

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
OCTOBER 6, 2009

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
October 6, 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 Michael Siekierski

Invocation was offered by Fidel Gomez, Assistant Pastor of Calvary Chapel Fort Lauderdale, followed by the Pledge of Allegiance led by Eugenia Ellis.

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 Vice Mayor Roberts and seconded by Commissioner Rodstrom to approve the minutes of the September 1, 2009 Regular Meeting. Roll call showed: YEAS: Vice Mayor Roberts, Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

Presentations

1. Glam-A-Thon Day – October 10, 2009 (PRES-01)

This proclamation was presented to Tammy Gale, Event Organizer of Glam-A-Thon, designating October 10, 2009 as Glam-A-Thon Day to fight breast cancer and promote breast cancer awareness prior to the meeting on the steps of City Hall. (5 p.m.)

2. Lights On After School Day – October 22, 2009 (PRES-02)

Vice Mayor Roberts presented a proclamation to Evan Goldman, Manager of Public Affairs and Organization Development for Children's Services Council of Broward County, along with Julian Gazano, After Schools Program, Inc., designating October 22, 2009 as Lights

On After School Day in the City. Mr. Goldman thanked the Commission for the proclamation and emphasized the importance of after-school care at affordable rates. Mr. Gazano indicated their desire to continue their partnership with the Children's Services Council and the City.

3. Commendation – Alex Alghussain (PRES-03)
Fort Lauderdale Student Ambassadors Program

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

4. Commendation – Floree Dixon and Chiketia Ponder (PRES-04)

Commissioner DuBose presented a commendation to the Parks and Recreation Department employees, Floree Dixon and Chiketia Ponder, for their courageous action in rescuing Joi McCoy during a medical emergency.

5. Customer Service Week – October 5-9, 2009 (PRES-05)

Commissioner Rogers presented a proclamation designating October 5-9, 2009 as Customer Service Week in the City to Linda Gee, Customer Operations Manager, who introduced Rosemary Collette, Denise Greenstein, Jeanne Brown, Randy Superville, Richard Meyer, Manuel Castro, Marla Donald, Jeannette Johnson, James Priddy, Gail Jagessar, Fran Antonelli, Anahy Sanchez, Mary Crance and Kim Sisler.

Ms. Gee thanked the Commission and stated that employees play an important role in the success of the City.

School Lunch Program (OB)

Commissioner Rodstrom presented a proclamation to Darlene Moppart, Program Manager, Food and Nutrition Services, School Board of Broward County. Ms. Moppart thanked the Commission and noted some thirty million children receive lunch each day through this federal program and more than half of the students are eligible for a free lunch or a reduced price.

6. Outstanding Employees (PRES-06)

Kirk Buffington, Director of Procurement Services, recognized Richard Ewell and Shelley Gialluca, for their work on the Buy-Speed software upgrade.

Jeff Justinak, Acting Fire-Rescue Chief, introduced employees that participated in the 2009 National Lifeguard Championships and Junior Lifeguard Championships and indicated the team standings.

Tom Harrington, Assistant Chief of Police, recognized Officers Keith Cranmer and Jeffrey Knapp as Officers of the Month for October, 2009, who apprehended several burglary suspects in a 3-month surveillance period.

7. Award of Thanks and Appreciation - (PRES-07)
Kathy Collins and Ely Ramos

Betsy Dow, President of Coral Ridge Homeowners Association, presented an award of thanks and appreciation to Police Detective Kathy Collins, and Channel 7 Producer Ely Ramos for their assistance to a City resident who became disoriented and lost.

8. Fort Lauderdale International Boat Show Days (PRES-08)

Mayor Seiler presented a proclamation designating October 29, 2009 – November 2, 2009 as Fort Lauderdale International Boat Show Days in the City to Frank Herhold of the Marine Industries Association of South Florida and Dan Graziano and Andrew Doole of Show Management. He announced this is the 50th year for this event and emphasized all of the positive results to the economy, community and charitable organizations. Mr. Herhold and Mr. Graziano thanked everyone involved in this success.

Expression of Sympathy (OB)

Mayor Seiler and the City Commission offered an expression of sympathy and moment of silence to the families of Bruce Garen and Peyton Barber.

Event Agreement – Croissant Park Block Party (M-06)
Closing SW 14 Street and SW 8 Avenue

Mayor Seiler announced that this item was removed from the agenda by the City Manager.

Transfer Funds Between WaterWorks 2011 Projects (M-19)

Mayor Seiler announced that this item was removed from the agenda by the City Manager.

Conveyance of Property To Community Redevelopment Agency (R-02)
Mixed-Use Redevelopment – 1534 NW 6 Street

Mayor Seiler announced that this item was removed from the agenda by the City Manager.

Bond and Disclosure Counsel – 2009 Water and Sewer Revenue Bonds – Squire, Sanders & Dempsey, L.L.P. And Steve Bullock, P.A. (CR-09)

The City Clerk announced the resolution was revised to add the appropriation portion.

Contract Extension For Sod and Sod Installation (PUR-03)

The City Clerk announced this is an extension until December 3, 2009.

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 – Kaye Pearson Memorial Boat Show Party (M-01)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Quarterdeck Cordova, Inc. for Kaye Pearson Memorial Boat Show Party to be held October 23, 2009, 7 PM – 11 PM, at the Quarterdeck restaurant, 1541 Cordova Road.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1374

Event Agreement – Nightmare On 33 Street Closing 3300 Block of NE 33 Street (M-02)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with North Beach Restaurants & Shoppes, Inc. for Nightmare On 33 Street to be held October 31, 2009, 6 PM – 10 PM, in the 3300 block of NE 33 Street and closing 3300 block of NE 33 Street.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1375

Event Agreement – Bike, BBQ, Beer, Beach Bash**(M-03)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Zmotion Racing Foundation, Inc. for Bike, BBQ, Beer, Beach Bash to be held October 18, 2009, 7 AM – 5 PM, at The Ocean Manor Resort, 4040 Galt Ocean Drive and on A-1-A north to City limits.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1392

Event Agreement – Midtown Mingler**(M-04)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Sunrealm, Inc. for The Midtown Mingler to be held October 23, 2009, 5:30 PM – 10 PM, at the Mizell Center and Provident Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1149

**Event Agreement – The Torch Relay For The Children’s
Miracle Network****(M-05)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Torch Relay for Children’s Miracle Network, Inc. for The Torch Relay for the Children’s Miracle Network to be held October 18, 2009, 7:30 AM – 11 AM, at Fort Lauderdale Beach Park and along A-1-A.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1368

**Event Agreement – Croissant Park Block Party
Closing SW 14 Street and SW 8 Avenue****(M-06)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Croissant Park Civic Association, Inc. for Croissant Park Block Party to be held October 24, 2009, 5 PM –

9 PM at the intersection of SW 14 Street and SW 8 Avenue and closing this intersection, contingent upon City Attorney's Office receiving and approving a validly executed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1396

Event Agreement – Live Music On Las Olas

(M-07)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with The Las Olas Company, Inc. for Live Music on Las Olas to be held on October 14 and 28, 2009, 7 PM – 10 PM, on the Riverside Hotel lawn, located on East Las Olas Boulevard at SE 8 Avenue, contingent upon City Attorney's Office receiving and approving a validly executed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1447

**Norman Rockwell Exhibit – Fort Lauderdale Museum
Of Art – Co-Sponsorship Banners**

(M-08)

No budgetary impact.

A motion approving co-sponsorship of Fort Lauderdale Museum of Art Norman Rockwell Exhibit to be held November 1, 2009 through February 7, 2010 and allowing installation of banners at specified locations, subject to permitting regulations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1390

**Contract Award – Coral-Tech Associates, Inc. - \$159,800
Housing Set For Portable Emergency Generator –
City Hall Computer Room**

(M-09)

Please see the funding information on the Bid Tab attached to these minutes.

A motion authorizing the proper City Officials to: (1) award and execute contract with Coral-Tech Associates, Inc., in the amount of \$159,800 plus 17 percent engineering fees – Housing Set for Portable Emergency Generator – City Hall Computer Room; and (2) transfer funds to fund the bid tab, engineering fees and contingencies.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1114

Contract Award – Police Department Building Hurricane Wind Retrofit – Valcom Design & Construction, Inc. - \$372,602 (M-10)

Please see the funding information on the Bid Tab attached to these minutes.

A motion authorizing the proper City Officials to award and execute contract with Valcom Design & Construction, Inc., in the amount of \$372,602 – Police Department Building Hurricane Wind Retrofit – Project 11402.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1397

Grant Extension – Edgewood – River Oaks Stormwater Infrastructure – Florida Department of Environmental Protection (M-11)

No budgetary impact. Grant funds and matching City funds are already budgeted in P10705.470A.

A motion authorizing the proper City Officials to execute Amendment 4 to Agreement with Florida Department of Environmental Protection and all documents necessary for grant extension to October 31, 2010 – stormwater infrastructure improvements – River Oaks and Edgewood neighborhoods.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1282

Speed Hump Installation – \$15,000 – Lauderdale Manors Drive Between NW 19 Street and NW 20 Avenue (M-12)

The work will be funded through the existing contract with Southern Florida Paving Group (EPO3641-01) which has sufficient funds left within the contract to fund the \$15,000. The contract is funded in P11450.331-6599, Fund 331, Subfund 01 – Annual Speed Hump Contract. Authorization of installing speed humps at this location does not increase the budget or contract amount so no additional funding is required.

A motion authorizing installation of speed humps on Lauderdale Manors Drive, between NW 19 Street and NW 20 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1345

Contract Termination and Award To LeLack Corporation - (M-13)
\$46,846 – Coral Ridge – Neighborhood Capital Improvement Program

Please see the funding information on the Bid Tab attached to these minutes.

A motion authorizing the proper City Officials to: (1) terminate current contract with Palm Beach Building Group, Inc., and (2) award and execute contract with LeLack Corporation, in the amount of \$46,846 – installation of speed tables – NE 26 Street between Middle River Drive and Bayview Drive – Coral Ridge Association, Inc. – Neighborhood Capital Improvement Program – Project 10926.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1403

Contract Termination and Award To Tenex Enterprises, Inc. - (M-14)
\$27,460 – Bermuda Riviera – Neighborhood Capital Improvement Program

Please see the funding information on the Bid Tab attached to these minutes.

A motion authorizing the proper City Officials to: (1) terminate the current contract with Palm Beach Building Group, Inc.; (2) award and execute contract with Tenex Enterprises, Inc., in the amount of \$27,460 – installation of entrance sign and walls, lighting, irrigation and landscaping – Bermuda Riviera Association, Inc. – Neighborhood Capital Improvement Program – Project 11250; and (3) transfer funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1404

Contract Termination and Award To Tenex Enterprises, Inc. - (M-15)
\$65,964 – Golden Heights – Neighborhood Capital Improvement Program

Please see the funding information on the Bid Tab attached to these minutes.

A motion authorizing the proper City Officials to: (1) terminate current contract with Palm Beach Building Group, Inc.; and (2) award and execute contract with Tenex Enterprises, Inc. in the amount of \$65,964 – installation of decorative street posts and signs – Golden Heights Homeowners Association, Inc. – Neighborhood Capital Improvement Program – Project 11380.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1405

Contract Termination and Award To Tenex Enterprises, Inc. - (M-16)
\$71,820 – Lake Ridge – Neighborhood Capital Improvement Program

Please see the funding information on the Bid Tab attached to these minutes.

A motion authorizing the proper City Officials to: (1) terminate the current contract with Palm Beach Building Group, Inc.; and (2) award and execute contract with Tenex Enterprises, Inc. in the amount of \$71,820 – installation fo decorative street posts and signs – Lake Ridge Civic Association, Inc. – Neighborhood Capital Improvement Program – Project 11387.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1406

Contract Termination – Award To Proficient Construction Co., Inc. - (M-17)
\$45,870 – Lauderdale Manors – Neighborhood Capital Improvement Program

Please see the funding information on the Bid Tab attached to these minutes.

A motion authorizing the proper City Officials to: (1) terminate the current contract with Palm Beach Building Group, Inc.; and (2) award and execute contract with proficient Construction Co., Inc. in the amount of \$45,870 – installation of decorative street posts and signs – Lauderdale Manors Homeowners Association, Inc. – Neighborhood Capital Improvement Program – Project 11388.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1407

Annie Beck House – Middle River Terrace Park - \$12,000 (M-18)
Water and Sewer Connection Funding

\$12,000 available from CD091713-8001, Fund 108, Subfund 01, to fund utility costs. No match required.

A motion authorizing allocation of Community Development Block Grant Funds for water and sewer connection for Annie Beck House – Middle River Terrace Park - \$12,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1409

Transfer Funds Between WaterWorks 2011 Projects (M-19)

Please see the transfer details attached to these minutes.

A motion authorizing transfer of funds between WaterWorks 2011 projects.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1342

Contract Renewals – January, February, March 2010

(M-20)

Please see the funding information attached to these minutes.

A motion authorizing extension of listed contracts that expire during January through March, 2010, including a contract from November, 2009, and authorizing proper City Officials to execute all necessary documents, contingent upon each respective vendor agreeing to extension.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1145

**New River Floating Docks – Two-Year Grant Extension
Broward Boating Improvement Program**

(M-21)

No budgetary impact.

A motion authorizing the proper City Officials to execute an agreement with Broward County – two-year grant extension – Broward Boating Improvement Program – New River Floating Docks project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1293

**Fort Lauderdale International Boat Show – Dockage
Agreement – Las Olas Municipal Marina**

(M-22)

\$73,336.56 is for the receipt of revenues only in FY 09/10, General Fund 001, Subfund 01, BUS020105-K186, Yacht Fees and \$4,433.94 is for the receipt of revenues only in FY 09/10, General Fund 001, Subfund 01, BUS020105-K191, Submerged Land Lease Fees. No expenditures are impacted.

A motion authorizing proper City Officials to execute dockage agreement with Yachting Promotions, Inc. and Marine Industries Association of South Florida, Inc. – dockage at Las Olas Municipal Marina – 2009 Fort Lauderdale International Boat Show – October 28, 2009 through November 3, 2009.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1381

Broward Center For Performing Arts Tri-Party Agreement (M-23)
2009-2010 Fiscal Responsibilities

No Budgetary Impact.

A motion authorizing the proper City Officials to execute a tripartite agreement with Performing Arts Center Authority and Broward County – fiscal responsibilities for October 1, 2009 through September 30, 2010.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1324

Settlement of General Liability File GL 05-813C - \$47,500 (M-24)

Funds are budgeted in Fund 543/01, INS010101-5113 (General Liability Claims). There are sufficient funds to cover the amount of \$47,500.

A motion authorizing settlement of General Liability File GL 05-813C (Estate of Angel Martinez-Villaneuva) - \$47,500.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1317

Settlement of Vehicle Accident General Liability File (M-25)
VA GL 05-303 - \$35,000

Funds are budgeted in INS010101/5104 (Automobile Liability Claims), Fund 543/01. There are sufficient funds to cover the amount of \$35,000.

A motion authorizing settlement of Vehicle Accident General Liability File VA GL 05-303 (Luke Smith) - \$35,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1344

Grant Extension – 2006 Urban Area Security Initiative (M-26)
Interlocal Agreement Amendment – City of Miramar

No budgetary impact. Grant funds are already budgeted in GUAS107, Fund 129, Subfund 01, Subobject C311 and expenses in various subobjects. No cash match.

A motion authorizing: (1) extension of 2006 Urban Area Security Initiative grant agreement to December 31, 2009; and (2) proper City Officials to execute all necessary documents to

finalize extension, including corresponding amendment to interlocal agreement with the City of Miramar.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1383

CONSENT RESOLUTION

Naming of Park At 310 NE 6 Street – Peter Feldman Park (CR-01)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1239

RESOLUTION NO. 09-230

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING THAT "FLAGLER HEIGHTS PARK" BE RENAMED "PETER FELDMAN PARK."

Grant Acceptance – Snyder Park Tree Planting Demonstration Project - \$5,000 – Florida Department of Agriculture and Consumer Services (CR-02)

Appropriate \$5,000 to Fund 129, Subfund 01, GBUFFER09-C593 revenue, and expenditure in Subobject 3913 horticultural supplies. Match of in-kind services available in PKR060501 – 1107, Fund 001, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1387

RESOLUTION NO. 09-231

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF GRANT FUNDED TREES VALUED AT \$5,000 FROM THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES THROUGH THE URBAN AND COMMUNITY FORESTRY GRANT PROGRAM FOR THE SNYDER PARK TREE PLANTING DEMONSTRATION PROJECT AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010 BY

ACCEPTING AND APPROPRIATING THE VALUE OF SUCH GRANT FUNDED TREES TO FUND 129.

**Snyder Park – Declaration of Restrictive Covenants (CR-03)
Public Park and Recreation Use**

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1130

RESOLUTION NO. 09-232

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION OF A DECLARATION OF RESTRICTIVE COVENANTS IN CONJUNCTION WITH THE ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$50,000 FROM BROWARD COUNTY THROUGH THE PARTNERS IN PRESERVATION LAND STEWARDSHIP PROGRAM FOR SNYDER PARK; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS TO RECEIVE SUCH GRANT FUNDS; AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009 BY ACCEPTING AND APPROPRIATING GRANT REVENUE FUNDS TO FUND 129.

**Amend Operating Budget – Appropriation - \$84,300 (CR-04)
Rental of Vehicles – Police Department**

Appropriate \$84,300 from Fund 107, Subfund 01, undesignated fund balance to Fund 107, Subfund 01, POL080101, 3307.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1259

RESOLUTION NO. 09-233

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, 2009, AND ENDING SEPTEMBER 30, 2010, BY APPROPRIATING FUNDS IN THE AMOUNT

OF \$84,300.00 FROM CONFISCATION FUNDS FOR LEASING VEHICLES FOR THE POLICE DEPARTMENT SPECIAL INVESTIGATIONS DIVISION.

**Amend Operating Budget – Appropriation – Law Enforcement (CR-05)
Trust Fund – Juvenile Mental Health – Substance Abuse - \$15,000**

Appropriate \$15,000 from Law Enforcement Property Trust Fund (Fund 104, undesignated fund balance) to Fund 104, Subfund 01, POL050201, Subobject 3199 for FY 09/10.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1380

RESOLUTION NO. 09-234

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, 2009 AND ENDING SEPTEMBER 30, 2010 BY APPROPRIATING FUNDS IN THE AMOUNT OF \$15,000.00 FROM THE LAW ENFORCEMENT PROPERTY TRUST FUND FOR JUVENILE MENTAL HEALTH AND SUBSTANCE ABUSE POLICE REFERRAL AND COUNSELING SERVICES WITH THE HENDERSON MENTAL HEALTH CENTER.

**Grant Acceptance – Operation Crystal Blues - (CR-06)
\$183,508 – Edward Byrne Memorial Justice Assistance**

Appropriate \$183,508 into Fund 128, Subfund 01, GCRYSTAL 10, C216 (Rev); and Expenditures in 2301 (\$12,376), 3999 (\$352), 4352 (\$161,780); funding 6404 (\$2,000) and 6499 (\$7,000). No cash match required.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1437

RESOLUTION NO. 09-235

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, 2009, AND ENDING SEPTEMBER 30, 2010, BY ACCEPTING AND APPROPRIATING

GRANT FUNDS AWARDED TO THE CITY FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT, IN THE AMOUNT OF \$183,508.00 FOR THE PROJECT ENTITLED OPERATION CRYSTAL BLUES.

Grant Acceptance – Sistrunk Boulevard Streetscape and Enhancement – Florida Department of Transportation Joint Participation Agreement

(CR-07)

Local matching funds in the amount of \$375,000 is available in the project account Fund 320, Subfund 01, P10448.320-6599. \$750,000 of grant funds to be appropriated to Fund 129, Subfund 01, P10448.129B-D479 and expense in 6599.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1339

RESOLUTION NO. 09-236

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) FOR THE NE/NW 6TH STREET SISTRUNK BOULEVARD STREETScape & ENHANCEMENT PROJECT.

**Sadowski State and Local Housing Trust Funds
Repeal of Cap on State and Local Housing Trust Funds**

(CR-08)

No current year budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1297

RESOLUTION NO. 09-237

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING REPEAL OF THE CAP ON THE SADOWSKI STATE AND LOCAL HOUSING TRUST FUNDS AND SUPPORTING FULL APPROPRIATION OF THE FUNDS FOR HOUSING PROGRAMS; AND PROVIDING FOR AN EFFECTIVE DATE.

Bond and Disclosure Counsel – 2009 Water and Sewer Revenue Bonds – Squire, Sanders & Dempsey, L.L.P. And Steve Bullock, P.A.

(CR-09)

Please see the Revenue Bonds information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1289

RESOLUTION NO. 09-238

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING THE LAW FIRM OF SQUIRE, SANDERS & DEMPSEY L.L.P. TO ACT AS BOND COUNSEL AND STEVEN BULLOCK OF THE LAW FIRM OF STEVEN BULLOCK P.A. TO ACT AS DISCLOSURE COUNSEL TO THE CITY OF FORT LAUDERDALE, FLORIDA AND 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, 2009 AND ENDING SEPTEMBER 30, 2010, BY APPROPRIATING NINETY MILLION DOLLARS IN BOND FUNDS IN CONNECTION WITH THE 2009 WATER AND SEWER REVENUE BOND ISSUE.

Bond and Disclosure Counsel – Fire Rescue Facilities Bond Issue

(CR-10)

Will appropriate \$44,600 from the Fire-Rescue facilities bond issues once the bonds are issued. No bond counsel fees will be paid unless these bonds are issued.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1334

RESOLUTION NO. 09-239

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING THE LAW FIRM OF SQUIRE, SANDERS & DEMPSEY L.L.P. TO ACT AS BOND COUNSEL AND STEVEN BULLOCK OF THE LAW FIRM OF STEVEN BULLOCK P.A. TO ACT AS DISCLOSURE COUNSEL TO THE CITY OF FORT LAUDERDALE, FLORIDA IN CONNECTION WITH THE FIRE RESCUE FACILITIES BOND ISSUE.

Grant Acceptance – Water Savings Incentive Program - \$15,000 (CR-11)
South Florida Water Management District

Appropriate \$15,000 of grant funds to Fund 454, Subfund 01 P11560.454A-F305 Revenue and expenditure to Subobject 6599. Transfer \$5,000 from P11247.454-6599 Fund 454, Subfund 01 to P11560.454-6599 Fund 454, Subfund 01 for cash match.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1299

RESOLUTION NO. 09-240

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE FY 2010 SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) WATER SAVINGS INCENTIVE PROGRAM COOPERATIVE FUNDING AGREEMENT NUMBER 4600001896 AND TO AMEND THE FINAL BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010, BY ACCEPTING AND APPROPRIATING \$15,000 FROM THE SFWMD TO FUND 454, SUBFUND 01 P11560.454a-f305 REVENUE AND EXPENDITURE TO SUBOBJECT 6599 AND TRANSFER \$5,000 FROM P11247.454-6599, FUND 454, SUBFUND 01 TO P11560.454-6599 FUND 454, SUBFUND 01 FOR A CASH MATCH FOR THE INSTALLATION OF AUTOMATIC LINE FLUSHING DEVICES.

Amend Operating Budget – Transfer and Appropriation - (CR-12)
\$100,000 – Fire Station 29

Transfer and appropriate \$100,000 from Fire Bond Undesignated Fund Balance (Fund 336; Subfund 02) to P10905.336-6599 Fund 336, Subfund 01. The money is from accumulated interest earnings in Fund 336.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1415

RESOLUTION NO. 09-241

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, 2009, AND ENDING SEPTEMBER

30, 2010, BY TRANSFERRING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$100,000 FROM FIRE BOND UNDESIGNATED FUND BALANCE TO FUND 336 FOR COSTS ASSOCIATED WITH FIRE STATION 29.

Grant Application – State Thoroughfare Beautification - \$300,000 (CR-13)
Florida Department of Transportation – Federal Highway
Corridor Project

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1357

RESOLUTION NO. 09-242

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR STATE THOROUGHFARE BEAUTIFICATION PROGRAM GRANT FUNDS IN THE AMOUNT OF \$300,000 AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS TO RECEIVE SUCH GRANT FUNDS.

Settlement – LTJ, Inc. v. City of Fort Lauderdale (CR-14)

Appropriate \$1,175,000 from FD409.01-9901, Sanitation Anticipated Year-End Fund Balance, Fund 409, Subfund 01, to PBS090101-3199, Fund 409, Subfund 01, and \$350,000 is budgeted in Fund 543, Subfund 01, INS010101-5102.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1413

RESOLUTION NO. 09-243

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE THE RELEASE AND SETTLEMENT AGREEMENT AND AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY APPROPRIATING \$1,175,000 FROM FD 409.01-9901 SANITATION ANTICIPATED YEAR-END FUND BALANCE TO PBS 090101-3199.

PURCHASING AGENDA

562-9559-1 – Purchase Trees – Contract Extension
Gardening Angel Nursery, Inc.

(PUR-01)

\$100,000 is budgeted in P16057.331-6510 Landscape Improvements. Site Improvements, Fund Type 30, Fund 331, Subfund 01.

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

Recommend: Motion to approve.

Vendor: Gardening Angel Nursery, Inc.
Parkland, FL

Amount: \$100,000.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1319

The Procurement Services Department has reviewed this item and recommends extending the contract for one year.

Preferred Rate Agreement – Rental Car Services

(PUR-02)

No budgetary impact.

One-year Preferred Rate Agreement – rental car services for undercover investigations is being presented for approval by the Police Department.

Recommend: Motion to approve.

Vendor: Enterprise Leasing Company of Florida, LLC
St. Louis, MO

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1238

The Procurement Services Department has reviewed this item and recommends approving purchases from the SE Florida Government Purchasing Cooperative Group with attached Preferred Rate Agreement.

Contract Extension For Sod and Sod Installation

(PUR-03)

Purchases are made on an as-needed basis and charged to the individual operating budget within each Department.

One-year co-op contract extension for purchase of sod and sod installation is being presented for approval by Procurement Services Department.

Recommend: Motion to approve.

Vendor: See Exhibit 1
Amount: Per Unit Prices
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 09-1253

The Procurement Services Department has reviewed this item and recommends approval of this Co-Op contract extension.

Assignment of Existing Contract, Extension – Change Order (PUR-04)
Utility Billing Implementation Services

\$192,000 is budgeted in P11139.454/6550 (Utility Billing System Replacement); Fund Type 40/Fund 454/Subfund 01.

Assignment of existing contract from TMG Consulting, Inc. to Five Point Partners, LLC, d/b/a TMG Consulting, LLC; extension to September 30, 2010 and expenditure of \$98,000 for additional quality assurance and project oversight and \$92,000 for implementation and operations readiness services – total not to exceed \$190,000 – Utility Billing – Customer Information System.

Recommend: Motion to approve.

Vendor: Five Point Partners, LLC d/b/a TMG Consulting, LLC
 Austin, TX
Amount: \$190,000.00
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 09-1326

The Procurement Services Department has reviewed this item and recommends assignment, and extension for existing contract.

385-10113 – Automated Red Light Camera Traffic Enforcement System (PUR-05)

\$1,800,000 projected revenue is being budgeted in Fund 001, Subfund 01, POL030406, Subobject M014 for FY 09/10.

Three-year contract for automated red light camera traffic enforcement system is being presented for approval by the Police Department.

Recommend: Motion to approve.

Vendor: ATS American Traffic Solutions, Inc.
 Scottsdale, AZ
Amount: \$1,800,000 (Projected Revenue Budgeted)

Bids Solicited/Rec'd: 546/3

Exhibit: Commission Agenda Report 09-1388

The Procurement Services Department has reviewed this item and recommends approval to negotiate with the first-ranked proposer with the greatest projected revenue stated in the Best & Final.

See attachment to these minutes.

**795-10328 – Housing Opportunities For Persons With
HIV/AIDS Grant Funds**

(PUR-06)

Index Code HR10RWEV, SOB C559, Fund 108, Subfund 01.

Award of 2009-2010 Housing Opportunities for Persons with HIV/AIDS grant funds is being presented for approval by the Planning and Zoning Department.

Recommend: Motion to approve.

Vendor: Various Vendors – See Exhibit 1
\$8,023,211.00 (funding recommendation)

Amount: \$69,759.00

Bids Solicited/Rec'd: 674/9

Exhibit: Commission Agenda Report 09-1452

The Procurement Services Department recommends awarding to the HOPWA providers as listed and recommended by the City's evaluation committee and staff.

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

Motion made by Vice Mayor Roberts and seconded by Commissioner Rogers that Consent Agenda Items M-09, M-20, CR-12, CR-13, CR-14, PUR-01, and PUR-06 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended. Roll call showed: YEAS: Vice Mayor Roberts, Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

**Contract Award – Coral-Tech Associates, Inc. - \$159,800
Housing Set For Portable Emergency Generator –
City Hall Computer Room**

(M-09)

Commissioner Rodstrom asked for further clarification. Albert Carbon, Public Works Director, advised that the generator would be a permanent installation; most of the cost is associated with re-wiring City Hall. Tim Edkin, Information Technology Services Director, explained what has happened previously when power was lost. In response to Commissioner Rogers, Mr. Edkin elaborated upon what has happened in the past with loss of power. Commissioner Rogers did not feel this is the time to make this purchase. Mayor Seiler agreed.

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

Contract Renewals – January, February, March 2010

(M-20)

Commissioner Rogers questioned what authority is actually requested. Kirk Buffington, Director of Procurement Services, advised for those contracts showing per unit prices, there have been no increases and no increases would be approved by this vote. Commissioner Rogers thought this is a good time to go out to bid. Mr. Buffington advised no CPI increase will be allowed. Vendors who have requested a CPI were denied and those contracts are being re-competed. The economy is pushing things in a certain direction, but better pricing may not be achieved with re-competing at this time. Staff looks at all factors. Some of these contracts are co-operative that have been competed by aggregating the volume of thirty municipalities within the county. Those presented are those that staff believes is appropriate to renew for another year.

Mr. Buffington responded to Commissioner Rogers' question about the hydrogen peroxide co-op contract; the volume has increased. In the future, Commissioner Rogers requested unit prices.

Mayor Seiler referred to the extension for disposal of construction debris and asked why it does not specify no increase. A number of the contracts do not specify there is no CPI. Mr. Buffington confirmed there are no CPI increases for any contracts presented this evening. If a CPI is increased, it will not be approved. In further response to Commissioner Rogers, Mr. Buffington explained in most cases, allowable increases occur under the CPI or fuel escalation clauses. Mayor Seiler asked about the increase janitorial services. Mr. Buffington advised that locations were added. In further response, he explained the fuel escalation clause that could result in a change in what the City would pay for fuel. In this case there has been a decrease. Mayor Seiler raised questions about other reflected increases. Mr. Buffington offered to provide additional backup and present this item again on October 20, 2009. Mayor Seiler felt there should be no increases; otherwise the item should be re-bid.

Commissioner Rogers questioned the turf grass maintenance item that was originally bid in 2007 when the market was entirely different. Mr. Buffington explained many smaller companies have gone out of business, and to an extent the competition has shrunk which could work against the City. Not every vendor can provide the service to the magnitude of this contract. Commissioner Rogers asked why there is one contract on a flat rate and another on a per unit price. Mr. Buffington advised in reality both of these are unit price. He conceded the information the Commission wants to see has not been provided. The item will be brought back on October 20.

Motion made by Commissioner Rogers and seconded by Commissioner Rodstrom to defer this matter until October 20, 2009. Roll call showed: YEAS: Vice Mayor Roberts, Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None..

**Amend Operating Budget – Transfer and Appropriation -
\$100,000 – Fire Station 29****(CR-12)**

Vice Mayor Roberts asked if the Fire Bond Committee had reviewed this. Albert Carbon, Public Works Director, indicated no, but the committee will review what this funding is being provided to purchase. It is for wiring and furnishings.

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

**Grant Application – State Thoroughfare Beautification -
\$300,000 – Florida Department of Transportation – Federal
Highway Corridor Project****(CR-13)**

In response to Commissioner Rodstrom concern that this may be impacted by the airport expansion, Kathleen Gunn, Grants and Legislative Affairs, offered to check.

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

Settlement – LTJ, Inc. v. City of Fort Lauderdale**(CR-14)**

Vice Mayor Roberts questioned why the City was late making the payment. Mayor Seiler thought it had to do with the paperwork for FEMA reimbursement not being sufficient, but eventually it was paid. There was thought of litigation, and a compromised amount was reached. The City Attorney concurred.

Commissioner Rogers referred to the new prompt payment legislation and asked if there was a review to know what went wrong and avoid a recurrence. The City Manager elaborated on the dilemma was the uncertainty about reimbursement without documentation, and if paid late, there are fines. The City Manager offered to provide more information.

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

**562-9559-1 – Purchase Trees – Contract Extension
Gardening Angel Nursery, Inc.****(PUR-01)**

In response to Commissioner Rogers, Phil Thornburg, Parks and Recreation Director, explained the two available means of funding from residents for additional trees; that being voluntary contributions and fines for trees cut down during development.

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

**795-10328 – Housing Opportunities For Persons With
HIV/AIDS Grant Funds**

(PUR-06)

Commissioner Rodstrom removed this item and the following individuals from the public.

Kirk Buffington, Director of Procurement Services, provided a brief overview.

David Bukstel, 2731 N. Andrews Avenue, indicated that he is a landlord of over 150 units. He expressed support of Broward House and their performance. In response to Commissioner Rogers, Mr. Bukstel explained the process and what Broward House does to assist people.

George Glenn, 3253 Foxcroft Road, Miramar, explained the prior administering organization focused only on housing whereas Broward House has made it convenient for an individual to obtain assistance in a variety of areas of need. They are thorough; they expedite and follow-up. Taking funding away from Broward House would hurt a lot of people.

Marc Dickerman, a member of the Budget Advisory Board, expressed support of the item as presented. He believed the documentation was specific and understood by all participants; and that it is within the U.S. Department of Housing and Urban Development (HUD) guidelines.

Mike DeLucca, president of Broward Regional Health Planning Council, noted services they provide. He complimented City staff. The council has always had an unqualified audit and no management letters. He referred to the difficult economic times and that the council has lowered their administrative costs. He elaborated upon how they were able to reduce costs and provide service to more people.

Dr. Rosalind Osgood, president of Mount Olive Development Corporation, noted services they provide. She felt there is an obligation to ensure that funding is distributed in an equitable way, inclusive and allow opportunities for people. She supported the staff and committee's recommendation. This is a county-wide program and should be spread across organizations and the particular needs addressed by each of them. She did not want a decision to be made that could potentially threaten the entire county funding.

Francois Leconte, CEO of Minority Development, Inc., noted services they provide. He complimented City staff. He supported the staff recommendation. In the past Minority Development was essentially told not to apply because new providers were not being sought. Staff is addressing diversity and providing services for the entire county.

Joel Slotnick, 3910 N. 56 Avenue, Hollywood, indicated he works, worships and volunteers in Fort Lauderdale. He was disappointed in the 35% funding cut for Broward House and asked that it not be done.

Yolanda Reed, 535 N.W. 15 Terrace, stated she is on a waiting list for the HOPWA tenant voucher program and an employee of Broward House. She receives assistance from various providers in attendance this evening. She acknowledged the great work done by all of the organizations that provide services to people with AIDS. She was opposed to funding reduction to Broward House.

Brenda Deshields stated she is a resident of Broward House. She complimented their staff. She urged that nothing be taken away from this organization.

Lakytia Clayton stated she is a resident of Broward House. She complimented their staff. She urged that nothing be taken away from this organization.

Deborah Carson stated she is a resident of Broward House and a graduate of their substance abuse program. She complimented their staff. She urged the funding be provided.

Kathleen Cannon, Broward House Chief Operating Officer, requested the service categories for Broward House not be cut. She pointed to the success of the HOPWA program. She believed there is enough funding for all of the providers. It is not possible to operate a facility for this purpose without nursing services.

Robert Walsh, 401 East Las Olas Boulevard, asked how the program funding is monitored. Mayor Seiler explained the funding will be used in a number of ways, but the issue at this time is a bid protest.

Joe Angelo, 2609 N.W. 6 Terrace, Wilton Manors, supported Broward House and Florida Power and Light Company (FPL). He indicated he is an employee of FPL. He shared what had happened to a friend and the help from Broward House. He also complimented Francois Leconte of Minority Development and Rosalind Osgood of Mount Olive Development Corporation as well as Broward House for their success in helping people with AIDS. More funding is needed. He asked the Commission to fully support Broward House and recognize the need of Minority Development and Mount Olive Development Corporation.

Barbara Effman, a member of the board of directors of the Broward Regional Health Planning Council, thought the staff recommendation is probably best for all of the agencies, but she did not think anyone wants to hurt Broward House. She suggested and clarified for the Mayor that the same amount of funding as last year be provided to Broward House and the additional funding this year be awarded to Broward Regional. A voucher from Broward House indicates that the individual is HIV positive. She commented that many people want to have a choice of organizations. People deserve confidentiality. Broward Regional serves people other than those with AIDS.

Sharon Bryant, Director of Operations and HOPWA Program Manager for Mount Olive Development Corporation (MODCO), explained that many Broward House clients come to MODCO for housing once they leave the various programs. She urged that MODCO be considered. She articulated the administrative cost percentage for MODCO.

Barbara Stuart, president of House of Hope and Stepping Stones, expressed support in the staff recommendation.

Michael Emanuel Rajner, 2920 NE 23 Place, Pompano Beach, stated Fort Lauderdale administers this program for the entire county. He elaborated upon an example of where the support systems did not get linked to an individual in need. Leadership is needed. He indicated that this area ranks third in the country. More housing funding is needed. He commented on the helpfulness of all of these organizations. He urged the City to take an equitable approach and to consider a plan of action in a workshop setting. He wanted a commitment on amending non-discrimination policies to include gender identity and gender expression and urging that HUD do the same. He asked that the trans-gender community be addressed.

Robert Smith, 2727 North Andrews Avenue, elaborated upon the helpfulness of Broward House and how they have helped him. He felt they are using their funding the right way.

Peter Clarke, 2813 NE 29 Street, felt sometimes the practical issues of money have to be set aside and priorities be thoroughly thought through which is what he does as a small business owner. He thanked Broward House for being part of the community.

Norm Kent, 215 NE 17 Avenue, quoted a Greek passage, that if Athens appeared great, consider that its glories were won by good and decent citizens doing their duty. The Commission has the opportunity to experience what could be accomplished when citizens come together. He urged that a way be found to help everyone.

Angelo Castillo, president of Broward House, indicated that Broward House has filed a bid protest because they believe City staff erred in disqualifying them. He reviewed the RFP process that was followed and that no changes were announced by staff. Broward House was blindsided with the rate limits contained in the RFP. He went into some detail concerning the rate limit including his understanding of how the amount was reached by the City. Their approach is not in keeping with HUD guidelines. Broward House has requested that the rate limit be removed from the RFP. There are varying levels of service, therefore the rate cannot be a one-size fits all. He elaborated upon the steps taken by staff after the protest was filed in questioning the eligibility of their services to HUD. Broward House was determined to be ineligible to compete. No information as to due process has been provided to them except to come to this meeting. For the first time, the selection committee had no representation from the community.

Mayor Seiler asked Mr. Castillo to articulate the grounds for the protest. Mr. Castillo advised that staff improperly handled the RFP process by imposing rate limits that they were not entitled by the federal process to include. Staff was advised by HUD that the limits were arbitrarily created. Staff's determination of Broward House nursing program being ineligible for funding is erroneous. He provided emails from David Vos, Director of HUD HOPWA Program Services (October 5, 5:10 p.m., October 2, 4:47 p.m. and October 5, 12:48 p.m.) and Jonathan Brown of Housing and Community Development and himself and quoted from these emails, indicating that assisted living facilities are eligible HOPWA supportive services. Copies of these emails are attached to these minutes. He went on to point out that Broward House was rated first in all categories where they applied. He provided and entered into the record a chart (IMPACT of HOPWA Staff Funding Recommendation for 2009-2010) that shows those areas in brackets where they were disqualified. Because Broward House was forced to submit a bid under protest, they had to apply for \$121,841 less than they currently receive. Last year, the City requested that Broward House take over a fractured tenant voucher program that had been run by the Housing Authority. There is a case management program that was included by staff

without Commission approval for \$300,000, which he believed is redundant because everyone already has a case manager. Broward House would like to be awarded their case management funding request of \$75,000. In conclusion, the total funding that Broward House believes it is due is \$5,164,000 and a three-year contract. Broward House's protest is to the City and the federal government. Funds must be granted on the basis of scoring.

In response to Commissioner Rodstrom, Mr. Castillo clarified his understanding of the pre-bid process. The rate limit only impacted Broward House. HUD has indicated this violates both HUD and the Office of Management and Budget requirements.

Greg Brewton, Director of Planning and Zoning, explained the intention was to assure no money would potentially have to be paid back to HUD. This has nothing to do with whether Broward House is a good organization. Their recommendation had to do with spreading the wealth throughout the county. Everyone is aware that changes would be recommended for Housing and Community Development. There is some \$800,000 unspent; people are on waiting lists. There are not beds available at Broward House. He was concerned about money being left over and people with AIDS not being helped, of the good work done by Broward House. Comments made during the process caused staff to question and to make sure nothing would happen that would cause an embarrassment to the City and a financial burden. Staff recommends \$2.7 million funding for Broward House. The projected budget submitted by Broward House was \$2.5 million. Staff does not believe the cut is to the level that was expressed or that HUD has indicated the City erred. The previously referenced emails refer back to the law; the City is responsible for making an interpretation.

Jonathan Brown, Housing and Community Development Manager, corrected some inaccuracies of Mr. Castillo. A public meeting was held in February, not a pre-bid conference. A pre-bid conference cannot be held until the RFP is out. Following that meeting, HUD questioned costs being paid to Broward House. HUD has not disagreed with the City's approach to reaching the per diem rate. All necessary information from HUD was not available for the February meeting, but once it was provided, staff began to enforce policy. Broward House and all of the organizations are good. He emphasized that the regulations must be followed. All organizations were held to the same standard in the process. Evaluations were based on information provided by each organization. Staff's question is whether medical related costs are eligible. Documentation has not been received to support that such costs are eligible.

Mr. Brown acknowledged that selection committee was composed entirely of staff. They ranked Broward House as first. Assisted living facilities (ALF) are included in the City's consolidated and annual actions plans and eligible, but Mr. Vos indicated that medically related costs should be specifically outlined and that is not in the action plan. The issue is whether the regulations are being followed. To date, Broward House has no furnished documentation indicating it is allowable.

In response to Commissioner Rodstrom, Kirk Buffington, Director of Procurement Services, indicated that the RFP contained a specific statement on the technical requirement of a \$70 per diem cap. If Broward House had exceeded that amount in their proposal, he would have probably advised the Commission that their bid was non-responsive. With no response, Broward House would not have the standing to protest.

In response to Commissioner Rodstrom, Mr. Buffington confirmed that Broward House ranked number one. Commissioner Rodstrom asked about the change in funding that occurred and Mr. Brown indicated staff would not have made any indication on the funding because it is a competitive process. Broward House was recommended for funding. Commissioner Rodstrom asked how the \$70 rate was established. Mr. Brown commented that Mr. Castillo admitted to staff that he would not doubt HUD made such a statement, but that staff should have informed him. HUD was visiting Broward House on a separate funding consideration and at that time contacted the City to question the per diem. There may be multiple people in a unit which could mean some \$12,000. Maria Ortiz of HUD expressed the opinion that such an amount was too rich. In further response to Commissioner Rodstrom, Mr. Brown advised that the rate of \$70 was arrived at by staff after an analysis and determination as to reasonableness. Last year the rate was \$100 but years prior it was less. The rate is across the board. There will not be funds left over this year. As to the idea of seeking additional funding, Mr. Brown explained that this is a formula grant. He noted other grant funding the City is receiving an additional \$1.3 million this year in addition to the Neighborhood Stabilization Program of \$3.7 million last year. He confirmed that the City was obligated to return to HUD some \$2.5 million for issues in the Community Development Block Grant Program (CDBG).

Vice Mayor Roberts felt everyone is trying to do the right thing for the right reasons. He was displeased that a direct answer could not be obtained from HUD. In response to Vice Mayor Roberts, Mr. Brown reviewed Broward House's budget and noted it shows a revenue projection of \$2.5 million for HOPWA; staff is recommending \$2.7 million. Vice Mayor Roberts thought it was somewhat unfair that the agencies did not receive notification on the per diem change. Also, there is no answer on whether the medical care meets HUD's criteria. He asked whether it has been determined whether funding from South and North Broward Hospital Districts and Medicaid would disallow the funding level to Broward House. Mr. Brown indicated information was received from the hospital districts after the RFP closed and the analysis was conducted. Information from Medicaid has not yet been received. Vice Mayor Roberts questioned whether Broward House has a tacit HUD approval in that they have been operating and receiving HOPWA funding for twelve years. Mr. Brewton pointed out that prior to the City's last audit where it was hit very hard, the City had a clean bill of health from HUD's local office. He was uncomfortable with relying on past practice. Vice Mayor Roberts pointed to the twelve years of Broward House operation. As to spreading the funding throughout the county, he thought it could cause a loss of focus. It is not about providing sources; it is out the patients. Those agencies deserve the funding for a proven program.

In response to Commissioner Rogers, Mr. Brown noted Ms. Ortiz's position with HUD being in the Miami office and that the conversation where she indicated the rate was too rich was in the time frame of February, March. At the time there was not a Housing and Community Development manager on staff; the providers were not notified of HUD's concern about the rate amount.

In response to Commissioner Rogers, Mr. Brown explained how the per diem rate was calculated. Mr. Buffington explained the regulations say generally to follow an open, competitive process in accordance with the local ordinance which is what the City did. The City could not award money to an agency that is ineligible for the funding. The scoring was done prior to a determination by the City that they would not be eligible for some of the funding if awarded in accordance with how it was first determined. All responders except the one non-responsive bidder, received some funding. There are no

specific geographic requirements. Broward House was the only agency requesting ALF funding. Mr. Brown indicated that staff had to determine whether it was reasonable to expect the agency had access to other funding. The proposal did not provide evidence that Broward House met HOPWA requirements. Along with questioning, staff made the determination that they were not allowable. Staff requested documentation, but was told that they do not have written agreements with North and South Broward Hospital Districts. Subsequently the hospital districts submitted letters. However, this information was not provided with the RFP or prior to staff forwarding their analysis to HUD. Staff's only concern, in terms of sufficient documentation, is from Medicaid. The City's consolidated plan will then need to be amended regarding medical services and submitted to HUD. In further response, Mr. Brown indicated that part of staff's evaluation was funding sources, which is part of the response information provided. Commissioner Rogers questioned how it was decided how much each agency would receive. Mr. Brown indicated there were no medical services awarded whatsoever. In the ALF category, there was no competition. The selection committee has recommended funding in this category minus the not allowable medical services.

In response to Commissioner Rogers, Mr. Brown indicated staff has raised the question of why there are still people on the waiting list for housing because it is not due to lack of funding. Some \$800,000 was awarded to Broward House in January that has not been spent.

Commissioner DuBose pointed out that some agencies have raised their rates after the analysis was conducted and the averaging calculated that would have some impact. The Commission would need to address the policy in that regard. He acknowledged that staff was instructed to take particular care with the program administration and felt it is appropriate for the Commission to address these matters. He did not want to do anything that would jeopardize future funding.

In response to Commissioner DuBose, Mr. Brown advised that Broward House received \$4.9 million last year; the City's allocation was \$7.2 million. There are three agencies that were not funded last year. He believed there is coverage across the county. The agencies work countywide.

Mayor Seiler emphasized that staff is following the Commission's directive with this program. He did not appreciate criticism of these employees.

Mayor Seiler was concerned with the RFP process, the per diem rate and that the City may have disrupted a working system. Broward House has been getting the job done for a number of years. He was very frustrated with HUD. Mr. Brown responded to the Mayor's question on time frame, that it is a budget effective October 1, 2009. Mayor Seiler thought if the condition of payment of last resort is contained in the contracts and it is signed, then HUD requirements would be satisfied. Mr. Brewton concurred, but it would also be necessary to amend the City's action plan.

The City Auditor thought the emails from HUD indicate that Broward House's program is permissible within some constrained guidelines. He suggested an outside auditing firm provide with certification that the recipients have met all of the grant terms and this be included as a condition in the contract at their expense. In response to Commissioner DuBose, the City Auditor explained the process with respect to HUD's part. Discussion followed as to the logistics of following this course.

Discussion then turned to the tenant voucher program wherein Mr. Brewton and Mr. Buffington provided some history on this program and the change from the Fort Lauderdale Housing Authority to Broward House.

Mr. Castillo felt the regulation having to do with double payments is clear. Documentation to this extent for HOPWA medical costs has been provided to the City. Broward House has complied with the Auditor's suggestion and provided such a letter from their accountants, Keefe, McCullough & Co., LLP. He corrected previous comments and indicated their budget is \$12 million. Broward House is currently under contract to the City for \$4,964,280 HOPWA funding. There is an additional \$800,000 in HOPWA funds they receive directly as a HUD grantee that has nothing to do with the City. He elaborated upon how to find answers from HUD. He indicated that HUD has indicated that the rate amount is arbitrary. Also, the RFP was not brought to the Commission before it was issued. He agreed with the Auditor suggestion of a condition to the grant. HUD does not approve on a case by case basis; they have simply requested more detail in the next action plan or consolidated plan, which he now approval to an activity is secured.

Mayor Seiler referred to the previous mentioned emails and that they seem to indicate that nursing costs are allocated across the various HOPWA programs. Mr. Brown indicated that Ms. Ortiz has subsequently indicated she did not recall making a statement concerning the pricing. Mr. Castillo was concerned that if the statement was made, the City should have notified Broward House. He went on to discuss problems with documentation on the part of the City historically. Mayor Seiler indicated his preference to over-react with respect to audit issues instead of the opposite. Mr. Castillo was concerned about finding agencies ineligible to compete for RFPs.

Commissioner Rogers was concerned about the potential solution of defunding other agencies in order to provide funding to Broward House. Mr. Castillo stated the RFP is competitive and that is how decisions should be made. Commissioner Rogers stated the scores on some of the services were close. Mr. Castillo commented that staff has indicated Broward House is doing an excellent job on the tenant based voucher program. There precedent for two groups do this. Even at a discounted cost, they will have to hire more staff which will take away from recipients. Commissioner Rogers pointed out the difference in administrative costs among the two proposers. Mr. Castillo questioned how the program could be divided in half as staff has recommended. Mr. Brown noted there are five organizations for this program in Miami-Dade County. He explained how it would work for more transparency. Mayor Seiler questioned the impact on staffing level for this approach.

Commissioner Rodstrom believed the Commission is being forced to make a decision that should not have to be made at this point in time. She felt they should have been informed earlier. She was concerned if an agency was given any indication concerning funding and now there is a shift in philosophy. It is unfair for the Commission to have to take from any agency.

In response to Mayor Seiler, Steve Nolte, Broward House Chief Financial Officer, listed what is provided with the \$1.5 million funding. He clarified there are differences in the figures because the HOPWA and Broward House budgets have different fiscal years. Also staffing and administrative costs for the tenant based voucher program are listed as part of the family living program. Mayor Seiler questioned the pass-through dollars that appear in two columns. Michael McGuigan, also representing Broward House, indicated

there is a \$12 million budget which he went on to offer more detail concerning the pass-through dollars as well as other money not associated with HOPWA that is also pass-through for insurance. The voucher program for nine months is \$2.4 million. Moving forward, Broward House budgeted for a full year around \$3 million which was what happened to be in the RFP. In this figure is about \$500,000 that is for 7% administrative cost and the direct service cost to HUD.

Mayor Seiler asked how much of this budget is for HOPWA. Mr. McGuigan indicated the assumption was \$5 million both this year and next. Budgets are only best guesses. About half is pass-through and the other half is direct service.

Vice Mayor Roberts agreed with Commissioner Rodstrom that the Commission has been put in a situation that they are not prepared to totally deal with, however the care is needed.

Motion made by Vice Mayor Roberts to approve the protest bid for Broward House and request staff to prepare how the remaining HOPWA funding would be allocated died for lack of a second. There is the unanswered question as to Medicaid and the medical care.

The City Manager wanted to simply address those funding categories at issue by Broward House that being the (tenant based) voucher program and nursing (medical care). The \$70 per diem is separate. It is not unusual for the Commission to go outside of the committee recommendation. Mr. Brown outlined the categories for which Broward House were rejected or reduced and the associated basis.

In response to Mayor Seiler, Mr. Brown provided further information concerning the housing case management, noting this is a new category that was previously approved by the Commission in the annual action plan. Mr. Castillo explained how the \$400,000 in acquisition funding last year was used. The facility, Tropic Breeze, is now funded (operationally) from HUD directly.

Commissioner Rodstrom asked about the feasibility of a bridge loan. Both Mayor Seiler and Mr. Castillo commented on the disadvantages of that approach. Mr. Castillo provided more detail as to the formula upon which funding is allocated.

Mayor Seiler opened the floor for public comment.

Dr. Osgood, representing MODCO, and Mr. Leconte, representing Minority Development, pointed out that Broward House is not the only agency in need of funding and level of services. .

Mr. Leconte went on to point out that this is a competitive process, yet for years he was told by City employees not to apply because they were not looking for new agencies.

Commissioner DuBose emphasized the importance of the upcoming census because funding is based on census data.

Ken Fontaine, representing Shadowood II, pointed out they were ranked first last year for the tenant based voucher program and they were less expensive and had experience in the area, yet they were not awarded it. All of the providers have staff that will be cut.

In response to Mayor Seiler, representatives from Mt. Olive Development Corporation (MODCO), Minority Development & Empowerment (Minority Development), House of Hope, Susan B. Anthony (Susan B. Anthony Recovery Center) and Care Resources (Community AIDS Resources) indicated that no staff has been hired for the tenant based voucher program at this point. Ken Fontaine, representing Shadowood II indicated they have hired new staff because the RFP mandated a registered dietitian. In further response to Mayor Seiler, Jeri Pryor, Housing and Community Development, advised that the requirement for a nutritionist applied to agencies serving food on their premises, but hiring an individual was not required.

Mr. Castillo stated that Broward House would have to make staff cuts.

Vice Mayor Roberts stated if all agencies are to be funded, there would have to be cuts somewhere. He feels staff needs to review the issue and make changes. He does not feel the Commission should make a decision at this time.

Mr. Castillo stated it was a competitive process, scores had been given, and he urged the Commission to go by the rankings.

Commissioner DuBose explained there are areas for Broward House that have already been funded and there is no protest. He felt that creates a problem. He felt the Commission knows all of the sides to this. He did not wish to send it back to staff. The per diem issue is a policy decision that has nothing to do with the regulations.

In response to Commissioner Rogers, Mr. Castillo clarified what Broward House has requested. He offered to forfeit the housing case management funding. The City Attorney advised if the protest is granted, the RFP would not have to be rejected. Broward House could be found eligible and staff directed to reconfigure funding based upon such eligibility. Mayor Seiler agreed. There are two issues; one has to do with the rate (per diem), which he felt the Commission has decided is arbitrary; and two is eligibility, which he felt the Commission has found they are eligible. He wanted to send the matter back to staff.

Mr. Brown explained the agencies are out of money.

The City Auditor noted any motion made should include direction for staff to advertise for a plan change.

Commissioner DuBose did not agree with a delay or to send the matter back to staff. He wanted the Commission to reach a decision. He was not comfortable with the new interpretation concerning HUD and wanted to be cautious with respect to jeopardizing HUD funding. He supported the \$100 per diem as it does not appear to have anything to do with the regulations.

Discussion ensued between Mr. Brown and Commissioner DuBose concerning the per diem and its impact on number of people served, not the line item. Mr. Castillo advised that \$70 per diem does not pay for the service. Commissioner DuBose wanted to know what the \$70 per diem does to the bed number. Mr. Castillo advised it increases from 43 to 57. Broward House has requested they be allowed to serve the same number of people at \$100 per diem.

Commissioner Rogers was concerned that assumptions in the RFP have changed. He felt it has to go back through the process in order to be filtered appropriately. Commissioner DuBose disagreed because this is dealing with people’s lives. He wanted to work through it.

Mr. Brown pointed out there is about \$800,000 of unused funding in the tenant based voucher program allocated to Broward House. Mr. Castillo indicated they used part of that funding to pay for October rent.

Mayor Seiler believed the \$100 per diem in certain cases according to the level of care is acceptable. He believed eligibility is resolved also. He noted the \$400,000 in acquisition and \$75,000 for case management. He thought staff could provide for the new groups.

Discussion ensued between Dr. Osgood and Mayor Seiler concerning services provided by MODCO and funding levels last year and this year.

Mayor Seiler went on to make such comparisons of the other listed agencies with the assistance of Mr. Brown.

In response to Commissioner Rogers, Mr. Castillo provided more clarification on the \$100 per diem. He clarified that Broward House is not disputing the \$121,000 shortfall for the nursing, but is requesting the \$100 per diem for the balance.

Mayor Seiler asked staff to meet with the eight agencies and return with a proposed solution.

MOTIONS

Proprietary – Purchase Fire and Medical Supplies **(MD-01)**

\$320,000 is budgeted in FIR010301-3922, Fund 001, Subfund 01. \$10,000 is budgeted in FIR010501-3999, Fund 001.

Purchase fire and medical supplies is being presented by the Fire-Rescue Department.

Recommend: Motion to approve.

Vendor: Broward Sheriff’s Office
Fort Lauderdale, FL

Amount: \$330,000.00

Exhibit: Commission Agenda Report 09-1377

The Procurement Services Department has reviewed this item and recommends approving the proprietary purchase from another governmental agency.

Kirk Buffington, Director of Procurement Services, outlined the request.

In response to Vice Mayor Roberts, Mr. Buffington explained this is a new five-year agreement. Each item has been competitively bid by the Sheriff’s Office and with the

combined volume, he did not see how the City could do any better. The Sheriff's Office competes individually on an ongoing basis.

In response to Commissioner Rogers, Mr. Buffington did not think the Sheriff's Office is getting out of this provision of services. Jeff Justinak, Acting Chief of Fire Rescue, stated this agreement would not restrict the City from going out to bid for any individual item. They supply to twenty-eight of the thirty-one municipalities in the county.

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

**Insurance Policy Renewal – Public Officials and
Employment Practices Liability**

(MD-02)

\$59,621 in Fund 543/Subfund 01/INS010101/5134/Public Official Carrier. \$144,430 in Fund 543/Subfund.

Annual renewal of Public Officials and Employment Practices Liability Insurance is being presented for approval by the Finance Department.

Recommend: Motion to approve.

Vendor: Thomas Rutherford, Inc.
Richmond, VA

Amount: \$204,051

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1347

The Procurement Services Department has reviewed this item and recommends insurance policy renewal.

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

Lawsuit – Code Violations – 910 NW 47 Court

(MD-03)

No budgetary impact.

A motion authorizing the City Attorney's Office to file a lawsuit against Helen and W.J. Dunsford – code violations – public nuisance at 910 NW 47 Court.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1337

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

**Proprietary – Four J’s Annual Software Support
Community Plus Computer Application**

(MD-04)

\$10,560 is budgeted in Fund 001, Subfund 01, ITS010201-3401 (Computer Maintenance).

Purchase Four J’s annual software support for Community Plus Computer Application – alarm billing, business licensing, code enforcement, fire safety inspections, building permits, special assessments and planning and zoning – presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Four J’s Development Tools, Inc.
San Jose, CA

Amount: \$10,560.00 (not-to-exceed)

Bids Solicited/Rec’d: N/A

Exhibit: Commission Agenda Report 09-1338

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

**Proprietary – ACIS and Community Plus Software
Maintenance and Support**

(MD-05)

\$99,522.13 is budgeted in Fund 001, ITS010201-3401 (Computer Maintenance).

Purchase annual maintenance and support for ACIS and Community Plus Computer Software Systems – utility billing, code enforcement, occupational licensing, permitting, alarm billing and fire safety inspections – presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Sungard Public Sector Inc.
Lake Mary, FL

Amount: \$99,522.13 (not-to-exceed)

Bids Solicited/Rec’d: N/A

Exhibit: Commission Agenda Report 09-1360

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

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

**Proprietary – Davis EMU Brand – Replacement Pumps, (MD-06)
Parts and Service – Sanitary Sewer Pump Stations**

Purchases are made on as-needed basis and charged to the individual operating budgets within Public Works. The average annual expense for all proprietary purchases has been just over \$535,000. The department has budgeted: \$127,000 in Fund 470 Subobject 3404; \$287,000 in Fund 451, Subobject 3404, and \$1,300,000 in Fund 450, Subobject 3404.

Purchase Davis EMU brand pumps, parts and service for sanitary sewer pump stations is being presented for approval by Public Works Department.

Recommend:	Motion to approve.
Vendor:	Florida Bearings, Inc. Miami, FL
Amount:	Per Unit Prices
Bids Solicited/Rec'd:	N/A
Exhibit:	Commission Agenda Report 09-1349

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

In response to Commissioner Rodstrom, Kirk Buffington, Director of Procurement Services, explained these items come before the Commission annually so that purchases can be made on an as needed basis. The item individually may not exceed \$10,000. Because it could exceed that amount collectively, it is brought to the Commission which expedites the replacement when it happens. He explained the reasoning behind it being proprietary. It was all competed at one point. It is like software and upgrades.

Commissioner Rogers asked about purchasing locally. Mr. Buffington stated the City is very constrained and elaborated.

Albert Carbon, Public Works Director, responded to Commissioner Rogers' interest in standardizing new pumps, the number of pumps in the system and the competitive process. He did not know if the price is less than last year. He also clarified Mayor Seiler's question on the average annual expense.

Motion made by Commissioner DuBose and seconded by Commissioner Rodstrom to approve the item as presented. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None. Vice Mayor Roberts not present.

Proprietary – Citect Software and Support
Sanitary Sewer Pump Stations

(MD-07)

Purchases are made on as-needed basis and charged to the individual operating budgets within Public Works. The average annual expense on all proprietary purchases has been just over \$535,000. The department has budgeted: \$127,000 in Fund 470, Subobject 3404; \$287,000 in Fund 451, Subobject 3404, and \$1,300,000 in Fund 450, Subobject 3404.

Purchase Citect software and support – supervisory control and data acquisition – sanitary sewer pump stations – presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: BCI Technologies, Inc.
Grant Prairie, TX

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1351

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

Motion made by Commissioner Rogers and seconded by Commissioner DuBose to approve the item as presented. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Commissioner Rogers, and Mayor Seiler. NAYS: None. Vice Mayor Roberts not present.

Proprietary – ABS Brand Replacement Pumps, Parts
And Service – Sanitary Sewer Pump Stations

(MD-08)

Purchases are made on an as-needed basis and charged to the individual operating budgets within Public Works. The average annual expense on all proprietary purchases has been just over \$535,000. The department has budgeted \$127,000 in Fund 470, Subobject 3404; \$287,000 in Fund 451, Subobject 3404, and \$1,300,000 in Fund 450 , Subobject 3404.

Purchase ABS brand replacement pumps, parts and service for sanitary sewer pump stations is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Cardo USA, Inc.
Meriden, CT

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1352

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

Motion made by Commissioner Rodstrom and seconded by Commissioner DuBose to approve the item as presented. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Commissioner Rogers, and Mayor Seiler. NAYS: None. Vice Mayor Roberts not present.

Proprietary – FlowServ Brand Replacement Pumps and Parts (MD-09)
Water and Sewer System

Purchases are made on an as-needed basis and charged to the individual operating budgets within Public Works. The average annual expense on all proprietary purchases has been just over \$535,000. The department has budgeted: \$127,000 in Fund 470, Subobject 3404; \$287,000 in Fund 451, Subobject 3404, and \$1,300,000 in Fund 450, Subobject 3404.

Purchase FlowServ brand replacement pumps, parts and service for water and sewer system is being presented for approval by Public Works Department.

Recommend:	Motion to approve.
Vendor:	Carter &VerPlanck, Inc. Tampa, FL
Amount:	Per Unit Prices
Bids Solicited/Rec'd:	N/A
Exhibit:	Commission Agenda Report 09-1355

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

Motion made by Commissioner Rodstrom and seconded by Commissioner Rogers to approve the item as presented. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Commissioner Rogers, and Mayor Seiler. NAYS: None. Vice Mayor Roberts not present.

Proprietary – Pearpoint Closed Circuit Television Parts (MD-10)
And Service – Sanitary Sewer and Stormwater Systems

Purchases are made on an as-needed basis and charged to the individual operating budgets within Public Works. The average annual expense on all proprietary purchases has been just over \$535,000. The department has budgeted: \$127,000 in Fund 470, Subobject 3404; \$287,000 in Fund 451, Subobject 3404, and \$1,300,000 in Fund 450, Subobject 3404.

Purchase Pearpoint brand sewer closed circuit TV parts and service for sanitary sewer and stormwater systems is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: BPX Corporation
Charlotte, NC

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1358

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

Motion made by Commissioner Rodstrom and seconded by Commissioner Rogers to approve the item as presented. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Commissioner Rogers, and Mayor Seiler. NAYS: None. Vice Mayor Roberts not present.

Proprietary – Ebara Brand Replacement Pumps, Parts and Service – Sanitary Sewer Pump Stations (MD-11)

Purchases are made on an as-needed basis and charged to the individual operating budgets within Public works. The average annual expense on all proprietary purchases has been just over \$535,000. The department has budgeted: \$127,000 in Fund 470, Subobject 3404; \$287,000 in Fund 451, Subobject 3404, and \$1,300,000 in Fund 450, Subobject 3404.

Purchase Ebara brand replacement pumps, parts and service for sanitary sewer pump stations is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: F.J. Nugent & Associates, Inc.
Sanford, FL

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1359

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

Motion made by Commissioner Rodstrom and seconded by Commissioner DuBose to approve the item as presented. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Commissioner Rogers, and Mayor Seiler. NAYS: None. Vice Mayor Roberts not present.

**Proprietary – Flygt Brand Replacement Pumps and Parts
Sanitary Sewer Pump Stations**

(MD-12)

Purchases are made on an as-needed basis and charged to the individual operating budgets within Public works. The average annual expense on all proprietary purchases has been just over \$535,000. The department has budgeted: \$127,000 in Fund 470, Subobject 3404; \$287,000 in Fund 451, Subobject 3404, and \$1,300,000 in Fund 450, Subobject 3404.

Purchase Flygt brand replacement pumps, parts and service for sanitary sewer pump stations is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: ITT Water & Wastewater U.S.A., Inc.
Trumbull, CT

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1361

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

Motion made by Commissioner Rodstrom and seconded by Commissioner DuBose to approve the item as presented. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Commissioner Rogers, and Mayor Seiler. NAYS: None. Vice Mayor Roberts not present.

**Proprietary – Allen Bradley Electrical Supplies
Sanitary Sewer Pump Stations**

(MD-13)

Purchases are made on an as-needed basis and charged to the individual operating budgets within Public works. The average annual expense on all proprietary purchases has been just over \$535,000. The department has budgeted: \$127,000 in Fund 470, Subobject 3404; \$287,000 in Fund 451, Subobject 3404, and \$1,300,000 in Fund 450, Subobject 3404.

Purchase Allen Bradley electrical supplies for sanitary sewer pump stations is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Rexel, Inc.
Dallas, TX

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1363

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

Motion made by Commissioner Rodstrom and seconded by Commissioner DuBose to approve the item as presented. Roll call showed: YEAS: Commissioners Rodstrom, DuBose, and Commissioner Rogers, and Mayor Seiler. NAYS: None. Vice Mayor Roberts not present.

**Proprietary – Hydromatic and Homa Brand Replacement Pumps, (MD-14)
Parts and Service – Sanitary Sewer Pump Stations**

Purchases are made on an as-needed basis and charged to the individual operating budgets within Public works. The average annual expense on all proprietary purchases has been just over \$535,000. The department has budgeted: \$127,000 in Fund 470, Subobject 3404; \$287,000 in Fund 451, Subobject 3404, and \$1,300,000 in Fund 450, Subobject 3404.

Purchase Hydromatic and Homa brands replacement pumps, parts and service for sanitary sewer pump stations is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Barney's Pumps, Inc.
Lakeland, FL

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1364

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

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

**Proprietary – Allis Chalmers, Goulds Morris and Gorm Rupp (MD-15)
Brands – Replacement Pumps and Parts – Sanitary Sewer
Pump Stations**

Purchases are made on an as-needed basis and charged to the individual operating budgets within Public works. The average annual expense on all proprietary purchases has been just over \$535,000. The department has budgeted: \$127,000 in Fund 470, Subobject 3404; \$287,000 in Fund 451, Subobject 3404, and \$1,300,000 in Fund 450, Subobject 3404.

Purchase Allis Chalmers, Goulds Morris and Gorman Rupp brands of replacement pumps, parts and service for sanitary sewer pump stations is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Tencarva Machinery Company d/b/a Hudson Pump & Equipment
Greensboro, NC
Amount: Per Unit Prices
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 09-1365

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

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

Proprietary – Epoxytec Repair Coatings (MD-16)
Sanitary Sewer Pump Stations and Manholes

Purchases are made on an as-needed basis and charged to the individual operating budgets within Public works. The average annual expense on all proprietary purchases has been just over \$535,000. The department has budgeted: \$127,000 in Fund 470, Subobject 3404; \$287,000 in Fund 451, Subobject 3404, and \$1,300,000 in Fund 450, Subobject 3404.

Purchase Epoxytec repair coatings is being presented for approval by Public Works Department.

Recommend: Motion to approve.
Vendor: Epoxytec Intl, Inc.
Hollywood, FL
Amount: Per Unit Prices
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 09-1348

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

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

Proprietary – Fairbanks Morse Brand – Replacement Pumps (MD-17)
And Parts – Sanitary Sewer Pump Stations

Purchases are made on an as-needed basis and charged to the individual operating budgets within Public works. The average annual expense on all proprietary purchases has been just over \$535,000. The department has budgeted: \$127,000 in

Fund 470, Subobject 3404; \$287,000 in Fund 451, Subobject 3404, and \$1,300,000 in Fund 450, Subobject 3404.

Purchase Fairbanks Morse brand pumps, parts and service for sanitary sewer pump stations is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Sanders Company, Inc.
Stuart, FL

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1350

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

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

Proprietary – ABB Fluid Flowmeter and ABB Inc. (MD-18)
Replacement Pumps, Parts, and Service – Water and Sewer System

Purchases are made on an as-needed basis and charged to the individual operating budgets within Public works. The average annual expense on all proprietary purchases has been just over \$535,000. The department has budgeted: \$127,000 in Fund 470, Subobject 3404; \$287,000 in Fund 451, Subobject 3404, and \$1,300,000 in Fund 450, Subobject 3404.

Purchase ABB brand Fluid Flowmeter and motor controls, parts and service for water and sewer system is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: ABB, LLC
Dade City, FL

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1362

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

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

**Proprietary – Thompson Pump Brand Replacement Pumps,
Parts and Service – Water, Sewer and Stormwater Systems**

(MD-19)

Purchases are made on an as-needed basis and charged to the individual operating budgets within Public works. The average annual expense on all proprietary purchases has been just over \$535,000. The department has budgeted: \$127,000 in Fund 470, Subobject 3404; \$287,000 in Fund 451, Subobject 3404, and \$1,300,000 in Fund 450, Subobject 3404.

Purchase Thompson Pump brand pumps, parts and services for water, sewer and stormwater systems is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Thompson Pump and Manufacturing Company, Inc.
Dade City, FL

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1367

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

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

**Proprietary – Farmers' Pumps Brand Replacement Pumps,
Parts and Service – Stormwater System**

(MD-20)

Purchases are made on an as-needed basis and charged to the individual operating budgets within Public works. The average annual expense on all proprietary purchases has been just over \$535,000. The department has budgeted: \$127,000 in Fund 470, Subobject 3404; \$287,000 in Fund 451, Subobject 3404, and \$1,300,000 in Fund 450, Subobject 3404.

Purchase Farmers' Pumps brand parts, pumps and service for stormwater system is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Farmers' Pumps LLC
Altamonte Springs, FL

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1369

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

In response to Mayor Seiler, Albert Carbon, Public Works Director, stated the City is beginning to have maintenance problems, therefore parts are being requested. There are three pumps at each of the two stations.

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

Proprietary – Criminal History Record Checks
Florida Department of Law Enforcement

(MD-21)

\$30,000 is budgeted in PKR032901, Subobject 3299. Other Services, Fund 001, Subfund 01.

One-year purchase of criminal history record checks for City sponsored sports including youth sports programs is being presented for approval by Parks and Recreation Department.

Recommend:	Motion to approve.
Vendor:	Florida Department of Law Enforcement Tallahassee, FL
Amount:	\$30,000.00 (estimated)
Bids Solicited/Rec'd:	N/A
Exhibit:	Commission Agenda Report 09-1318

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

In response to Commissioner Rodstrom, Kirk Buffington, Director of Procurement Services, stated the City receives background checks from the Florida Department of Law Enforcement.

In response to Mayor Seiler, Phil Thornburg, Parks and Recreation Director, advised the cost is \$37 per background check. This item is an estimate because the check is on an as-needed basis. The volunteer leagues are now assuming this cost, but the City pays for volunteers to City programs. The check is only done in situations where the individual would be with the children in isolated areas or on practices. Mayor Seiler requested the formal policy be provided to the Commission.

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

Proprietary – City Watch Notification System Upgrade**(MD-22)**

\$66,050.00 is available in Fund 129, Subfund 01, Guasi07 (Grant; Subobject 6404 for \$13,500, Subobject 6405 for \$44,550, Subobject 3299 for \$8,000.

Purchase City Watch Notification System upgrade is being presented for approval by Police Department.

Recommend: Motion to approve.

Vendor: Avtex Solutions, LLC
Minneapolis, MN

Amount: \$68,050.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-0807

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

In response to Mayor Seiler, Tim Edkin, Information Technology Services Director, provided an overview of what the upgrade would provide compared to the current one. There is a one-year warranty. There have not been any problems.

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

RESOLUTIONS

**Declaration of Official Intent To Issue General Obligation
Bonds – Fire Rescue Facilities – Not To Exceed \$20 Million**

(R-01)**No budgetary impact.**

In response to Mayor Seiler, Mr. Kinneer stated this is part of the \$40 million bond issue of 2004; it is the second phase. Both Mr. Kinneer and the City Auditor responded to Mayor Seiler's question as to savings from the time waited until the second phase. Only as many bonds anticipated to be expended within a twenty-four month period are issued.

In response to Mayor Seiler, Mr. Kinneer indicated the series will be identified by the year the bonds are issued. It is difficult to comment on the rates as they anticipate proceeding in March or April of 2010, but the range is 4%-5%.

Vice Mayor Roberts introduced the following resolution:

RESOLUTION NO. 09-228

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, DECLARING THE

OFFICIAL INTENT OF THE CITY OF FORT LAUDERDALE TO ISSUE GENERAL OBLIGATION BONDS IN ORDER TO, AMONG OTHER THINGS, REIMBURSE ITSELF FROM THE PROCEEDS OF SUCH BONDS FOR FUNDS ADVANCED BY THE CITY FOR CERTAIN EXPENSES INCURRED WITH RESPECT TO THE ACQUISITION, DESIGN, CONSTRUCTION, DEVELOPMENT, IMPROVEMENT, EQUIPPING AND FURNISHING OF CERTAIN NEW AND EXISTING FIRE-RESCUE FACILITIES WITHIN THE CITY OF FORT LAUDERDALE; AND AUTHORIZING CERTAIN INCIDENTAL ACTIONS.

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

Conveyance of Property To Community Redevelopment Agency - (R-02)
Mixed-Use Redevelopment – 1534 NW 6 Street

No city funding with conveyance; no impact on current CRA operating budget.

The City Clerk advised that this item was removed from tonight's agenda.

Board and Committee Vacancies (R-03)

No budgetary impact.

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

Community Appearance Board	J. P. Ottino Judith DePetri
Community Services Board	Erika L. Baer Wendy Gonsher
Marine Advisory Board	James "Jimmie" Harrison
Northwest Progresso Flagler- Heights Redevelopment Advisory Board	Douglas J. Sterner

Vice Mayor Roberts introduced a written resolution entitled:

RESOLUTION NO. 09-229

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

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

CITIZEN PRESENTATIONS

Robert Walsh – Historic Preservation

(CIT-01)

Mr. Walsh referred to the historic preservation board appeal for the Judge Shippey house in Sailboat Bend (9-H-05). He wanted to bring the matter to a conclusion. He suggested renaming the street in honor of the judge and proceeding with the demolition. There is a cost associated with deferrals.

Sadler L. James – Beach Redevelopment

(CIT-02)

Mr. James discussed Bahia Mar and the process for review of proposed developments. He objected to Commissioner Rodstrom appearing before the Planning and Zoning Board and believed it interferes with the process. He requested all correspondence regarding this issue. He wanted to see the City Attorney's opinion on this subject. He wanted to know if the Commission endorses the policy of commissioners speaking before the Planning and Zoning Board.

Mr. James noted that Michael Moskowitz of the Planning and Zoning Board has sent a mass email on Bahia Mar development. The email pre-supposes the actions of the Commission and urges people attend and defeat the measure. He felt this is inappropriate. He wanted a review and determination of its appropriateness.

In response to Commissioner Rodstrom, the City Attorney stated this issue has arisen on several occasions. He has advised commissioners they may appear in front of a body hearing a case below. A commissioner should not express their own opinion, but that of their constituents. He noted that as a quasi-judicial matter, the Commission would be making a determination based upon information presented at the public hearing. He believed Commissioner Rodstrom did this, that is, convey the wishes of her constituency. He was not aware of Mr. Moskowitz's actions.

Mayor Seiler assured Mr. James that the City Attorney will provide an opinion on this. Mr. James questioned how one would determine the consensus of a constituency. He disagreed.

**Kenyel Thomas – Code Enforcement and Fort Lauderdale
Police Department**

(CIT-03)

Mr. Thomas discussed an incident that occurred with a Fort Lauderdale police officer in 2005. When he spoke to the police officer's supervisor about discourteous behavior, the officer harassed him then and again in 2008. This same officer has issued a code

enforcement citation to him at 2 a.m. He felt the high incidence of burglaries should take precedence over his vehicle at his home. There are other inoperable vehicles in the neighborhood. He has requested assistance from the Office of Professional Standards, but was informed that the officer is within his rights. Mayor Seiler asked for Mr. Thomas to leave his documentation at his office and it will be looked into.

**385-10113 – Automated Red Light Camera Traffic
Enforcement System**

(PUR-05)

Mayor Seiler provided a statement by Michael W. Moskowitz, representing ACS State and Local Solutions, Inc., who had to leave. A copy of the statement is attached to these minutes.

PUBLIC HEARINGS

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

(PH-01)

No budgetary impacts.

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

Commissioner Rogers emphasized that staff should remember this area would now be governed by the City's code. Mayor Seiler wanted to make sure things are done reflecting this community's wishes. Promises made should be kept.

In response to Commissioner DuBose, Greg Brewton, Director of Planning and Zoning, stated that the other annexed areas will also be coming forward.

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-09-27

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY ESTABLISHING A NEW ARTICLE XV, ANNEXED AREAS, SECTION 47-39, ANNEXED AREA DEVELOPMENT REGULATIONS, AND 47-39A, MELROSE PARK AND RIVERLAND ROAD, TO PROVIDE FOR THE ESTABLISHMENT OF NEW RESIDENTIAL ZONING DISTRICTS WITH IRREGULAR DENSITIES AND IDENTIFYING EXISTING NON-RESIDENTIAL DISTRICTS WITHIN THE ANNEXED AREAS; PROVIDING PERMITTED AND PROHIBITED USES;

DEVELOPMENT STANDARDS FOR EACH DISTRICT INCLUDING HEIGHT, SETBACKS, LANDSCAPING, ACCESSORY USES, SIGNS, PARKING, DEFINITIONS, MEASUREMENTS, NON-CONFORMING USES, DEVELOPMENT REVIEW PROCEDURES AND CRITERIA; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Rezoning – Melrose Park – Cases 15-A-07 and 8-Z-08

(PH-02)

No budgetary impacts.

Applicant: City of Fort Lauderdale
Location: Melrose Park

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

Commissioner DuBose and Mayor Seiler announced with whom they had spoken with and, or site visits made.

Commissioner DuBose introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-09-28

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE LANDS LYING WEST OF SOUTHWEST 31ST AVENUE (MARTIN LUTHER KING JR. AVENUE), SOUTH OF WEST BROWARD BOULEVARD, EAST OF STATE ROAD 7 AND EXTENDING SOUTH TO THOSE PROPERTIES ALONG SOUTHWEST 12TH STREET (JACKSON BOULEVARD), IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, FROM BROWARD COUNTY RS-4, RD-9, RD-10, RM-10, RM-15, B-2 AND I-1 TO CITY OF FORT LAUDERDALE RS-6.70, RM-12.67, RM-16, RM-33.5, CB, B-1, CF-H, CF-HS AND CF, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

Rezoning – Riverland Road – Cases 14-A-07 and 9-Z-08

(PH-03)

No budgetary impacts.

Applicant: City of Fort Lauderdale
Location: Riverland Road

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

Richard Reasoner, 3151 SW 20 Street, a resident of Riverland Village, was concerned about not receiving a final document and the lack of response to other requests for information. All of the annexed communities have individual zoning categories except Riverland Village which is grouped with Chula Vista. He opposed the ordinance for this reason. There is no grandfathering. If this is adopted, it should not go into effect until each civic association involved agrees to contact their residents.

In response to Commissioner DuBose, Mr. Reasoner stated that staff has attended neighborhood meetings of the Southwest Coalition, but not the individual neighborhood associations.

Commissioner Rodstrom questioned if this has to proceed this evening.

In response to Commissioner DuBose, Commissioner Rogers clarified what staff has done in the interest of informing the residents.

Mr. Reasoner emphasized that Riverland Village and Chula Vista are totally different. Mayor Seiler understood there will not be any change to what presently is permitted in Riverland Village, but asked Mr. Reasoner to provide his list of concerns and he would followup. Greg Brewton, Director of Planning and Zoning, clarified that Mr. Reasoner wants the zoning to be different. No new duplexes would be permitted. Mr. Brewton offered to meet with Mr. Reasoner before the second reading.

Commissioners Rogers and DuBose and Mayor Seiler announced with whom they had spoken with and, or site visits made.

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

Commissioner Rogers introduced the following ordinance on FIRST reading.

ORDINANCE NO. C-09-29

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE LANDS LYING NORTH OF THE SOUTH FORK NEW RIVER AND NORTH NEW RIVER CANAL LYING WEST OF STATE ROAD 7 AND SOUTH OF THE CORPORATE LIMITS OF

THE CITY OF FORT LAUDERDALE AS THEY EXISTED PRIOR TO SEPTEMBER 15, 2001, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA FROM BROWARD COUNTY RS-3, RS-5, R1-C, RD-10, B1, B-3, A-3, S-1 AND I-1, TO CITY OF FORT LAUDERDALE RS-3.52, RS-6.85A, RS-6.85B, RD-12.22, CB. CF-H, CF-HS, CF-S, P AND U, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

Electric Utility Franchise – Florida Power & Light Company

(PH-04)

No Budgetary Impact.

Sadler James, 3073 Harbor Drive, suggested a percentage of transformers be required to be available when they need to be replaced as a result of flooding. The transformers should be decorative.

Paul Renneisen, former president of Landings Homeowners Association, opposed the ordinance. He felt the City should take over this function. He wanted it referred to an advisory board or the advisory committee's input considered.

Matthew Schwartz, 1404 East Las Olas Boulevard, stated he is representing the Sierra Club whose membership has grave concerns about Florida Power and Light Company (FPL) which he elaborated upon. He did not feel there is any need to execute the franchise renewal agreement at this time. He expressed concern about alternative energy for the future and the Turkey Point plant. He wanted the City to explore other options.

Raymond Dettmann, 1900 South Miami Road, did not feel this matter is being thoroughly investigated. He recommended deferral. He was concerned about the matter being discussed at this time of the evening; people have left.

Cara Campbell, 641 SW 6 Avenue, was concerned about the matter being discussed at this time of the evening; people have left. She urged that the agreement not be approved. She was concerned about escalating costs. She was interested in alternatives and environment friendly options. She felt FPL knows they are in a strong position. She was concerned that the advice of the Utility Advisory Committee is not being considered. She urged the Commission to stand up to FPL.

Gary Hecker, 641 SW 6 Avenue, did not feel this has been thoroughly looked into. He felt phases two and three studies recommended by the advisory committee. He believed information as to the infrastructure cost is not accurate. At the very least, he recommended the contract be limited to three years.

Ed Strobel, 11 Fort Royal Isle, indicated that he is an electrical engineer and has ran technology companies in the city for some twenty-four years. He discussed the technology advances over the last thirty years and what is expected in the next few years. He believed that energy generation technology is just about to make the same pattern of

change as the computer and electronics industry over the last twenty years yet the City is getting ready to execute a thirty-year agreement based on 1979 technology. He discussed costs associated with the proposed agreement. As people convert to solar, the burden is shifted to condominiums, renters and people who cannot afford to convert. He urged a decision be delayed; advice of the Utility Advisory Committee and Green Committee be listened to and at least the agreement language be improved.

Bill Savarese, 1700 NE 17 Terrace, opposed this item. He did not feel the public is fully informed. He suggested it be put to a referendum vote. He did not want to be threatened by FPL. He emphasized the need to invest in renewable energy.

Raymond Parker, member of the Utility Advisory Committee, provided a comparison of residential electric rates from all municipal power companies in Florida. A copy of the comparison is attached to these minutes. FPL is cheaper than any of them. He opposed municipalization. He favored renewing the contract.

Ellen Brodsky, 2004 Granada Drive, opposed a thirty-year renewal with FPL. She favored the City creating its own independent utility company under the guidance of an advisory board. She discussed alternative energy solutions.

Mara Schlackman, 2100 South Ocean Drive, opposed the proposed ordinance. She was concerned about the impact on the area's water resources. Once nuclear plants are under construction, she believed rates would increase. She urged the City to move to renewable technologies. She was concerned about entering into an agreement that would not allow it.

Andy Ziffer, 525 SW 5 Street, indicated that he has served on the Utility Advisory Committee. He was concerned about the lateness of the City starting on this matter. He supported deferral for further investigation. FPL needs to improve their technologies, infrastructure and other components of the contract. He asked that the City not be bullied into entering this contract.

William Goetz, member of the Utility Advisory Committee, referred to FPL rate information and claimed that it is misleading (see September 15, 2009 City Commission regular meeting). He explained that FPL can offer low rates at this time because of their dependence on natural gas. With gas price fluctuations rates will escalate. The proposed rate increase will cost residents an additional \$30 million a year. He was also concerned about potential advance recovery costs and impact on the rates. He was concerned about quality of service, maintenance, capital investment and outages. He felt there has not been due diligence of investigating all of the facts. The Utility Advisory Committee was not asked questions. He opposed the proposed contract.

Art Seitz, 1905 North Atlantic Boulevard, was concerned about the lateness of the hour. He mentioned the campaign contributions made to the former Commission from FPL. He was concerned about promises made by FPL that have not been kept. He referred to energy technology advances. He felt opportunities are being limited. He urged the matter be more thoroughly investigated.

Chris Chiari, a member of the Utility Advisory Committee, believed more information is needed because the City has an opportunity to define the future. This item does not have to be passed this evening. He was concerned about the lack of urgency of the previous and current Commission. He pointed out that the buy-out provision is a major victory for

the City. If private homeowners make an investment in solar energy, FPL should provide smart meters. He recommended benchmarks be created and a partnership be forged with FPL. He urged the Commission to take more time to review this matter. He was interested in reinvestment, renewable energy.

Vicki Eckels, 917 SE 14 Street, urged the Commission to make an informed decision with due diligence. She explained that there is a reason other municipal systems have higher rates, such as undergrounding. She was concerned that the Utility Advisory Committee advice is not being listened to. She referred to the City Attorney's previous opinion about being successful in court with respect to collection of the franchise fee and expressed the belief that the Commission is putting an arbitrary deadline upon themselves.

Rod Macon, representing FPL, felt the work of the City's negotiating team should be recognized. FPL wants this franchise because it is one of their largest. He noted that FPL rates are the lowest in the state, including municipal companies and co-ops. FPL service reliability is significantly better than the national average. He stated there are advantages both to FP&L and the City with the 30-year term. Concerns were raised about the term, but most of the concern seemed to be about the change in technology. He pointed out that this is a non-exclusive franchise that would not prevent the use of alternatives in the future.

Commissioner DuBose asked about the advantages to a thirty-year term. Mr. Macon indicated the main advantage is a guaranteed stream of revenue for the next thirty years that the City could bond.

Vice Mayor Roberts felt there seems to be a big difference of opinion on this and along that line he asked the City Attorney to weigh in. The City Attorney advised that there is nothing in the contract prohibiting renewable energy. It allows for feed-in tariffs and sold back to FPL at a retail rate unless the provider of the service becomes a net provider.

In response to Mayor Seiler, the City Attorney stated there is a buy-out provision in the contract; it is the only such provision one in any of the modern franchise agreement renewals by FP&L in the last twenty years.

In response to Commissioner Rogers, Mr. Macon indicated what FPL has done at the port in the way of improvements that removes matter from the exhaust. Commissioner Rogers asked about making undergrounding more affordable in the near future. Mr. Macon advised that more than two-thirds of new installations are underground. FPL received approval from the Public Service Commission for a 25% discount on any city or county who wants to sponsor an underground project (Government Adjustment Factor). FPL is the only utility that has done this.

Vice Mayor Roberts wanted to tighten language concerning undergrounding and improve upon the best efforts current language.

Motion made by Vice Mayor Roberts to replace language in Section 16 as follows: "Requests made by grantor for underground conversions shall be implemented by grantee in accordance with the applicable tariffs in effect on the date of grantor's request."

Mr. Macon thought that had been agreed upon. The City Attorney indicated it would require a motion. Discussion ensued in response to Mayor Seiler's question about use of

the term, conversion. The City Attorney thought that deletion of the term and changing underground to undergrounding would accomplish the same thing: "Requests made by grantor for under grounding shall be implemented by grantee in accordance with applicable tariffs in effect on the date of grantor's request." There was no objection to this change.

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

Commissioner Rodstrom referred use of the term, best efforts, in Sections 17 and 18. The City Attorney clarified that Section 17 refers to renewable energy, but nothing has been identified at this time. He felt that best efforts is the best language. Commissioner Rodstrom found that totally unacceptable. There are no guarantees with respect to advancement in technology.

Vice Mayor Roberts wanted to clear up the difference of opinion as to the definition of renewable energy.

Mr. Strobel pointed out that feed-in tariffs are different than net metering. Feed-in tariffs are not mentioned although they are not prohibited. Net metering has been provided by law since 2008 and does not have to be included. Mr. Macon clarified his previous statement. There is nothing in the franchise preventing such things. The franchise does not specifically provide for it because the regulators have not approved it and it does not prevent such things from being made available when the regulators permit.

Mr. Strobel stated he is vice president of the Florida Alliance for Renewable Energy, a group pushing for feed-in tariffs. He went on to explain the distinction between net metering and feed-in tariffs. FPL is fighting this issue at the state level.

Ms. Brodsky felt the only way to have a feed-in tariff would be with an independent utility. Where citizens would contribute to a fund that would be matched by banks in order to build solar systems.

At Mayor Seiler's request, the City Attorney commented on the non-exclusiveness of the proposed agreement. The only restriction in the franchise that prevents the City from issuing another franchise for the same service is the fact the City may not issue one that is more advantageous to the other user than the one given to FPL.

At Mayor Seiler's request, the City Attorney commented on hardening of the infrastructure. The hardening plan has already been submitted to the Florida Public Service Commission and is already in effect. Anything relating to rates or services is subject to Public Service Commission regulations. Hardening of infrastructure falls under rates and services.

The City Attorney confirmed Mayor Seiler's understanding from Section 17, Renewable Energy, that the City may construct a power structure at a City water plant and generate as much electricity as necessary for the water plant or other City facilities for example. Renewable energy sources at City facilities are also permitted. Mayor Seiler asked why equipment or operations are not also included in the second subparagraph. The City Attorney did not think operations or equipment adds much, but it could be amended and made uniform.

Motion made by Commissioner DuBose and seconded by Commissioner Rogers to amend Section 17(b)ii, adding the phrase, operations or equipment. Roll call showed: YEAS: Vice Mayor Roberts, Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

Mayor Seiler noted the comparison of residential rates, both public and private, throughout the state from a public power website shows FPL has the lowest rates. Mayor Seiler emphasized the importance of rates to consumers. He noted other options that are included: undergrounding, renewable energy, smart grid technology, infrastructure hardening, non-exclusivity.

Mr. Macon responded to Commissioner Rodstrom's question about the proposed 30% rate increase being considered by the Public Service Commission and indicated there will be a net reduction because of reduced fuel costs. Commissioner Rodstrom pointed out that rates will fluctuate over the course of the franchise term. Mr. Macon indicated that historically FPL rates are among the lowest in the state.

Commissioner Rodstrom thought the City is aligned with FPL as a partner with respect to the franchise fee. She questioned whether the Commission's mission is to maximize revenue or look after the residents and rate payers. She feels if they adopt the present contract, they would not be taking care of their residents. She did not think the contract looks after the residents or rate payers. She preferred to defer this matter for additional review. She was concerned about the lateness of the hour.

In response to Commissioner DuBose, Mr. Macon advised if approved by the Public Service Commission there will be a \$9 decrease for 1,000 kilowatt hours effective January 2010.

Mr. Goetz pointed out that the federal government has predicted that the cost of petroleum will rise by \$10 per barrel. He questioned predicting rates.

Mr. Goetz did not think price is most important to consumers. Supply is more important than cost. He felt unadjusted rates should be considered. FPL may exclude storm times. Mr. Macon confirmed all utilities adjust rates based on catastrophic events. There have been no hurricanes for the last several years. FPL reliability is 40% better than the industry average across the United States and even better in this city.

Mr. Goetz was concerned about renewable energy. In Section 6, it appears that revenues could not be derived from new renewable energy technologies. In Section 9, it does not specify renewable energy. Section 14 allows FPL to arbitrarily terminate the agreement if they think the City has placed them at a competitive disadvantage. If the City allows the sale of solar energy which is not provided by FPL, FPL could take the stance that this is a competitive disadvantage. There is nothing in the contract that assists the City in that regard. He provided a scenario regarding the sale of solar energy. There is no provision to allow the City to seek any judicial injunction or review of the decision. The City Attorney clarified the only competitive disadvantage discussed in Section 14 is if the City provides a franchise with better terms and conditions which he expanded upon, indicating a court of competent jurisdiction would not be needed. Mayor Seiler pointed out if it was given to a new franchisee that would be the City's preference anyway.

Commissioner Rodstrom asked about removal of the utility poles and so forth if the City obtains power in another way in the future. Mayor Seiler indicated the City could remove them as they are in the rights of way. Mr. Goetz also indicated that eminent domain could be used to force FPL to remove them. The City Attorney explained this agreement allows for a buy-out provision upon termination with each party paying their own attorney fees whereas with eminent domain, the City would pay the fees for both sides.

The City Attorney indicated in Section 6(b), Franchise Fee; Calculation; Payment, as to revenues, these were negotiated items.

In response to Mr. Goetz, the City Attorney indicated no where is it provided that FPL can arbitrarily terminate the agreement. Mayor Seiler noted Section 11 addresses this concern.

A Motion made by Commissioner Rodstrom to defer this item was withdrawn.

In response to a question from the audience, Mayor Seiler emphasized his concern is about the rates and there are not any better rates. Every issue brought to his attention has been addressed.

A Motion made by Commissioner Rodstrom to extend the current contract for the next three years to provide time for research died for lack of a second.

A Motion made by Commissioner Rodstrom to amend this franchise agreement to include five-year benchmarks instead of a thirty-year term died for lack of a second.

In response to Commissioner Rogers, the City Attorney advised that FPL has thirty days from the date of Commission approval to agree. Commissioner Rogers expressed concern about time for additional public scrutiny and the idea of an extension in order to hold a workshop. The City Attorney indicated this idea has been raised with some regularity; FPL wants to stay with the time frame. Mr. Macon explained while sympathetic to the concerns expressed this evening, the current franchise expires on October 29. There is a problem if not renewed prior to that date. He was not authorized to agree this evening to an extension. Without the renewal, FPL would not continue collecting the franchise fee. Discussion ensued on this topic.

Motion made by Commissioner Rodstrom and seconded by Commissioner DuBose to defer this item to October 20, 2009. Roll call showed: YEAS: Vice Mayor Roberts, Commissioners Rodstrom, DuBose, and Rogers, and Mayor Seiler. NAYS: None.

**795-10328 – Housing Opportunities For Persons With
HIV/AIDS Grant Funds**

(PUR-06)

Continued from page 24

In response to Mayor Seiler's question, there was no objection from the audience to the compromise.

Mr. Castillo withdrew the bid protest of Broward House.

Mr. Brown announced the compromise, recommended funding:

Broward House \$4,564,280
 Broward Regional Health Planning Council \$954,845.43
 Shadowood II, Inc. \$1,194,951
 Care Resources (Community AIDS Resources) \$139,575.33
 Susan B. Anthony Center \$162,800
 House of Hope \$233,879.52
 Minority Development & Empowerment, Inc. \$150,000
 Mount Olive Development Corporation \$722,879.72

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

Mr. Brown noted further authorization is needed to enter into agreements with the providers for one-year with two, one-year extensions and that they be retroactive to October 1. There was consensus approval.

In response to Mr. Brown, Mayor Seiler believed that only one agency requested funding for medical assistance (nursing) and that agency (Broward House) has already provided an independent audit certification suggested by the City Auditor.

Mr. Brown noted that the consolidated plan and annual action plan would be amended as requested.

In further response to Mr. Brown, Mayor Seiler indicated that it has been indicated that \$100 per diem is reasonable. In response to question about other agencies and after some discussion, Mr. Brewton pointed out that the dollar amount allocated cannot be exceeded.

ORDINANCES

Vacate Portion of Alley – 1251 North Federal Highway **(O-01)**
TSC Lake Ridge, LLC – Case 5-P-09

No budgetary impacts.

Applicant: TSC Lake Ridge, LLC
Zoning: Boulevard Business B-1
Location: 1251 North Federal Highway (Lake Ridge Addition)

Commissioner Rogers introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-09-25

AN ORDINANCE VACATING, ABANDONING AND CLOSING
 THAT PORTION OF THE 15 FOOT ALLEY IN BLOCK 2,
 “LAKE RIDGE ADDITION,” ACCORDING TO THE PLAT

THEREOF, RECORDED IN PLAT BOOK 34, PAGE 14, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING NORTH OF THE SOUTH LINES OF LOTS 7 AND 7B OF SAID BLOCK 2, LOCATED SOUTH OF NORTHEAST 13TH STREET WEST OF FEDERAL HIGHWAY, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

Relief From Zoning Requirements For Public Purpose Use - (O-02)
Case 41-R-09 – Air Conditioning Unit Location & Height –
Lohmeyer Wastewater Treatment Plant

No budget impacts.

Applicant: City of Fort Lauderdale
Location: Lohmeyer Wastewater Treatment Plant – 1765 SE 18 Street

Commissioner DuBose introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-09-24

AN ORDINANCE APPROVING THE RELOCATION OF AN EXISTING AIR CONDITIONING UNIT AT THE GEORGE T. LOHMEYER REGIONAL WASTEWATER TREATMENT PLANT THAT DOES NOT MEET THE YARD, HEIGHT AND SIZE REQUIREMENTS FOR MECHANICAL EQUIPMENT IN A “U” ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS (“ULDR”), WHICH SITE IS MORE FULLY DESCRIBED AS A PORTION OF THE SOUTHEAST QUARTER AND A PORTION OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 42 SOUTH, RANGE 42 EAST, KNOWN AS THE “GEORGE T. LOHMEYER REGIONAL WASTEWATER TREATMENT PLANT” LOCATED AT PORT EVERGLADES, WEST OF EISENHOWER BOULEVARD, NORTH OF SPANGLER BOULEVARD AND SOUTH OF SOUTHEAST 17TH STREET AS A PUBLIC PURPOSE USE; AND GRANTING RELIEF FROM THE ULDR REQUIREMENTS PURSUANT TO SECTION 47-18-26 OF THE ULDR OF THE CITY OF FORT LAUDERDALE, FLORIDA.

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

There being no other matters on the regular meeting agenda to come before the Commission, the Commission returned to the conference agenda at 2:37 A.M.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk