Unsafe Structures & Housing Appeals Board

Mayor Seiler recommended Joseph P. Crognale to the Unsafe Structures & Housing Appeals Board in the plumbing contractor category.

Economic Development Advisory Board

Mayor Seiler recommended Dev Ramesh Motwani to the Economic Development Advisory Board.

Community Appearance Board

Commissioner DuBose recommended Kenneth Green to the Community Appearance Board.

Mayor Seiler recommended Patrick R. Maloy to the Community Appearance Board.

Board of Adjustment

In response to Commissioner Rodstrom, the City Clerk outlined the membership for the Board of Adjustment. Commissioner Rodstrom had received suggestions from constituents suggesting an entire new membership be appointed.

In response to Commissioner Rogers, the City Attorney explained that members could only be removed in the mid-term for just cause, but it would require an extraordinary majority of the Commission to do so. According to the resolution appointing the present members, successors would need to be appointed.

Commissioner Rogers recommended Michael J. Madfis remain on the board. He referred to representation on this board by all of the districts and indicated with respect to District IV, it would present itself in September. Mr. Madfis, an alternate, is the only member from District IV.

Commissioner DuBose recommended Caldwell Cooper to the Board of Adjustment in the interest of representation from District III.

Vice Mayor Roberts noted his reappointment of Henry A. Sniezek as an alternate that was made on May 5.

Centennial Celebration Committee

Mayor Seiler suggested and there was no objection to Donna Mergenhagen as the Fort Lauderdale Council of Civic Associations' representative.

Board of Adjustment

Jerry Jordan, resident of 1109 SE 4 Street, and member of the Board of Adjustment, said he has served on advisory boards for years. He was concerned that some of the votes have not been residential friendly. He discussed the role of alternates. He noted a vote in April concerning Victoria Park and a day care center. He was concerned about

the vote in favor of the day care center because the Victoria Park neighborhood was opposed to it. He encouraged the existing four members not be reappointed.

At Mayor Seiler's request, the City Attorney explained the current procedure as it relates to alternates.

Commissioner Rodstrom recommended Gerri Manning-Udell as an alternate to the Board of Adjustment.

Commissioner Rogers pointed out that Mr. Goldman and Mr. Strawbridge, current chair, wanted to be reappointed. He reiterated his desire to have representation from all districts and suggested there be a full discussion.

Commissioner Rodstrom pointed out that there will be more term expirations occurring in the next couple months.

Commissioner DuBose emphasized the need for representation from all districts.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 09-128

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.

The City Clerk referred to communications from the boards and asked if it was the Commission's request for such communications from the board by their vote or clear consensus and not an individual member. Mayor Seiler indicated consensus or majority positions was the intent because individuals may communicate freely at any time. Although he had no preference, Commissioner DuBose thought it could be an individual. Commissioner Rogers appreciated a clear statement from a majority. Individuals may always speak their peace.

Commissioner Rodstrom also thought the chairs or designated members could make presentations under the advisory board section of the conference agendas which could be arranged through the Clerk.

Mayor Seiler recalled the purpose which arose during the campaign was that if a majority or consensus wanted to convey a message of anything the board thought was significant, it should be presented to the Commission in an official manner. These matters would have been debated and agreed upon in public. He did not think individual communications from those on the losing side of a vote should be provided.

The City Clerk pointed out generally it takes a month for minutes to be approved. She wanted to make sure that delay is acceptable. Mayor Seiler felt that is acceptable.



Green Committee

Commissioner Rogers referred to comments from the Utility Advisory Committee on the subject of a green committee and thought it is important to clear the air on this. He outlined his understanding of the Utility Advisory Committee's position, essentially they did not want to be diverted from their mission, but did not want to turn away from the issues. They are interested in changing their name to include 'sustainability'. He felt the current committee name does not paint the true picture of what they do. He questioned creating a new board. He felt the City could get traction with a board already in place. He did not want to take the Utility Advisory Committee away from green issues they are already working on.

Commissioner DuBose thought those points were taken into consideration and the consensus had been to move forward with a new board. As such, Commissioner Rogers wanted to be sure that staff take into consideration what the Utility Advisory Committee is already doing when developing a scope for the green board and bring back consideration of a name change for the Utility Advisory Committee.

Albert Carbon, Public Works Director, displayed a proposed mission statement "identify and recommend affordable strategies and practices associated with conservation, renewable energy, energy efficiency in order to establish Fort Lauderdale as a leader in environmental sustainability". Items to consider are reducing the carbon footprint and greenhouse gases. There were eight departments involved in the conference agenda item I-C, therefore a staff liaison has not been determined.

Commissioner Rogers did not want to take away existing work from the Utility Advisory Committee.

Mayor Seiler suggested a commissioner be designated to meet with the Utility Advisory Committee and Mr. Carbon to carve out the mission and purpose for the two boards and bring that back to the Commission.

**Motion** made by Commissioner DuBose and seconded by Vice Mayor Roberts appointing Commissioner Rogers to meet with the Utility Advisory Committee and Director of Public Works to develop the mission and purpose for the Utility Advisory Committee and green advisory board and report back to the Commission. Roll call showed: YEAS: Vice Mayor Roberts, Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

Budget Advisory Board

In response to Commissioner Rodstrom, Shonda Singleton-Taylor, Director of Management and Budget, was the first meeting of the Budget Advisory Board would be the third Wednesday in June; the staff liaison is Norm Mason, Assistant Director of Management and Budget. In answer to Mayor Seiler, the City Clerk advised there have been enough members appointed to achieve a quorum.

Mayor Seiler requested the City Clerk send her memorandum of March 18, 2009 (09-062) to all of the members.

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**PUBLIC HEARINGS**

**Community Bus Service – Funding and Route Changes (PH-01)**  
**Downtown Fort Lauderdale Transportation Management Association**

**No budgetary action is being taken with this item as it simply informs the public of bus route changes.**

Downtown Fort Lauderdale Transportation Management Association – funding and route changes – reduction in service from five to three days a week on Galt Ocean Mile route.

Exhibit: Commission Agenda Report 09-0679

There being no individuals wishing to speak on this matter, a **motion** was made by Commissioner Rodstrom 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.

**Motion** made by Commissioner Rogers and seconded by Commissioner Rodstrom to approve funding of the Downtown Fort Lauderdale Transportation Management Association’s routes, change to 3-day a week service on the Galt Ocean Mile route and transmit this decision to Broward County Transit. Roll call showed: YEAS: Vice Mayor Roberts, Commissioner Rogers, and Mayor Seiler. NAYS: Commissioners Rodstrom and DuBose.

**ORDINANCES**

**Code Amendment – Chapter 28 – Water, Wastewater (O-01)**  
**And Stormwater – Water Shortage, Conservation and**  
**Enforcement of Water Usage**

**No budgetary impact.**

An ordinance amending Code of Ordinances, Chapter 28, Water, Wastewater and Stormwater – establish outdoor use water conservation rules and procedures for users of City water.

Exhibit: Commission Agenda Report 09-0560

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-09-13

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED “WATER, WASTEWATER AND STORMWATER,” RENUMBERING AND AMENDING

SECTION 28-1 RELATING TO WATER SHORTAGE, WATER CONSERVATION, AND ENFORCEMENT OF WATER USAGE RESTRICTIONS TO ESTABLISH OUTDOOR USE WATER CONSERVATION RULES AND PROCEDURES FOR USERS OF CITY WATER BY DELETING SECTION 28-1.1 AND CREATING SECTION 28-1B; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR INCLUSION IN THE CODE.

Which ordinance was read by title only.

Commissioner Rogers suggested the language be clarified regarding water usage and enforcement.

In response to Vice Mayor Roberts' question concerning rain sensors on page 7, Albert Carbon, Public Works Director, advised that rain sensors are required for new homes according to the building code. Vice Mayor Roberts wanted more clarity about retrofitting existing homes with respect to rain sensors. He suggested incentives be offered to people who use Florida Friendly Landscaping materials. Commissioner Rogers agreed it is not clear about what to do if it is existing versus new.

There was consensus approval for the changes to be made between first and second reading. Mayor Seiler wanted time for the commissioners to meet with their districts. He asked the Council of Civic Associations also publicize this. There was consensus approval to defer second reading set for June 2 and consider it on June 16.

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

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**Code Amendment – Chapter 26 – Traffic – Red Light  
Camera Traffic Enforcement**

**(O-02)**

**No budgetary impact.**

An ordinance amending Code of Ordinances, Chapter 26, Traffic, creating Article VII, titled Traffic Intersection Safety Act – red light camera traffic enforcement.

Exhibit: Commission Agenda Report 09-0700

Vice Mayor Roberts introduced the following ordinance on FIRST reading:

**ORDINANCE NO. C-09-14**

AN ORDINANCE AMENDING CHAPTER 26, TRAFFIC, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING ARTICLE VII TO BE TITLED "TRAFFIC INTERSECTION SAFETY ACT," RELATING TO TRAFFIC INTERSECTION SAFETY AND PROVIDING LEGISLATIVE FINDINGS AND INTENT;

PROVIDING FOR DEFINITIONS; ESTABLISHING AN ENFORCEMENT PROGRAM WITHIN THE CITY; AUTHORIZING THE CITY TO IMPLEMENT THE USE OF AUTOMATED UNMANNED CAMERA MONITORING DEVICES FOR RED LIGHT INFRACTIONS; PROVIDING ENFORCEMENT PROCEDURES; INCLUDING NOTICE, APPEALS AND PENALTIES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE..

Which ordinance was read by title only.

Mayor Seiler thought on April 7, the Commission decided to wait to see what the legislature was going to do. However, it appears the City went forward. He understood that the Florida Department of Transportation is not going to allow this on their intersections. Police Captain Michael Gregory understood that the proposed legislation was tabled. An RFP was put out, but identifying the roads would be at a future meeting. He understood an ordinance was to be presented and adjusted according to what action was taken by the legislature. Commissioner Rodstrom questioned going forward without knowing the rules. Vice Mayor Roberts thought staff was going to wait for the legislature to decide as Captain Gregory explained. He was not aware the RFP went out, but he thought the ordinance was coming forward. Captain Gregory clarified the RFP was written in a format acceptable regardless of the State's direction.

In response to Commissioner Rodstrom's question, Kirk Buffington, Director of Procurement Services, said there is no contract in place at this time; the RFP could be canceled. It was released on May 4 and responses are due by June 8.

In response to Commissioner Rogers, Mr. Buffington outlined the history of this item as it relates to what was done by the previous Commission. Commissioner Rogers also thought the City was going to wait to see what the legislature was going to do. Vice Mayor Roberts summarized that the ordinance could move forward with revisions made before second reading. He wanted to start this in motion and recall it if there is a consensus to make changes.

In response to Commissioner Rogers, Mr. Buffington mentioned there are other versions, but staff intends to propose a model where the vendor upfronts all capital costs, installation and issues the citations after review by the Police Department .

Commissioner Rogers indicated constituents in his district are in favor. However, he raised the issue of crosswalks.

In response to Mayor Seiler, Captain Gregory explained in areas where this system has been implemented, the Florida Department of Transportation has not approved them. He went on to explain that arrangements have been made on a neighboring property or another location where the signal could be monitored. It does not have to be mounted on the roadway. The list of intersections is not final. It will come to the Commission at a future time for approval. The technology of the selected vendor will be a factor. The RFP was framed in broad terms to give flexibility on what path taken by the legislature. There were no objections as the pre-bid meeting concerning not knowing the legislature's direction.

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

There being no other matters to come before the Commission, the regular meeting was adjourned at 9:29 P.M. at which time the Commission turned to Agenda Item I-F of the conference agenda.

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John P. "Jack" Seiler  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk