

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
June 2, 2009

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
June 2, 2009**

Meeting was called to order at 6:04 p.m. by Mayor Seiler on the above date, City Commission Meeting Room.

Roll call showed:

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

Absent: Vice Mayor Bruce G. Roberts

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

Invocation was offered by Reverend Michael Bouie, Mount Hermon African Methodist Episcopal Church, followed by the pledge of allegiance led by the Wakefield Park Double Dutch Team along with a demonstration.

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 Rodstrom and seconded by Commissioner Rogers to approve the minutes of March 17, 2009 Special, March 17, 2009 Conference and April 21, 2009 Regular meetings.

On page 28, Commissioner Rodstrom noted Vice Mayor Roberts' name appeared twice and Commissioner Rogers' name needed to be added to the roll call.

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

Presentations

1. **World Elder Abuse Awareness Day -** **(PRES-01)**
June 2, 2009

Commissioner Rogers presented a proclamation to Helen Ferreri, Project Director and Noble McArtor of the Senior Day Care Center, designating June 2, 2009, as World Elder Abuse Awareness Day.

Ms. Ferreri thanked the Commission for the honor, and reminded everyone to protect seniors

2. Fort Lauderdale High School Flying L's Debate Team Day – June 2, 2009 (PRES-02)

Commissioner Rodstrom presented a proclamation to Coach Jim Wakefield and the debate team of Fort Lauderdale High School, designating June 2, 2009, as Fort Lauderdale High School "Flying L's" Debate Team Day.

Coach Wakefield thanked the Commission for the honor, and praised the students and noted the success of the public school system.

3. Outstanding Employees (PRES-03)

John Molenda, Assistant Fire Chief, recognized the following employees for their efforts in saving the life of an individual trapped under a dump truck: Lt. Steven I. Simac, Driver/Engineer Michael T. Reimer, Firefighter Thomas J. Major, Firefighter Carl J. Maglietta II, Firefighter Ryan Kenny, Firefighter Bryan Whitehead, Lt. Rodney E. Peeler, Driver/Engineer Kenneth J. Gurdak, Firefighter Michael C. Owen, Lt. Scott M. Wright, Driver/Engineer Bradley A. Whidden, Firefighter Jorge L. Aguiar, Firefighter Shannon M. Grant, Firefighter Jason A. Taddonio, Lt. Cristofer Askervold, Driver/Engineer Corey M. Henry, and Firefighter Walter E. King, along with Dr. El Sanadi.

Frank Adderley, Police Chief, recognized Officer James Gaughan as Officer of the month for June, 2009, for his work in arresting suspects involved in a sexual battery of a fourteen year old child.

4. Donation To Police Department - K-9 Narcotics Dog (PRES-04)

Commissioner DuBose recognized Caldwell Cooper for his monetary donation for acquisition of a K-9 narcotics dog to assist the Police Department and replacement of K-9 Sparky, who is retiring. Officer Tim Shields provided a brief history of Sparky, and thanked Mr. Cooper for the donation.

Expression of Sympathy (OB)

The Mayor and City Commission offered an expression of sympathy to the family of John Elwell.

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 – Commodore’s Cup**(M-01)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Sea Scouts Ship 814 – Christ of the Abyss, Inc. for Commodore’s Cup, to be June 13, 2009, 8 AM – 4 PM, at George English Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0706

Event Agreement – Kayak Against Cancer**(M-02)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with American Cancer Society, Florida Division, Inc. for Kayak Against Cancer, to be held on June 20, 2009, 5 AM – 1 PM, at South Beach, in the ocean and intracoastal waterway.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0733

**Event Agreement – Rally Day
Closing Tarpon Drive****(M-03)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with First Presbyterian Church of Fort Lauderdale, Florida, Inc. for Rally Day, to be held on September 13, 2009, 8:30 AM – 2 PM, at the church and closing Tarpon Drive from Tarpon Terrace to Brickell Avenue, 10 AM, September 12, 2009 to 12 Noon, September 14, 2009.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0748

**Event Agreement – Bright Steps Forward
Annual Beach Volleyball Tournament****(M-04)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Bright Steps Forward, Inc. for Bright Steps Forward Annual Beach Volleyball Tournament, to be held on June 7, 2009, 10 AM – 5 PM, at Fort Lauderdale South Beach.

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 09-0708

**Change Order 3 (Final) – Man-Con, Incorporated – Credit
(\$396,903.45) – Sanitary Sewer and Water Main Improvements
Poinciana Park****(M-05)****Reduce encumbrance in Fund 482, Subfund 01, P10841.482-6599 by (\$396,903.45).**

A motion authorizing: (1) Change Order 3 (Final) with Man-Con, Incorporated, in the net CREDIT amount of (\$396,903.45) – additional work and final quantity reconciliation – Sanitary Sewer and Water Main Improvements – Poinciana Park – Project 10841; and (2) reduce encumbrance by (\$396,903.45).

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 09-0716

**Change Order 2 (Final) – Trio Development Corporation – Credit
(\$103,036.88) – Edgewood Pump Stations – Package II Septic Area 8
(Basins D, E, F, and G)****(M-06)****Reduce the encumbrance in Fund 482, Subfund 01, P10580.482-6599 by (\$103,036.88).**

A motion authorizing: (1) Change Order 2 (Final) with Trio Development Corporation, in net CREDIT amount of (\$103,036.88) – additional work and final quantity reconciliation – Edgewood Pump Stations – Package II Septic Area 8 (Basins D, E, F, and G) – Project 105801; and (2) reduce encumbrance by (\$103,036.88).

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 09-0726

Change Order 3 (Final) – Expertech Network Installations, (M-07)
(U.S.) Inc. – Water Transmission Main – Oakland Park Boulevard –
Credit (\$1,048,238.78)

Reduce encumbrance by (\$1,048,238.78) in Fund 482, Subfund 01, P10572.482-6599; EPO3388.

A motion authorizing: (1) Change Order 3 (Final) with Expertech Network Installations, (U.S.) Inc., in net CREDIT amount (\$1,048,238.78) – additional work and final quantity reconciliation – Water Transmission Main – Oakland Park Boulevard – Project 10572; and (2) reduce encumbrance by (\$1,048,238.78).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0732

Change Order 2 (Final) – Ric-Man Construction, Inc. - (M-08)
\$62,832.72 – Shady Banks – Water and Sanitary Sewer Improvements

Appropriate \$71,000 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10543.482-6599; EPO3377.

A motion authorizing: (1) Change Order 2 (Final) with Ric-Man Construction, Inc., in the amount of \$62,832.72 – additional work and final quantity reconciliation – Shady Banks Septic Area 5 Basin C – water and sanitary sewer improvements – Project 10543C; and (2) appropriate \$71,000 to fund this change order and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0730

Change Order 2 – Globetec Construction, LLC - \$118,275 (M-09)
Sanitary Sewer and Water Main Improvements – Melrose Manors

Appropriate \$133,000 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10710.482-6599; EPO3460.

A motion authorizing: (1) Change Order 2 with Globetec Construction, LLC, in the amount of \$118,275 – quantity adjustments – Sewer and Water Main Improvements – Area 2 West Melrose Manors Basin A – Project 10710A; and (2) appropriate \$133,000 to fund this change order and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0731

Change Order 1 (Final) – Lanzo Lining Services, Inc. - (M-10)
\$80,019 – Long-Term Remediation Project 11 – Sewer
Basin D-37 North – Add 90 Days

Appropriate \$90,000 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11343.482-6599; EPO3540.

A motion authorizing: (1) Change Order 1 (Final) with Lanzo Lining Services, Inc., in the amount of \$80,019 and the addition of 90 non-compensable calendar days to contract period – final quantity reconciliation – Wastewater Conveyance System Long-Term Remediation Program Rehabilitation Project 11 – Sewer Basin D-37 North; and (2) appropriate \$90,000 to fund this change order and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0637

Contract Award – Lelack Corporation - \$30,301 (M-11)
Seven Isles – Neighborhood Capital Improvement Program

A copy of the Bid Tabulation for funding information is attached to these minutes. The funding source identified in the bid tab is in Fund 331, Subfund 01, Subobject 6599.

A motion authorizing the proper City Officials to award and execute a contract with Lelack Corporation in the amount of \$30,301 – installation of Stamped Asphalt on Bridge and Crosswalk and Parking Space Construction – Seven Isles Homeowners Association, Inc. – Neighborhood Capital Improvement Program – Project 11378.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0751

Contract Award – Gonzalez Pavement Equipment, Inc. - (M-12)
\$512,046.64 – Annual Storm Drainage Contract

A copy of the Bid Tabulation for funding information is attached to these minutes.

A motion authorizing the proper City Officials to: (1) award and execute 2009-2010 annual contract with Gonzalez Pavement Equipment, Inc., in the amount of \$512,046.64 and 17 percent engineering fees – Storm Water Drainage Infrastructure – Project 11479; and (2) transfer funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0766

**Contract Annual Award – DBF Construction LLC -
\$299,722.50 – Water Service Relocations**

(M-13)

A copy of the Bid Tabulation for funding information is attached to these minutes.

A motion authorizing the proper City Officials to award and execute a contract with DBF Construction LLC in the amount of \$299,722.50 – reconfiguration of on-site plumbing for water service relocations in conjunction with replacements and/or relocations of water mains – annual contract – Project 11458.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0724

**Contract Award – Custom Built Marine Construction, Inc. -
\$218,662.50 – Cooley’s Landing Boat Ramp Replacement**

(M-14)

A copy of the Bid Tabulation for funding information is attached to these minutes.

A motion authorizing the proper City Officials to award and execute contract with Custom Built Marine Construction, Inc., in the amount of \$218,662.50 and associated 14 percent engineering fees – replacement of three boat ramps at Cooley’s Landing – Project 11472.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0666

**Amendment 9 To Work Authorization 16724.70 – Keith
And Schnars, P.A. - \$11,800 – Imperial Point –
Large Water Main Improvements**

(M-15)

Appropriate \$14,000 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10571.482-6599; EPO2704.

A motion authorizing the proper City Officials to: (1) execute Amendment 9 to Work Authorization 16724.70 in the amount of \$11,800 – additional environmental engineering services – Imperial Point Large Water Main Improvements Phase II – Project 10571; and (2) appropriate \$14,000 to fund this amendment and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0754

Grant Acceptance – North Fork Pollution Control Device - (M-16)
\$300,000 – Florida Department of Environmental Protection

Appropriate \$300,000 in grant funding to revenue P11426.470A-D302 and to expenditure P11426.470A-6599. \$416,000 in approved City matching funds is available in P11426.470-6599. All funding is within Fund 470, Subfund 02.

A motion authorizing the proper City Officials to execute all necessary documents to receive and disburse \$300,000 grant funding from Florida Department of Environmental Protection – North Fork Pollution Control Device Installation.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0749

Task Order – Chen And Associates Consulting Engineer, Inc. - (M-17)
\$238,754.70 – State Road A-1-A Turtle Friendly Light Replacement

\$119,377.35 will be available in P11498.106 contingent upon CRA approval of the funds transfer request on the June 2, 2009, CRA Board Agenda to P11498.106. A1A Transit Improvements Fund 106, Subfund 10, Subobject 6599 and transfer \$119,377.35 from P11322.343, Beach Improvements, to P11498.343, A1A Transit Improvements Fund 343, Subfund 01, Subobject 6599.

A motion authorizing the proper City Officials to: (1) execute Task Order with Chen and Associates Consulting Engineers, Inc., in the amount of \$238,754.70 – design of State Road A-1-A Light Replacement Project – Turtle Compliant Fixtures as part of A-1-A Seabreeze Boulevard Transit Improvements – Project 11498; and (2) transfer funds to fund this task order; all contingent upon Community Redevelopment Agency approval of funds transfer to project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0558

Event Date Change – Relay For Life (M-18)

No budgetary impact.

A motion approving a change of date for American Cancer Society, Inc. event, Relay For Life, at Huizenga Park from May 8 and 9, 2009 to June 12 and 13, 2009.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0722

Disbursement Of Funds / Joint Investigation / O.R. 07-36229 (M-19)
Law Enforcement Trust Fund

\$1,154.32 is available in Fund 107 (DEA Confiscated Property) in account GL 219-07-36229 (Deposits Trust).

A motion authorizing the equitable disbursement of \$1,154.32 with each of the twelve participating law enforcement agencies to receive \$88.79 and Sunrise Police Department to receive \$177.58 due to additional assigned agent.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0713

Disbursement of Funds / Joint Investigation / O.R. 07-54648 (M-20)
Law Enforcement Trust Fund

\$533,876.42 is available in Fund 107 (DEA Confiscated Property) in account GL 219-07-54648 (Deposits Trust).

A motion authorizing the equitable disbursement of \$533,876.42 with each of the twelve participating law enforcement agencies to receive \$41,067.41 and Sunrise Police Department to receive \$82,134.82 due to additional assigned agent.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0714

Settlement of Police Liability File PP L 04-833 - \$65,000 (M-21)

Funds are budgeted in Fund 543/01 INS0101015119 (Police Liability Claims). There are sufficient funds to cover the amount of \$65,000.

A motion authorizing settlement of Police Liability File PP L 04-833 (Timothy Sarko) - \$65,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0734

Settlement of Worker Compensation File WC-86-3793 - \$441,393 (M-22)

Funds are budgeted in INS010101-5125 (Workers' Compensation Claims), Fund 543/Subaccount 01. There are sufficient funds to cover the \$441,393 settlement.

A motion authorizing settlement of Worker Compensation File WC-86-3793 (Ronald Mauldin) - \$441,393.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0735

River Oaks Drainage Improvements - \$1,191,000 (M-23)
Purchase of Property – 1950 SW 23 Court and 2323 SW 19 Avenue

\$595,500 is available in P10705.470A and \$595,500 is available in P10705.470-6599 all in Fund 470, Subfund 02.

A motion authorizing the proper City Officials to execute a purchase and sale agreement with Paul Allen for purchase of property in the amount of \$1,191,000 – drainage improvements in River Oaks – storm water retention – detention area – 1950 SW 23 Court and 2323 SW 19 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0761

Budget Public Hearing Dates – Fiscal Year 2009-2010 (M-24)

No Current Year Budgetary Impact.

A motion setting public hearing dates relating to fiscal year 2009-2010 budget for the City, Sunrise Key Neighborhood Improvement District and Non-Ad Valorem Assessments for City fire assessment, Lauderdale Isles Water Management District, and Beach Business Improvement District – 6 PM, September 1 and 15, 2009.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0760

Grant Extension – Metropolitan Medical Response System (M-25)

No budgetary impact. \$232,330 in grant funds are already budgeted in Fund 129, Subfund 01, GMMRS08, C310 (Rev). There is no cash match.

A motion authorizing: (1) extension of 2006 Metropolitan Medical Response System grant agreement to June 30, 2009; and (2) proper City Officials to execute all necessary documents to finalize extension, including modification to grant agreement – Florida Department of Community Affairs, Emergency Management Division and U.S. Department of Homeland Security.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0762

Public Safety Radio Communications System – Frequency Reconfiguration Agreement – Nextel South Corporation

(M-26)

No budgetary impact.

A motion authorizing the proper City Officials to execute an agreement with Nextel South Corporation – Public Safety Radio Communications System – frequency reconfiguration.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0661

CONSENT RESOLUTION

**Grant Acceptance – Snyder Park - \$50,000
Land Stewardship Program – Partners in Preservation**

(CR-01)

Appropriate \$50,000 revenue into Fund Type 10, Fund 129, Subfund 01 GSNYDER09-F733, expenditures into Fund Type 10, Fund 129, Subfund GSNYDER 09-3237, Lawn & Tree Services. No cash match.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0744

RESOLUTION NO. 09-137

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$50,000 FROM BROWARD COUNTY THROUGH THE PARTNERS IN PRESERVATION LAND STEWARDSHIP PROGRAM FOR SNYDER 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 – Warbler Wetlands - \$30,000
Land Stewardship Program – Partners in Preservation**

(CR-02)

Appropriate \$30,000 revenue into Fund Type 10, Fund 129, Subfund 01 GWARBLER09-F733, expenditures into Fund Type 10, Fund 129, Subfund GWARBLER09-3237, Lawn & Tree Services. No cash match.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0745

RESOLUTION NO. 09-138

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$30,000 FROM BROWARD COUNTY THROUGH THE PARTNERS IN PRESERVATION LAND STEWARDSHIP PROGRAM FOR WARBLER WETLANDS; 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.

Winterfest Boat Parade – Donation – Winterfest, Inc. (CR-03)

Appropriate \$6,308.14 FD001/9950 Contingencies to GEN010101/4299 Other Contributions, Fund Type 01, Fund 001, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0613

RESOLUTION NO. 09-139

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 FUNDS IN THE AMOUNT OF \$6,308.14 TO FUND THE DONATION FOR THE 2008 WINTERFEST BOAT PARADE.

Reintroduction of Amtrak Passenger Rail Service (CR-04)
Florida East Coast Rail Corridor – Economic Stimulus Plan

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0764

RESOLUTION NO. 09-140

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING THE REINTRODUCTION OF AMTRAK PASSENGER RAIL SERVICE ON THE FLORIDA EAST COAST (FEC) RAIL CORRIDOR, AS PART OF FLORIDA'S ECONOMIC STIMULUS PLAN.

Task Order 4 – Environmental Consulting Services - \$61,575 (CR-05)
Evans Environmental And Geological Science and Management, LLC

Appropriate \$61,575 from FD409.01-9901, Fund 409, Subfund 01 to P09921.419.6599, Fund 409, Subfund 02.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0720

RESOLUTION NO. 09-141

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE TASK ORDER 4 WITH EVANS ENVIRONMENTAL AND GEOLOGICAL SCIENCE AND MANAGEMENT, LCC FOR ONGOING CONSULTING SERVICES IN THE LINCOLN PARK AREA AND 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 APPROPRIATING \$61,575 FROM FUND 409 TO FUND THIS TASK ORDER.

Amend Operating Budget – Transfer and Appropriate - \$26,897.40 (CR-06)
Wireless Internet Network Equipment

Appropriate \$5,379.50 from Fund 461, Subfund 01, PAR020101-3299 (Parking / Other Prof. Services). Appropriate \$5,379.50 from Fund 468, Subfund 01, BUS070101-3104 (Exec. Airport Arch / Eng. Services); \$5,379.50 from Fund 001, Subfund 01, BLD010101-3199 (Bldg. Services Other Prof. Svcs.); \$10,759 from Fund 001, Subfund 01, FIR010101-3199 (Fire-Rescue Other Prof. Svcs.). A total of \$26,897.50 to Fund 581, Subfund 01, ITS020102-6404.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0738

RESOLUTION NO. 09-

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 APPROPRIATING AND TRANSFERRING \$5,379.50 FROM FUND 461, SUBFUND 01, PAR020101-3299, \$5,379.50 FROM FUND 468, SUBFUND 01, BUS070101-3104, \$5,379.50 FROM FUND 001, SUBFUND 01, BLD010101-3199, AND \$10,759 FROM FUND 001, SUBFUND 01, FIR010101-3199, TO FUND 581, SUBFUND 01, ITS020102-6404.

Community Development Block Grant Recovery Program (CR-07)
Amendment – 2008-2009 Annual Action Plan of Consolidated Plan

Upon appropriation of the CDBG-R grant for \$557,744, revenue received will be deposited in Fund 108, Subfund 01, Index Code CD09REV, SOB C558 & expense in 8004.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0770

RESOLUTION NO. 09-142

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE 2008-2009 ANNUAL ACTION PLAN OF THE CONSOLIDATED PLAN AND SUBMIT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT 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 APPROPRIATING FUNDS IN THE AMOUNT OF \$557,744.00 FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT-RECOVERY PROGRAM.

PURCHASING AGENDA

493-10279 – Water Distribution Parts

(PUR-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 purchases are budgeted in PBS704135-5401, Fund 450, Subfund 01.

One-year contract for purchase of water distribution parts, Group A and Group G is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Metalloy Industries, Inc.
Alachua, FL
Mainline Supply of Florida, LLC
Sanford, FL

Amount: Per Unit Prices

Bids Solicited/Rec'd: 731/12

Exhibit: Commission Agenda Report 09-0694

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

Replacement Hardware – Computer Control Systems (PUR-02)
Lohmeyer Wastewater Treatment Plant

\$39,063.22 is available in P11146.451, Subobject 6564, Fund 451, Subfund 02.

Purchase replacement hardware for computer control systems at Lohmeyer Wastewater Treatment Plant is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Dell Marketing USA L.P.
Round Rock, TX

Amount: \$39,063.22

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-0695

The Procurement Services Department has reviewed this item and recommends an award using the Western States Contracting Alliance (WSCA) contract.

696-10129 – Coastal Engineering Consultant Services (PUR-03)

There is no cost to enter into this contract. We will spend in accordance with per unit pricing secured through the competitive bidding process. Spending is contingent upon the available budget in the particular project at the time the purchases are made.

Authorize the proper City Officials to execute a continuing contract with URS Corporation Southern for Coastal Engineering Consultant Services is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: URS Corporation Southern
San Francisco, CA

Amount: Per Unit Prices

Bids Solicited/Rec'd: 902/5

Exhibit: Commission Agenda Report 09-0614

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

296-10133 – General Construction Management Services (PUR-04)
Various City Projects

There is no initial cost to enter into this contract. Work is assigned by task order and charged to the individual projects per available budget.

A motion accepting the RFP Selection Committee's recommendation of ranking firms for general construction management services on an as-needed basis and authorizing the proper City Officials to commence negotiations with the top three firms: Chen and Associates Consulting Engineers, Inc., ACAI Associates, Inc. and Post, Buckley, Schuh and Jernigan, Inc.

Recommend: Motion to approve.

Vendor: Chen and Associates Consulting Engineers, Inc.
Fort Lauderdale, FL
ACAI Associates
Fort Lauderdale, FL
Post, Buckley, Schuh and Jernigan, Inc.
Tampa, FL

Amount: N/A

Bids Solicited/Rec'd: 696/18

Exhibit: Commission Agenda Report 09-0620

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

793-10281 – Purchase Internet Wireless Equipment (PUR-05)

Funding of \$26,897.49 will be available in Fund 581, Subfund 01, ITS020102-6404, after approval of CAR 09-0738 Fund Transfer (attached as Exhibit 3).

Purchase Internet wireless equipment for selected City buildings is being presented for approval by the Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Coleman Technologies, Inc.

Orlando, FL
Amount: \$26,897.49
Bids Solicited/Rec'd: 870/8
Exhibit: Commission Agenda Report 09-0739

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

Vehicle Replacement – Florida Sheriff’s Association Contract (PUR-06)

\$23,071 is budgeted in Fund 583, Subfund 01, PAR030101-6416.

Purchase one Toyota Camry vehicle replacement 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: Alan Jay Import Center, Inc.
 Sebring, FL
Amount: \$23,071.00
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 09-0742

The Procurement Services Department has reviewed this item and recommends award from the Florida Sheriff’s Association Contract.

592-10270 Parking Permits (PUR-07)

\$4,778.63 is budgeted in Fund 461, Subfund 01, PAR020101, 3999 for FY 08/09; \$21,495.87 will be budgeted in Fund 461, Subfund 01; \$21,495.87 is subject to the appropriation and approval of the FY 09/10 budget.

One-year contract for purchase of parking permits is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.
Vendor: Florida Marking Products, Inc.
 Longwood, FL
Amount: \$26,274.50 (not-to-exceed)
Bids Solicited/Rec'd: 707/2
Exhibit: Commission Agenda Report 09-0701

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

State Contract – Ballistic Resistant Vests**(PUR-08)****\$11,836.00 is available in Fund 129, Subfund 01, GBVP12, 3949.**

Purchase not-to-exceed twenty ballistic resistant vests for scheduled replacement, new hires and expired vests is being presented for approval by the Police Department.

Recommend: Motion to approve.

Vendor: GL Distributors, Inc.
Pembroke Pines, FL

Amount: \$11,836.00 (not-to-exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-0641

The Procurement Services Department recommends approving the purchase from the State of Florida Contract.

B-09-47 – Co-Op – Horticultural Chemicals**(PUR-09)**

No cost to enter into this contract. Dept. will spend in accordance with per unit pricing secured through the competitive bidding process and available budget.

One-year contract for purchase of horticultural chemicals is being presented for approval by the Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: Various Vendors (see attached)

Amount: Per Unit Price

Bids Solicited/Rec'd: 26/9

Exhibit: Commission Agenda Report 09-0736

The Procurement Services Department has reviewed this item and recommends approval of purchases from the Southeast Florida Governmental Cooperative Purchasing Group.

593-10250 – Mills Pond Park Concession Services**(PUR-10)**

\$65,000 estimated revenue to be deposited into PKR030801-K302 Concession, GF001, Subfund 01.

One-year contract for Mills Pond Park concession services is being presented for approval by the Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: Professional Concessions, Inc.
Fort Lauderdale, FL

Amount: \$65,000.00 (estimated revenue)
Bids Solicited/Rec'd: 538/2
Exhibit: Commission Agenda Report 09-0741

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

Task Order – Chen And Associates Consulting Engineer, Inc. - (M-17)
\$238,754.70 – State Road A-1-A Turtle Friendly Light Replacement

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

River Oaks Drainage Improvements - \$1,191,000 (M-23)
Purchase of Property – 1950 SW 23 Court And
2323 SW 19 Avenue

Mayor Seiler announced that this item has been removed from tonight's agenda. (See conference meeting)

Amend Operating Budget – Transfer And Appropriate - \$26,897.40 (CR-06)
Wireless Internet Network Equipment

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

793-10282 – Purchase Internet Wireless Equipment (PUR-05)

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

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

Motion made by Commissioner Rogers and seconded by Commissioner Rodstrom that Consent Agenda Items M-09, M-14, M-21, CR-01, CR-03, CR-05 and PUR-04 be deleted from the Consent Agenda and considered separately and that all remaining Consent agenda items be approved as recommended.

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

Change Order 2 – Globetec Construction, LLC - \$118,275 (M-09)
Sanitary Sewer And Water Main Improvements – Melrose Manors

At Commissioner Rogers' request, Albert Carbon, Public Works Director, provided clarification as to the 12% estimated WaterWorks 2011 fees. He noted an informational memorandum will be a conference report item in the future. He also responded to Mayor Seiler's question as to how long the percentage amount has been used. In

response to Commissioner DuBose's question, Mr. Carbon noted the 18% for engineering includes construction management and surveying; it is a hard amount, not an estimate. There will be one report, describing both.

In response to Commissioner Rodstrom's question, Mr. Carbon noted that CH2M Hill has capped their engineering fees at \$59,800,000 for WaterWorks 2011.

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

Contract Award – Custom Built Marine Construction, Inc. - (M-14)
\$218,662.50 – Cooley's Landing Boat Ramp Replacement

In response to Commissioner Rogers' question, Albert Carbon, Public Works Director, indicated there was no purchasing or surveying, thus those percentages totaling 4% were not charged. The monies are held in a contingency account until the project is completed. There is some \$24,000 remaining in grant funds, which would come back to the Commission if those funds are needed.

In response to Commissioner Rodstrom's question, Mr. Carbon explained the process used to reach the determination that replacement is needed.

Mayor Seiler pointed out that this project is being paid 100% with grant funds.

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

Settlement of Police Liability File PP L 04-833 - \$65,000 (M-21)

Commissioner Rogers resolved his question on this item.

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

Grant Acceptance – Snyder Park - \$50,000 (CR-01)
Land Stewardship Program – Partners in Preservation

Commissioner Rogers resolved his question on this item.

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

Winterfest Boat Parade – Donation – Winterfest, Inc.**(CR-03)**

In response to Commissioner Rogers' question, Phil Thornburg, Parks and Recreation Director, explained the previous Commission authorized a \$28,000 funding gap for the difference of what Winterfest had budgeted and actual costs.

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

Task Order 4 – Environmental Consulting Services - \$61,575**(CR-05)****Evans Environmental And Geological Science and Management, LLC**

This item was removed from the consent agenda by mistake.

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

**296-10133 – General Construction Management Services -
Various City Projects****(PUR-04)**

At Commissioner Rodstrom's request, Mr. Buffington noted the selection committee's membership and outlined the RFQ process.

Commissioner Rodstrom questioned whether the proposers chosen are exactly right for each particular project. Mr. Buffington explained the advantage of selecting three proposers.

In response to Commissioner Rogers' question, Mr. Buffington indicated that criteria one and four have to do with prior experience. If there was prior experience with the City, it could be listed but it is not specifically called out. Part of the submittal is similar projects and projects done locally. The reference check would include whether a prior contract was performed as agreed.

Commissioner Rodstrom was interested in assuring the subcontractors would be from Fort Lauderdale or Broward County, Mr. Buffington indicated staff would have to review the sub list and there would need to be some care taken because there is no ordinance requiring it. Staff could have discussions with contractors during the negotiation phase.

In response to Commissioner Rodstrom, Mr. Buffington noted the recent Procurement audit indicated that the Commission does not see every RFP. At a level of \$250,000, staff will now distribute RFP's to the Commission when they are released. The evaluation committee meetings are public and notices are provided to the Commission. An addendum could be made to an RFP if needed.

Mayor Seiler questioned why multiple companies are being ranked in advance, when the City would want the best contractor for any single project. An airport is different than a swing bridge. Mr. Buffington indicated one reason is the lengthiness of each individual

process. In response to Commissioner Rodstrom, Mr. Buffington noted this is for construction management, not design. One of their primary responsibilities is to control change orders. Albert Carbon, Public Works Director, indicated if the company was not qualified for an airport project, it would not be hired. These companies could be used for the annual street overlay or sidewalk improvements. Staff is trying to be expeditious.

Mayor Seiler pointed out that the backup does not indicate there was any discussion with the companies about bridges; they all have different areas of expertise. Mr. Carbon agreed and explained this is for three very diverse firms. Mayor Seiler questioned hiring three companies in advance. Mr. Carbon explained this is meant for small, straight forward projects that can relieve staff in peak times. In further response, Mr. Carbon indicated there was no direction to staff in the ranking to select a local firm to handle small projects, although Chen and Associates is a small, local firm. The City has continuing services contracts for civil engineering, mechanical, electric, plumbing, landscape architecture, but this is the first for construction management.

Commissioner DuBose commented that the backup does not really explain staff's intent. In response to his question of what would happen if this is not passed, Mr. Buffington explained the benefit is expeditious movement of projects. Even if these contracts are approved, there is nothing preventing a decision for a separate RFQ for the airport taxiway for example. If a project is ready to go, without these contracts in place, the City would have to go through the selection and hiring process.

In response to Mayor Seiler, Mr. Buffington indicated the RFQ was not presented to the Commission.

Commissioner Rodstrom was concerned about limiting the City to three contractors regardless of the project size.

Mayor Seiler had a problem with staff making policy. This takes away the competitive process and out of the public eye. He was very disappointed that this was presented to the Commission without having been requested by a member of the Commission. Mr. Buffington explained that in the past staff has determined when there was a need for a contract for a vendor. All evaluation meetings were publicly posted. Mayor Seiler felt every bid provides the opportunity for increased competitive and lowering of the price. It is being taken completely out of the process. Mr. Buffington explained the process set forth by Florida statute requires advertising, posting and sending out notifications. Mayor Seiler was concerned that all of this transpired without the Commission's knowledge. The process is being taken away from the public.

Mr. Buffington requested the item be deferred. Commissioner Rogers thought there might be a better perspective if the Commission was provided the RFQ. Mr. Carbon wanted to provide the Commission with the CCNA information that went out (consultants competitive negotiations act). Mayor Seiler wanted every contract to go through the Commission so that general members of the public can see who is bidding.

In response to Mayor Seiler's question of whether there is a requirement that RFQ's come to the Commission for their input, the City Attorney explained that historically they have generally not been presented to the Commission. If it is establishing policy, it should come to the Commission. The City Manager explained that there is a culture of operating that has been established over time based on previous commissions. The

issue of pre-qualification is not new. If the Commission wants to go in a different direction, staff would not object. He requested an opportunity to provide more information on the culture and decisions made in the past. Once staff has a better sense of where the Commission wishes to go, they can shift gears accordingly.

In response to Mayor Seiler, Mr. Carbon did not think any of these contracts would amount to millions of dollars; he offered to furnish historical data for civil engineers and architects.

Commissioner DuBose did not feel that additional backup will not change what is being said today.

Commissioner Rogers referred to the \$250,000 dollar limit policy established. He felt it would make sense to comprehensively look at a policy. Commissioner DuBose felt that was a better course than to provide more backup on this particular request.

Mayor Seiler asked the Commission be informed individually if there are any other RFP's or RFQ's released that have not come to the Commission.

Mayor Seiler noted that this item has been withdrawn.

MOTIONS

Proprietary – Opticom Traffic Preemption Equipment and Parts

(MD-01)

\$30,000 is budgeted in Fund 581, Subfund 001, ITS020101-6401 Communications Equipment

Purchase Opticom GPS Priority Control equipment and parts for fire rescue vehicles and traffic intersections is being presented for approval by the Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Global Traffic Technologies, LLC
St. Paul, MN

Amount: \$30,000.00 (not-to-exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-0743

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

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

Proprietary – Liquid Oxygen System – Lohmeyer Wastewater Treatment Plant

(MD-02)

No budgetary impact. Purchase will be included in the Liquid Oxygen System Improvement Project.

A motion authorizing City staff to specify proprietary purchase of Air Products and Chemicals, Inc. equipment in the Liquid Oxygen System Improvement Project.

- Recommend:** Motion to approve.
- Vendor:** Air Products and Chemicals, Inc.
Allentown, PA
- Bids Solicited/Rec'd:** N/A
- Exhibit:** Commission Agenda Report 09-0767

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

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

RESOLUTIONS

**2611 Oakland Plat – Case 16-P-08
Gator Engineering Consultants, P.A.**

(R-01)

No budgetary impact.

- Applicant:** Gator Engineering Consultants, P.A.
- Location:** 2611 Oakland Park Boulevard
- Zoning:** Community Business CB
- Future Land Use:** Commercial
- Exhibit:** Commission Agenda Report 09-0763

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 09-134

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A PLAT KNOWN AS "2611 OAKLAND PLAT."

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

**Vacate Drainage Easement – Timothy Ingham and Julie Pabst
1224 Seminole Drive – Case 9-M-08**

(R-02)

No budgetary impacts.

Applicant: Timothy Ingham and Julie Pabst
Location: 1224 Seminole Drive

Exhibit: Commission Agenda Report 09-0747

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 09-135

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING CITY OF FORT LAUDERDALE DRAINAGE EASEMENT NO. 38 AND 39, DESCRIBED AS THE SOUTH 4.00 FEET OF LOT 69 AND THE NORTH 4.00 FEET OF LOT 70, BEACH WAY HEIGHTS – UNIT “B,” ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25 PAGE 27 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT 1224 AND 1232 SEMINOLE DRIVE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which resolution was read by title only.

Mayor Seiler asked if this was on another recent Commission agenda. Alberto Comos, representing the Applicant, thought there was something recently about the dock but he was not personally involved and did not know. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

**Value Place Plat – 2100 State Road 7 - Sovereign
Development Group IX, Inc. – Case 15-P-07**

(R-03)

No budgetary impacts.

Applicant: Sovereign Development Group IX, Inc.
Location: 2100 State Road 7
Zoning: General Business B-2
Future Land Use: Commercial

Exhibit: Commission Agenda Report 09-0636

ALL INDIVIDUALS WISHING TO SPEAK ON THIS MATTER WERE SWORN IN.

Paul Ergon, representing the Applicant, noted this is a standard plat. He provided history on this matter, noted the item was litigated and there was a ruling in favor of Sovereign. He also elaborated upon a postponement that took place wherein it was not

scheduled on the May 19 meeting. In discussion earlier today it was indicated that all requirements have been met for platting, therefore he questioned another postponement. The Applicant tried to meet with three commissioners prior to the meeting but only one was willing.

In response to Mayor Seiler, the City Attorney advised that the May 19 deferral had to do with giving more notice to the property owners. Mr. Ergon noted that a notice was posted two weeks prior to May 19. The City Attorney concurred that all notices have been proper.

Dawn Hanna, 2542 Whale Harbor Lane, Lauderdale Isles, said her quality of life would be negatively impacted if this project comes to her neighborhood. She noted that the president of Lauderdale Isles Civic Association has stated the community's opposition to the project. They would like their concerns carefully reviewed and investigated. The project is inconsistent with the neighborhood and will bring traffic problems to an already congested area. Value Place business practices will threaten the safety of surrounding residents and their property. She urged that Value Place not be allowed.

Rudy Herman, President of the Chula Vista Homeowners Association and Southwest Coalition Co-Chair, noted the Coalition represents twenty-two homeowner associations. He said that the residents greatly appreciate their Commissioner and the Mayor listening. He understood this was lost in court, but that they will have a say with respect to compatibility. He promised a room full of support. They will not stand for it.

George Counts, 2449 Nassau Lane, Lauderdale Isles, was concerned about the project and limitations put upon residents when speaking about a plat. He referred to the judge's statement that residents were not testifying with facts. He pointed out that years ago the Florida Department of Transportation designated all two lane feeders to be four lanes. Every time a large project is built on a two-lane feeder, the traffic will force the need for a four-lane feeder. The actual use has not been decided. There is an obnoxious use to the south and multiple obnoxious uses in the area. He hoped this would be kept in mind when the Commission makes its decision.

In response to Commissioner Rogers, Greg Brewton, Director of Planning and Zoning, advised this is a plat for 124-room hotel. The Applicant has voluntarily imposed this restriction. The current zoning classification allows much more. In order to build something else, an amendment to the plat note would be required. Since this is a sensitive and unique situation, staff is recommending deferral in order to provide time for the new Commission to review all pertinent documentation.

Mayor Seiler agreed that additional time is needed as only one member of the Commission has previously seen this item. This Commission has now been briefed and the City Attorney has explained that approval is a ministerial task according to the court decision. Before voting, the City wanted public notice as to what the judge has directed and the limited options available. It will be scheduled for a vote on June 16. He outlined the history of this case, noting it involved the prior Commission.

Motion made by Commissioner Rogers and seconded by Commissioner Rodstrom to defer this item to June 16, 2009. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

Board and Committee Appointments**(R-04)****No budgetary impact.**

A resolution appointing City board and committee members.

Exhibit: Commission Agenda Report 09-0771

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

Affordable Housing Advisory Committee (replacing William McNair)	Roosevelt Walters
Board of Adjustment	Mary Graham
Budget Advisory Board	Sam Monroe
Centennial Celebration Committee	Dennis Ulmer Lewis B. Tunnage Beauregard Cummings Mary Rizor Cindi Hutchinson E. Clay Shaw Patricia DuMont Kristina Hebert
Charter Revision Board	E. Clay Shaw
Code Enforcement Board	Joan Hinton
Community Appearance Board	Larry Lee Nielsen Ayisha Gordon
Education Advisory Board	Dr. Magdalene J. Lewis Maureen Pursi
Historic Preservation Board	Andy Cole
Board of Commissioners, City of Fort Lauderdale Housing Authority	Nicholas Tranakas, M.D.
Insurance Advisory Board	Steve Botkin
Northwest Progresso-Flagler Heights Redevelopment Advisory Board	John P. Wilkes
Utility Advisory Committee	Jay Weiss Dr. Magdalene J. Lewis

Exhibit: Commission Agenda Report 09-0771

Commissioner Rogers introduced a written resolution entitled:

RESOLUTION NO. 09-136

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.

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

CITIZEN PRESENTATIONS

Mike Moran – Littering – Proposed Enforcement Strategy

(CIT-01)

Exhibit: Commission Agenda Report 09-0777

Mike Moran, 2516 NE 14 Street, wanted to raise awareness about littering and suggest an enforcement strategy. He provided information regarding littering. He noted that Florida's beaches are the third trashiest in the nation. He believed it is not limited to the beaches, but the neighborhoods, streets, sidewalks and parks are really filthy. He believed that cigarette butt litter is the single largest litter item. He commented about the extent of expenditures made by cities to remove cigarette butts. He discussed the course of action taken by New York Mayor Giuliani when he was elected, starting with graffiti removal to instill a sense of pride. He noted the increase in outdoor cigarette smoking bans in the United States and in particular beach communities. Florida and Fort Lauderdale is becoming one of the only states and city doing nothing about this issue. Tourism should be considered. He recommended education and enforcement. Although the City's ordinance was changed to add cigar and cigarette tobacco as solid waste, nothing has been done since that change. He suggested a task force, fining violators, and predicted in excess of \$1.5 million could be generated.

Commissioner Rogers commented about the trash in the downtown and Riverwalk area. It is a bigger issue than one may think. It is a weak link in the city. He believed it should be publicized to get everyone involved. Commissioner DuBose agreed. He went on to comment that this has been an issue in the last two District III meetings. There is a lack of education. It is an important issue.

Commissioner Rodstrom suggested that the City assist by contacting the School Board to help educate children. Mr. Moran wanted to help by using educational materials from other cities. Commissioner DuBose suggested this matter come forward at a conference meeting after staff has looked at what other cities have done. It is important to the city's image. Mayor Seiler referred to the upcoming centennial and thought the goal should be to be the cleanest and greenest city by that time.

**Thomas Typner – Sanitary Sewer Connection –
WaterWorks 2011 Program****(CIT-02)**

Exhibit: Commission Agenda Report 09-0778

Thomas Typner indicated he owns property at 1521 SW 22 Street. He expressed concern over the City Attorney's salary at this present time. He urged the City to take care with administering its grants as they come with serious restrictions.

Mr. Typner referred to the Special Magistrate for WaterWorks and an illegal interpretation of Ordinance 28.33A. On January 26, he appeared before the Special Magistrate. His septic tank is safe and legal. He questioned how something that has been approved for forty years suddenly be illegal and the Special Magistrate indicated that this is one of the sins of being in an urban setting. On March 23, he appeared again before the Special Magistrate and he was stopped from stating his position. He objected to not being able to state his position. He has provided information to Commissioner Rogers on the U.S. Attorney's position on local government. He did not believe the ordinance pertains to existing structures. He went on to discuss the distinctions between the definitions of shall and will. He asked the Code Enforcement Department and the City to stop harassing and threatening him. He did not believe the ordinance pertains to him.

PUBLIC HEARINGS

**Rezoning To Community Facilities – 850 West Davie Boulevard -
Case 2-Z-09****(PH-01)****No budgetary impact.**

Applicant:	Florida Conference of Seventh Day Adventists
Location:	850 West Davie Boulevard
Current Zoning:	Residential Single Family-Duplex-Low Medium Density RD-15
Proposed Zoning:	Community Facilities – House of Worship CF
Future Land Use:	Medium (residential)

Exhibit: Commission Agenda Report 09-0624

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

Commissioner Rogers introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-09-15

AN ORDINANCE CHANGING THE UNIFIED LAND
DEVELOPMENT REGULATIONS OF THE CITY OF FORT

LAUDERDALE, FLORIDA, SO AS TO REZONE FROM "RD-15" TO "CF;" LOT 1, BLOCK 3, LESS THE EAST 350 FEET THEREOF, "REVISED PLAT OF THE WEST RIVER SECTION OF CROISSANT PARK," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 11 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE EAST SIDE OF SOUTHWEST 9TH AVENUE BETWEEN SOUTHWEST 12TH STREET (DAVIE BOULEVARD) AND SOUTHWEST 12TH COURT, 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: Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

Rezoning To Residential Office – 1300 SE 4 Avenue – Case 4-Z-09 (PH-02)

No budgetary impacts.

Applicant: Richard Coker, Jr.
 Location: 1300 SE 4 Avenue
 Current Zoning: Planned Residential Office ROC and Residential Multi-Family Mid-Rise – Medium High Density RMM-25
 Proposed Zoning: Planned Residential Office ROC
 Future Land Use: South Regional Activity Center

Exhibit: Commission Agenda Report 09-0639

ALL INDIVIDUALS WISHING TO SPEAK ON THIS MATTER WERE SWORN IN.

Greg Brewton, Director of Planning and Zoning, noted this is a rezoning to the RO District, not ROC.

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

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-09-16

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM "RMM-25" TO "RO," LOT 12, BLOCK 39-L, "CROISSANT PARK," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND TO REZONE FROM

“ROC” TO “RO,” THE WEST 25 FEET OF LOT 11 OF SAID BLOCK 39-L, SAID PROPERTY LOCATED AT THE SOUTHEAST CORNER OF SOUTHEAST 13TH STREET AND SOUTHEAST 4TH 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: Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

Rezoning – Riverland Road – Cases 14-Z-07 and 9-Z-08
Establish City Zoning Districts As Result Of Annexation

(PH-03)

No budgetary impacts.

Applicant: City of Fort Lauderdale
 Location: Riverland Road

Exhibit: Commission Agenda Report 09-0279

Commissioner Rogers explained the need to defer has to do with informing all of the residents and making sure what has been promised matches what the City is attempting to deliver. Mayor Seiler suggested a deferral date of October 6, after consideration of the budget.

Motion made by Commissioner Rogers and seconded by Commissioner DuBose to defer this matter to October 6, 2009. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

Rezoning – Melrose Park – Cases 15-Z-07 and 8-Z-08
Establish City Zoning Districts As Result of Annexation

(PH-04)

No budgetary impacts.

Applicant: City of Fort Lauderdale
 Location: Melrose Park

Exhibit: Commission Agenda Report 09-0280

Motion made by Commissioner DuBose and seconded by Commissioner Rogers to defer this matter to October 6, 2009. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

ORDINANCES

**Establish City Zoning Regulations – Case 7-T-07
Riverland Road and Melrose Park Annexation**

(O-01)

No budgetary impacts.

Applicant: City of Fort Lauderdale
Location: Riverland Road and Melrose Park

Exhibit: Commission Agenda Report 09-0283

Motion made by Commissioner Rogers and seconded by Commissioner DuBose to defer this matter until October 6, 2009. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

**Code Amendment – Chapter 15 – Economic Development
Incentive Program – Lower Minimum Job Creation Requirement**

(O-02)

No budgetary impact.

An ordinance amending Code of Ordinances, Sections 15-230, 15-231 and 15-232, Economic Development Incentive Program application selection criteria – lower minimum job creation requirement to be eligible for the program.

Exhibit: Commission Agenda Report 09-0667

Commissioner Rogers introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-09-17

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 15, BUSINESS TAX RECEIPTS AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE VIII, ECONOMIC DEVELOPMENT INCENTIVE PROGRAM, SECTIONS 15-230, DEFINITIONS, 15-231, ECONOMIC INCENTIVE PROGRAMS AND 15-232, ECONOMIC INCENTIVE APPLICATION SELECTION CRITERIA, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO LOWER THE MINIMUM JOB CREATION REQUIREMENT TO BE ELIGIBLE FOR THE ECONOMIC INCENTIVE PROGRAM TO 10; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Bob Swindell, Broward Alliance, thanked the City for their support.

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

Mayor Seiler thanked staff for their expeditious attention to this matter.

Code Amendment – Chapter 28 – Water, Wastewater, and Stormwater – Water Shortage, Conservation And Enforcement Of Water Usage (O-03)

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 09-0781

Motion made by Commissioner Rodstrom and seconded by Commissioner Rogers to defer this item to June 16, 2009 (as recommended). Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

Code Amendment – Chapter 26 – Traffic – Red Light Camera Traffic Enforcement (O-04)

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 09-0782

Commissioner Rogers introduced the following ordinance on SECOND 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.

In response to Commissioner Rodstrom's question Police Captain Michael Gregory advised the streets have not yet been designated. The ordinance would be applicable to all streets over which the City has jurisdiction. The street designations will be presented for Commission approval by resolution.

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

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

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk