

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
September 1, 2009

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
September 1, 2009**

Meeting was called to order at 6:02 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 Jeff Brull

Invocation was offered by Reverend Jim McNaull, The Place Ministries, followed by the Pledge of Allegiance led by Mackenzie Fehl.

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 Vice Mayor Roberts to approve the minutes of the June 16, 2009, July 7, 2009 and July 21, 2009 Conference Meeting minutes, and the July 7, 2009 Regular Meeting Minutes. Roll call showed: YEAS: Commissioners Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

Presentations

- 1. Dolphins Day In Downtown Fort Lauderdale – (PRES-01)
September 18, 2009**

Commissioner DuBose presented a proclamation designating Dolphins Day in downtown Fort Lauderdale to Adam Grossman, Miami Dolphins Senior Vice President of Public Affairs, and Eric Knowles, Miami Dolphins Senior Director of Community Relations and Government Affairs, along with three Miami Dolphins cheerleaders and the Dolphins mascot.

2. Commendation – Trenton Fehl - (PRES-02)
Dash At Dawn Fundraiser – 5K Run/Walk

Vice Mayor Roberts presented a commendation to Trenton Fehl in recognition of his fundraising achievements on behalf of the National Kidney Foundation of Florida and the upcoming Dash at Dawn 5k Run and Walk at Birch State Park. Mr. Fehl announced the particulars of the event and encouraged everyone to participate.

3. Outstanding City Employees (PRES-03)

Jeff Justinak, Assistant Fire Rescue Chief, Administration, recognized Anthony Peavy for his accomplishment during his tenure with the Fire Rescue Department and wished him the best in his retirement.

Fiscal Year 2009-2010 Tentative Millage Rate and Budget (PH-01)

Sunrise Key Neighborhood Improvement District Tentative Millage Rate and Budget – Fiscal Year 2009-2010 (PH-02)

Lauderdale Isles Water Management District Property Assessment Rate and Budget – Fiscal Year 2009-2010 (PH-03)

Fire-Rescue Special Assessment – Fiscal Year 2009-2010 (PH-04)

Beach Business Improvement District Annual Rate Assessment and Assessment Roll (PH-05)

Motion made by Commissioner DuBose and seconded by Vice Mayor Roberts to defer Items PH-01, PH-02, PH-03, PH-04, and PH-05 to September 9, 2009. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

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 – Downtowner Art Festival and Car Show (M-01)
Closing South New River Drive From Andrews Avenue to SE 3 Avenue

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with It's Only Zero's, Inc. for Downtowner Art Festival and Car Show, to be held October 31, 2009 and November 1, 2009, 10 AM – 7 PM, and closing South New River Drive from Andrews Avenue to SE 3 Avenue from 6 PM, October 30, 2009 to 9 PM, November 1, 2009.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1144

Event Agreement and Co-Sponsorship – Light Up (M-02)
Lauderdale

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Riverwalk Fort Lauderdale, Inc. for Light Up Lauderdale to be held along both sides of Riverwalk, November 19, 2009 to February 8, 2010 and authorizing co-sponsorship of the event to allow installation of banners, subject to permitting regulations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1146

Event Agreement – Making Strides Against Breast Cancer (M-03)
Making Strides Against Breast Cancer

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with the American Cancer Society Florida Division, Inc. for Making Strides Against Breast Cancer to be held at Huizenga Plaza and downtown area sidewalks on October 10, 2009, 7 AM – 1 PM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1147

Event Agreement – Rocktoberfest (M-04)
Rocktoberfest

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Riverwalk Fort Lauderdale, Inc. for Rocktoberfest to be held on October 16, 2009, 5:30 PM – 10 PM, at Las Olas Riverfront and along the Riverwalk.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1150

Event Agreement – Glam-A-Thon (M-05)
Closing East Las Olas Boulevard and Adjoining Side Streets

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Floridata Capital Assets Group, Inc. for Glam-A-Thon to be held October 10, 2009, 11 AM – 10 PM, and closing East Las Olas Boulevard and side streets from East Las Olas Boulevard to the alley on each side from 7 AM to 11 PM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1155

Event Agreement – September 11 Memorial Ceremony (M-06)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Fort Lauderdale Fire and Safety Museum, Inc. for September 11 Memorial Ceremony to be held September 11, 2009 at the Fire Museum, 1022 West Las Olas Boulevard, 9 AM – 10 AM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1194

Event Agreement –Second on Second Thursdays (M-07)
Closing Eastbound Parking Lane – 200 Block of SW 2 Street

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Riverwalk Fort Lauderdale, Inc. for Second on Second Thursdays to be held September 10, 2009; October 8, 2009, and November 12, 2009, 5 PM – 9 PM on the south side of the 200 block of SW 2 Street and closing the parking lane.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1196

Event Agreement – Annual Halloween Costume Contest and Party At Shooters – Closing NE 32 Avenue**(M-08)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Roscoe LLC d/b/a Shooters Waterfront Café for Annual Halloween Costume Contest and Party to be held at Shooters Waterfront Café, 3033 NE 32 Avenue on October 31, 2009, 6 PM – 12 midnight and closing NE 32 Avenue between Shooters' property lines.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1151

Event Agreement – Co-Sponsorship – City Link's Annual Beerfest – Closing East Las Olas Boulevard**(M-09)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Forum Publishing Group, Inc. for City Link's Annual Beerfest to be held at Huizenga Plaza on December 4, 2009, 6 PM – 11 PM; closing East Las Olas Boulevard from Andrews Avenue to SE 1 Avenue and co-sponsorship of the event to allow installation of banners subject to permitting regulations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1176

Event Agreement – Woodstock Celebration Closing SE 6 Street**(M-10)****No budgetary impact.**

A motion authorizing and ratifying execution of an Event Agreement with Broward County Film Society, Inc. for Woodstock Celebration held at Cinema Paradiso, August 15, 2009, 2 PM – 11 PM and closing SE 6 Street.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1152

Event Agreement – Dog In Movie Series**(M-11)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Broward County Film Society, Inc. for Dog In Movie Series to be held behind Cinema Paradiso in the Smoker Park dog walking area on the south side of Riverwalk on September 8,

October 13, November 10, and December 8 of 2009, and January 12, 2010, 7 PM – 10 PM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1192

Yappy Hour – Mutts and Martinis Event – Location Change (M-12)

No budgetary impact.

A motion approving a change of location of Yappy Hour – Mutts and Martinis on September 25, 2009 to Briny Pub – Riverwalk – Riverwalk Fort Lauderdale, Inc.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1154

Instructor Agreement – Fort Lauderdale Stars, Inc. Gymnastic Classes – Holiday Park Activity Center (M-13)

No current year budgetary impact. \$373,000 budgeted in FY 09/10 Under PKR 033201-3246 Rec. Program Fees, Fund 001, Subfund 01, Subject to appropriation of budget.

A motion authorizing the proper City Officials to execute an agreement with Partners In Action, Inc., a Florida non-profit corporation d/b/a Kids Ecology Corps, to provide nature programming services at Snyder Park – October 1, 2009 through September 14, 2010.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1103

Instructor Agreement – Partners In Action, Inc. D/B/A Kids Ecology Corps. – Nature Programming – Snyder Park (M-14)

No budgetary impact.

A motion authorizing the proper City Officials to execute an agreement with Partners In Action, Inc., a Florida non-profit corporation d/b/a Kids Ecology Corps to provide nature programming services at Snyder Park – October 1, 2009 through September 14, 2010.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1169

Grant Application – Transportation Investment Generating Economic Recovery – U.S. Department of Transportation – Wave Downtown Circulator (M-15)

No budgetary impact.

A motion authorizing the proper City Officials to apply for Transportation Investment Generating Economic Recovery grant funds from U.S. Department of Transportation – WAVE Downtown Circulator.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1140

BankAtlantic Bancorp Inc. – Direct Cash Incentive - \$50,000 (M-16)

Fund 001, Subfund 01, EDV010101-4299. Other contribution - \$50,000.

A motion authorizing payment in the amount of \$50,000 to BankAtlantic Bancorp Inc. – fourth year payment pursuant to terms of Direct Cash Incentive Grant Agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1106

Change Order 2 (Final) – Intercounty Engineering, Inc. - Credit (\$48,100.03) – Fiveash Water Treatment Plant – Add 46 Days (M-17)

Reduce encumbrance by (\$48,100.03) in Fund 482, Subfund 01, P10508.482-6599; EPO3376.

A motion authorizing: (1) Change Order 2 (Final) with Intercounty Engineering, Inc. in net CREDIT amount of (\$48,100.03), and the addition of 46 non-compensable calendar days to contract period – additional work and quantity adjustments – Fiveash Water Treatment Plant Phase 2 – Bid Package C – Project 10508C; and (2) reduce encumbrance by (\$48,100.03).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1080

Change Order 4 – Southern Florida Paving Group, LLC Annual Speed Hump Installations - \$12,495 (M-18)

\$13,994.40 is available in P10832.482-6599, Riverland/Woodlands Sanitary Sewer Improvements to fund the change order, and engineering fees at the WaterWorks 2011 (WW2011) rate of 12 percent. The index code is in Fund 482, Subfund 01.

A motion authorizing Change Order 4 with Southern Florida Paving Group, LLC, in the amount of \$12,495 – 2009 Annual Speed Hump Installations – additional scope of work – Project 11450.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1163

Change Order 6 (Final) – Conquest Engineering Group Company (M-19)
Annual Storm Drainage Improvements Contract

Credit (\$310,643.51) to P11362.470-6599, Fund 470, Subfund 02, EPO3498-01.

A motion authorizing Change Order 6 (Final) with Conquest Engineering Group Company in CREDIT amount of (\$310,643.51) – 2008-2009 Annual Storm Drainage Contract – Project 11362.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1179

Transfer Funds – Change Order 1 – B.K. Marine Constructions, Inc. - (M-20)
\$8,700 – SE 8 Avenue Bridge – Demolition and Rebuild Bridge Parapet
Wall and Railing

Transfer \$8,700 from P11236.331-6599, General Fund CIP Holding Account (2008 CIP Annual Marine Facilities, Seawall and Mooring Buoy balance in the Holding Account is \$200,000), to P11475.331-6599 to fund the change order and engineering fees at 17 percent. All funds are in Fund 331, Subfund 01.

A motion authorizing transfer of \$8,700 to fund Change Order 1 with B.K. Marine Construction, Inc. and 17 percent engineering fees – demolition and rebuilding of damaged bridge parapet wall and railing – SE 8 Avenue bridge.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1161

Sistrunk Boulevard Corridor – Forcemain Abandonment Design (M-21)
Transfer Funds Between Water and Sewer Projects - \$28,266

Transfer \$28,266 from P10515.454, Lauderdale Manors Utilities Phase 2, to P11541.454, all in Fund 454, Subfund 01, Subobject 6599.

A motion authorizing transfer of \$28,266 between Water and Sewer Fund projects for Sistrunk Boulevard Forcemain Abandonment Design.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1160

Return Of Funds To Capital Improvement Plan Holding Account - (M-22)
\$310,000 – SE 15th Street Police Boat Dockage

Transfer \$310,000 from P11422.331-6599 Fund 331, Subfund 01, SE 15th Street Boat Ramp and Marine Complex, to P11236.331-6599, Fund 331, Subfund 01.

A motion authorizing transfer and return of \$310,000 from SE 15 Street Police Boat Dockage project to General Fund Capital Improvement Plan Holding Account – Project 11422.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1083

Transfer Funds Between Capital Improvement Projects (M-23)
Mills Pond Park Improvements

Transfer \$59,000.00 from P10363.331-6599 (Executive Airport ARFF/EOC Building), to P11482.331-6599, all in Fund 331, Subfund 01.

A motion authorizing transfer of funds in the amount of \$59,000 between two Capital Improvement Program projects to allow for payment of soft costs – Mills Pond Park Improvements – Project 11482.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1135

Speed Hump Installation – NW 26 Terrace, NE 24 Terrace (M-24)
And NW 28 Avenue

The engineer’s estimate for the cost of the work is \$15,000. The work will be paid out of the current contract which is encumbered under P11450.331-6599, Fund 331, Subfund 01. Authorization of this work does not constitute an increase in the existing Annual Speed Hump contract amount.

A motion authorizing installation of speed humps on NW 24 Terrace, NW 26 Terrace, and NW 28 Avenue between NW 17 Street and NW 19 Street.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1134

Contract Award – CEB Construction, Inc. - \$54,004.20 - (M-25)
Roundabout Installation – Neighborhood Capital Improvement Program

Please see the funding information provided on the Bid Tab attached.

A motion authorizing the proper City Officials to: (1) award and execute contract with CEB Construction, Inc., in the amount of \$54,004.20 – Installation of Roundabout – Lake Aire Homeowners Association, Inc. – Neighborhood Capital Improvement Program – Project 11389.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1187

River Oaks Stormwater Park - \$2,250,000 (M-26)
Grant – Florida Department of Environmental Protection

No budgetary impact.

A motion authorizing the proper City Officials to execute State Financial Assistance Agreement with Florida Department of Environmental Protection for grant funding in the amount of \$2,250,000 – River Oaks Stormwater Park – Project 11419.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1201

Right-of-Way, Underground Utilities and Parking - Dixie (M-27)
Court – Housing Authority of Fort Lauderdale

No budgetary impact.

A motion accepting conveyance of right-of-way from Fort Lauderdale Housing Authority and authorizing the proper City Officials to execute an agreement with Housing Authority providing for the Housing Authority to construct and maintain the right-of-way, including underground utilities and parking for Dixie Court residential development.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0388

Grant Acceptance – Enhanced Marine Law Enforcement Grant (M-28)
Broward County - \$160,608

No current year budgetary impact. The appropriation of the grant funding will be included in the FY 09/10 annual budget. No cash match.

A motion authorizing the proper City Officials to accept grant funds in the amount of \$160,608 from Broward County via 2009-2010 Enhanced Marine Law Enforcement

Grant Program and execute all necessary documents to receive and disburse these grant funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1182

Grant Acceptance – Operation Last Call III (M-29)
Florida Department of Law Enforcement - \$58,780

No current year budgetary impact. The appropriation of the grant funding will be included in the FY 09/10 annual budget. Matching funds will be budgeted in FY 09/10 subject to the appropriation of the FY 09/10 budget.

A motion authorizing proper City Officials to: (1) accept grant funds in the amount of \$58,780 from Florida Department of Law Enforcement – Edward Byrne Memorial – Justice Assistance Grant Program – Operation Last Call III; and (2) execute all necessary documents to receive and disburse these grant funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1191

Sistrunk Boulevard Streetscape Enhancement - (M-30)
Construction Management and Inspection Services

No Budgetary Impact.

A motion authorizing the property City Officials to initiate selection of construction management and inspection services in accordance with Consultant Competitive Negotiation Act – NE/NW 6 Street – Sistrunk Boulevard Streetscape Enhancement Project – Project 10448.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1207

Baltimore Orioles – Termination of Facility Use Agreement (M-31)

No budgetary impact.

A motion acknowledging Baltimore Orioles' termination of Facility Use Agreement dated December 28, 2006, by and between the City and the Baltimore Orioles, and authorizing the City Manager to provide written correspondence acknowledging termination.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1190

CONSENT RESOLUTION

Grant Acceptance – Florida Sea Turtle Educational Materials And Signage - \$4,500 – Caribbean Conservation Corporation (CR-01)

Appropriate \$4,500 into GTURTLE09-D344 revenue, Fund 129, Fund Type 10, Subfund 01, expenditures in GTURTLE09-3999 Supplies, Fund 129, Fund Type 10, Subfund 01. No cash match.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0530

RESOLUTION NO. 09-194

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$4,500 FROM THE CARIBBEAN CONSERVATION CORPORATION SEA TURTLE GRANTS PROGRAM; 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.

Amend Operating Budget – Appropriation \$2,500 Sponsorship – 2009 July 4th Avenue (CR-02)

\$2,500 in sponsorship funds (revenue) to be appropriated to PKR010402-K384 Other Events, Fund 001, Subfund 01. Appropriate expenses in the amount of \$325 to PKR010402-3299 Other Services, Fund 001, Subfund 01. \$2,175 to be appropriated to PKR010402-3299 Other Supplies, Fund 001, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1105

RESOLUTION NO. 09-195

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 \$2,500 IN CASH

SPONSORSHIP FROM WINN-DIXIE FOR THE JULY 4TH EVENT AND BY APPROPRIATING \$325 TO THE GENERAL FUND OPERATING BUDGET TO PAY JAN BETH IDELMAN, INC., THE EVENT FUNDRAISER.

Amend Operating Budget – Appropriation And Transfer - (CR-03)
\$50,000 – City-Wide Landscape Improvements

Appropriate \$50,000 from subsidiary funds that were previously designated for restricted revenues. \$50,000 from FD001-269-450160, Fund Type 01, Fund 001, Subfund 01 to P16057.331-6510 Landscaping Improvements, Site Improvements, Fund Type 30, Fund 331, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1125

RESOLUTION NO. 09-196

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 AND TRANSFERRING \$50,000 FROM FD001-269-450160, FUND TYPE 01, FUND 001, SUBFUND 01 TO P16057.331-6510 LANDSCAPING IMPROVEMENTS, SITE IMPROVEMENTS, FUND TYPE 30, FUND 331, SUBFUND 01 FOR CITY-WIDE LANDSCAPING IMPROVEMENTS.

Amend Operating Budget – Appropriation - \$500 (CR-04)
Sunrise Intracoastal – Neighborhood Capital Improvement Program

Appropriate \$500 revenue in P00437.331-N965 and \$500 expenditure budget in P00437.331-6599. All in Fund 331, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1030

RESOLUTION NO. 09-197

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 FUNDS IN THE AMOUNT OF \$500 FROM SUNRISE INTRACOASTAL HOMEOWNERS ASSOCIATION, INC.

Grant Acceptance – Energy Efficiency and Conservation (CR-05)
Block Grant – U.S. Department of Energy - \$100,000

Appropriate \$100,000 of grant funds to Fund Type 10, Fund 129, Subfund 01, GEECBG09, C214; and expenditures in 3199. EECBG Grant. No cash match.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1132

RESOLUTION NO. 09-198

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$100,000 FROM U.S. DEPARTMENT OF ENERGY FOR THE DEVELOPMENT OF A CITY-WIDE ENERGY STRATEGY, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS TO RECEIVE SUCH GRANT FUNDS AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009 BY ACCEPTING AND APPROPRIATING SUCH GRANT FUNDS TO FUND 129.

Grant Acceptance – Cops Hiring and Recovery Program (CR-06)
U.S. Department of Justice Cops Office - \$3,243,444

Appropriate \$3,243.444 into Fund 129, Subfund 01, GCHRP12, C215 (Rev); expenditures in 1101 (\$1,935,648), 2207 (\$702,648), 2301 (\$148,080), funding 2404 (\$360,288) and 2410 (\$96,780). No cash match is required.

Vice Mayor Roberts thanked staff involved in this item that helps the Police Department get back into community policing.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1186

RESOLUTION NO. 09-199

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 GRANT FUNDS AWARDED TO THE CITY FROM THE U.S. DEPARTMENT OF JUSTICE, IN THE AMOUNT OF \$3,243,444.00 FOR HIRING LAW ENFORCEMENT OFFICERS.

Amend Operating Budget – Appropriation - \$291,715 (CR-07)
Grant – SE 15th Street Boat Launch And Marine Complex

Appropriate \$291,715.00 in Grant Funds to Fund 129, Subfund 01, P11422.129A Revenue in F739 and Expenditure in 6599. Appropriate \$291,715.00 required for matching funds from P11236.331, Fund 01, Subfund 01, Subobject 6599 to P11422.129B, Fund 129, Subfund 01, Subobject 6599.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1102

RESOLUTION NO. 09-200

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO 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 \$291,715.00 IN GRANT FUNDS FOR THE SOUTHEAST 15TH STREET BOAT LAUNCH AND MARINE COMPLEX AS MORE PARTICULARLY SET FORTH BELOW.

Customs and Border Protection Building – Aircraft Apron - (CR-08)
Executive Airport – Joint Participation Agreement – Florida
Department of Transportation - \$240,000

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

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1153

RESOLUTION NO. 09-201

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.

Grant Acceptance – Boat Ramp Renovations – Riverland Woods Park – Broward Boating Improvement Program - \$100,000 (CR-09)

Appropriate \$100,000.00 in Grant Funds to Fund 129, Subfund 01, P11523.129A Revenue in F739 and Expenditure in 6599. No matching funds required for this grant. Appropriate \$45,000.00 from P11067-331, Fund 01, Subfund 01, Subobject 6599 to P11523.129 Fund 129, Subfund 01, Subobject 6550 for engineering and contingency fees.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1101

RESOLUTION NO. 09-202

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO: (1) EXECUTE A GRANT AGREEMENT WITH THE BROWARD COUNTY UNDER THE BROWARD COUNTY BOATING IMPROVEMENT PROGRAM FOR FUNDING NOT TO EXCEED \$50,000.00 FOR BOAT RAMP RENOVATIONS AND FUNDING NOT TO EXCEED \$50,000.00 FOR RAMP ACCESS AT THE RIVERLAND WOODS PARK BOAT RAMP; (2) ACCEPT FUNDS FROM THE SOURCES IN THE AMOUNTS AND FOR THE PURPOSES AFORESAID; (3) EXECUTE ANY AND ALL DOCUMENTS NECESSARY AND INCIDENTAL TO ADMINISTRATION OF THE GRANT; AND (4) AMEND THE FISCAL YEAR 2008/2009 FINAL OPERATING BUDGET BY APPROPRIATING \$100,000.00 IN GRANT FUND TO FUND

129, SUBFUND 01, P11523.129A REVENUE IN F739 AND EXPENDITURE IN 6599 AND APPROPRIATE \$45,000.00 FROM 011068.311, FUND P1, SUBFUND 01, SUBOBJECT 6599 TO P11523.129 FUND 129, SUBFUND 01, SUBOBJECT 6550 FOR ENGINEERING AND CONTINGENCY FEES.

Amend Operating Budget – Reversal of Funds - \$23,775 (CR-10)
Current Model Year Chevrolet Tahoe Police Package

Reversal of funds in the amount of \$23,775 from Fund 583, Subfund 01, PAR030101, 6416 to Fund 129, Subfund 01, GHWAY09, 6416 to fund CAR 09-1170.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1171

RESOLUTION NO. 09-203

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, BY REVERSING THE APPROPRIATION FUNDS IN THE AMOUNT OF \$23,775 FROM FUND 583, SUBFUND 01, PAR030101, 6416 BACK TO FUND 129, SUBFUND 01, GHWAY09, 6416 FOR THE PURCHASE OF A 2009 CHEVROLET TAHOE VEHICLE.

Amend Operating Budget – Appropriation - \$172,998 (CR-11)
Police Bomb Squad Robot

Appropriate \$172,998 from FD107, Fund 107, Subfund 01, (undesignated fund balance) to POL080101, Fund 107, Subfund 01, Subobject 6499.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1168

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS 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 \$172,998.00 FROM THE DEA CONFISCATED PROPERTY TRUST FUND TO PURCHASE A POLICE BOMB SQUAD ROBOT.

Subordination Of Utility Easements – Declaration of Restricted Covenants – New Toy Store – Paseo Del Mar I, LP – 1614 East Sunrise Boulevard (CR-12)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1094

RESOLUTION NO. 09-204

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBORDINATION OF UTILITY EASEMENTS TO A DECLARATION OF RESTRICTIVE COVENANT REQUIRED BY BROWARD COUNTY RELATIVE TO ENVIRONMENTAL REMEDIATION ON LANDS OWNED BY PASEO DEL MAR I, L.P. ON PROPERTY LOCATED AT 1614 EAST SUNRISE BOULEVARD.

Facility Use Agreement – Royal Caribbean Cruises, Ltd. Aquatic Complex – Stunt Diving Rehearsals (CR-13)

\$1,000 to be appropriated to BUS040101-K530, Fund 001, Subfund 01; and \$2,590 to be appropriated to BUS040101-K527, Fund 001, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1203

RESOLUTION NO. 09-205

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FACILITY USE AGREEMENT WITH ROYAL CARIBBEAN CRUISES, LTD. FOR STUNT DIVING REHEARSALS AT THE FORT LAUDERDALE AQUATIC COMPLEX FROM SEPTEMBER 15, 2009 TO OCTOBER 18, 2009 AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009 BY ACCEPTING AND APPROPRIATING \$3,500 IN REVENUE FUNDS TO FUND 001.

Community Bus Services - \$48,221.66 and \$25,666.66 (CR-14)
Downtown Fort Lauderdale Transportation Management Association

Transfer and appropriate \$48,221.66 from GTRANSIT – 4204, Fifth Cent Gas Tax For Transportation to GSHUTTLE09-Revenue Subobject N968 and Expenditure Subobject 4204 all in Fund 129, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0835

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, BY APPROPRIATING FUNDS IN THE AMOUNT OF \$48,221.66 FOR COMMUNITY BUS SERVICE.

PURCHASING AGENDA

195-10275 – Insurance Brokerage Services - \$110,000 (PUR-01)

No current year budget impact. The \$55,000 is budgeted in FY2010 Fund 543, Subfund 01, FIN030101/3199 (Other Professional Services).

Two-year contract for insurance consultant broker is being presented for approval by the Finance Department.

Recommend: Motion to approve.

Vendor: Risk Management Associates, Inc. d/b/a Public Risk
Insurance Agency
Lake Mary, FL

Amount: \$55,000.00 (Annual amount)

Bids Solicited/Rec'd: 545/5

Exhibit: Commission Agenda Report 09-0981

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

493-10189 – Cancellation of Award – One Fork Lift**(PUR-02)****No Budgetary Impact.**

Cancel award to RVL Equipment, Inc. for purchase of one fork lift is being presented by the Procurement Services Department.

Recommend: Motion to approve cancellation.

Vendor: RVL Equipment, Inc.
Opa Locka, FL

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1156

The Procurement Services Department has reviewed this item and recommends cancellation of this award.

Proprietary – 193-10346 – Police Digital Security Camera System**(PUR-03)**

\$93,530 is available in FY 2008 COPS Technology Grant Fund 129, Subfund 01, GTECH11; \$30,200 is available in Law Enforcement Terrorism Prevention. Grant Fund 129, Subfund 01, GLETPP09, 6564; 472,000 is available in CIP Project P11295.331-6559 Fund 331, Subfund 01 and Transfer \$21,800 from P11236.331-6599 (this is the balance in the General Fund Holding Account of the 2008 CIP approved funding for the Security Camera Project) to P11295.331-6599 all in Fund 331, Subfund 01.

Purchase digital security camera equipment, related software, hardware and installation and configuration services is being presented for approval by the Police Department.

Recommend: Motion to approve.

Vendor: Various vendors see attached

Amount: \$185,895.63

Bids Solicited/Rec'd: 751/22

Exhibit: Commission Agenda Report 09-1031

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

Fuel Monitoring System For Wellfield Generators**(PUR-04)**

\$27,000 is encumbered and the remaining \$688.83 is budgeted in Fund 482, Subfund 01, P11366.482, Subobject 6599.

Purchase fuel monitoring system for generators at Prospect Wellfield is being submitted for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Windemuller Technical Services, Inc.
Sarasota, FL
Amount: \$27,688.83
Bids Solicited/Rec'd: 341/3
Exhibit: Commission Agenda Report 09-1089

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

695-10335 – Greenhouse Gas Inventory & Sustainability Plan (PUR-05)
Consultant Services

Funding of \$100,000 will be available in Fund Type 01, Fund 129, Subfund 01 GEECBG09/3199 upon approval of CAR item 09-1132 on the 9-1-2009 agenda.

Purchase consultant services for development of City-wide energy strategy including a greenhouse gas emissions inventory and action plan is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Carbon Solutions America, LLC
New Orleans, LA (Local Deerfield Beach, FL location)
Amount: \$74,770.00
Bids Solicited/Rec'd: 1560/17
Exhibit: Commission Agenda Report 09-1197

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

B-09-83 Co-Op Fertilizers (PUR-06)

\$75,000 is budgeted in PLN010101-3510, Fund 001.

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

Recommend: Motion to approve.

Vendor: Various Vendors (see attached)
Amount: Per Unit Prices
Bids Solicited/Rec'd: 23/7
Exhibit: Commission Agenda Report 09-1123

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

**Vehicle Replacements – Bids 592-10293,
592-10300, 592-10301 and 592-10303****(PUR-07)****\$440,830.53 is budgeted in Fund 583, Subfund 01, PAR030101, 6416.**

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

Recommend: Motion to approve.

Vendor: Various (see attached)

Amount: \$440,830.53

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1019

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

**592-10270 – Parking Permits – Cancellation of Contract
And Award****(PUR-08)**

\$12,007.50 is budgeted in Fund 461, Subfund 01, PAR020101, 3999 in FY08/09, \$36,022.50 is in the FY09/10 budget request, subject to the approval and appropriation by the Commission.

Cancel one-year contract for parking permits to Florida Marking Products, Inc. and award to Dri-Stick Decal Corp., dba Rydin Decal is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

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

Amount: \$48,030.00 (not to exceed)

Bids Solicited/Rec'd: 707/2

Exhibit: Commission Agenda Report 09-1095

The Procurement Services Department has reviewed this item and recommends cancellation of award to Florida Marking Products, Inc. and award to Dri-Stick Decal Corp., dba Rydin Decal.

**785-9915 – Presort Mail and Fulfillment Services
Increase Contract Expenditure****(PUR-09)**

\$1,000 is budgeted in FY08/09 Fund 461, Subfund 01, PAR020101, 3216 and \$500 in Fund 461, Subfund 01, PAR020109, 3216. \$8,000 is proposed in FY09/10, Fund 461, Subfund 01, PAR020101, 3216 and \$3,000 is proposed for Fund 461, Subfund 01, PAR020109-3216, subject to Commission approval.

Increase in expenditure to add Parking Services to the contract for mail services is being presented by the Parking and Fleet Services.

Recommend: Motion to approve.

Vendor: Postal Center International, Inc.
Fort Lauderdale, FL

Amount: \$12,500 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1165

The Procurement Services Department has reviewed this item and recommends approval of increased contract expenditure.

592-10359 – Chevrolet Tahoe Police Package – Vehicle (PUR-10)
Addition To The Fleet Cancellation and Award

\$25,000.00 is budgeted in Fund 129, Subfund 01, GHWAY09, 6416 after the approval of CAR 09-1171. \$14,834.00 is budgeted in Fund 583, Subfund 01, PAR030101, 6416.

Cancel purchase from Classic Chevrolet for one 2009 Chevrolet Tahoe Police Package vehicle addition to fleet and award to Alan Jay Chevrolet-Cadillac, Inc. is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve cancellation and award.

Vendor: Alan Jay Chevrolet-Cadillac, Inc.
Sebring, FL

Amount: \$39,834.00

Bids Solicited/Rec'd: 241/2

Exhibit: Commission Agenda Report 09-1170

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

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

Motion made by Commissioner Rogers and seconded by Vice Mayor Roberts that Consent Agenda Items M-16, CR-06, CR-11, CR-14, PUR-01, PUR-07, and PUR-14 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

BankAtlantic Bancorp, Inc. – Direct Cash Incentive - \$50,000 (M-16)

This item was removed from the agenda by the City Manager.

Community Bus Services – \$48,221.66 and \$25,666.66 (CR-14)
Downtown Fort Lauderdale Transportation Management Association

Commissioner Rodstrom indicated that she was opposed to this item.

Commissioner DuBose wanted to defer part one of this item until budget information is furnished by the Downtown Fort Lauderdale Transportation Management Association (TMA). Albert Carbon, Director of Public Works, offered an overview of the two parts to this item. The City Attorney advised that part two (\$25,666.66) could be accomplished by motion.

In response to Commissioner Rogers, Mayor Seiler indicated that the \$25,666.66 was previously voted upon, but further clarification was requested this evening.

Motion made by Commissioner Rogers and seconded by Vice Mayor Roberts to authorize payment of \$25,666.66 to the Downtown Fort Lauderdale Transportation Management Association and the start date for the funding change of October 1, 2008. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioner DuBose, and Mayor Seiler. NAYS: Commissioner Rodstrom.

Motion made by Commissioner DuBose to defer approval of the \$48,221.66 until further information is provided.

Vice Mayor Roberts noted that he and Commissioner Rogers sit on the board for the TMA. Many steps have been taken to get the TMA budget under control. This goes back to expenditures from 2008 that are due. It will clear up things. Routes have been eliminated, but they will look to get them back.

Chris Wren, interim director of the TMA, indicated that he will be meeting with Commissioner DuBose this week. He looked forward to considering the item on September 15, 2009.

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

Mayor Seiler anticipated the item would be addressed on September 15, 2009.

Grant Acceptance – COPS Hiring and Recovery Program - (CR-06)
U.S. Department of Justice COPS Office - \$3,243,444

Vice Mayor Roberts thanked those staff involved in this item as it helps the Police Department get back into community policing.

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

195-10275 – Insurance Brokerage Services - \$110,000**(PUR-01)**

Jennifer Lindsey, representing Thomas Rutherford, Inc., indicated Rutherford currently provides insurance brokerage services to the City and has done so for the last four years. She believed there was an error in the calculation of points allocated in the Cost to the City category due to the way PRIA completed the cost proposal page. The question was cost to the City, not compensation to the broker. She expanded on the matter. When PRIA was afforded the opportunity to change the excess worker's compensation premium, they already knew what other respondents had quoted. There should have been disclosure on the Cost to the City page. Five percent (commission) was to be paid to a minority and woman owned business enterprise. There was no minority and woman owned business enterprise requirement in the RFP. The services were not quoted as optional to the City. She appealed the decision by a letter to the City, dated July 15, 2009. PRIA was subsequently asked to clarify three items of their response, one of which was the use of a wholesale broker for the excess compensation. PRIA's response clearly outlined three changes, which changed the cost to the City. Even though the five percent commission was not disclosed on the proposal cost page, it should have translated into real dollars the City would have had to pay. She asked the City recalculate PRIA's cost to the City based on their original response and disallow their change letter.

Kirk Buffington, Procurement Services Director, indicated the gist of the argument is, whether what PRIA did was a clarification or a substantive change. With consultation to the City Attorney's Office, he indicated staff believes they are clarifications and it is in the best interests of the City to award to PRIA.

In response to Commissioner Rogers, Mr. Buffington advised there is information in the materials provided to the Commission, indicating there is no conflict with any member of the evaluation committee and there is no business pass through to Brown & Brown, Inc.

Allan Flores, representing PRIA, had no comments, but was available to answer questions. He has responded to staff and assured it will not exceed \$55,000. In response to Mayor Seiler, Mr. Flores indicated the cost to the City will be \$55,000 and that amount has not changed during the process.

In response to Mayor Seiler, Ms. Lindsey referred to a page from PRIA's proposal that indicates the excess compensation broker would receive five percent of the commission and that it is not optional. By PRIA absorbing that, it is a change. PRIA quoted \$55,000 plus five percent commission on one insurance line, which would have increased the cost to the City by \$22,000. It was not disclosed on the cost proposal page. Mr. Buffington explained that it was included in their response as additional information. That information was not a required part of the RFP. PRIA has stated in writing that there will be no commission paid by the City in addition to the \$55,000 flat fee.

Mr. Flores noted in his response he indicated one market he would approach is Star, which he accesses directly; he does not utilize the wholesale broker. The wholesale broker referenced by Ms. Lindsey does not have access to the main program that he mentioned in his options. Thus, it was clearly an option. When he was asked to clarify, he indicated it would not need to be utilized.

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

**Vehicle Replacements – Bids 592-10293, 592-10300,
592-10301 and 592-10303**

(PUR-07)

Commissioner Rodstrom asked if this is something that can wait for a couple of years. Diana Alarcon, Director of Parking and Fleet Services, advised that the criteria was strengthened. They are looking only at vehicles in 08-09 that are in fair to poor condition. Each of these vehicles operate in a very stressed environment. They are reaching the point of it being a necessity. In further response, Ms. Alarcon advised there are three boom cranes; two are being replaced. The third was to be replaced, but is being held over.

Commissioner Rogers noted there is only 19,000 miles on the dump with boom crane. He asked if the dump is ever replaced. Ms. Alarcon indicated that option has been considered, but the cost is relatively high compared to replacement. She described the use and that they are corroded beyond any repairable means.

Commissioner DuBose asked about the option of renting some of the specialty vehicles if the use is not often. Ms. Alarcon understood these are used on a regular basis. Staff will be looking at what could be pooled and shared among departments. Commissioner DuBose asked that staff consider renting specialty vehicles when needed. Commissioner Rogers noted an example of one with low mileage and 89 months in service. He agreed that leased cost versus purchase should be analyzed.

Albert Carbon, Director of Public Works, noted the use of the dump truck with a boom by the canal cleaning crew, indicating it is stationary, but high daily use.

Commissioner Rodstrom asked about outsourcing. Ms. Alarcon indicated that is something staff will explore moving forward. Mr. Carbon noted in 2004 staff reviewed privatization of sanitation function. At that time the canal crew and bulk trash crews were found cost effective. The analysis for the life of the vehicles and the contract.

Commissioner Rodstrom questioned whether this purchase should be approved if the staff is looking into privatization. Mayor Seiler asked if the purchase is a necessity at this time. Mr. Carbon indicated yes for the dump truck with a boom, noting the condition of the vehicle, ongoing operations and avoiding days out of service. He could not comment on all of the vehicles. Commissioner Rodstrom wanted to defer this item until the study is completed.

Mayor Seiler wanted to defer this item to September 15, 2009; he asked that Ms. Alarcon meet with the Commission individually.

Motion made by Commissioner Rogers and seconded by Vice Mayor Roberts to defer this item to September 15, 2009. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

MOTIONS

**Proprietary – Purchase Disk-Based Backup Device -
Utility Billing System**

(MD-01)

\$23,364 is available in P11139.454, Fund 454 Subfund 01, Subobject 6599.

Purchase refurbished disk-based backup appliance for Utility Billing System servers is being presented for approval by the Public Works and Finance Departments.

Recommend: Motion to approve.

Vendor: ExaGrid Systems, Inc.
Westborough, MA

Amount: \$23,364.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1139

The Procurement Services Department has reviewed this item.

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

Proprietary – Purchase Two Vehicle Replacements

(MD-02)

\$100,518.32 is budgeted in Fund 583, Subfund 01, PAR030101, 6416.

Purchase two vehicle replacements 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: Florida Coast Equipment, Inc.
Boynton Beach, FL

Amount: \$100,518.32

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1157

The Procurement Services Department has reviewed this item.

Commissioner Rogers raised questions about this chipper item in that there is only one vendor. Diana Alarcon, Director of Parking and Fleet Services, outlined the followup testing staff had done after her conversation with Commissioner Rogers.

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

Mayor Roberts, Commissioner DuBose, and Mayor Seiler. NAYS: Commissioner Rodstrom.

Proprietary – Purchase Multi-Space Parking Meter Replacement Parts, Components, Supplies and EMS Credit Card Service (MD-03)

\$24,800 is budgeted in Fund 461, Subfund 01, PARO20102 various subobjects, FY8/9. \$66,160 is proposed in Fund 461, Subfund 01, FY9/10, subject to the funding information attached.

Purchase of multi-space meter replacement parts-components and supplies on an as-needed basis and monthly “EMS” credit card service through September 30, 2010 for 30 Digital meters is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Digital Payment Technologies Corp.
Pompano Beach, FL

Amount: \$103,551.00

Bids Solicited/Rec’d: N/A

Exhibit: Commission Agenda Report 09-1117

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

In response to Commissioner Rogers, Diana Alarcon, Director of Parking and Fleet Services, indicated twenty-eight of the thirty meters are located on Las Olas Boulevard.

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

Proprietary – Purchase One Vehicle Replacement (MD-04)

\$103,551 is budgeted in Fund 583, Subfund 01, PAR030101, 6416.

This item was pulled by the City Auditor.

Procurement of Public Officials and Employment Practices Insurance (MD-05)

No budgetary impact.

A motion authorizing the procurement of public officials and employment practices insurance through negotiation method.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1174

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

Proprietary – IBM Server – Annual Hardware Support (MD-06)
Financial Accounting System

\$46,905 is budgeted in GF 001, Subfund 01, ITS010301-3401 (Computer Repair).

Annual support for IBM hardware – FAMIS/BPREP financial accounting system is being presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Mainline Information Systems, Inc.
Tallahassee, FL

Amount: \$46,905.00 (not-to-exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1137

The Procurement Services Department has reviewed this item.

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

Proprietary – Purchase Cognos Software Licenses (MD-07)
Financial Accounting System

See Cognos Licensing information attached.

Purchase Cognos reporting software for FAMIS/BPREP financial accounting system is being presented for approval by the Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Cogsdale Holdings Ltd. Inc.
Charlottetown, Canada

Amount: \$13,380.00 (not-to-exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1138

The Procurement Services Department has reviewed this item.

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

Annual Telephone System Support**(MD-08)**

\$129,454 is requested in the FY 2009/2010 in Fund 581, Subfund 01, ITS020102, 3407 (Equipment Repair).

Annual support for City telephone system is being presented for approval by the Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Black Box Network Services, Inc. – Government Solutions
Murfreesboro, TN

Amount: \$258,908.00 (not-to-exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1183

The City Clerk announced that the correct amount on this item is \$129,454.

In response to Commissioner Rogers, Tim Edkin, Director of Information Technology Services, noted the age of the equipment and elaborated upon staff's efforts to keep it operational.

Commissioner Rodstrom asked about replacing the system. Mr. Edkin indicated the repairs are less costly as a new system would be in the range of \$1.5 to \$2.5 million. He anticipated replacement in two years.

Vice Mayor Roberts noted the expansion of the system over the years and the corresponding cost.

In response to Commissioner DuBose, Mr. Edkin acknowledged that with a new system there would ultimately be maintenance but there would be at least a one year warranty and perhaps some reduction for a second year.

Commissioner Rodstrom asked about a future funding source. Mr. Edkin indicated that is an unknown at this time. Commissioner Rodstrom raised the idea of considering a new system and Mayor Seiler indicated he would not support it now. Commissioner Rodstrom explained she wanted to first know what other capital expenditures are proposed from the \$10 million in reserves in order to decide about a new system. This is why she preferred to defer this item until after the budget discussion.

Commissioner Rogers commented about the trend toward digital as well as the idea of inventorying phones as to use because people are relying more on cellular. Mr. Edkin commented that the next system would be in the direction of running the telephone system through the data system. Mayor Seiler commented that in two years the market will have progressed with respect to price, reliability and features.

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

Proprietary – Purchase Motorola Radio Upgrade**(MD-09)**

\$66,896 is budgeted in Fund 581, Subfund 01, ITS020101-6401 (Communications Equipment).

Purchase Motorola radio upgrades is being presented by the Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Motorola, Inc.
Schaumburg, IL

Amount: \$77,386.00 (not-to-exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1109

The Procurement Services Department has reviewed this item.

The City Clerk announced that the correct amount on this item is \$66,896.

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

Insurance Policy Renewal – Excess Workers' Compensation - \$366,096**(MD-10)**

No budgetary impact FY 08/09. FY 09/10 – INS010101/5122 Work Comp Carrier, Fund 543/Subfund 01. There are sufficient funds to cover the amount of \$366,096.

Purchase policy renewal – Excess Workers' Compensation Insurance determined to best meet City needs - \$366,096.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1172

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

2009 Municipal Elections Services**(MD-11)**

\$227,583.00 is available in CLK010201, Subobject 3299 Other Services, Fund 001, Subfund 01.

Payment of election services provided by Broward County Supervisor of Elections – February 10, 2009 and March 10, 2009 municipal elections is being presented for approval by the City Clerk.

Recommend: Motion to approve.

Vendor: Supervisor of Elections/Broward County
Fort Lauderdale, FL

Amount: \$227,583.00 (not-to-exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1142

The Procurement Services Department has reviewed this item and recommends approving purchases from the Supervisor of Elections for the 2/10/09 and 3/10/09 elections.

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

Proprietary – Public Safety Systems Annual Maintenance Renewal (MD-12)

\$605,907.82 will be available in Fund 001, Subfund 01, POL020602, 3401, FY 09/10.

Renewal of annual maintenance service contracts with various vendors for maintenance of public safety systems.

Recommend: Motion to approve.

Vendor: See background detail for list of various vendors providing maintenance service.

Amount: \$605,907.82

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1118

The Procurement Services Department & Police Department recommend approving the renewal of the annual public safety proprietary maintenance contracts.

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

Proprietary – Purchase Police Bomb Squad Robot (MD-13)

\$172,998 will be available in Fund 107, Subfund 01, POL080101, Subobject 6499 after approval of CAR 09-1168.

This item was removed from tonight's agenda.

RESOLUTIONS

**Five-Year Capital Improvement Plan - Fiscal
Year 2010-2014**

(R-01)**No Current Year Budgetary Impact.**

Motion made by Commissioner Rodstrom and seconded by Commissioner DuBose to defer this matter until September 15, 2009. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

Board and Committee Appointments**(R-02)****No budgetary impact.**

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

Affordable Housing Advisory Committee	Rebecca Jo Walter Janet R. Riley Peter J. Henn
Aviation Advisory Board	Linda Iversen Michael S. Dunbar
Beach Business Improvement District Advisory Committee	Andreas Ioannou (Chamber of Commerce rep.)
Board of Adjustment	Jerry Jordan Henry Sniezek
Budget Advisory Board	Bud Bentley Alan A. Silva Marc Dickerman Frederick H. Nesbitt June D. Page Anthony Timiraos D. Keith Cobb
Centennial Celebration Committee	E. Clay Shaw Lisa Scott Founds
Citizens Sustainability Green Committee	William Goetz Jaime Castoro Joe Holland John Lacz Vicky Eckels

	Anthony Abbate David Waring Kristin Elaine Hink Ed Strobel
Code Enforcement Board	Howard Elfman
Community Services Board	Avery A. Dial P.J. Espinal Mike Kimmey Margaret Haynie Birch Helen Hinton Christopher Priester
Complete Count Committee	Junia J. Robinson Wiley D. Thompson, III Jimmy Witherspoon Myrna Loy Currie Mark E. Ketcham Nadine Hankerson George Mihaiu
Economic Development Advisory Board	Christopher Nigel Pollack Adam Sanders
Historic Preservation Board	Robert R. Rojas
Parks, Recreation & Beaches Board	Jeffrey Cannon Mark E. Hartman Matthew L. Weiss Sean Fee Jay Verkey R. L. Landers Joe Bellavance Robert Payne Larry Mabson John Barranco Joe Holland Thornie Jarrett Michael C. Weymouth

Commissioner Rogers introduced a written resolution entitled:

RESOLUTION NO. 09-193

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only.

Mayor Seiler announced that the City is looking for interested people to serve on the Complete County Committee in the category of education.

With respect to the Aviation Advisory Board, Mayor Seiler noted that Tamarac has a non-voting member and Oakland Park has requested the same. There was no objection. The City Attorney will look into how this expansion could be accomplished.

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

CITIZEN PRESENTATIONS

Robert Walsh – 2009-2010 Fiscal Year Budget

(CIT-01)

No budgetary impact.

Robert Walsh complimented various City employees for their recent accomplishments, mentioning the Office of Professional Standards, Office of Grants and Legislative Affairs and the City Manager. He also complimented Mayor Seiler for donating excess campaign funds to Riverwalk and Commissioner Rodstrom for her work with South Middle River Terrace.

He supported the proposed budget.

He hoped appointees to the various boards will do a good job.

Kenyel Thomas – Derelict Vehicle City Citation

(CIT-02)

No budgetary impact.

Kenyel Thomas objected to citations issued by the Code Enforcement Division, with respect to car repairs at his residence and deeming them derelict. He felt the regulation needs to be revised.

Mike Maloney, Code Enforcement Manager, outlined the details of this case and the appeal process. He also indicated this property has been cited five times since 2003 for operating a vehicle repair business and inoperable, unlicensed vehicles. Staff is attempting to address neighborhood blight.

In response to Mayor Seiler, Mr. Thomas did not think there had been previous citations and indicated he did not appeal the matter as he did not think it was necessary with the cars having been moved. His mother owns the residence and she is not aware of the previous citations either. Mayor Seiler recommended that Mr. Thomas utilize the process if this occurs again and if unhappy with the results, he could approach the Commission then. Mr. Thomas believed the cost is almost triple if one decides to contest.

In response to Commissioner DuBose, Mr. Maloney indicated the warning citation gives a specified period of time in which to comply and for the individual to notify the code inspector that the violation has been corrected. The inspector was not notified, returned to the property and found the vehicle on jacks. A photograph was taken and a notice was left at the door. There was no appeal. Mayor Seiler noted there are three references to the appeal process on the document presented by Mr. Thomas. In further response to Commissioner DuBose, Mr. Thomas explained why he did not bring the matter to the Commission before the appeal timeline expired.

Mr. Thomas felt the implementation of this code was stretched. He questioned the City being able to enter private property and deem items on it as trash.

Mayor Seiler asked staff to provide Mr. Thomas with the other files on this property.

Sherman Whitmore – Future Development of International Swimming Hall of Fame

(CIT-03)

No budgetary impact.

Sherman Whitmore provided some history of his involvement in the future development of the International Swimming Hall of Fame. He explained a network of experts that existed in conjunction with this type of development that could assist with evaluating proposals to create a new aquatic complex. He stated that the agreement between the Hall of Fame and the City would expire in 2015. A copy of his statement provided to the Commission is attached to these minutes.

Bruce Wigo – Design – Aquatics

(CIT-04)

No budgetary impact.

Bruce Wigo, President and Chief Executive Officer of the International Swimming Hall of Fame, supported Mr. Whitmore's remarks. He supported an idea raised at a Commission meeting this past summer, that being to establish a citizens commission to look into the Hall of Fame. He provided documents including the original bid developed by a previous citizens commission and the City, which were made part of the record. He noted that the Hall of Fame was established in Fort Lauderdale in 1962. He elaborated upon its connections throughout the world and accomplished athletes associated with the Hall of Fame. He announced upcoming Hall of Fame events. He asked that discussions begin on the agreement between the City and the Hall of Fame.

Commissioner Rodstrom asked Mr. Wigo about his meeting with the City Manager on this matter. Mr. Wigo did not believe the City Manager has extended respect to him or the Hall of Fame in any discussion on the Hall of Fame. He has been frustrated because nothing has happened. He wanted to move forward with discussion on the agreements in place which he did not think are working. The City and the Hall of Fame are both losing money and that needs to be fixed. Commissioner Rodstrom noted that the Commission has indicated its support in working with the Hall of Fame to return it to a vibrant state. She thought management was to work with the Hall of Fame in this regard and questioned why there has not been any progress.

Vice Mayor Roberts believed it is time to build a new relationship and keep the Hall of Fame name. He encouraged people to visit the facility and the museum. He supported it being polished and brought forward as one of the City's treasures. When development takes place, he believed that Mr. Wigo will be an integral partner. It is time to move forward. He believed the Commission will support that effort.

Mayor Seiler thought there was clear direction by the Commission in May that any development discussion would include the Hall of Fame. The City values the Hall of Fame. He anticipated that all development proposers would meet with the Hall of Fame. Commissioner Rogers agreed and was impressed with the way Mr. Wigo has handled the matter.

Mr. Wigo commented that part of the problem is that the Hall of Fame has lost its ties to the community and that is why he believed a citizens committee would help in that regard. It should be a community asset as well as an asset for competitive swimming.

Douglass H. Perry – Beach Master Plan

(CIT-05)

Douglass Perry noted that Sunrise Boulevard is the highest volume entrance to the beach yet the Sunrise Lane area is blighted. He questioned whether the proposed Beach Master Plan will solve it, noting another master plan several years ago indicated the future would hopefully solve the area's problems. The major problem is financing. The City should create a CRA for this area. Commissioner Rodstrom liked the CRA idea, but did not think Broward County is granting any. She hoped the new owner of the old Holiday Inn will work with the City in a public/private partnership for parking and look at mixed use zoning. It is a diamond in the rough. She looked forward to having conversations with the new owner in the near future.

PUBLIC HEARINGS

Dock Waiver Application – Distance Limitations

(PH-06)

Mark A. Wilton – 209 North Birch Road

No budgetary impact.

Applicant: Mark A. Wilton

Location: 209 North Birch Road, Unit 1601, Slip 4

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

Mayor Seiler opened the floor for a public hearing.

David Seed, representing the Versailles condominium, indicated the Versailles is located directly north of the subject property. He read a letter from their board of directors, dated August 31, 2009, in opposition. A copy of the letter is attached to these minutes.

Mark Wilton, applicant, indicated that he met with the Versailles. He provided information on the request that was made a part of the record. The application was

approved unanimously by the Marine Advisory Board. He clarified that the dock size will not be increased. The request is for a 60,000 pound lift to accommodate a fifty-five foot boat maximum, although an eighty foot boat could fit on his property. The lift could not hold a go-fast boat because of the engines. The total out of the water height is seventeen feet. His previous sixty-five foot boat was considerably higher. Nothing is obscured. A hundred foot boat is currently permissible. The lift is requested because of the dirty water that requires him to dive under the boat to start it. The engine has never run overnight.

Bill Thomas advised that he is an employee of the seawall contractor. In response to Mayor Seiler, Mr. Thomas advised that after the Marine Advisory Board meeting the boat was moved twelve feet closer to the existing seawall. The boat was originally to be backed in. In order to reduce the distance the boat would extend into the waterway, it was decided to moor it bow first. Mr. Wilton indicated the proposed boat is about 47,000 pounds and just under fifty feet. Mr. Thomas indicated that for safety reasons, one could not place a 60,000 pound boat on a 60,000 pound lift. In further response, Mr. Thomas advised that approvals have been received by: City Marine Advisory Board, Army Corps of Engineers, State of Florida and Broward County Environmental. With respect to the effects on the environment, a lift allows the sun to reach any seagrass.

In response to Commissioner Rodstrom, Mr. Wilton advised that he spoke to the condominium boards and presidents on either side. The development to the south originally objected but has since withdrawn their objections. Commissioner Rodstrom asked about any visual impediments. Mr. Wilton provided photographs taken from the Versailles property. The photographs are attached to these minutes. He noted that other larger boats were moored at this site previously and no one has ever said anything. He did not think the boat could even be seen from the property to the north because of the trees. He believed that he has addressed all of the Versailles' comments. In further response, Mr. Wilton advised that nothing is being done to the dock. Mr. Thomas advised the request has to do with the distance into the waterway. Mr. Wilton advised that it will be twelve feet away from the Versailles and about 75-100 feet to the Versailles building. In further response, Mr. Wilton did not believe there are residents on the first floor, but there is a pool area. Boats have been at this location much higher than seventeen feet for years and there were no complaints.

Motion made by Commissioner DuBose and seconded by Commissioner Rodstrom to close the public hearing. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioner DuBose, and Mayor Seiler. NAYS: Commissioner Rodstrom.

Commissioner Rodstrom noted and Mr. Wilton confirmed that the request is to exceed what is provided in the City's code.

Mayor Seiler felt the Marine Advisory Board process works. He noted the reduction made at the direction of the board for the applicant to work with the neighbors. A much larger and taller boat is permitted now. A lift will help the sea grass. The lift will not accommodate anything more than a couple feet.

Commissioner DuBose also recognized that the Marine Advisory Board exercises due diligence and does a great job.

Motion made by Vice Mayor Roberts and seconded by Commissioner DuBose to approve the application in accordance with the stipulations made by the Marine Advisory

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

Rezoning To Community Facility – House of Worship and School – 620 SE 9 Street – Case 8-Z-09

(PH-07)

No Budgetary Impacts.

Applicant: Evangelical Foundation For Christian Service, Inc.
Location: 620 SE 9 Street
Current Zoning: Residential Single Family/Low Medium Density RS-8
Proposed Zoning: Community Facility – House of Worship and School CF-HS
Future Land Use: Low Medium Residential

Commissioner Rodstrom asked if the zoning change is acceptable to the neighborhood. Tracy Lautenschlager, representing the applicant, indicated that she met with the Rio Vista Neighborhood Association. They have no objection

Mayor Seiler proceeded to close the public hearing since no individuals wished to speak on the matter.

Motion made by Commissioner Rogers and seconded by Vice Mayor Roberts to close the public hearing. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

Commissioner Rogers introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-09-23

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RS-8 TO CF-HS, LOT 5, BLOCK 26, "RIO VISTA ISLES UNIT 3," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 7, PAGE 47, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE SOUTH SIDE OF SOUTHEAST 9TH STREET BETWEEN FEDERAL HIGHWAY AND SOUTHEAST 7TH AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

**Proposed Program Amendments – CDBG, HOME, HOPWA
Amendments To Prior Year Annual Action Plans and
Consolidated Plans**

(PH-08)

Please see the funding information attached to these minutes.

In response to Commissioner Rodstrom, Jonathan Brown, Housing and Community Development Manager, advised this will allow budget adjustment to HOPWA. There is funding in categories that will not be expended. In most categories the City is requested to place those monies in strategies where it will be expended. Each agency would not lose any funding. He provided more detail on movement of funds in the CDBG program strategies. He noted the funding being transferred to Mills Pond.

Commissioner Rodstrom noted a couple years ago she asked staff about eligible areas where CDBG funding could be used and was told there was no money. Greg Brewton, Director of Planning and Zoning, explained at that time the funding may not have been available, but it is now because it has not been used. Commissioner Rodstrom indicated the neighborhoods she inquired about previously still need the funding, but this item is to use the funding at Mills Pond Park. The City Manager advised that all capital improvements are outlined in the five-year Capital Improvement Plan (CIP). He explained the process. Commissioner Rodstrom clarified she would like to set policy where the CDBG funding is evenly divided amongst the districts that meet the criteria and have need. There may be areas that have received funding for years while others have received nothing. It is unfair. She wanted it to be an agenda item. The City Manager suggested Commissioner Rodstrom discuss her priorities during the CIP portion of the budget meetings.

In response to Commissioner Rodstrom, Mr. Brown went on to review particulars in the programs other than CDBG. She concluded it is not possible to use this money in this year's CIP.

Commissioner Rogers asked if there is any potential problem with carrying over money since 2001. Mr. Brown clarified the process. Commissioner Rogers did not think funding generally was not used to the best interests of the city and he was happy to see this being addressed. He asked how it is possible to use elderly tax and insurance assistance funds for parks. Mr. Brewton explained the funding was not used, but there is still an opportunity to use funds for that purpose. Commissioner Rogers asked if it was a matter of no need or that the program was not handled properly. Mr. Brewton indicated there is still funding remaining. Commissioner Rogers emphasized the need to be transparent. Mr. Brewton pointed out that the funding is for the fire station at the park and that will provide emergency medical services to people in that area. It is eligible under HUD.

In regard to the RFP, Commissioner Rogers preferred not to build when it can be purchased for less money. Mr. Brown concurred and indicated it is only to purchase foreclosed or abandoned properties in the Neighborhood Stabilization Program. Mayor Seiler indicated at some point in time the Commission will need a presentation on HOPWA and cost per bed.

Vice Mayor Roberts requested a lightning detector predictors for Mills Pond Park from CDBG funds. Phil Thornburg, Director of Parks and Recreation, advised that predictors

are in the Capital Improvement Plan for next year from the General Fund. Vice Mayor Roberts wanted to use the CDBG funds for this item at Mills Pond Park.

Mayor Seiler questioned the timeline. Mr. Brown advised that the funds need to be encumbered by October 31st. Mayor Seiler questioned the priority of the work being done at this park. Mr. Thornburg explained that the work being done is so the fire station could be situated on 19 Street. Commissioner DuBose indicated this was discussed by the previous Commission. He did not want to delay it because it is a safety issue for the annexed Rock Island area. Mayor Seiler wanted to defer this portion so that the Commission could be briefed on the Mills Pond Park renovations to accommodate the fire station.

Commissioner Rodstrom was concerned about giving the Housing and Community Development Division the authority to adjust approved budgets for HOPWA agencies. Mr. Brown clarified that the adjustments are noted in the materials provided the Commission for this item.

Commissioner DuBose was opposed to deferring this item in that it was considered by the previous Commission and the public spoke out strongly on this. In response to Commissioner DuBose's questions as to whether all four districts qualify for CDBG, Mr. Brown advised that there are certain eligible pockets within each district; District III is ranked the highest in terms of having the most low to moderate income persons, 52% based on the 2000 census. Commissioner DuBose noted that CDBG funding has an impact on those areas.

Commissioner Rogers reiterated his question about some of the funding dating back to 2001. Mr. Brown reviewed the process, noting the HUD provides a dollar figure periodically that must be expended by a certain time. The 2001 year cannot be closed out until something is done with the funds.

In response to Mayor Seiler's questions about what modifications are being made at the park, Albert Carbon, Director of Public Works, outlined the project.

Commissioner Rogers asked about the funding above the CDBG. Mr. Carbon offered to provide that information.

Commissioner Rodstrom asked about use of fire bond funding. Mr. Carbon recalled the City Attorney and City Auditor previously opined that it would not be appropriate to use bond funds for the park. Commissioner Rodstrom did not recall any discussion about a funding source. Mr. Carbon indicated that is correct; Commission direction was to find a funding source. The City Auditor wanted some time to look into whether it would be an appropriate use.

Mayor Seiler indicated that he no longer has an objection to the park modifications. Commissioner Rogers suggested approval subject to the City Auditor's approval.

Vice Mayor Roberts wanted to include the lightning detector predictor system. Mr. Carbon indicated it would have to be confirmed as fixed and stationary. Mr. Brown indicated the tower would have to be in a CDBG eligible area.

Motion made by Commissioner Rogers and seconded by Vice Mayor Roberts to close the public hearing. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

Motion made by Vice Mayor Roberts and seconded by Commissioner Rogers to approve the amendments for HOME and HOPWA, and the CDBG portion including the lightning detector predictor system subject to approval by the City Auditor within seven days. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

ORDINANCES

**Rezoning To Community Business – 1701 East Sunrise
Boulevard – Case 6-ZR-09**

(O-01)

No budgetary impacts.

Applicant: Edgewood Investment Partners, LLC
Location: 1701 East Sunrise Boulevard
Current Zoning: Boulevard Business B-1 and Residential Mid-Rise
 Mulfi-Family/Medium High Density RMM-25
Proposed Zoning: Community Business CB
Future Land Use: Commercial and Residential Medium-High

The following disclosures were made: Vice Mayor Roberts stated that he met with Heidi Davis, Jeffrey Beebe, and Jason Gunther. He also visited the site. Commissioner Rogers disclosed that he also met with Heidi Davis, Jeffrey Beebe, and Jason Gunther. He also had visited the site. Mayor Seiler disclosed that he also met with the same individuals, and had been to the site. Commissioner Rodstrom disclosed she met with the same individuals, and had been to the Site. Commissioner DuBose disclosed the same.

Mayor Seiler complimented the Applicant for the manner in which he handled this item in terms of process and consulting the community.

Commissioner DuBose introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-09-22

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RMM-25 TO CB, WITH COMMERCIAL FLEX ALLOCATION, LOTS 8, 9 AND 10, BLOCK 168, "PROGRESSO," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND FROM B-1 TO CB, LOTS 11 THROUGH 14 OF SAID BLOCK 168, "PROGRESSO," SUBJECT TO AN APPROVED DEVELOPMENT PLAN, LOCATED ON THE NORTH SIDE OF EAST SUNRISE BOULEVARD, BETWEEN NORTHEAST 17TH TERRACE AND NORTHEAST 17TH AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP

AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

Operating Commercial Business on Public Waterway

(OB)

Motion made by Vice Mayor Roberts and seconded by Commissioner DuBose to authorize the continued operation of Peterson Fuel barge at the specified location northeast of Las Olas Municipal Marina under the terms and conditions determined at the May 5, 2009 City Commission Conference Meeting for 90 days until December 2, 2009. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioners Rodstrom and DuBose, and Mayor Seiler. NAYS: None.

Mayor Seiler requested the City Auditor meet with Jonathan Brown, Housing and Community Development Manager, on the issue of HOPWA (per day bed cap) and Broward House, and offer his opinion as to whether the City is properly handling it. There was general agreement that all parties would be included. Kirk Buffington, Director of Procurement Services, advised that since this is an open RFP in an evaluation process, it would be best for staff to meet and consult HUD if necessary.

There being no other matters to come before the Commission, the meeting was adjourned at 9:25 P.M.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk