

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
June 16, 2009

Agenda

Item	Resolution/Ordinance	Page(s)
	<u>Presentations:</u>	
	1. Cardinal Gibbons Cheerleading Team Day – June 16, 2009	1
	2. Anti-Bullying Week – June 21-27, 2009	2
	3. National HIV Testing Day – June 27, 2009	2
	4. Community Appearance Board – WOW Award – District III	2
CA	Consent Agenda	2
M-01	Event Agreement – Sunset Blue – Closing NE 33 Street	2
M-02	Event Agreement – Family Fitness Weekend	3
M-03	Event Agreement – Show U Know	3
M-04	Event Agreement – Ford Fiesta Tour	3
M-05	Event Agreement – Movies Under The Stars	3
M-06	Change Order 1 (Final) – Man-Con, Incorporated – Credit - (\$633,773.18) – Sanitary Sewer and Water Main Improvements Edgewood Basin C	4
M-07	Change Order 5 (Final) – Sealand Contractors Corp. - Credit (\$241,145.84) – Water Main Improvements – North Andrews Avenue – Add 60 Calendar Days	4
M-08	Change Order 4 (Final) – Globetec Construction, LLC - Credit (\$375,894.57) – Sanitary Sewer and Water Main Improvements – Riverside Park Basin C	4
M-09	Amendment 4 To Task Order 10 – Camp Dresser & McKee Inc. - \$54,000 – Lohmeyer Wastewater Treatment Plant – Equipment Replacement	5
M-10	Interlocal Agreement Extension – Broward County – Water Quality Monitoring	5
M-11	Speed Hump Installation – SW 25 Avenue – Flamingo Park \$6,000	5, 19
M-12	Contract Award – Weekley Asphalt Paving, Inc. - \$2,659,815.20 – Executive Airport – Taxiway Bravo	6
M-13	Transfer – Advertising, Permits and Printing Prior To Bid - \$35,000 – Public Works Projects	6
M-14	Transfer Funds Between Fire Rescue Facilities Bond Projects – Conformity With Project Schedules	6
M-15	Amendment 5 To Work Authorization 16724.84 – Keith and Schnars, P.A. - \$21,270 – Sistrunk Boulevard Water Main Replacement	7
M-16	Amendment 4 To Work Authorization 16724.82 – Keith and Schnars, P.A. – Riverland – Woodlands Sewer Area 2 East – Zero Netcost	7
M-17	Task Order 4 – EE&G Environmental Services, LLC - \$30,360 – Underground Storage Tanks - Upgrade	7
M-18	Amendment 1 To Temporary Sanitary Sewer Agreement - Al-Karim Real Estate, Inc. – Dunkin Donuts – 1070 West Commercial Boulevard	8
M-19	Executive Airport – Air Traffic Control Tower Operation - Reimbursable Agreement – Federal Aviation Administration - \$210,541.19	8
M-20	Qualified Target Industry Program – Iowa College Acquisition Corp. d/b/a/ Kaplan University – \$25,950 and \$22,500	8
M-21	Energy Efficiency and Conservation Block Grant Program Application – Department of Energy - \$100,000	9, 19
M-22	Grant Application – Bulletproof Vest Partnership Grant U.S. Department of Justice – \$73,700	9

CR-01	09-148	Landscape Improvements – State Road 7 – Memorandum Of Agreement – Florida Department of Transportation	9
CR-02	09-149	Amend Operating Budget – Appropriation - \$30,000 - Traffic – Transportation System – Repairs and Maintenance	10
CR-03	09-150	Annual Contract Awards – ADA Modifications, Parking Lot Repairs and Construction	10, 18
CR-04	09-151	Executive Airport – Taxiway Bravo Rehabilitation – Joint Participation Agreement 3 – Florida Department Of Transportation	10
CR-05		Customs and Border Protection Building – Aircraft Apron - Executive Airport – Joint Participation Agreement – Florida Department of Transportation - \$240,000	11, 18
CR-06	09-152	Amend Operating Budget – Appropriation - \$2,500 Donation – Task Force For Ending Homelessness	12
CR-07	09-153	Accept Donation – Agreement – Narcotics Detection Canine - \$5,605 – Caldwell Cooper	12
CR-08	09-154	Grant Acceptance – Automatic License Plat Recognition Vehicle System - \$48,703 – U.S. Department Of Justice – Local Law Enforcement Block Grant Program	13
CR-09	09-155	Grant Acceptance – Florida EMS County Grant Program - Low Pressure Rescue Air Cushion - \$9,175 Value	13
CR-10	09-156	Census 2010 – Complete Count Committee	14, 19
CR-11	09-157	Amend Operating Budget – Transfer and Appropriation - \$26,897.50 – Wireless Internet Network Equipment	14, 20
PUR-01		595-10241 – Beach Business Improvement District - Signature Event Marketing Proposal	15, 21
PUR-02		Sulfuric Acid – Peele Dixie Water Treatment Plant	15
PUR-03		193-10248 – Police Duty Gear and Holsters	16, 26
PUR-04		Contract Extensions – Diesel and Gasoline Fuel - 06-A-098-1, 06-A-098-2, 5-3-8-049	16
PUR-05		595-10260 – Playground Mulch	17, 26
PUR-06		793-10282 – Internet Wireless Equipment	17, 27
MD-01		Proprietary – Motorola Radio Equipment – UHF Repeater	29
MD-02		Procurement of Worker Compensation Insurance	29
R-01	09-143	Value Place Plat – 2100 State Road 7 – Sovereign Development Group IX, Inc. – Case 15-P-07.	30
R-02	09-144	Utility Easement – Vacate and Replace – State Road 7 Just North of Peters Road, City of Plantation	33
R-03	09-145	Special Counsel – Class Action Securities Fraud – U.S. District Court, Southern District of New York	34
R-04	09-146	Advisory Board/Committee Appointments	34
PH-01	09-147	Community Facility – Former Tyrone Bryant Library Building – Osswald Park – Lease Agreement – Delta Education and Life Dev. Foundation, Inc.	32
PH-02		Establish City Zoning Regulations and Rezoning – Riverland Road and Melrose Park Annexation	35
O-01	C-09-18	Code Amendment – Chapter 18 – Nuisances	36
O-02	C-09-19	Code Amendment – Chapter 25 – Article VIII – Newsracks Uniform Height and Removal of Abandoned Newsracks	37
O-03	C-09-16	Rezoning To Residential Office – 1300 SE 4 Avenue - Case 4-Z-09	37
O-04	C-09-15	Rezoning To Community Facilities – 850 West Davie Boulevard – Case 2-Z-09	38
O-05	C-09-13	Code Amendment – Chapter 28 – Water, Wastewater, And Stormwater – Water Shortage, Conservation And Enforcement of Water Usage	38
O-06	C-09-17	Code Amendment – Chapter 15 – Economic Development Incentive Program – Lower Minimum Job Creation Requirement	40

**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
June 16, 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: 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 Steve Greenlaw &
Sergeant Gayle Schoen

Invocation was offered by Dr. C.E. Glover, Pastor Mount Bethel Baptist Church, followed by the pledge of allegiance led by Carey Green-Myers.

Commissioner DuBose welcomed Carey Green-Myers to the City and expounded on some of the young man's accomplishments.

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 DuBose and seconded by Commissioner Rodstrom to approve the minutes of the April 7, 2009 Conference meeting and the May 5, 2009 Regular meeting. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

Presentations

1. **Cardinal Gibbons Cheerleading Team Day - (PRES-01)**
June 16, 2009

Vice Mayor Roberts presented a proclamation to Coach Susan Hanks, Assistant Coach Susan Bailey, along with the squad of Cardinal Gibbons Cheerleading Team, designating June 16, 2009, as Cardinal Gibbons Cheerleading Team Day in the City.

Coach Hanks thanked the City for this honor and everyone connected with the team, including her family and the school administration.

2. Anti-Bullying Week – June 21-27, 2009 (PRES-02)

Commissioner Rodstrom presented a proclamation to Terry Rynard, Assistant Parks and Recreation Director, designating June 21-27, 2009, as Anti-Bullying Week in the City.

Ms. Rynard introduced members of the teen advisory council and thanked the City and everyone involved.

3. National HIV Testing Day – June 27, 2009 (PRES-03)

Commissioner DuBose presented a proclamation to Donovan Thomas, Founder - Executive Director, designating June 27, 2009, as National HIV Testing Day in the City.

Ms. Thomas thanked the City for the proclamation and urged everyone to attend the free benefit concert being held on June 27, 2009. Tickets are free to individuals who have first tested for HIV. He noted their emphasis on first time testers.

4. Community Appearance Board - WOW Award – District III (PRES-04)

Commissioner DuBose presented the District III WOW Award to Jenneita Higgins and Marion Mead who reside at 600 West Dayton Circle.

Ayisha Gordon of the Community Appearance Board accepted the award on their behalf.

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 – Sunset Blue (M-01)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with The Galt Ocean Shoppes Improvement Association, Inc. for Sunset Blue, to be held each Sunday

evening from July 19, 2009 through September 20, 2009, 6 PM – 10 PM, in the 3300 block of NE 33 Street and closing NE 33 Street.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0797

Event Agreement – Family Fitness Weekend

(M-02)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Exclusive Sports Marketing, Inc. for Family Fitness Weekend to be held July 18 and 19, 2009, 7 AM – 12 noon, at birch State Park, Fort Lauderdale Beach and beach area streets.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0796

Event Agreement – Show U Know

(M-03)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Rize & Shine, Inc. for Show U Know to be held June 27, 2009, 8 AM – 6 PM, at Mills Pond Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0798

Event Agreement – Ford Fiesta Tour

(M-04)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Las Olas Association, Inc. for Ford Fiesta Tour to be held June 17 through June 22, 2009, 11 AM – 6 PM, on the lawn of the Riverside Hotel, located on East Las Olas Boulevard at SE 8 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0836

Event Agreement – Movies Under The Stars

(M-05)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Las Olas Association, Inc. for Movies Under the Stars, to begin on July 3, 2009 and then on Wednesday evenings from July 8 through August 26, 2009, 8 PM – 10 PM, on the lawn of the Riverside Hotel, located on East Las Olas Boulevard at SE 8 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0857

Change Order 1 (Final) – Man-Con, Incorporated – Credit (M-06)
(\$633,773.18) – Sanitary Sewer and Water Main Improvements
Edgewood Basin C

Reduce encumbrance in Fund 482, Subfund 01, P10580.482-6599 by (\$605,628.50); EPO3343-01.

A motion authorizing: (1) Change Order 1 (Final) with Man-Con, Incorporated, in the net CREDIT amount of (\$633,773.18) – additional work and final quantity reconciliation – Sanitary Sewer and Water Main Improvements – Edgewood Basin C – Project 10580C; and (2) reduce encumbrance by (\$605,628.50).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0710

Change Order 5 (Final) – Sealand Contractors Corp. - Credit (M-07)
(\$241,145.84) – Water Main Improvements – North Andrews
Avenue – Add 60 Calendar Days

Reduce encumbrance in Fund 482, Subfund 01, P10875.482-6599 by (\$241,145.84), EPO3278.

A motion authorizing: (1) Change Order 5 (Final) with Sealand Contractors Corp., in the net CREDIT amount of (\$241,145.84) and the addition of 60 non-compensable calendar days to contract period – additional work and final quantity reconciliation – Water Main Improvements – North Andrews Avenue West to Dixie Highway – Project 10875; and (2) reduce encumbrance by (\$241,145.84).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0737

Change Order 4 (Final) – Globetec Construction, LLC - Credit (M-08)
(\$375,894.57) – Sanitary Sewer and Water Main Improvements –
Riverside Park Basin C

Reduce encumbrance by (\$375,894.57) in Fund 482, Subfund 01, P10578.482-6599; EPO3361.

A motion authorizing: (1) Change Order 4 (Final) with Globetec Construction, LLC., in net CREDIT amount of (\$375,894.57) – additional work and final quantity reconciliation – Sanitary Sewer and Water Main Improvements Riverside Park Basin C – Project 10578C; and (2) reduce encumbrance by (\$375,894.57).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0785

**Amendment 4 To Task Order 10 – Camp Dresser & McKee, Inc. - (M-09)
\$54,000 – Lohmeyer Wastewater Treatment Plant – Equipment
Replacement**

Appropriate \$60,500 from P00401-6599, Regional Replacement/Recap to P10541.451-6599, all in Fund 451, Subfund 02.

A motion authorizing the proper City Officials to: (1) execute Amendment 4 to Task Order 10 with Camp Dresser & McKee, Inc., in the amount of \$54,000 – additional construction associated with upgrade of Lohmeyer Wastewater Treatment Plant – Project 10541; and (2) appropriate \$60,500 to fund this amendment and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0707

**Interlocal Agreement Extension – Broward County - (M-10)
Water Quality Monitoring**

\$34,909 is budgeted in PBS690603 Subobject 3199, Fund 470, Subfund 01.

A motion authorizing a two-year extension of Interlocal Agreement with Broward County – Water Quality Monitoring.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0780

Speed Hump Installation – SW 25 Avenue – Flamingo Park - \$6,000 (M-11)

The contract has already been awarded and the funding for this work is encumbered in P11450.331-6599, Fund 331, Subfund 01. Approximate cost will be \$6,000.

A motion authorizing installation of speed humps on SW 25 Avenue, between Davie Boulevard and SW 14 Court – Flamingo Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0827

Contract Award – Weekley Asphalt Paving, Inc. - \$2,659,815,20 (M-12)
Executive Airport – Taxiway Bravo

A grant from the Florida Department of Transportation (FDOT) is being programmed via a budget amendment consent resolution on today's agenda (CAR 09-0120) to P11134.468A-6599. All of the funding, transfers, and grant programming are occurring in Fund 468, Subfund 02. The bid tab is attached to these minutes. The contract award is contingent upon City Commission authorization of the budget amendment in CAR 09-0120.

A motion authorizing the proper City Officials to: (1) award and execute contract with Weekley Asphalt Paving, Inc., in the amount of \$2,659,815.20 – Pavement Reconstruction of Taxiway Bravo – Executive Airport – Project 11134; and (2) transfer funds necessary to complete funding of contract, contingencies and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0809

Transfer – Advertising, Permits and Printing Prior To Bid - (M-13)
\$35,000

Transfer \$35,000 from P00380-6599, Fund 470, Subfund 02 to P10669.470-6599, Fund 470, Subfund 02 to fund – General Fund and Stormwater Fund CIP project related costs.

A motion authorizing transfer of \$35,000 for costs incurred prior to formal bidding of Public Works projects – advertising, permits and printing – Project 10669.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0765

Transfer Funds Between Fire Rescue Facilities Bond Projects (M-14)
Conformity With Project Schedules

Transfer \$1,184.39 from P10766.336 to P10919.336; Transfer \$18,784.21 from P10363.336 to P10919.336; Transfer \$200,000 from P10912.336 to P10919.336; Transfer \$75,000 from P10912.336 to P10911.336; Transfer \$50,000 from P10914.336 to P10911.336. All transfers are within Fund 336, Subfund 01, and Subobject 6599.

A motion authorizing transfer of funds between various Fire Rescue Facilities Bond projects, to allow for proper expenditure of funds in conformance with current project schedules.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0854

Amendment 5 To Work Authorization 16724.84 – Keith and Schnars, P.A. - \$21,270 – Sistrunk Boulevard Water Main Replacement (M-15)
Schnars, P.A. - \$21,270 – Sistrunk Boulevard Water Main Replacement

Appropriate \$24,000 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P10830.482-6599; EP02805.

A motion authorizing the proper City Officials to: (1) execute Amendment 5 to Work Authorization 16724.84 with Keith and Schnars, P.A., in the amount of \$21,270 – additional engineering services associated with Sistrunk Boulevard Water Main Replacement – Project 10830; and (2) appropriate \$24,000 to fund this amendment and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0651

Amendment 4 To Work Authorization 16724.82 – Keith and Schnars, P.A. – Riverland – Woodlands Sewer Area 2 East – Zero Netcost (M-16)
Zero Netcost

No budgetary impact.

A motion authorizing the proper City Officials to: (1) execute Amendment 4 to Work Authorization 16724.82 with Keith and Schnars, P.A. – additional Design Engineering Services – Riverland – Woodlands Sanitary Sewer Improvements – Sewer Area 2 East – Project 10832; and (2) reallocate unused funds in the amount of \$10,000, resulting in a net zero cost amendment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0792

Task Order 4 – EE&G Environmental Services, LLC - \$30,360 (M-17)
Underground Storage Tanks - Upgrade

Appropriate \$34,100 from Water and Sewer Revenue Bonds to Fund 482, Subfund 01, P11118.482-6599; EPO3092.

A motion authorizing the proper City Officials to: (1) execute Task Order 4 with EE&G Environmental Services, LLC, in the amount of \$30,360 – Environmental Engineering

Services – Upgrade of Underground Storage Tanks – Project 11118; and (2) appropriate \$34,100 to fund this task order and 12 percent WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0757

Amendment 1 To Temporary Sanitary Sewer Agreement - (M-18)
Al-Karim Real Estate, Inc. – Dunkin Donuts – 1070 West
Commercial Boulevard

No budgetary impact.

A motion authorizing the proper City Officials to execute Amendment 1 to Temporary Sanitary Sewer Agreement with Al-Karim Real Estate, Inc. – Wastewater Service to Dunkin Donuts at 1070 West Commercial Boulevard.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0802

Executive Airport – Air Traffic Control Tower Operation (M-19)
Reimbursable Agreement – Federal Aviation Administration –
\$210,541.19

No current year budget impact.

A motion authorizing the proper City Officials to execute a reimbursable agreement with Federal Aviation Administration for fiscal year 2009-2010 – 24-hour Air Traffic Control Tower – Executive Airport - \$210,541.19.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0812

Qualified Target Industry Program – Iowa College (M-20)
Acquisition Corp. d/b/a Kaplan University –
\$25,950 and \$22,500

Fund 001, Subfund 01, EDV010101-4299, Other contribution - \$25,950 and Fund 001, Subfund 01, EDV010101-4299, Other contribution - \$22,500.

A motion authorizing City's portion of two payments to Florida Office of Tourism, Trade, and Economic Development – Qualified Target Industry Program – IOWA College Acquisition Corp. d/b/a Kaplan University - \$25,950 and \$22,500.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0844

Energy Efficiency and Conservation Block Grant Program (M-21)
Application – Department of Energy - \$100,000

No budgetary impact.

A motion authorizing the proper City Officials to apply for grant funds in the amount of \$100,000 from the Department of Energy – develop City-wide energy strategy including a greenhouse gas emissions inventory and action plan.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0868

Grant Application – Bulletproof Vest Partnership Grant (M-22)
U.S. Department of Justice - \$73,700

No current year budgetary impact. Matching funds will be budgeted in FY 2010 in Fund 001, Subfund 01; subject to the appropriation of the 2009/2010 budget.

A motion authorizing the proper City Officials to apply for grant funds in the amount of \$73,700 from U.S. Department of Justice – 2009 Bulletproof Vest Partnership Grant Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0873

CONSENT RESOLUTION

Landscape Improvements – State Road 7 (CR-01)
Memorandum of Agreement – Florida Department of Transportation

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0823

RESOLUTION NO. 09-148

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR CITY MAINTENANCE OF

LANDSCAPING IMPROVEMENTS ON THE EAST SIDE OF STATE ROAD 7 (US 441) FROM WEST PROSPECT ROAD (M.P. 15.390) TO THE TURNPIKE OVERPASS (M.P. 15.737).

Amend Operating Budget – Appropriation - \$30,000 (CR-02)
Traffic – Transportation System – Repairs and Maintenance

Appropriate \$30,000 from P00423.331-6599, Fund 331, Subfund 01 to PBS040204-6599, Fund 01, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0790

RESOLUTION NO. 09-149

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009 BY APPROPRIATING \$30,000 FROM CIP PROJECT P00423 TRANSPORTATION ENHANCEMENT, FUND 331, SUBFUND 01 TO THE PUBLIC WORKS TRANSPORTATION OPERATING BUDGET ACCOUNT LOCATED IN FUND 01, SUBFUND 01.

Annual Contract Awards – ADA Modifications, Parking Lot Repairs and Construction (CR-03)

Please see the Bid Tabulation attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0848

Executive Airport – Taxiway Bravo Rehabilitation (CR-04)
Joint Participation Agreement 3 – Florida Department Of Transportation

Appropriate funds to Airport Fund 468, Subfund 02, P11134.468A, Subobject 6599 and Revenue Subobject D479 \$600,000.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0120

RESOLUTION NO. 09-151

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NUMBER 3 WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, TO EXTEND THE COMPLETION TIME OF THE AGREEMENT AND TO AMEND THE FUNDING OF THE JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, FOR THE REHABILITATION OF TAXIWAY "B" (BRAVO) AT THE EXECUTIVE AIRPORT (FINANCIAL PROJECT NO.: 420762-1-94-01 CONTRACT NO. AP021) AND AMENDING THE FINAL BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009, BY ACCEPTING AND APPROPRIATING ADDITIONAL GRANT FUNDING IN THE AMOUNT OF \$600,000 FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Customs and Border Protection Building – Aircraft Apron - Executive Airport – Joint Participation Agreement – Florida Department of Transportation - \$240,000 (CR-05)

The FDOT JPA of \$240,000 will be appropriated to P11242.468A, Airport Fund 468, Subfund 01, Revenue Subobject D479. The expenditure will be from P11242.468A, Airport Fund 468, Subfund 01, Expense Subobject 6599. The remaining balance of \$60,000 is available in P11242.468A, Airport Fund 468, Subfund 01, Expense Subobject 6599.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0821

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION (FDOT), TO PROVIDE PARTICIPATION IN A PROJECT TO DESIGN A CUSTOMS AND BORDER PROTECTION BUILDING AND AIRCRAFT APRON (PROJECT NO.: 420767-1-94-01) AND AMENDING THE FINAL BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009, BY ACCEPTING AND APPROPRIATING A GRANT

IN THE AMOUNT OF \$240,000 FROM FDOT FOR THE FORT LAUDERDALE EXECUTIVE AIRPORT.

Amend Operating Budget – Appropriation - \$2,500 (CR-06)
Donation – Task Force For Ending Homelessness

Appropriate \$2,500 from Fund 104, Subfund 001, Undesignated Fund balance to Fund 104, Subfund 001, POL050201, Subobject 4299 (other contributions).

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0850

RESOLUTION NO. 09-152

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 \$2,500.00 FROM THE LAW ENFORCEMENT TRUST FUND FOR A DONATION TO THE TASK FORCE FOR ENDING HOMELESSNESS.

Accept Donation – Agreement – Narcotics Detection Canine - (CR-07)
\$5,605 – Caldwell Cooper

Appropriate \$5,605 donation revenue to Fund 001, Subfund 01, POL030408, N451 (Other Contributions), Appropriate \$5,605 donation expenditure to Fund 001, Subfund 01, POL030408, 6499 (Other Equipment).

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0853

RESOLUTION NO. 09-153

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 ACCEPTING A DONATION TO THE CITY BY CALDWELL COOPER IN THE AMOUNT OF \$5,605.00 FOR A NARCOTICS DETECTION CANINE FOR THE FORT LAUDERDALE POLICE DEPARTMENT AND AUTHORIZING

THE PROPER CITY OFFICIALS TO EXECUTE ALL DOCUMENTS NECESSARY TO RECEIVE AND APPROPRIATE SUCH FUNDS.

Grant Acceptance – Automatic License Plat Recognition (CR-08)
Vehicle System - \$48,703 – U.S. Department of Justice – Local Law
Enforcement Block Grant Program

Appropriate \$48,703 of Grant Funds to Fund 129, Subfund 01, GLLEBG10, C213 (Rev); and Expenditures in 3199 (\$5,875), 6404 (\$9,078), 6405 (\$3,250), 6499 (\$30,500). There is no cash match required.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0815

RESOLUTION NO. 09-154

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, 3009, BY ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$48,703 AWARDED TO THE CITY BY THE BROWARD SHERIFF'S OFFICE THROUGH THE UNITED STATES DEPARTMENT OF JUSTICE OFFICE, 2008 LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM, TO FUND 129 FOR AN AUTOMATIC LICENSE PLATE RECOGNITION VEHICLE SYSTEM AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS REQUIRED TO ACCEPT THE GRANT AWARD.

Grant Acceptance – Florida EMS County Grant Program (CR-09)
Low Pressure Rescue Air Cushion - \$9,175 Value

Appropriate \$9,175 into GCUSHION09, Fund 129, Subfund 01, Revenue Subobject D240, Expense Subobject 6499.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0800

RESOLUTION NO. 09-155

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 ACCEPTING AND APPROPRIATING A GRANT FUNDED LOW PRESSURE RESCUE AIR CUSHION SET DONATION THROUGH THE FLORIDA EMS COUNTY GRANT PROGRAM VIA THE CITY OF SUNRISE WITH A TOTAL VALUE OF \$9,175 INTO FUND 129 AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL DOCUMENTS NECESSARY TO RECEIVE SUCH EQUIPMENT.

Census 2010 – Complete Count Committee**(CR-10)****No budgetary impact.****Recommend:** Adopt resolution.**Exhibit:** Commission Agenda Report 09-0862

RESOLUTION NO. 09-156

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING AN ADVISORY COMMITTEE TO BE KNOWN AS THE COMPLETE COUNT COMMITTEE; PROVIDING FOR MEMBERSHIP QUALIFICATIONS AND LENGTH OF TERM; AND PROVIDING FOR THE PURPOSE AND DUTIES OF SUCH COMMITTEE.

Amend Operating Budget – Transfer and Appropriation - \$26,897.50 – Wireless Internet Network Equipment**(CR-11)**

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 09-0829

RESOLUTION NO. 09-157

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, 3009, BY APPROPRIATING AND TRANSFERRING \$5379.50 FROM FUND 461, SUBFUND 01, PAR020101-3299, \$5379.50 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.

PURCHASING AGENDA

**595-10241 – Beach Business Improvement District
Signature Event Marketing Proposal**

(PUR-01)

\$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 09-0753

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

Sulfuric Acid – Peele Dixie Water Treatment Plant

(PUR-02)

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

One-year contract to purchase sulfuric acid for Peele Dixie Water Treatment Plant is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Shrieve Chemical Company
The Woodlands, TX

Amount: Per Unit Prices

Bids Solicited/Rec'd: 5/2

Exhibit: Commission Agenda Report 09-0791

The Procurement Services Department has reviewed this item and recommends approving purchases from the South East Florida Governmental Purchasing Cooperative Group.

193-10248 – Police Duty Gear and Holsters (PUR-03)

\$20,111.80 is available in Fund 01, Subfund 001, POL020406, 3949.

One-year contract award correction 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: DGG Taser, Inc.
Jacksonville, FL

Amount: \$20,111.80 (estimated)

Bids Solicited/Rec'd: 609/14

Exhibit: Commission Agenda Report 09-0776

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

Contract Extensions – Diesel And Gasoline Fuel (PUR-04)
06-A-098-1, 06-A-098-2, 5-3-8-049

\$1,194,484 is budgeted in Fund 583, Subfund 01, PAR030101-3801 and \$213,713 is budgeted in Fund 583, Subfund 01, PAR030101-3804.

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

Recommend: Motion to approve.

Vendor: B.V. Oil Company, Inc.
Miami, FL
MacMillan Oil Company of Florida, Inc.
Hialeah, FL
Mansfield Oil Company of Gainesville, Inc.
Gainesville, GA

Amount: Per Unit Price
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 09-0806

The Procurement Services Department has reviewed this item and recommends the six-month contract.

595-10260 – Playground Mulch

(PUR-05)

\$13,151 budgeted in P11430.331-6599 (already encumbered in Subobject 6510), Fund Type 30, Fund 331, Subfund 01. \$22,609 budgeted in P11432.331-6599 (\$22,907 already encumbered in Subobject 6510), Fund Type 30, Fund 331, Subfund 01.

Purchase playground mulch is being presented by the Parks and Recreation Department.

Recommend: Motion to approve.
Vendor: Play-It-Safe Enterprises Incorporated
 Jupiter, FL
Amount: \$35,760.00
Bids Solicited/Rec'd: 530/12
Exhibit: Commission Agenda Report 09-0774

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

793-10282 – Internet Wireless Equipment

(PUR-06)

Funding of \$26,897.49 will be available in Fund 581, Subfund 01, ITS020102-6404, after approval of CAR 09-0829 Fund Transfer. A copy of this CAR is attached to these minutes.

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 09-0832

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

Annual Contract Awards – ADA Modifications, Parking Lot Repairs and Construction

(CR-03)

The City Clerk advised that this item has been revised as follows at the request of the City Auditor:

RESOLUTION NO. 09-150

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT WITH SUN-UP ENTERPRISES, INC., HOOPER CONSTRUCTION, INC. AND HOMESTEAD CONCRETE & DRAINING, INC., IN THE TOTAL AMOUNT OF \$1,050,000 AND NOT-TO-EXCEED \$350,000 EACH FOR THE 2009-2010 ANNUAL CONTRACT FOR ADA MODIFICATIONS, PARKING LOT REPAIRS AND CONSTSRUCTION CONTRACT, AND 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 \$1,122,850 FROM THE PARKING FUNDS RESERVE FOR WORKING CAPITAL TO P10768.461 AND TRANSFERRING FUNDS FROM PROJECTS P11202.461, 113, 11.461, AND P11333.461 TO PROJECT 10768.461.

Customs And Border Protection Building – Aircraft Apron - Executive Airport – Joint Participation Agreement – Florida Department of Transportation - \$240,000

(CR-05)

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

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

Motion made by Commissioner Rogers and seconded by Commissioner Rodstrom that Consent Agenda Items M-11, M-21, PUR-01, PUR-03, PUR-05, PUR-06, CR-03, CR-10, and CR-11, 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, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

Speed Hump Installation – SW 25 Avenue – Flamingo Park - \$6,000

(M-11)

Commissioner Rogers asked about the various speed hump designs. Albert Carbon, Public Works Director, stated that on SE 15 Street the speed humps are temporary to test their functionality. In this case the SW 25 Avenue met all traffic requirements for

speed humps which will be the rolling type approximately of six feet in length. He described other designs depending upon volume of traffic and encountered speeds. Commissioner Rogers asked whether it would be appropriate to survey what would be the correct design. Mr. Carbon offered to do that research and see what the neighborhood desires.

Marion Henderson, 1651 SW 22 Avenue, was happy to hear that this will be looked at more carefully. The goal is to slow traffic, be safe and enhance the value of area homes. She explained that this has been discussed on a number of occasions at the homeowner association meetings, but the City staff did not respond to that information. Commissioner Rogers noted that the survey shows 91% approval. He encouraged her to get more clarification from Mr. Carbon. Ms. Henderson wanted the hump to be very low and perhaps painted to appear decorative.

In response to Commissioner Rodstrom, Mr. Carbon stated these will be the regular asphalt speed humps. As Ms. Henderson is speaking about enhancements, he planned to inform her of the neighborhood capital improvement program. The recommendation this evening is to move forward with two speed humps. Commissioner Rogers called attention to the neighborhood survey results.

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, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

Energy Efficiency and Conservation Block Grant Program (M-21)
Application – Department of Energy - \$100,000

At Commissioner Rogers' request, Kathleen Gunn, Assistant To The City Manager, outlined this program. Even though Broward County has conducted a greenhouse gas emissions study, much of the information was ascertained from Florida Power and Light Company and the information cannot be broken down by municipality.

Commissioner Rodstrom thanked Ms. Gunn.

Mayor Seiler asked Ms. Gunn to forward the information provided to the Commission on this item to all of the individuals who emailed the City on this topic. There are people in the community who could respond to this RFP.

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, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

Census 2010 – Complete Count Committee (CR-10)

Commissioner Rodstrom asked whether the criteria has been updated. Marilyn Stevens, U.S. Census Bureau, explained that in order for the Complete Count Committee to be effective, it should reflect a snapshot of the City's demographics. She described potential problems that could occur with the counting and indicated that the committee members will receive training on such problems.

In response to Commissioner Rodstrom and Mayor Seiler, Ms. Stevens reviewed the proposed resolution and expressed her approval. Commissioner Rodstrom emphasized that she wanted to expand the committee to include all of the City's diversity if it is found to be necessary.

In response to Commissioner DuBose, Greg Brewton, Director of Planning and Zoning, explained that the unincorporated areas (that may eventually be annexed) will be part of this process; through the committee, the City will be communicating with Broward County on that aspect.

Commissioner DuBose asked about deciding upon categories for the individuals offered by each member of the Commission. Mayor Seiler felt that would be the Commission's decision. Commissioner DuBose explained his concern is whether the number of appointments would adequately address the needed categories. Jeff Modarelli, Director of Public Information, explained the Commission as a whole could make appointments by consensus.

In response to Commissioner Rodstrom, Ms. Stevens suggested the City's committee be up and running before fall; yesterday would be a good deadline.

Mr. Brewton explained that Ms. Stevens has recommended a media subcommittee for outreach to neighborhood associations. Ms. Stevens suggested adding a small ethnic media.

Commissioner Rogers wanted to make the appointments by consensus in keeping with Commissioner DuBose's point.

Mayor Seiler suggested that two members represent the media, with one representing a minority media and ten members, along with the Director of Planning and Zoning or a designee serving as a liaison; and that appointments would be by consensus of the Commission as a whole.

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

In response to Commissioner Rogers, Mr. Modarelli did not think this committee will require a budget. Ms. Stevens noted that each individual counted is worth \$1,200 in comparison with the cost to count an individual at 25 cents. The stimulus monies were allocated with four key formulas: 1) population statistics; 2) school age population; 3) poverty; and 4) medicare - seniors.

**Amend Operating Budget – Transfer and Appropriation -
\$26,897.50 – Wireless Internet Network Equipment**

(CR-11)

In response to Vice Mayor Roberts, Tim Edkin, Information Technology Services Director, explained that this resulted due to an outside wireless line installed in a fire station. When testing was done, Information Technology Services could not get to their

network because of interference from the other network. That network was disconnected at their request and at that time, the fire union filed a grievance. The grievance was settled by having Information Technology Services installing a separate protected wireless line for firefighters. Security was the main issue.

Scott Bayne, President, Local 765 Fort Lauderdale Firefighters Union, stated this will satisfy the grievance.

Commissioner DuBose asked about the availability of stimulus dollars for this purpose. Mr. Edkin did not think stimulus monies would be available for this particular situation. He elaborated upon the federal government's intent in this area. However, he has not explored this in detail. He also responded to Commissioner DuBose's question on security of the network and Commissioner Rodstrom's question concerning use of a personal wireless card on a personal laptop.

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

**595-10241 – Beach Business Improvement District
Signature Event Marketing Proposal**

(PUR-01)

Carlos Molinet, Beach Business Improvement District Committee, Vice Chair, described the Beach Business Improvement District (BID) and their focus. This year the BID has allocated \$80,000 toward funding marketing efforts for Fort Lauderdale beach in response to businesses in the district. They have suggested a sustainable signature event that might grow over time. The evaluation committee reviewed the five proposals received and ranked the top three. After presentations were made, the winner was Wizard Entertainment, Inc. Their concept is called Saturday Night Alive, which he went on to describe. The objective is to expand the number of event nights in future years with an increased budget from sponsorship. He noted other things that would be included and accomplished by Wizard. The Committee feels strongly about the benefit of this proposal.

Amaury Piedra, Chair, Beach Business Improvement District Committee, and general manager of Westin Beach Resort Fort Lauderdale and Sheraton Fort Lauderdale Beach Resort (formerly Yankee Clipper). Owners of the establishments have been convinced to go along with the BID assessment. For the first couple of years the vast majority of money went to augment City services. The owners were asking what was being done to improve business when they were helping maintain the beach. The Committee decided to allocate \$80,000 toward generating more revenue and more jobs and work hours. He noted their review of five proposals, that it was narrowed to three finalists, and then the Saturday Night Alive concept which they felt could grow over the years. He urged approval.

Commissioner Rodstrom asked about the structure of the BID and the time line for renegotiating it. The City Manager stated that the BID comes back each year with a budget. Stephen Scott, Economic Development Director, believed the BID budget coincides with the City budget in terms of review by the Commission.

In response to Commissioner Rogers, Mr. Piedra stated the BID budget is slightly over \$600,000.

Ramala Motwan, BID member, indicated she is a longtime beach resident and business owner. She supported the evaluation committee's recommendation. Their goal is to promote the beach as a year-round destination.

Commissioner Rodstrom asked about the scope of the BID, whether that is a policy decision of the Commission and when would that come to the Commission. The City Manager explained the mission was not only to enhance services, but to promote the area. The advisory board sees the needs and proposes a budget. They will review each year. The policy decisions are in the budget and recommendations of the BID. Marketing and entertainment were part of the original concept. Mr. Piedra added that due to limited funds in the first year, they decided first to augment City services and improve the look of the beach. As funds grew, they added work on business improvement. From the beginning, it was understood to be to improve business and the business climate as well as cleaning. Commissioner Rodstrom agreed it was wise to start use of funding on marketing. In attending one BID meeting she recalled the committee's consensus to do more marketing and advertising as opposed to more police protection. Mr. Piedra expressed appreciation to the Police Department and remarked there have not been many issues on the beach for which they are thankful.

Dan Barnett, President of Wizard Entertainment, said he was proud to have been awarded this work. At the Mayor's request, he highlighted his experience in Fort Lauderdale and for the City itself. He provided an overview on the vision and purpose of the Saturday Night Alive concept. He also discussed the marketing efforts, including information about the proposed website.

Commissioner Rogers asked about the proposal elements that would make the event become sustainable. Mr. Barnett explained that sponsors want to see a successful event well supported by the consumers and participants on the beach. The concept was in the first year to gain a unifying effort of all BID businesses on the beach. Those businesses would move to devote some of their marketing efforts. It then becomes a better value for the sponsors. They had hoped to get to this point earlier because their goal was to increase business revenue in the off months between May and October. They will take photos of this year's event and shop for sponsors in September, October and November for the following year.

Commissioner Rogers questioned the thinking behind the event being over only sixty days and not the entire off-season. Mr. Barnett commented about the brilliant marketing minds in the BID. After Commission approval, the first step will be to meet with the marketing people of the businesses on strategy. Originally, it was to be four weeks in order to have enough money for marketing and entertainment for each week to make a marked difference. Once the Saturday Night Alive brand is built, they would hope to be able to reinstitute at any point. He went on to mention additional expansion ideas that have been brought out.

Mr. Barnett responded to Commissioner Rogers' question of who is the target audience, indicating it is the entire BID, including hoteliers, existing businesses and restaurateurs; essentially all residents of South Florida. The target audience is defined by an audience that wants to go out to a destination on a Saturday night; an audience that wants to go to

the places on Fort Lauderdale beach. They envision locals, the tri-county environment and tourists.

Mr. Barnett responded to Commissioner Rodstrom's question about the entire advertising effort. The advertising budget totals \$40,600. Wizard will meet with the vice presidents of all of the organizations. He noted Wizard's marketing manager's experience. Mr. Piedra indicated that all of the hotels in the BID will publicize this via email to each of their customer data bases and websites. This may convince people to come because there is something different and more to do than go to the beach and a restaurant. The databases would not necessarily be only people who have stayed at that hotel before. They could be worldwide databases although only the southeast would be targeted. They will approach the Tourist Development Council for marketing. Commissioner Rodstrom was interested in reaching people outside of the area that have not been to the beach before. Mr. Piedra indicated within the area, they hope to get sponsorships from radio stations. They intend to take advantage of the busiest period before school starts.

In further response to Commissioner Rodstrom, Mr. Piedra noted if the event is successful, they intend to expand and repeat it every year. Commissioner Rodstrom understood it would not be a proprietary situation with respect to Wizard.

Commissioner Rodstrom asked about all of the activities and things occurring and whether there would be special licensing or permitting. The City Attorney advised the agreement would require them to follow the code therefore some of the things mentioned may not be permissible. Two examples are sandwich signs and vendors on the street.

Commissioner Rodstrom asked how many other cities and websites does Wizard market at this time. Mr. Barnett advised that they contract for this work. In further response to Commissioner Rodstrom, Mr. Barnett advised the web site would be solely for the purpose of marketing this event, this branding strategy and Fort Lauderdale beach exclusively. Commissioner Rodstrom hoped the City Attorney would make sure that is the case.

Jim Oliver, BID Committee member and general manager of the Ritz Carlton, urged the Commission to support the efforts of this promotion to build business on Fort Lauderdale. Now more than ever there is a need to attract and bring back people not only for the businesses, but also the people who work at the businesses on the beach.

Ina Lee, BID Committee and Selection Committee member, indicated some questions about conflict of interest have been raised that she wanted to address. She said that the only interest she has had for the last quarter of a century is what is best for Fort Lauderdale beach. She has never done any financial arrangement with any of the presenters who bid on this event. In Wizard's PowerPoint presentation where there was a listing of the public relations – advertising, Travel Host Magazine appeared. She made it clear to the Selection Committee and the BID Committee that there was never any paid advertising opportunity for this event, but she would be happy to provide editorial coverage if it coincides with her deadline. A question was also raised about the calendar proposed by Wizard and a pocket saver that Traveler's does with the Convention and Visitors Bureau. The two have nothing to do with each other. She went on to describe her experience, being a marketing advocate for the beach. This event stands on the

shoulders of the \$2.5 million that the Convention and Visitors Bureau has put forward to elevate the brand. This event is a connecting of the dots of the marketing and entertainment that is already at the beach. This is an opportunity to market all of it as a whole. She noted her involvement with Winterfest and that this was how she became acquainted with Dan Barnett. She elaborated upon the Winterfest event and the Winterfest Beach Ball. She believed that this event is much like Winterfest.

Andreas Ioannou, BID Committee member and general manager of Hilton Fort Lauderdale Beach Resort, discussed his experience with others in the hospitality industry in promoting and raising awareness of this destination. Hilton Fort Lauderdale Beach Resorts spends over \$3 million annually in marketing and sales. Having an event known around the world that could be repeated every week will be a tremendous benefit. He urged approval as soon as possible as they had wanted it to start on Memorial Day weekend.

Mayor Seiler asked if tying in the trolley system had been explored so as to get people to the beach without bringing their vehicles. Mr. Barnett stated they would like to research the beach trolley, but first they want to lay out the marketing plan. In the interest of the turtles, the search light monies may be moved to the trolleys. Mayor Seiler asked that they look into this.

Gabriel Rodriguez, BID Committee member and general manager of Beach Place, indicated that he received a copy of the proposal today and in it is a list of advertising mediums anticipated to be used. Travel Host Magazine, owned by Ina Lee, appeared on the list. He appreciated that Ms. Lee has addressed this. He does not support this event. He did not think the demographic strategy has been worked out. At Beach Place, they look for demographics of 35-54 years of age and household income of \$200,000 plus. He felt the targeted demographic of the BID needs to first be figured out. He noted that he has a marketing background. He was concerned that the owners of Beach Place are concerned about how their money is being spent. He suggested delaying a year and thinking this through thoroughly.

The City Manager offered to call the owners of Beach Place and convey the benefits of this event to them. Mr. Rodriguez indicated that he is held accountable to the owners; he is their onsite representative. They want their dollars spent the most effectively.

Commissioner Rodstrom shared many of Mr. Rodriguez's feelings. She referred to all of the businesses on the beach being consulted and made to feel comfortable, there is no hurry although she wanted to see some sort of a venue happen.

Mr. Rodriguez agreed, and commented that there are many obstacles that have not been covered, such as the noise ordinance recently amended and the cost to use licensed music.

Commissioner Rodstrom questioned if there had been a problem with using the name of Saturday Night Live and whether that was why it was changed.

Mr. Rodriguez questioned whether it is acceptable to change the name midway. He reiterated his concern about Travel Host being on the advertising list when Ms. Lee was on the Selection Committee.

In response to Commissioner DuBose, the City Attorney explained the City has a contract with the American Society of Composers, Authors and Publishers (ASCAP). The City pays an annual fee for the music. Mr. Rodriguez pointed out that only that music could be played. In response to Commissioner Rodstrom, Mr. Rodriguez confirmed that the parameters of what could or could not be done, is not in the contract.

Chuck Malkus, resident, indicated that the RFP was for a sustainable signature event. He emphasized a signature event needs to be in one location. He had no experience with a signature event being indoors and in four different locations. Without targeted demographic audiences, the event will not succeed. The targeted audience stated at the time (during the presentations) is not what is being conveyed this evening. He did not think the RFP should be amended to address mistakes and poor judgment. There were two other finalists; however, no one was made aware of them. He was concerned about lack of preparation. He did not support this item.

With respect to a targeted demographic, Mr. Piedra commented that with the number of hotels on the beach, there is something that appeals to everyone, and each hotel will target their own demographic. Each hotel has a different demographic. The thought was to have something good for everyone, which would be the public venue and each hotel would target their demographic. He felt Fort Lauderdale is fortunate to have that diversity. He reiterated his support in this item and urged the Commission to think of this as a half full glass.

Mr. Rodriguez favored an event. He wanted to make sure it is done right.

Mr. Molinet contended that this is not rash. He believed they have followed every step in the process; it has been five months. The name was changed after some brainstorming. He emphasized in these times, marketing needs to be done. As to demographic target, he noted that the next step is to meet with all of the vice presidents on the beach. He felt it would be a grave error to wait a year.

Commissioner Rodstrom felt everyone favors something to promote tourism on the beach. However, there is a difference on how to get there. She asked what the BID would do if Wizard is not selected. She was concerned that the name had been changed and it is not reflected in the backup materials provided to the Commission. She was also concerned that clearance on the permissibility of planned activities from the City Attorney's Office had not occurred in advance. She also felt Travel Host could have been removed from the backup materials also, although she appreciated Ms. Lee's comments. Because all of the details are not worked through, this is not a sustainable event that she would like to see. Mr. Piedra advised that the BID has no allegiance to any one group. They selected who they thought to be the best. They hoped the Commission would respect the some hundred and forty years of tourism experience on this advisory committee which has convinced their owners to invest in this event. A majority of the advisory committee was in favor of moving forward with this event and this is how they came to work with Wizard. In further response, he indicated that he served on the selection committee along with a staff member from the Parks and Recreation Department and Ms. Lee. If Ms. Lee's participation was removed, Wizard would still be the outcome.

Commissioner Rogers applauded the BID for assessing themselves. He understood that no everyone is on the same page. He was uncomfortable in making a quick

decision that the BID spent five months on. He wanted to be certain about it as this is money the BID has asked the City to oversee.

Vice Mayor Roberts agreed that something needs to be done to bring back business and tourism to the beach. These are tough economic times. Although he was not totally satisfied with the way things have played out this evening, he did not feel the community has the luxury of waiting a year. He did not see this event as ideal. He respected the experience the BID brings to the table. He favored moving the item forward.

Commissioner DuBose thanked the BID for their time. He understood the urgency of now. He has reservations. There is no perfect formula in planning any type of event. He had a sense of comfort in knowing that the majority of the BID is in favor.

Mayor Seiler recognized this is an important issue. He was concerned about the process and the final product, but since the BID is united in support of it, he was not going to substitute his judgment for the years of tourism expertise of the BID. He agreed it should be moved forward as quickly as possible.

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

193-10248 – Police Duty Gear and Holsters

(PUR-03)

Robert Walsh, resident of District II, asked if this is to purchase tasers and if so, to whom would they be issued. He elaborated upon his opposition to tasers. He felt tasers are used to quickly. Kirk Buffington, Director of Procurement Services, indicated that this award has nothing to do with tasers; it is for holsters and leather gear for tasers. Frank Adderley, Police Chief, advised that only certified police officers are issued tasers.

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

595-10260 – Playground Mulch

(PUR-05)

In response to Commissioner Rogers, Terry Rynard, Assistant Director of Parks and Recreation, indicated that the mulch made by the City is not ADA compliant. She explained the difficulty in manufacturing ADA complaint mulch inhouse; essentially it is a lack of hardwood supply and equipment. She noted that older playgrounds have sand which poses a maintenance issue.

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. (Vice Mayor Roberts was not present for this vote.)

793-10282 – Internet Wireless Equipment**(PUR-06)**

Robert Walsh, resident of District II, was opposed to this expenditure. James Eddy, Fire Rescue Chief, explained this is a result of a grievance filed by the union. He had the wireless internet connection removed because it was interfering with the City's regular service. Staff has worked with the union and reached a settlement. The portion having to do with the fire stations is \$13,000.

Scott Bayne, President of Local 765 Fort Lauderdale Firefighters Union, clarified that the firefighters were previously paying for this and have no problem continuing to do so. The City has assumed the cost because there is a problem with governing of it.

In response to Commissioner Rodstrom, Mr. Bayne explained that the grievance was handled through the normal procedure outlined in their contract. It was less costly for the firefighters to continue to pay for the service. This proposal is for a router installation. The original installation was approved by Assistant Fire Chief McInerney without Chief Eddy's knowledge. Tim Edkin, Information Technology Services Director, explained that the other facilities in this item are general public facilities including Building Services, Parking and the Airport. Citizens have been requesting wireless access at those facilities. One example may be the transfer of a document. The access would be password secured. Although usage would not be monitored, the lines would be secured to ensure City policy is followed. He explained what securing the system would entail.

In response to Commissioner DuBose, Mr. Edkin indicated the service would also be available to citizens at the community rooms in the fire stations, but the password would have to be obtained from City staff onsite. Each additional line would cost \$440, plus nominal maintenance cost. The hardware will be on a separate network. He elaborated upon the linkage necessary. Probably another 10-12 sites could be added at \$440 after which the cost would increase.

Chief Eddy explained that without his knowledge a former assistant chief had used a City P-card to purchase a router for wireless internet service. The service interfered with the ability of the firefighters to perform their job. When he became aware of it, he ordered it shut down. A firefighter subsequently complained that they could no longer access E-Bay. A grievance was then filed by the union. He disagreed with information provided the Commission about it being shut down based on a non-existent enhanced possibility of a virus corrupting the City's computer system. He felt it was being used for inappropriate purposes. The grievance was denied, it went to arbitration and was then settled. The City is maintaining control over its infrastructure. He settled the claim because he did not want to risk it being lost by the vote of one arbitrator.

Mayor Seiler encouraged concentrating on better communication on the part of all parties.

In response to Commissioner DuBose, Chief Eddy indicated that if this is not approved, the City could be subject to an unfair labor practice because the settlement was agreed upon. In response to Commissioner Rodstrom, the City Attorney explained they avoided the arbitration and management settled the grievance. Failure to move forward this evening could bring an unfair labor practice. Commissioner Rodstrom questioned why a settlement was decided before it reached the Commission. The City Attorney agreed it

could be said that the Commission is being asked to approve a decision that has already been made. Mayor Seiler clarified that \$14,000 is for Fire Rescue.

In response to Commissioner Rodstrom, Mr. Edkin advised that there would be no charge to use the service. He clarified the service is for specific users.

Mayor Seiler asked about the other facilities that would be provided with secured wireless capability and the number of people that would benefit. He questioned the demand. Valerie Bohlander, Director of Building Services, advised that staff receives frequent requests for this service. In response to Commissioner DuBose, Ms. Bohlander indicated she receives one or two requests a month. This will also facilitate staff onsite. Cate McCaffrey, Director of Business Enterprises, indicated that there have been requests for this service at the Executive Airport. It would be available for employees. She was not certain how it would be worked out with respect to making citizens aware of the service.

Mayor Seiler felt the public should be notified of the service and suggested posting signage in the lobbies.

In response to Commissioner DuBose, Mr. Edkin advised that the same structure would be established at each of the buildings. People would need to obtain the password. The password would be changed occasionally.

Commissioner Rodstrom questioned internet use by employees. She did not want to promote accountability; it sounds like a perk at the taxpayers' expense. Mr. Edkin explained that access would be limited based on current City policy. This is viewed as a pilot project. It could be expanded to parks and community centers. It can be monitored. Only twenty-five individuals may use the service at any single time.

Commissioner Rodstrom felt this is setting a bad precedent.

In response to Commissioner Rogers, Mr. Edkin indicated that any employee connected to the City's system would not receive any benefit from this system, except for personal email. It is not possible to access the City servers from this network.

Kirk Buffington, Director of Procurement Services, stated this is a unit price bid. Although he did not anticipate it happening, the vendor could change the price if it is not approved altogether.

Motion made by Commissioner Rodstrom and seconded by Commissioner DuBose to approve the Fire Rescue portion of this item in the amount of \$10,759.00. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

Mayor Seiler noted the remainder of this item has been withdrawn.

MOTIONS

Proprietary – Motorola Radio Equipment – UHF Repeater**(MD-01)****\$14,867.35 in grant funds are budgeted in Fund 129, Subfund 01, GUAS107, 6401.**

Purchase UHF Repeater Radio Equipment is being presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Motorola, Inc.
Schaumburg, IL

Amount: \$14,867.35

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-0813

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

Motion made by Commissioner Rodstrom and seconded by Commissioner Rogers to approve the item as presented.

In response to Commissioner Rogers, Tim Edkin, Information Technology Services Director, indicated the entire megahertz system needs to be replaced due to its age. This item is portion of it. It is necessary to stay with the same technology at this point in time.

In response to Commissioner DuBose, Mr. Edkin advised that the sustaining annual cost of \$2,100 is included in the first year's cost.

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

Procurement of Worker Compensation Insurance**(MD-02)****No budgetary impact.**

A motion authorizing the procurement of worker compensation insurance through negotiation method.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0843

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

In response to Mayor Seiler, Guy Hine, Risk Manager, explained that this recommendation was made by the Insurance Advisory Board to not market the City's insurance ever year. An annual change leaves the vendor with not making enough money to cover something that might occur. With a three-year time span, there would be enough coverage in the premium. Without bidders, the price goes up. The ordinance was recently revised to give staff the ability to request authorization to negotiate. It would depend on current conditions whether staff would recommend staying with current vendor. The City's broker and the Insurance Advisory Board (unanimous) recommend negotiating with the current vendor this year. This is only for excess insurance.

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

RESOLUTIONS

Value Place Plat – 2100 State Road 7

(R-01)

Sovereign Development Group IX, Inc. – Case 15-P-07

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	09-0841

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

Mayor Seiler, and Commissioners Rodstrom and Rogers announced with whom they had spoken and site visits made concerning this matter.

Mayor Seiler opened the floor for public comment.

George Counts, 2449 Nassau Lane, was concerned about the plat. The final use has not been adequately defined. He referred to police coverage and inadequate staffing for District III. Manpower is concentrated in the north end of the district. This hotel use could have more calls for service than the entire southern end of the district. He was also concerned about the ingress and egress which is limited to Riverland Road. He was opposed to a four-lane road running directly through his neighborhood and felt this would encourage four-laning of Riverland Road. There will be more accidents. He noted the area was previously used during hurricane season for staging and that will no longer be possible. Riverland Road also still has flooding problems. When this site is built he felt it will add to those flooding problems. He noted multiple obnoxious uses in this area in order to emphasize another one is not needed.

Dirk Lowry, President of Lauderdale Isles Civic Association, expressed opposition to this project.

In response to Commissioner Rogers, Greg Brewton, Director of Planning and Zoning, advised that this plat meets minimum requirements of the Unified Land Development Regulations for subdivision regulations. The Applicant has responded to traffic concerns presented to them. Platting is a separate process from site plan. The Applicant has not yet responded to comments raised by the Development Review Committee with respect to site plan, but they have a right to move through this process once platting has been resolved. The plat is restricted to a 124-room hotel; ingress and egress is subject to the platting issue. Compatibility is abutting properties is a site planning issue, but that has been resolved with easements that have been recorded. Height would be address during the site plan process.

In response to Commissioner Rodstrom, Mr. Brewton outlined the site plan process, noting it does not include the Commission unless there is an appeal by the Applicant as a result of what may occur at the Planning and Zoning level. There is no call-up provision. Resident concerns would be addressed at the Development Review Committee level.

In response to Commissioner Rodstrom, the City Attorney advised that based upon the information before the Commission previously and at this time, there is no choice other than to approve the plat.

In response to Commissioner Rogers, Mr. Brewton advised that notice for the Development Review Committee meetings is by the agendas being provided to all civic associations. Staff has also contacted those individuals that they were aware had concerns. Citizens may request notification by contacting the Planning and Zoning Department. He reiterated that this has gone through the Development Review Committee; staff is awaiting response from the Applicant on several issues raised at that time. Commissioners Rogers and Rodstrom requested the Applicant's response be provided to them.

Mayor Seiler announced the Circuit Court judge's ruling. He did not feel the Commission has any alternative but to approve the plat.

There being no further comments, Vice Mayor Roberts introduced the following resolution:

RESOLUTION NO. 09-143

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, APPROVING A PLAT
KNOWN AS "VALUE PLACE LLC PLAT."

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

Mayor Seiler requested the following item be taken out of order.

PUBLIC HEARINGS

**Community Facility – Former Tyrone Bryant Library Building - (PH-01)
Osswald Park Lease Agreement – Delta Education and Life
Dev. Foundation, Inc.**

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

A resolution authorizing a fifty-year lease agreement with Delta Education and Life Dev. Foundation, Inc. – use of former Tyrone Bryant Library building at Osswald Park for Delta’s Broward County non-profit operation – 330 SW 2 Street.

Exhibit: Commission Agenda Report 09-0846

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

Commissioner DuBose introduced the following resolution:

RESOLUTION NO. 09-147

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO CITY CHARTER SECTION 8.13 AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIFTY (50) YEAR LEASE AND MEMORANDUM OF LEASE FOR USE OF PREMISES LOCATED WITHIN “OSSWALD PARK” LOCATED AT 2220 N.W. 21ST AVENUE, FORT LAUDERDALE, FLORIDA, MORE PARTICULARLY DESCRIBED BELOW, TO DELTA EDUCATION AND LIFE DEVELOPMENT FOUNDATION, INC., A FLORIDA NOT FOR PROFIT CORPORATION TO BE USED AS A COMMUNITY FACILITY PROVIDING EDUCATIONAL, MENTORING, SOCIAL AND RECREATION PROGRAMS FOR A TERM OF FIFTY (50) YEARS AT AN ANNUAL RENT OF TEN AND NO/100 DOLLARS (\$10.00), SUBJECT TO CERTAIN TERMS AND CONDITIONS.

Which resolution was read by title only.

In response to Commissioner Rodstrom, Robert Dunckel, Assistant City Attorney, indicated this was approved by Broward County on October 28, 2008. He indicated this is for the old library facility. The City asked the Deltas to make sure their use of the old Tyrone branch would be consistent with the restrictive covenants and page 15 (annexation agreement). The Deltas know they are moving into this old building with a

fifty-year lease. Commissioner Rodstrom was concerned about the age of the building, a fifty-year lease and asked about whether the City has any liability. Mr. Dunckel indicated that both sides indulged in due diligence. He referred to testing that was done and the number of repair items noted in the lease. Once the building is turn over to the Deltas, they are responsible for maintenance and repairs. If they fail in that duty and someone is injured, this would not be the City's liability, but rather to the tenant. Under the terms of the lease, the Deltas indemnify the City for any damages and there is insurance carried that would cover the City.

In response to Commissioner Rogers, Mr. Dunckel noted provisions with regard to a forgivable loan, sharing of sublease revenues, City option to pay the deductible and early termination have been included in the lease.

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

Resolutions were continued from page 30.

RESOLUTIONS

**Utility Easement – Vacate and Replace – State Road 7
State Road 7 Just North of Peters Road, City of Plantation**

(R-02)

No budgetary impact.

Location: State Road 7, North of Peters Road, Plantation, Florida

A resolution authorizing the proper City Officials to execute and deliver quit claim deed abandoning a utility easement outside City corporate limits in exchange for acceptance of a new easement deed in favor of the City from Plantation 441, Ltd. – relocating utility easement.

Exhibit: Commission Agenda Report 09-0699

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 09-144

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AND DELIVER TO PLANTATION 441, LTD., A FLORIDA LIMITED PARTNERSHIP, UPON CERTAIN TERMS AND CONDITIONS, A QUIT CLAIM DEED VACATING AND ABANDONING A UTILITY EASEMENT LYING OUTSIDE THE CORPORATE BOUNDARIES OF THE CITY OF FORT LAUDERDALE AND ACCEPTING A UTILITY EASEMENT DEED FROM PLANTATION 441, LTD., A FLORIDA LIMITED

PARTNERSHIP RELOCATING THE ABANDONED UTILITY
EASEMENT.

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

**Special Counsel – Class Action Securities Fraud
U.S. District Court, Southern District of New York**

(R-03)

No budgetary impact.

A resolution appointing Abraham Fruchter & Twersky, LLP, as special counsel to City's General Employees' Retirement System to pursue lead plaintiff status in class action securities fraud litigation filed in U.S. District Court, Southern District of New York.

Exhibit: Commission Agenda Report 09-0877

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 09-145

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING THE LAW FIRM OF ABRAHAM, FRUCHTER & TWERSKY, LLP ("THE FIRM") TO ACT AS SPECIAL COUNSEL TO THE CITY ATTORNEY IN REPRESENTING THE BOARD OF TRUSTEES OF THE CITY OF FORT LAUDERDALE GENERAL EMPLOYEES' RETIREMENT SYSTEM ("THE PLAN") IN PURSUING LEAD PLAINTIFF STATUS IN A CLASS ACTION SECURITIES FRAUD MATTER, AND, IF THE PLAN IS SO APPOINTED, PROSECUTE THE CLASS ACTION AS ATTORNEYS FOR THE CLASS; COMPENSATION FOR THE FIRM TO BE DETERMINED BY THE RETAINER AGREEMENT PREVIOUSLY EXECUTED BETWEEN THE FIRM AND THE PLAN.

Which resolution was read by title only. Which resolution was read by title only. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, Vice Mayor Roberts, 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 09-0805

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

Audit Advisory Board	Marco W. Hausy
Budget Advisory Board	Fred Nesbitt
Centennial Celebration Committee	Peg Buchan
Code Enforcement Board	Chad Thilborger (Alternate)
Education Advisory Board	John Sykes
Northwest Progresso-Flagler Heights Redevelopment Advisory Board	Steve Lucas

Commissioner Rodstrom introduced a written resolution entitled:

RESOLUTION NO. 09-146

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, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

Public Hearings were continued from page 32.

PUBLIC HEARINGS

**Establish City Zoning Regulations And Rezoning
Riverland Road And Melrose Park Annexation**

(PH-02)

No budgetary impact.

Applicant: City of Fort Lauderdale
 Location: Melrose Park and Riverland Road
 Cases: 14-Z-07, 9-Z-08, 15-Z-07, 8-Z-08, 7-T-07
 Exhibit: Commission Agenda Report 09-0842

Motion made by Commissioner DuBose and seconded by Commissioner Rogers to defer the second reading of this matter to October 20, 2009. Which resolution was read by title only. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

Mayor Seiler announced that rezoning and zoning regulations for Riverland Road and Melrose Park areas will be discussed on October 6 and 20, 2009.

ORDINANCES

Code Amendment – Chapter 18 – Nuisances**(O-01)****No budgetary impact.**

An ordinance amending Code of Ordinances, Chapter 18 – expedite abatement of public nuisances relating foreclosed-open-unsecured properties, trash, excessive overgrowth, derelict vehicles and abandoned swimming pools.

Exhibit: Commission Agenda Report 09-0834

Commissioner DuBose introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-09-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REPEALING CHAPTER 9, ARTICLE VIII, VACANT BUILDINGS OR DWELLINGS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, AND CHAPTER 18, NUISANCES, ARTICLE I, IN GENERAL, AND ARTICLE II, LOT CLEARING, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, AND REPLACING WITH A NEW CHAPTER 18, NUISANCES, ARTICLE I, PUBLIC NUISANCES, AND ARTICLE II, ENFORCEMENT, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA; PROVIDING FOR CONDITIONS DECLARED PUBLIC NUISANCES; PROVIDING AUTHORITY TO INTERPRET, MAKE, ALTER AND REPEAL RULES; PROVIDING DEFINITIONS; PROVIDING FOR BOARDING CERTIFICATES AND STANDARDS FOR SECURING BUILDINGS; PROVIDING FOR NOTICES TO ABATE PUBLIC NUISANCES, ABATEMENT OF PUBLIC NUISANCES, LIENS FOR COSTS OF ABATEMENT AND ADMINISTRATIVE HEARINGS; AND FURTHER PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Which ordinance was read by title only.

Commissioner Rogers indicated he had raised concerns about definitions with staff for correction by July 7, 2009. He noted the definitions have to do with abandon and left, motor vehicle versus motorized and ULDR.

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

Code Amendment – Chapter 25 – Article VIII (O-02)
Newsracks – Uniform Height And Removal of Abandoned Newsracks

No budgetary impact.

An ordinance amending Code of Ordinances, Chapter 25, Article VIII, Movable Fixtures within Right-of-Way – provide for uniform height of newsracks and cost in the removal of abandoned newsracks.

Exhibit: Commission Agenda Report 09-0838

Commissioner Rogers introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-09-19

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, CHAPTER 25, STREETS AND SIDEWALKS, ARTICLE VIII, MOVEABLE FIXTURES WITHIN THE RIGHT-OF-WAY, SECTION 25-194, STANDARDS FOR MAINTENANCE, APPEARANCE AND INSTALLATION, TO PROVIDE FOR A UNIFORM HEIGHT OF NEWSRACKS AND SECTION 25-196, ENFORCEMENT, TO PROVIDE FOR COSTS IN THE REMOVAL OF ABANDONED NEWSRACKS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Rodstrom noted existing newsracks are grandfathered in.

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

Rezoning To Residential Office – 1300 SE 4 Avenue – Case 4-Z-09 (O-03)

No budgetary impact.

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: Residential Office RO
Future Land Use: South Regional Activity Center

Exhibit: Commission Agenda Report 09-0794

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

No disclosures were made.

Vice Mayor Roberts introduced the following ordinance on SECOND 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, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

**Rezoning To Community Facilities – 850 West Davie Boulevard -
Case 2-Z-09**

(O-04)

No budgetary impact.

Applicant:	Florida Conference of Seventh Day Adventists
Location:	850 Davie Boulevard
Current Zoning:	Residential Single-Family-Duplex-Low Medium Density RD-15
Proposed Zoning:	Community Facilities CF
Future Land Use:	Medium-Residential
Exhibit:	Commission Agenda Report 090810

No disclosures were made.

Commissioner Rogers introduced the following ordinance on SECOND 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, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

Code Amendment – Chapter 28 – Water, Wastewater, and Stormwater – Water Shortage, Conservation and Enforcement Of Water Usage

(O-05)

No budgetary impact.

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

Exhibit: Commission Agenda Report 09-0758

In response to Commissioner Rodstrom, Albert Carbon, Public Works Director, indicated this is only regarding water shortages and restrictions; it has nothing to do with water rates.

In response to Vice Mayor Roberts, Mr. Carbon stated there is a general rule of thumb on prohibitions in water conservation ordinances when it is raining or there are high winds; if the water is being pushed onto the pavement, the sprinkling system should be turned off. There is no miles per hour specified.

Commissioner DuBose introduced the following ordinance on SECOND 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 28-18; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR INCLUSION IN THE CODE.

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

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

(O-06)

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 09-0866

Vice Mayor Roberts introduced the following ordinance on SECOND 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.

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

There being no other matters to come before the Commission, the meeting was adjourned at 9:37 P.M.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk