

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
DECEMBER 1, 2009

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

Meeting was called to order at 6:14 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 Reverend Jerry Singleton, Pastor of Saint Anthony Catholic Church, followed by the recitation of the pledge of allegiance led by a student.

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

Motion made by Commissioner Rodstrom and seconded by Commissioner Rogers to approve the minutes of the September 9, 2009 Budget Public Hearing and September 15, 2009 Conference Meeting. Roll call showed: YEAS: Commissioners DuBose and Rogers and Vice Mayor Roberts, Commissioner Rodstrom and Mayor Seiler NAYS: None.

Presentations

1. Florida City Government Week – Poster Contest (PRES-01)

Commissioner Rodstrom presented the winners of the Florida City Government Week poster contest. The posters visually depicted the meaning and importance of the 2010 Census. The posters will be displayed in the City Hall Lobby during January as an encouragement to stand up and be counted in the census.

2. **Community Appearance Board – WOW Award-
District III** (PRES-02)

Commissioner DuBose recognized Nora and Al Barnes who reside in Melrose Park as the recipient of the WOW Award for District III.

3. **District III City Commissioner Bobby B. DuBose
Elected Municipal Officials Training –
Florida Institute of Government** (PRES-03)

Mayor Seiler announced Commissioner DuBose's completion of the Elected Municipal Officials Training sponsored by the Florida Institute of Government and the Florida League of Cities.

4. **Outstanding City Employees** (PRES-04)

Police Chief Frank Adderley recognized Detectives Nicholas Rollins and Matthew Mocerri as Officers of the Month for December, 2009, who subdued a fleeing armed robbery suspect after using deadly force.

5. **50th Anniversary – Ruden McClosky Day – December 1, 2009** (PRES-05)

Vice Mayor Roberts presented a proclamation declaring December 1, 2009 as Ruden McClosky Day in the City in recognition of their 50th anniversary to Don McClosky, founding partner of the firm. The firm was recognized for its leadership and commitment to philanthropy in Fort Lauderdale's civic and cultural organizations. Mr. McClosky thanked the Commission and his staff.

6. **Commendations – Patti Kranz and Tyler Beard
Florida High School Athletic Association Swimming
And Diving Championships** (PRES-06)

Commissioner Rogers presented commendations to Patti Kranz and Tyler Beard, Westminster Academy students for placing 1st and 4th in the 2009 Florida High School Athletic Association Swimming and Diving Championships.

Expression of Sympathy (OB)

Mayor Seiler and the City Commission offered an expression of sympathy to Peter Partington, City Engineer, and his family on the passing of his mother.

World Aids Day (OB)

A moment of silence was observed in honor of National World AIDS Day.

Contract Award – Lanzo Lining Services, Inc. – Florida - (M-18)
\$1,347.065 – Wastewater Conveyance System Remediation
And Annual Sewer Lining

Mayor Seiler announced this item has been withdrawn from the agenda.

762-9300-2 – Contract Renewal – State Lobbyist Services (PUR-08)

Mayor Seiler announced this item has been withdrawn from the agenda and will be brought back on December 15, 2009.

762-9300-1 – Contract Renewal – State Lobbyist Services (PUR-09)

Mayor Seiler announced this item has been withdrawn from the agenda and will be brought back on December 15, 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 – Museum of Art Fort Lauderdale National (M-01)
Art Festival – Closing East Las Olas Boulevard From
Andrews Avenue To SE 1 Avenue

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Nova Southeastern University for Museum of Art Fort Lauderdale National Art Festival, to be held January 30 and 31, 2010, 10 AM – 5 PM, at Huizenga Plaza and closing East Las Olas Boulevard from Andrews Avenue to SE 1 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1620

Event Agreement - Rio Vista Holiday Party (M-02)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Rio Vista Civic Association, Inc., for the Rio Vista Holiday Party, to be held December 5, 2009, 5:30 PM – 10 PM at Virginia Young Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1621

Event Agreement – Rotary 5K Run/Walk Run for Wheels (M-03)
Closing City Streets Along Route

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with the Rotary Club of Fort Lauderdale, Florida, Inc. for Rotary 5K Run/Walk Run For Wheels to be held February 6, 2010, 7:30 AM – 10:30 AM, at Huizenga Plaza and area streets and closing City streets along the route.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1625

Event Agreement – Chanukah On Las Olas (M-04)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Mekor Chayim, Inc. for Chanukah on Las Olas to be held December 13, 2009, 12 Noon – 5 PM at Huizenga Plaza.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1630

Event Agreement – River Rock (M-05)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Big Brothers/Big Sisters of Broward, Inc. for River Rock to be held on December 12, 2009, 4 PM – 10 PM at Huizenga Plaza.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1639

Event Agreement – Synergy**(M-06)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with the Art Institute of Fort Lauderdale, Inc. for Synergy to be held December 12, 2009, 12 Noon – 5 PM on Art Institute property.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1693

Event Agreement – Rough Water Swim**(M-07)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with the International Swimming Hall of Fame, Inc. for Rough Water Swim to be held January 2, 2010, 7:30 AM – 12 Noon at Fort Lauderdale Beach and D.C. Alexander Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1694

**Change Order 5 – Southern Florida Paving Group, LLC
Annual Speed Hump Installation – SW 30 Terrace and
SW 17 Street - \$18,072****(M-08)**

Transfer \$20,241.00 from P11197.454-6599-454-01, Waterworks Projects to P10940.454-6599-454-01 to fund the Change Order, plus 12 percent estimated engineering fees.

A motion authorizing: (1) Change Order 5 with Southern Florida Paving Group, LLC, in the amount of \$18,072 – additional scope of work to 2009 Annual Speed Hump Installation – SW 17 Street and SW 30 Terrace – Project 11450; and (2) transfer funds to fund this change order, 12 percent estimated engineering fees and project deficit.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1524

**Change Order 1 – Custom Built Marine Construction, Inc. - \$85,500
Cooley’s Landing Boat Ramps Replacement – Add 40 Work Days****(M-09)**

\$48,735 is available in P11472.129 and \$48,735 is available in P11472.129A all in Fund 129, Subfund 01, Subobject 6599. The amounts fund the change order and 14 percent Engineering Fees (7 percent Design, 5 percent Inspection and 2 percent Administration).

A motion authorizing the proper City Officials to execute Change Order 1 with Custom Built Marine Construction, Inc. in the amount of \$85,500 and the addition of 40 work days to contract period – extension of cofferdam – Cooley’s Landing Boat Ramps Replacement – Project 11472.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1704

Change Order 1 – Quinn Construction, Inc. (M-10)
Rehabilitation of SW 11 Avenue Swing Bridge - \$21,203.08

\$22,687 is available in P10057.331-6599, Fund 331, Subfund 01 to fund the change order and 7 percent engineering fees.

A motion authorizing the proper City Officials to execute Change Order 1 with Quinn Construction, Inc. in the amount of \$21,203.08 – additional work – Rehabilitation of SW 11 Avenue Swing Bridge – project 10057.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1705

Task Order 09-14 – Hazen and Sawyer, P.C. - \$36,168 (M-11)
Injection Well Mechanical Integrity Test – Peele Dixie Water Treatment Plant

Funding of \$36,168 will be available in Fund 450, Subfund 01, PBS670305-3199 after approval of CAR 09-1679 Fund Appropriation.

A motion authorizing the proper City Officials to execute Task Order 09-14 with Hazen and Sawyer, P.C. in the amount of \$368,168 – five-year injection Well Mechanical Integrity Test – Peele Dixie Water Treatment Plant.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1673

Task Order 3 – R.J. Heisenbottle Architects, P.A. - \$111,920.22 (M-12)
Additional Design Services – Southside School

\$111,920.22 is available in P10777.328, Fund 328, Subfund 01 and \$8,953.62 is available in the same index code to fund the 8 percent engineering fees (5 percent inspection, 3 percent survey, 2 percent administration). The funding is in Fund 328, Subfund 01, Subobject 6599.

A motion authorizing proper City Officials to execute Task Order 3 with R.J. Heisenbottle Architects, P.A. in the amount of \$111,920.22 – additional design services – Southside School – Project 10777.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1234

Task Order 5 – Kessler Consulting, Inc. - \$30,400 (M-13)
Solid Waste Consulting Services

\$30,400 is available in FY 09/10 Sanitation PBS090101, Fund 409, Subfund 01, Subobject 3199.

A motion authorizing the proper City Officials to execute Task Order 5 with Kessler Consulting, Inc. in the not-to-exceed amount of \$30,400 – Solid Waste Consulting Services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1681

Task Order 1 – CSA Group Florida, Inc. - \$29,384.70 (M-14)
Control Structures Near Two Outfalls Into North Fork of New River

\$29,384.70 is available in P11426.470-6599 Fund 470, Subfund 02.

A motion authorizing the proper City Officials to execute Task Order 1 with SDA Group Florida, Inc. in the amount of \$29,384.70 – engineering design – control structures near two outfalls into North Fork of New River – Project 11426.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1691

Amendment 3 – Task Order 17 – CMTS Florida, LLC - (M-15)
\$14,627.75 – Sanitary Sewer Rehabilitation – Infiltration and Inflow – Inspection Services

The original Task Order 17 and subsequent amendments have been funded on an as-needed basis and charged to WaterWorks 2011 projects. Amendment 3 to Task Order 17 in the amount of \$14,627.75, and the estimated 12 percent WaterWorks 2011 fees, is entirely funded by available funds in Fund 482, Subfund 01, P11272.482-6599.

A motion authorizing the proper City Officials to: (1) execute Amendment 3 to Task Order 17 with CMTS Florida, LLC in the amount of \$14,627.75 – Utility Inspection Services – Sanitary Sewer Rehabilitation – Infiltration and Inflow – Project 11141.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1473

Amendment 1 – Task Order 40 – CH2M Hill, Inc. - \$31,684 (M-16)
Water and Wastewater Utility Revenue Bond Feasibility Report

Transfer \$31,684 from P11197.454-6599 Water and Sewer Fund Recap to P10365.454-6599, both in Fund 454, Subfund 01.

A motion authorizing the proper City Officials to: (1) execute Amendment 1 to Task Order 40 with CH2M Hill, Inc. in the amount of \$31,684 – additional engineering services – Water and Wastewater Utility Revenue Bond Feasibility Report – Project 10365; and (2) transfer \$31,684 to fund this amendment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1663

Contract Award – Gates Butz Institutional Construction, LLC - (M-17)
\$1,567,800 – Executive Airport Aviation Equipment and Service Facility

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 GATES Butz Institutional Construction, LLC in the amount of \$1,567,800 – Executive Airport Aviation Equipment and Service Facility – Project 11181; and (2) transfer funds for contract, contingencies and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1488

Contract Award – Lanzo Lining Services, Inc. – Florida - (M-18)
\$1,347.065 – Wastewater Conveyance System Remediation And Annual Sewer Lining

Please see the funding information attached to these minutes.

A motion authorizing the proper City Officials to: (1) award and execute contract with Lanzo Lining Services, Inc. – Florida, in the amount of \$1,347.065 – Wastewater Conveyance System Long-Term Remediation Program and Annual Sewer Lining Contract – Sewer Basin A-23 – Project 11497; and (2) transfer \$1,508,712.80 to fund contract, engineering fees and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1225

Transfer of Funds Between WaterWorks 2011 Projects (M-19)
Underground Storage Tank Upgrades

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

A motion authorizing transfer of funds between WaterWorks 2011 projects in the amount of \$13,270.30 – environmental services associated with Underground Storage Tank Upgrades – Project 11118.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1618

Disbursement of Funds/Joint Investigation/O.R. 08-115252 (M-20)
Law Enforcement Trust Fund

\$29,110.50 is available in Fund 107 (DEA Confiscated property) in account GL 219-115252 (Deposits Trust).

A motion authorizing the equitable disbursement of \$29,110.50 with each of the twelve participating law enforcement agencies to receive \$2,239.26 and Fort Lauderdale Police Department to receive an additional share for a total sum of \$4,478.64 due to additional assigned agent.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1594

Fire-Rescue Department Technical Rescue Team Training (M-21)
Contract Cancellation – School Board of Marion County

No budgetary impact.

A motion canceling contract for Fire-Rescue Department Technical Rescue Team Training – School Board of Marion County – Bid 292-10266.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1653

Supplemental Pay – Employee Reservists Called To Active Duty (M-22)
On-Going Military Conflicts – Extension of City Policy

Police Department - \$20,100 is budgeted in POL 030201, Subobject 1101 (permanent salaries) Fund 001, Subfund 01, Fire Department - \$75,500 is budgeted in FIR 030101, Subobject 1101 (permanent salaries) Fund 001, Subfund 01.

A motion authorizing a one-year extension to City policy for supplemental pay to employee reservists called to active duty as a result of on-going military conflicts that arose due to September 11, 2001 terrorist attacks – extension to December 30, 2010.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1675

Grant Application – Recycling Program (M-23)
Broward County Resource Recovery Board

No current year budgetary impact. Matching funds available \$15,000 under Fund Type 40, Fund 409, Subfund 01, PBS090601-3943; \$10,000 under Fund 409, Subfund 01, PBS090101-3943.

A motion authorizing the proper City Officials to apply for grant funding in the amount of \$25,000 from Broward County Resource Recovery Board to purchase recycling bins for City parks and residential curb-side service – 50/50 matching funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1689

Settlement of Vehicle Accident General Liability (M-24)
File VA GL 08-053 - \$40,000

Funds are budgeted in INS010101/5104 (Automobile Liability Claims), Fund 543/01. There are sufficient funds to cover the amount of \$40,000.

A motion authorizing settlement of Vehicle Accident General Liability File VA GL 08-053 (Ira Jones, Jr.) - \$40,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1695

2009 Winterfest Boat Parade – Winterfest, Inc. (M-25)
New River – Riverwalk Dockage Facility Use Agreement

\$2,099.70 is for receipt of estimated revenue loss for FY 09-10 in General Fund 001, Subfund 01, BUS020103, Subobject K186.

A motion authorizing the proper City Officials to execute dockage facility use agreement with Winterfest, Inc. – New River – Riverwalk dockage in conjunction with staging of vessels – 2009 Winterfest Boat Parade – December 12, 2009.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1678

Renew Participation Agreements – Housing Authority - (M-26)
\$72,556 and \$270,621 Reimbursement – Rehabilitation of
Properties – HOPWA Grant Funds

\$270,621.00 in Index Code HP889, SOB 8001; \$72,556.00 in Index Code HP9934, SOB 8001, Fund 108, Subfund 01.

A motion renewing two contracts with the Housing Authority of the City of Fort Lauderdale and providing reimbursement for rehabilitation of properties – 611 NE 39 Street, Pompano Beach (\$72,556) and 3731 SW 1 Street, Fort Lauderdale (\$270,621) – Housing Opportunities for Persons with HIV/AIDS grant funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1699

CONSENT RESOLUTION

Grant Acceptance – COPS Technology – Police Digital In-Car (CR-01)
Video Cameras – U.S. Department of Justice – Office of Community
Oriented Policing - \$400,000

Appropriate \$400,000 of Grant Funds to Fund 129, Subfund 01, GTECH12, C205 (REV); and expenditures in 3199 (\$107,569), 3401 (\$18,000); 3404 (\$31,385), 3613 (\$3,225), 3907 (\$7,800), 3946 (\$525), 3999 (\$990), 6404 (\$225,026), 6405 and (\$5,480).

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1636

RESOLUTION NO. 09-280

A RESOLUTION AMENDING 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 GRANT FUNDS AWARDED TO THE CITY BY THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES IN THE AMOUNT OF \$400,000.00 TO APPROPRIATE FUNDS TO PURCHASE AND INSTALL 35 DIGITAL IN-CAR VIDEO CAMERAS.

Amend Operating Budget – Appropriation - \$430,000 (CR-02)
Police Legal Unit Operating Budget

Appropriate \$430,000 from Fund 104, Subfund 01 (undesignated fund balance) to Fund 104, Subfund 01, POL050101, various Subobjects (See Exhibit 1).

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1707

RESOLUTION NO. 09-281

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 \$430,000 FROM UNDESIGNATED FUNDS AVAILABLE IN THE LAW ENFORCEMENT CONFISCATED PROPERTY FUND FOR THE POLICE LEGAL UNIT.

Amend Operating Budget – Transfer and Appropriation – (CR-03)
\$111,168 – Mechanical Integrity Testing – Peele Dixie Water
Treatment Plant

Appropriate \$111,168 from Fund 454, Subfund 01, P11246.454-6599 to Fund 450, Subfund 01, PBS670305-3199.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1679

RESOLUTION NO. 09-282

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 \$111,168.00 FOR COSTS ASSOCIATED WITH THE MECHANICAL INTEGRITY TESTING AT THE PEELE DIXIE WATER TREATMENT PLANT.

Change Order 3 – Miguel Lopez Jr., Inc. - \$95,770.75 (CR-04)
Fort Lauderdale Beach Park – Annual Parking Lot Repair Contract

Appropriate \$102,475 from Parking Fund 461 Unrestricted Fund Balance, FD461.01-9901 to P11480.461-6599, Fund 461, Subfund 03 to fund the Change Order and 7 percent engineering fees (5 percent Inspection and 2 percent Administration).

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1710

RESOLUTION NO. 09-283

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 \$ 102,475 FROM PARKING FUND 461 TO P11480.461-6599.

Fire-Rescue Facilities Bond Issue Blue Ribbon Committee - Term Extension (CR-05)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1700

RESOLUTION NO. 09-284

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 04-220, WHICH ESTABLISHED THE FIRE-RESCUE FACILITIES BOND ISSUE BLUE RIBBON COMMITTEE TO EXTEND THE TERM TO DECEMBER 31, 2011.

Contract Award – Burke Construction Group, Inc. - \$1,065,866.25 – Osswald Park Improvements (CR-06)

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

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1708

This item was changed to a motion.

Amend Operating Budget – Appropriation - \$506,560 (CR-07)
Grant and \$56,560 Match – Floating Docks Along New River Riverwalk

Appropriate \$506,560.00 Grant Funds to Fund 129, Subfund 01 P11000.129B, Revenue in F742 and Expenditure in 6599. Request appropriation of \$56,560.00 for balance of matching funds from p11000.331, Fund 331, Subfund 01, Subobject 6599 to P11000.129C, Fund 129, Subfund 01, Subobject 6599.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1616

RESOLUTION NO. 09-285

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY APPROPRIATING FUNDS AS MORE PARTICULARLY SET FORTH IN SECTION 1 BELOW.

Amend Operating Budget – Appropriation - \$10,000 (CR-08)
Sponsorship – 2009 New Year’s Eve Celebration

\$10,000 in sponsorship funds (revenue) to be appropriated to PKR010402-K384 Other Events, Fund 001, Subfund 01. Appropriate expenses in the amount of \$1,300 to PKR010402-3299 Other Services, Fund 001, Subfund 01. \$8,700 to be appropriated to PKR010402-3299 Other Services, Fund 001, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1692

RESOLUTION NO. 09-286

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 \$10,000 IN CASH SPONSORSHIP FROM FLORIDA POWER & LIGHT (FPL) FOR THE CITY’S 2009 NEW YEAR’S EVE CELEBRATION AND BY APPROPRIATING \$1,300 IN EXPENSES TO THE GENERAL FUND OPERATING BUDGET TO PAY JAN BETH IDELMAN, INC., THE EVENT FUNDRAISER.

Amend Operating Budget – Appropriation - \$228,625.72
Maintenance and Repair of City Vehicles

(CR-09)

Appropriate \$228,625.72 from Replacement Rental Fund 583; Subfund 01, FD583.01 Subobject 9901; Unrestricted Fund Balance to Fund 583, Subfund 01, PAR030101.3240.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1724

RESOLUTION NO. 09-287

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 \$228,625.72 FOR CONTRACT NUMBER 332-8871 WITH FIRST TRANSIT, INC. D/B/A FIRST VEHICLE SERVICES FOR THE MAINTENANCE OF CITY VEHICLES.

Grant Acceptance – Local Agency Program Agreement - \$2,287.421
Sistrunk Boulevard Streetscape and Enhancement Project

(CR-10)

Appropriate \$2,287.421.00 of grant funds in the Fund 129, Subfund 01, P10448.129C-C305 and expense in 6599.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1733

RESOLUTION NO. 09-288

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) IN ORDER TO RECEIVE A GRANT IN THE AMOUNT OF \$2,287.421 FOR CONSTRUCTION OF THE SISTRUNK BOULEVARD STREETSCAPE ENHANCEMENT PROJECT AND AMENDING 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 THE GRANT FUNDS IN THE AMOUNT OF \$2,287.421 TO FUND 129.

Florida Homebuyer Opportunity Program (CR-11)
Program Administration and Amending Budget – Appropriation –
\$140,123

See breakdown of Index Codes/SOB's attached to these minutes.

Recommend: Adopt resolution.
Exhibit: Commission Agenda Report 09-1698

RESOLUTION NO. 09-289

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 FLORIDA HOUSING FINANCE CORPORATION GRANT FUNDS IN THE AMOUNT OF \$140,123 FOR STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM GRANT FUNDS FOR USE IN THE CITY'S FLORIDA HOMEBUYER OPPORTUNITY PROGRAM.

PURCHASING AGENDA

403-10368 – Co-Op Purchase of Hydrofluosilicic Acid (PUR-01)
(Fluoride) – Fiveash and Peele Dixie Water Treatment Plants

\$90,000 is available in Fund 450, Subfund 01, PBS670303, Subobject 3715 and \$32,800 is available in Fund 450, Subfund 01, PBS670305, Subobject 3715.

One-year contract to supply Hydrofluosilicic Acid to Fiveash and Peele Dixie Water Treatment Plants is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Harcros Chemicals, Inc.
Tampa, FL
Amount: \$122,800.00 (not-to-exceed)
Bids Solicited/Rec'd: 291/1
Exhibit: Commission Agenda Report 09-1609

The Procurement Services Department has reviewed this item and recommends awarding this Co-Op Contract to the single bidder.

685-9855 – Contract Extension – Repair, Renovation, Restoration Services – General Construction (PUR-02)

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

One-year contract extension for purchase of general repair, renovation and restoration services is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: A.C.T. Services, Inc.
Hialeah, FL
Decon Environmental & Engineering, Inc.
Fort Lauderdale, FL

Bids Solicited/Rec'd: 238/8

Exhibit: Commission Agenda Report 09-1640

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

194-10361 – Fire Station Bond Program Construction Feasibility Study (PUR-03)

Transfer \$70,000 from P10909.336 to P11576.336 all within Fund 336, Subfund 01 and Subobject 6599.

Contract for Fire Station Bond Program Construction Feasibility Study is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Stewart-Cooper-Newell-Architects, P.A.
Gastonia, NC

Amount: \$68,000.00

Bids Solicited/Rec'd: 2058/6

Exhibit: Commission Agenda Report 09-1731

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

09A-149 – Diesel and Gasoline Fuel – City Vehicles (PUR-04)

\$1,074,800 is budgeted in Fund 583, Subfund 01, PAR030101-3804 and \$2,457,000 is budgeted in Fund 583, Subfund 01, PAR030101-3801. Funding for the term of the contract extending beyond FY9/10 will be budgeted in subsequent years.

Twenty-seven month contract for purchase of diesel and gasoline fuel for City vehicles is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Port Consolidated, Inc.
Fort Lauderdale, FL

Amount: \$4,250,000.00 (estimated)

Bids Solicited/Rec'd: 58/11

Exhibit: Commission Agenda Report 09-1672

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

705-10257 – Community Development Block Grant Recovery Program – Technical Assistance and Training (PUR-05)

\$150,000 in Index Code CR09Rev. Fund 108, Subfund 01, SOB C586.

Award of Community Development Block Grant Recovery program Funds for Technical Assistance and Training is presented for approval by the Planning and Zoning Department.

Recommend: Motion to approve.

Vendor: Williams Glasco & Associates, L.L.C.
Ruston, LA

Amount: \$150,000.00 (not-to-exceed)

Bids Solicited/Rec'd: 1926/4

Exhibit: Commission Agenda Report 09-1674

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

City-Wide High-Speed Wireless Data Services (PUR-06)

See funding itemization attached to these minutes.

Purchase City-Wide High-Speed Wireless Data Services is being presented for approval by the Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Verizon Wireless Personal Communications, LP
Basking Ridge, NJ

Amount: \$236,740.80 (not-to-exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1680

The Procurement Services Department has reviewed this item and agrees with awarding from the State of Florida Data contract.

162-9545 – Self-Funded Group Healthcare Plan – Annual Reinsurance Renewal (PUR-07)

INS220101/subobject 5130, Fund 545/01, Self-funded group healthcare, Healthcare Administration. There are sufficient funds for the estimated \$810,854 renewal.

One-year contract renewal of Reinsurance Policy for Self-Funded Group Healthcare Plan is presented for approval by the Finance Department.

Recommend: Motion to approve.

Vendor: AvMed, Inc. d/b/a AvMed Health Plans
Miami, FL

Amount: \$810,854.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1682

The Procurement Services Department has reviewed this item and recommends awarding to this vendor.

762-9300-2 – Contract Renewal – State Lobbyist Services (PUR-08)

\$55,000 is budgeted in MGR020101-3122, Subfund 01, Fund 001.

One-year renewal contract for State Lobbyist Services of Lewis, Longman & Walker P.A> is being presented for approval by the Grants and Legislative Affairs Office.

Recommend: Motion to approve.

Vendor: Lewis, Longman & Walker, P.A.
West Palm Beach, FL

Amount: \$55,000.00

Bids Solicited/Rec'd: 253/5

Exhibit: Commission Agenda Report 09-1717

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

762-9300-1 – Contract Renewal – State Lobbyist Services (PUR-09)

\$55,000 is budgeted in MGR020101-3122, Subfund 01, Fund 001.

One-year renewal contract for State Lobbyist Services of CLD & Associates, LLC is being presented for approval by the Grants and Legislative Affairs Office.

Recommend: Motion to approve.

Vendor: CLD & Associates, LLC
Fort Lauderdale, FL
Amount: \$55,000.00
Bids Solicited/Rec'd: 253/5
Exhibit: Commission Agenda Report 09-1718

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

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-08, M-12, M-13, M-22, M-23, M-25, CR-06, CR-09, PUR-04, PUR-05 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: Commissioners DuBose and Rogers and Vice Mayor Roberts, Commissioner Rodstrom and Mayor Seiler NAYS: None

Change Order 5 – Southern Florida Paving Group, LLC – (M-08)
Annual Speed Hump Installation – SW 30 Terrace and
SW 17 Street - \$18,072

In response to Commissioner DuBose, Albert Carbon, Director of Public Works, clarified the funding, noting a portion will go to program management for WaterWorks 2011. In the future Commissioner DuBose wanted the backup to note the dollar amount and any deficit so that it is clear what is being approved.

Motion made by Commissioner DuBose and seconded by Commissioner Rogers to approve the item in an amount not to exceed \$20,241. Roll call showed: YEAS: Commissioners DuBose and Rogers, Vice Mayor Roberts, Commissioner Rodstrom and Mayor Seiler. NAYS: None.

Task Order 3 – R. J. Heisenbottle Architects, P.A. - \$111,920.22 (M-12)
Additional Design Services – Southside School

Albert Carbon, Director of Public Works, responded to questions raised by Commissioner Rodstrom concerning the project budget. He noted there was an overage because items were added that would have been in phase two. Completed work that was change ordered in phase one would have been done in phase two, but it was necessary to bring forward to complete the building envelope. This is the third modification to this agreement.

Commissioner Rogers offered his perspective on the project status based on his examination of this matter upon being elected to office. The goal is to get the bids out as soon as possible and take advantage of hopefully lower construction prices. He also does not wish to change anything going forward, however there are unknowns when working on the interior of a historic building. He promised to stay on top of this matter. In further response to Commissioner Rodstrom, Commissioner Rogers was hopeful that the proposal is a plan for cost containment and it is certainly the goal. Mr. Carbon

referred to the cost summary (Southside & Hardy Park Costs) in the backup that shows that staff continues to control the project within the project budget. The commitment was made in 2007 to \$9.3 million. He assured her that the facility would be for use by the entire city.

Vice Mayor Roberts believed there have been four design changes for a total of \$875,000. Mr. Carbon clarified there have been three modifications to the original contract of March, 2006. He went on to respond to Vice Mayor Roberts' question about the Friends of Southside having prompted this change. The Friends of Southside is a non-profit citizens group that meets regularly with staff. They are trying to accumulate funds to assist in capital possibly and mostly operational costs. Vice Mayor Roberts noted some \$4 million has been expended and there is \$5 million yet to be expended. He emphasized that this is a lot of money. He asked about potential grant funding and anticipated completion date. Mr. Carbon noted there has been significant grant funding secured for this project. This phase of construction is expected to be approximately twelve months. He could not furnish a date, not knowing the timeline surrounding the bidding phase. Also, Commission direction has been not to continue with phase two, therefore the total is \$7.2 for phase one. Phase two is to complete Hardy Park.

Vice Mayor Roberts emphasized there should not be any special interest groups dominating the facility's use. It should be stressed that this is a public facility. Some thought should start on this based on the amount of money expended. Commissioner Rogers indicated that has always been the plan.

Vice Mayor Robert indicated if there is any way to save on the project, it is incumbent to do so. Commissioner Rodstrom also referred to the amount of money and when looking at how it could have been spread across the city, the Friends and everyone who has participated should be grateful.

Mr. Carbon responded to Mayor Seiler's question about the project's history in terms of budget, beginning with acquisition of the property in 2004 outlined in the cost summary (Southside & Hardy Park Costs) provided in the backup. The exterior is complete. After the bid is awarded, construction will be twelve months. The City Manager pointed out that this project is not over-budget. In response to the City Manager, Mr. Carbon estimated the remaining portion of the project to be \$2.9 million, so the project is estimated around the \$7 million mark.

In further response to Vice Mayor Roberts, Mr. Carbon indicated the property acquisition is not included in these figures. He offered to furnish that amount when this work is awarded.

Vice Mayor Roberts recognized this project was started by the previous Commission. He believed it is a bit much. He wanted to finish within the budget.

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

Task Order 5 – Kessler Consulting, Inc. - \$30,400
Solid Waste Consulting Services**(M-13)**

Commissioner Rodstrom could not support this item. She was not satisfied with the original scope of work for the \$77,000 expended. She commented that her high school senior son felt the work could have been done by anyone accessing the Internet. She felt any member of the Commission could negotiate this and save this \$30,000. She felt the discussion at the conference meeting was very thorough and she did not think it will be difficult to negotiate this. She suggested it be deferred to December 15 in order to obtain more information.

In response to Vice Mayor Roberts, Ed Udvardy, Assistant Director of Public Works, advised the recommendation is for an amount not to exceed \$30,400. Staff has already started setting meeting with the Resource Recovery System. In response to Commissioner Rogers, Mr. Udvardy quoted the hourly rates for three varying levels of personnel. He believed Kessler brings value to the negotiating discussions. After today's discussion, he believed the focus will be the \$12 fee. He elaborated upon the wider range of experience that Kessler brings. In response to Commissioner DuBose, Mr. Udvardy indicated that he does not anticipate using the full \$30,400 based on today's direction of the one remaining issue being the \$12. He could not gauge an amount as it will depend on the negotiations. Commissioner Rodstrom did not think it is likely a consultant will come in under an authorized amount. Commissioner Rogers pointed out that they are charging by the hour. He did not want to limit any necessary investigation for the Commission to make an informed decision. Mr. Udvardy believed that Kessler is helpful in the process.

Commissioner Rodstrom did not feel it is needed. She did not feel there is a \$77,000 value in the material furnished. She noted that the Resource Recovery Board provided information earlier today that found fault with the Kessler report. Mr. Udvardy noted what was included in the \$77,000. Commissioner Rodstrom did not feel the report is sufficiently thorough or detailed.

Mayor Seiler felt this is very technical. This is a multi-million dollar issue. The goal is to reduce cost to the taxpayers as much as possible. He supported this expenditure for additional expertise and consulting power. He did not want to limit it solely to the \$12. He still wanted the background information. He hoped staff makes use of Kessler. He complimented staff. He felt Kessler has the ability to gather information from other cities and waste streams. Commissioner Rodstrom felt staff could handle this on their own.

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

Supplemental Pay – Employee Reservists Called To Active Duty
Ongoing Military Conflicts – Extension of City Policy**(M-22)**

Dennis Ulmer, 1007 NW 11 Place, commended the City for providing benefits and pay to reservists called to active duty. Mayor Seiler noted the history with respect to the legislation enacted which made this possible. Averill Dorsett, Director of Human Resources, noted the City has five individuals on active duty, but only two receive a supplement.

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

Grant Application – Recycling Program
Broward County Resource Recovery Board

(M-23)

Vicki Eckels, 917 SE 14 Street, noted that the solid waste department will be one of the beneficiaries of this grant. This same department disposed of 100-200 recycling carts this past summer, deeming them in excess inventory. The carts were given to a recycler instead of being put into service. She expressed her concern over such action. She wanted a policy established to prevent disposal of carts. She did not think the color should come into play. She displayed photographs that were entered into the record.

Mayor Seiler asked staff to respond on this point. Ed Udvardy, Assistant Public Works Director, explained that the City's recycling program branding changed. Fifty were kept for special events and cannibalized the remainder. The City has an arrangement with a recycle contractor that weekly takes old, broken or excess carts and recycles them. He believed there were some one hundred fifty carts that had been in the inventory for a couple years. The design is the same as those currently used except blue has been adopted throughout in order to be easily identifiable. In response to Mayor Seiler, Mr. Udvardy thought the cost per cart was about \$65. Funding was grants and the sanitation fund. Probably half of the cost was in the lids and wheels. There was limited storage space. They could not be reused because the City logo is embossed on them. Mayor Seiler was concerned about not using carts because of the color. In response to Commissioner Rogers, Mr. Udvardy indicated that too many were purchased.

Commissioner DuBose wanted to make sure that carts not be disposed simply because of color. He felt there should be a policy put into place including life expectancy and so forth. Mr. Udvardy offered to furnish a report.

Mr. Udvardy confirmed for Mayor Seiler that the wheels and lids are being reused.

In response to Mayor Seiler, Phil Thornburg, Parks and Recreation Director, indicated that a decision on the container design has not yet been reached, but the goal will be to coordinate with the recycling program.

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

Ms. Eckels drew attention to her photograph submitted and disagreed with staff's comment on the lid color of the containers that were recycled.

**2009 Winterfest Boat Parade – Winterfest, Inc.
New River – Riverwalk Dockage Facility Use Agreement**

(M-25)

Commissioner Rodstrom announced the east gate will be opened. A couple years ago the north gate was opened. She has not given up negotiating and speaking with Winterfest, the State and Birch State Park rangers on this point for next year. The east gate was a negotiated compromise last year. She planned to speak with Winterfest next week with respect to next year.

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

Contract Award – Burke Construction Group, Inc. - \$1,065,866.25
Osswald Park Improvements

(CR-06)

Vice Mayor Roberts indicated he no longer has a question on this item.

The City Clerk announced staff has requested this item be changed to a motion that would authorize award and execution of a contract with Burke Construction Group, Inc. in the amount of \$1,065,866.25 and approve transfer of funds in the amount of \$168,832.20 from the Capital Improvement Program Holding Account to complete funding of the contract and engineering fees.

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

Amend Operating Budget – Appropriation - \$228,625.72
Maintenance and Repair of City Vehicles

(CR-09)

In response to Commissioner Rogers and Vice Mayor Roberts, Diana Alarcon, Director of Parking and Fleet Services, advised for 2009-2010, \$5,168,664 was budgeted. When Parking and Fleet Services does repairs to vehicles that are non-contract or accident related, they are reimbursed, but the money is deposited in the revenue account. This is moving it into an expense account in order to close out the 2008-2009 books. In further response, she indicated she is comfortable with this budget going forward. Last year, however, the budget was not exceeded and such a transfer was not necessary so there was a savings. Vice Mayor Roberts wanted to use the savings from the previous year instead of taking it from the general fund. He understood there are unforeseen occurrences but wanted to find a better way to fund the shortage. Ms. Alarcon corrected her statement to indicate it is coming from the parking and fleet services fund balance, not general fund.

In response to Mayor Seiler, Ms. Alarcon offered to report back on approximately how much of the \$5 million amount is insurance proceeds the City receives from accidents. Repairs are bid out. Local repair shops are used. This contract expires in 2010.

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

Rogers, Vice Mayor Roberts, Commissioner Rodstrom and Mayor Seiler. NAYS: None.

09-A-149 – Diesel And Gasoline Fuel – City Vehicles

(PUR-04)

In response to Commissioner Rogers, Ms. Alarcon clarified the funds available are shown in Exhibit 1 to Commission Agenda Report 09-1672, because it is December and some monies have been expended. The existing contract was extended to the end of this month. She was very comfortable with the budget and indicated with this contract there will be an opportunity for even more savings.

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

705-10257 – Community Development Block Grant Recovery Program **(PUR-05)**
Technical Assistance And Training

Commissioner Rogers noted that three bidders quoted \$151,970. He also referred to the ranking by one individual in the evaluation committee having to do with the Experience category which distinguished between the recommended vendor and the next closest vendor. Mayor Seiler pointed out that the same individual gave substantially less points under the Statement of Qualifications category as well. Kirk Buffington, Director of Procurement Services, indicated the RFP indicated that the grant was worth \$151,970. Each evaluation committee member brings a different perspective. The number two ranked vendor is a CPA firm. Their experience in providing training and education is not that extensive at this time. That evaluation committee member felt that vendor did not bring the same amount of experience in providing training as the other proposers. As to why the other members disagreed, this is why there are three people on the committee. They all bring a different perception. He offered to continue to work on making the committee comments more legible in the future. In further response, Mr. Buffington indicated all of the bidders had the same information.

In response to Mayor Seiler, Mr. Buffington advised that while the recommended vendor is from Louisiana, they will open a local office and have local presence while the training is ongoing.

Faye Williams, president and CEO of Williams Glasco & Associates, LLC, advised they plan to hire a local person to assist. She elaborated upon their experience in this field. In response to Mayor Seiler, Ms. Williams indicated Williams Glasco & Associates does not have any experience with any other South Florida municipalities. However, she was born and educated in Fort Lauderdale. They hope to create five to ten employee/positions each year.

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

City-Wide High-Speed Wireless Data Services**(PUR-06)**

Commissioner Rodstrom indicated she no longer has a question on this item.

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

Note: The Commission recessed from 7:51 p.m. to 8:07 p.m.

MOTIONS

Proprietary – Utility Billing Integrated Voice Response System**(MD-01)**

\$90,750 is available in P11139.454-6599, Fund 454, Subfund 01.

Purchase expansion to Utility Billing System Integrated Voice Response System is being presented for approval by the Public Works Department.

Recommend:	Motion to approve.
Vendor:	Tele-Works, Inc. Blacksburg, VA
Amount:	\$90,750.00
Bids Solicited/Rec'd:	N/A
Exhibit:	Commission Agenda Report 09-1056

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

Kirk Buffington, Director of Procurement Services, provided an overview of the request as outlined in Commission Agenda Report 09-1056.

At Mayor Seiler's request, Tim Edkin, Director of Information Technology Services, explained how the system works and additional services the expansion will provide. He also clarified the fire alarm billing system relates to code violations as opposed to the Fire Rescue Department.

Commissioner Rogers wanted to know if this system has been tested to determine if there is truly an improvement or has there simply been reliance on the vendor. Mr. Edkin explained it is better to expand existing software than add different pieces of software. He believed the response on this system has been satisfactory. He elaborated upon various integrations taking place. There were problems with the previous system before this replaced it.

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

Proprietary – Fire Station 29 Alerting System**(MD-02)**

\$65,000 is budgeted in P10905.336, 6599, Fund 336, Subfund 01. In addition, the Fire Dept. is requesting a transfer of \$16,358.00 from P10914.336-6599 Fire Station 54, Fund 336, Subfund 01 to P10905.336-6599, Fire Station 29, Fund 336, Subfund 01 to fund this request.

Purchase Zetron Fire-Rescue Alerting System for Fire Station 29 – response to fire, medical and mutual aid emergency calls is being presented for approval by the Fire-Rescue Department.

Recommend: Motion to approve.

Vendor: Motorola, Inc.
Schaumburg, IL

Amount: \$81,358.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1677

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

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

Appeal – Historic Preservation Board – 1004 West Broward Boulevard **(MD-03)**
Demolition – Sailboat Bend Historic District – Dr. Kennedy Homes –
Case 2-H-09

No Budgetary Impact.

Applicant: Stephen Tilbrook
Owner: Housing Authority of Fort Lauderdale
Location: 1004 West Broward Boulevard
Zoning: Residential Multi-Family Mid-Rise Medium
 High RMM-25

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

Mayor Seiler announced the item and the options available to the Commission.

Greg Brewton, Director of Planning and Zoning, provided a brief history and highlights concerning this matter as detailed in the Commission Agenda Report 09-1667. He noted the location, use and zoning, and the Applicant's proposal.

Mayor Seiler opened the floor for any comment solely on the question of whether the Commission should conduct a new hearing.

Stephen Tilbrook, representing the Applicant, elaborated upon the Housing Authority's mission and the role of Dr. Kennedy Homes in the Authority's portfolio. In 2004, the

Authority determined that some of its housing facilities no longer met the criteria set forth in their mission and as such they went about upgrading. He noted those upgrades included Dixie Court and now Dr. Kennedy Homes. The Authority retained the best design and historic preservation professionals to evaluate the property and to bring forward recommendations. At the conclusion of the analysis, the Authority retained professionals to prepare a plan for new housing which has been two years in the works, including working with Sailboat Bend Civic Association, City staff, Broward County Transit and other urban design elements of Broward County and residents of Dr. Kennedy Homes. He highlighted the chronology of other aspects including the plat and Development Review Committee processes. The city code provides that a representative shall be identified to assist and expedite affordable housing project review process, which he believed has been done, however, it has been two and a half years.

Mr. Tilbrook went on to review the chronology of the Authority's application to the Historic Preservation Board and the criteria upon which the board is to base its decision. He raised the point of whether the board's hearing included such irregularities that it violated the client's right to a fair hearing and due process of law. A question was raised and the City Attorney clarified that this last point concerning irregularities falls under the first criteria relating to due process of law.

Mr. Tilbrook indicated related to whether there has been departure from the essential requirements of law, the correct criteria, particularly for demolition, is whether the site contributes to the historic district in which it is located. Particularly relating to the alterations and new construction is whether the design standards for the alterations and new construction meet the design guidelines for Sailboat Bend Historic District. The board did not properly apply the criteria. It relied upon a flawed report of the City's consultant which indicated that the forty-two structures on the site are historically worthy. This is not a part of the criteria for the demolition. The staff's memorandum indicated that the criteria of whether the buildings are contributing was irrelevant to the analysis before the board. He believed that is a fatal flaw. Also, the board did not properly apply the criteria for alteration and new construction. They did not get to that element of the application because they ultimately denied the demolition. The board ignored that the buildings were not constructed during the period of significance for the Sailboat Bend Historic District (prior to 1940). These buildings were constructed after 1940. As to irregularities, these concerns are documented in a letter to the City Attorney. A copy of the letter, dated September 29, 2009, is attached to these minutes. Two examples are as follows: Certain members of the fact-finding panel were acting as advocates in the process. There was uncertainty of whether the public would have an opportunity to speak at the meetings and in fact the meetings were closed at one point and reopened without an opportunity for the public to speak. The board's decision was not based on substantial competent evidence. The board failed to make findings of fact on the record. They relied upon testimony of lay persons, non-experts and advocates in the community. They chose not to rely upon the overwhelming support of the Kennedy Homes' residents. On this basis a new hearing before the Commission is requested and that it be held on December 15. He outlined the advantages and merits of holding a new hearing. He noted that there are strict timeframes for this project (low income tax credits), 27 months to get certificates of occupancy.

Mayor Seiler opened the floor for public comment.

Wilbert Ponder, Jr., 183 SW 9 Terrace, indicated he is the vice president for Kennedy Homes tenants. The tenants would like Kennedy Homes to be torn down. The

foundation is unstable. All of the walls are cracking. There is mildew. There is no place for children to play. There is only one wash house with four machines for the entire complex. The buildings were built in 1938; they need to be torn down. Kennedy Homes is at the City's gateway.

Richard Locke, 805 SW 4 Street, referred to Mr. Tilbrook's claim that Sailboat Bend and Kennedy Homes residents not being able to offer expert testimony. He referred to Sailboat Bend master plan of 1988 used by Mr. Tilbrook wherein he is quoted as an expert. He referred to the historic district ordinance and that everything in Sailboat Bend is historic, contributing and significant. He submitted information used to make his comment which was entered into the record.

Janet Riley, an attorney at Legal Aid of Broward County, explained Legal Aid got involved when they became aware of a discussion about demolishing a public housing project. If they lose public housing, there is no other place in the county where they can afford to live unless they are able to get Section 8 housing approved which is scarce. She discussed the criteria for deciding upon whether to hold a hearing, that the Applicant's claims about the City's consultant's testimony and the testimony of others are unfounded. She did not believe there is a basis for a de novo hearing.

Ralph Johnson, 2441-1 East Aragon Boulevard, Sunrise, noted his experience and credentials, supported preservation of Kennedy Homes. He noted the number of years of their existence and that they are part of the Sailboat Bend Historic District. He felt the existing structures are probably better than anything new that would be built. He felt the problems have to do with management. He disagreed with the statement that his testimony at the (board hearing) was not valid. The existing development could be restored and preserved. In response to Mayor Seiler, Mr. Johnson noted the Applicant's proposal to restore three existing buildings is a testimony that the entire development could be restored. If properly restored, it will be a showcase.

Alysa Plummer, vice president of Sailboat Bend Civic Association, supported the Kennedy Homes' residents in wanting to have an improved quality of life and hoped to work with them to achieve that goal. The association has requested a financial analysis to compare demolition versus new construction. Kennedy Homes is currently in nomination to the national register of historic places. It is an asset to the City and has been a part of the district for seventy years. It is one of the most unique, untouched sites of early public housing. She referred to the City's historic preservation regulations noting the purpose and policy of the City. She supported upholding the Historic Preservation Board's decision. If a de novo hearing is to be held, she asked for sixty days before it is held so that a community charette may be held.

Donna Isaacs, 1121 Waverly Road, noted her experience and credentials, noted that Kennedy Homes is very similar to Liberty Square in Miami. She discussed what was accomplished with Liberty Square which was restored and flexibility with the grant application. There are plans to hold a community charette. She submitted information used to make her comment which was entered into the record.

Diane Smart, 3850 Galt Ocean Drive, president of the Broward Trust for Historic Preservation, indicated that they have nominated this property to be on the national register. A decision will be made in March. This opportunity would be lost if the buildings are torn down. She pointed out that the City has not properly maintained this property. She referred to the Applicant's goal to upgrade the development and emphasized that it

could be upgraded by being restored, not tear down. This is a perfect example of a green development in 1941 that can be restored.

Susan McClellan, member of the Historic Preservation Board, noted her experience and credentials, noted her decision was based on the facts provided to the board and the criteria. The proposed project did not meet the criteria. She questioned that the Applicant will be able to provide 132 units for \$15 million. She was concerned that the details will not be affordable and the result will be boxes for people to live in. She suggested using the \$15 million to restore and complete it.

Deatra McCoy, 1740 NW 24 Terrace, noted the current design is front porch but the proposal does not include porches. The new style does not include the existing mango trees. She believed the cracking walls mentioned earlier have to do with deferred maintenance by the Fort Lauderdale Housing Authority. She noted that this will displace elderly on limited income, who may be ill and lack mobility. The proposed plan looks like a project; it is inconsistent with the Sailboat Bend neighborhood. It is not aesthetic. The Housing Authority exists for decent housing and not for profit. She urged it be made decent for the residents of Kennedy Homes.

Dave Parker, president of Sailboat Bend Civic Association, indicated that Sailboat residents have expressed concern about massing of the buildings and size in comparison to the rest of the neighborhood. The proposal is five-stories; nothing else in Sailboat Bend is five stories. They are concerned about loss of the historic neighborhood. He supported upholding the Historic Preservation Board's decision.

Nolan Haan, chair of the Historic Preservation Board, commented about the length of the hearing on this matter and that everyone who wished to speak had all of the time they needed. The questions he posed were pertinent. He disagreed that he made any error in chairing the meeting. He referred to the Applicant's evidence that a mistake was made when Kennedy Homes was included in the original (historic) district and elaborated those who came forward to refute it. He did not believe the criteria for demolition were met. Evidence presented by the architect was based on a flawed premise. The design is inappropriate for a historic district. He submitted information used to make his comment which was entered into the record.

Charles Jordan, 1225 SW 4 Court, noted his experience and credentials, emphasized that there was substantial competent evidence given at the (Historic Preservation Board) hearing. He believed there is no other course for the Commission but to deny the appeal this evening. He agreed that the report by Ellen Uguccione, consultant, was flawed. He felt this evening is just an effort to get a de novo hearing. He did not see any argument for such a hearing based on the testimony. He urged the Commission to support the Sailboat Bend Historic neighborhood.

Mordeal Edwards, 188 SW Palm Avenue, was opposed to demolishing Kennedy Homes. She asked that repairs be made instead.

Amelia Pulliam, 108 SW 11 Avenue, was opposed to demolishing Kennedy Homes. She commented about the sturdiness of the roofs. She asked that repairs be made.

Willie Doe, 161 SW 9 Terrace, supported the demolition of Kennedy Homes and talked about the state of disrepair. Regardless of whether the development is remodeled or replaced, people will have to vacate.

There was no one else wishing to speak.

Merrilyn Rathbun, Fort Lauderdale Historical Society, consultant to the Historic Preservation Board, responded to questions raised by Commissioner Rogers as follows. In order to determine if the buildings no longer contribute to a historic district, one must first determine if they ever contributed. Historically worthy is defined in Section 47-24.11 of the Unified Land Development Regulations. Contributing is not defined and as such she was instructed by the City Attorney's Office not to use that term. In her memorandum, a definition from the National Trust for Historic Preservation was included for comparison purposes. She elaborated upon points to determine if a structure contributed to the historic district. To rebut the Applicant's claims, she noted that Sailboat Bend has had multi-family housing almost from the beginning and are considered historically significant. Building materials did not change substantially until after World War II. She did not think that the Applicant submitted any substantial rebuttal to the historic criteria for demolition. When Sailboat Bend was ultimately designated the entire area was included. The development is contributing because of the architectural characteristics of the style. There are buildings in Sailboat Bend that would not be considered contributing because they do not have the architectural characteristics and were built only five years ago for example. Simply because a building is old does not mean it is contributing. By building something new does not make it contributing; rather the board would want to see something compatible with nearby contributing structures. In order to demolish it, a certificate of appropriateness would have to be secured from the board. The reasoning is to make sure of compatibility. This is typical of historic districts throughout the United States.

Mayor Seiler explained if a building was never contributing why is that same question asked when a certificate of appropriateness is sought (for demolition). Ms. Rathbun agreed in the case of demolition. Past practice of the board has been to determine if it is a contributing structure, and, if not, consented to demolition.

Commissioner Rogers noted that the City Attorney has advised that in order for a building to be a historic architectural landmark, which is one criteria for demolition, it must be accomplished by a resolution of the Commission. Ms. Rathbun referred again to the National Trust for Historic Preservation for the definition of landmark. The entire Sailboat Bend historic district is a landmark. She agreed that the ordinance needs tweaking. The Historic Preservation Board has said this many times. Mayor Seiler requested and there was consensus that the City Attorney review this ordinance and report back to the Commission. In further response to Commissioner Rogers, Ms. Rathbun explained when the ordinance was written in the 1970's, the term, landmark, they did not elucidate on it. She went on to elaborate upon New York City Landmarks Commission who defined four categories of landmarks, including a historic district. The National Trust includes site in their definition of landmark, therefore (Sailboat Bend) district is a site and could be considered a landmark in itself. The City Attorney indicated that landmark is defined in Section 47-24.11. The defined term does not include the word historic; however it is used in the definition of landmark. A landmark can be of architectural significance without being historic.

Mayor Seiler asked about Ms. Rathbun's testimony that she would not give any opinion on restoration of the cottages because it was not before her. Ms. Rathbun indicated she had been incorrect, because part of the application is restoration of three of the cottages. She did not give an opinion on that point (at the Historic Preservation Board hearing).

Mayor Seiler asked if there is any substantial competent evidence on the denial of the certificate of appropriateness for alteration or restoration of the cottages. Ms. Rathbun replied no.

Mr. Tilbrook felt this evening's testimony demonstrates the confusion of the Historic Preservation Board. He indicated that he is also a preservationist and has served on the Historic Preservation Board. He believed there are flaws in the code. There is no definition for contributing. Contributing structures within Sailboat Bend Historic District are not identified. He believed that the structures in question are clearly not contributing. Based on this confusion, he requested a de novo hearing as soon as possible, preferably December 15, 2010.

The Commission announced with whom he or she had spoken with and or site visit(s) made concerning this matter.

Vice Mayor Roberts felt because the ordinance is flawed, there should be a de novo hearing.

Commissioner Rogers wanted to give the community an opportunity to hold a charrette although he recognized the time pressures. He suggested the second meeting in January. The City Clerk noted that meeting is slated to be changed to January 20, but has not yet been done.

Mayor Seiler felt the only issue below is the substantial competent evidence issue as to the certificate of appropriateness on the alteration. The Rathbun report (memorandum) does not address this. He cannot find anything in the record on this point.

Commissioner Rodstrom was concerned about losing the grant funding. Mr. Tilbrook provided a verbal status, indicating the funding is anticipated to be awarded in February. It is for restoration and new construction. If this project is not approved, the funding will go away. It could be many years before funding is again available. In response to Commissioner DuBose and Vice Mayor Roberts, Mr. Tilbrook explained if the project is changed, the tax credit financing would have to be given back. Ken Nailer of Carlisle Development Group (representing the Applicant), advised that the switch from new construction to rehabilitation would reduce the number of units that could be constructed and prorate reduce the funding and make the project infeasible. He confirmed Mayor Seiler's thought that restoration of five or seven buildings could be accomplished without defeating the project.

In response to Mayor Seiler, Mr. Nailer indicated that meetings were held with the neighborhood and went on to elaborate upon the significant plan changes made as a result of that input.

Commissioner Rogers wanted to hold the de novo hearing on January 20.

Vice Mayor Roberts introduced the following resolution:

RESOLUTION NO. 09-308

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REGARDING THE APPEAL OF THE HISTORIC PRESERVATION BOARD'S DENIAL OF THE APPLICANT'S REQUEST FOR A CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION, ALTERATION AND NEW CONSTRUCTION FOR A DEVELOPMENT LOCATED AT 1004 WEST BROWARD BOULEVARD, MAKING CERTAIN FINDINGS, AND SETTING THE DATE FOR THE PUBLIC HEARING OF HISTORIC PRESERVATION BOARD CASE 2-H-09 BEFORE THE CITY COMMISSION AT 6:00 P.M. ON JANUARY 20, 2010.

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

RESOLUTIONS

Disposition of Surplus Property – River Gardens
431 NW 21 Terrace

(R-01)

No budgetary impact.

Mayor Seiler opened the floor for public comment.

Brenda Flowers, 1801 NW 27 Terrace, was opposed to setting a minimum bid of \$3,050. She explained when her mother built her house adjacent to the subject property in 2005, she asked about purchasing it. Circumstances have changed. This is a small landlocked piece of property. She was hopeful that the minimum bid could be reduced to \$500-\$1,000. Mayor Seiler explained that the charter requires that the sale cannot be for less than 75% of the appraised value of the property. It was assessed for \$17,000. Ms. Flowers indicated the appraisal was based on a comparison with property that has street access and houses on it. Mayor Seiler noted the County assessment is \$5.75 per square foot and staff has put it in the range of \$.92 - \$3 per square foot.

Commissioner Rodstrom questioned why this little section is left over. Victor Volpi, Real Estate Officer, suggested one scenario is that there was a duplex on the property at one time. When taxes are not paid, the City is left with this situation. By Florida law, Broward County escheats it back to the City who must take it. Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 09-277

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO CITY CHARTER SECTION 8.02, DECLARING CERTAIN PROPERTY DESCRIBED BELOW NOT

NEEDED FOR A PUBLIC USE AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY THAT SUCH PROPERTY BE OFFERED FOR SALE; OFFERING OF PROPERTY FOR SALE AND DESIGNATING A DATE AND TIME FOR ACCEPTING BIDS TO PURCHASE; AND PUBLICATION OF THIS RESOLUTION.

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

Board and Committee Appointments

(R-02)

No budgetary impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 09-1719

Jack Lokeinsky, 735 NE 3 Avenue, asked if background checks are conducted on citizens who are appointed to boards and whether they are provided with any type of training or guidelines regarding ethics. He referred to an email from Ralph Riehl, Chair of the Economic Development Advisory Board, to Police Captain Maglione, Office of Internal Affairs, where Mr. Riehl complains about the outcome of an investigation and uses terms, such as, we and us, and then signs it as chair of the Economic Development Advisory Board, president of South Florida tourism Council, coordinator of SFTC BSP, coordinator of SFTC RWSP and friend of Frank Adderley. He submitted a copy of the email which was entered into the record. In it, he insinuates that the Economic Development Advisory Board filed the complaint with Internal Affairs when in fact that is not the case. It is apparent he is attempting to impose some type of influence on the captain. The City Clerk indicated there is a formal application for advisory board applicants where they are asked to provide their residence. The City takes them at their word. The City Clerk's Office in cooperation with the City Attorney's Office offers a training program to all boards. Advice is provided about ethics and the mechanics of running a public meeting. There is a handbook. Attendance is voluntary.

Mr. Lokeinsky commented that board members address the Commission at these meetings and assert their positions on the advisory boards when they are not necessarily addressing issues concerning the board, but speaking as a citizen. He asked if that is addressed in the handbook. The City Clerk advised that this point is addressed. In response to Commissioner DuBose, the City Clerk explained the handbook explains how a member would represent what the board did. Mr. Lokeinsky understood a member may speak to the Commission about something having to do with the board on which they sit.

In response to Mayor Seiler, the City Attorney indicated nothing is done to verify residency other than checking the address provided on the application. In response to Commissioner Rogers, Mr. Lokeinsky indicated that he is not questioning Mr. Riehl's residency. He recognized that a full background check would be costly and time-

consuming. He understood the City appreciates the time they devote. Perhaps a random check might be appropriate.

In response to Commissioner Rogers, Mr. Lokeinsky felt there was an absolute abuse of power and he planned to bring this to the attention of the Economic Development Advisory Board. He had wanted to inquire whether there is training for new members.

Beach Business Improvement District

Mayor Seiler noted that A. J. Yaari was recommended by the Beach Redevelopment Board to the Beach Business Improvement District (BID). It has been pending for months. Commissioner Rodstrom did not wish to appoint Mr. Yaari. In response to Mayor Seiler, Don Morris, Beach Community Redevelopment Agency Director, indicated Mr. Yaari is not currently serving on the BID. It is the board's responsibility to make a recommendation to the Commission. In response to Commissioner Rodstrom, the City Attorney explained this is an advisory board; they make a recommendation. They could provide one or multiple names. The Commission has the option of not selecting their recommendation and ask for another recommendation.

Commissioner Rodstrom explained that she gets a lot of complaints about noise. She wanted another choice from which to consider.

Mayor Seiler suggested the board chair speak with each member of the Commission and the Commission be prepared to deliberate this on December 15, 2009.

Centennial Celebration Committee and Insurance Advisory Board

Mayor Seiler asked the City Clerk to confirm with Kristina Hebert of the Centennial Committee and Christopher Prester of the Insurance Advisory Board whether they would like to be reinstated.

Visioning Committee

In response to the City Clerk, Mayor Seiler clarified that for the Visioning Committee, appointees shall either live or work in the City and one appointee for each commissioner shall be from his or her district. The committee would elect their own chair. The City advised that this committee has been publicized; there are numerous applicants. Mayor Seiler suggested these appointments be made on December 15.

Utility Advisory Committee

Mayor Seiler questioned if Vice Mayor Roberts' appointee of Chris Chiari to the Utility Advisory Committee is a resident as he is a candidate for office in Davie. The City Attorney noted when an individual becomes a candidate, he or she is automatically removed from the board. Vice Mayor Roberts removed Mr. Chiari until his residency is clarified.

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

Audit Advisory Board	Martin J. Kurtz
Budget Advisory Board	Sam Monroe
Citizens Police Review Board	Eileen G. Helfer
Community Appearance Board	Patrick R. Maloy Franci Bindler Bruce H. Johnson Barbara A. Van Voast Victor Yue Ayisha Gordon Kenneth Green Larry Lee Nielsen Rick W. Murphy Ryan Paton
Complete Count Committee	Adriane P. Reese
Historic Preservation Board	Scott Strawbridge
Insurance Advisory Board	Steve Botkin James E. Drake Charles J. Grimsley Joseph Piechura, Sr.
Utility Advisory Committee	Magdalene J. Lewis Frances L. Smoot Don Larson

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 09-278

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: Commissioners DuBose and Rogers, Vice Mayor Roberts, Commissioner Rodstrom and Mayor Seiler. NAYS: None.

CITIZEN PRESENTATIONS

SHERMAN WHITMORE – Beach Master Plan (CIT-01)

Not present

MICHAEL P. MORAN – New York City Officials – “Taking Back New York’s Streets” (CIT-02)

Canceled

DENNIS E. WEBER – Rental Property – 1221 SW 6 Street – Pending (CIT-03)

Not present

PUBLIC HEARINGS

Vacate 15 Foot Alley – 310 NE 6 Street – Case 4-P-09 (PH-01)
City of Fort Lauderdale and Community Redevelopment Agency

No budgetary impacts.

Applicant: City of Fort Lauderdale and Community Redevelopment Agency
Zoning: Regional Activity Center – City Center RAC-CC
Location: 310 NE 6 Street

The Commission announced site visits made concerning this matter.

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

Commissioner Rodstrom introduced the following ordinance on first reading:

ORDINANCE NO. C-09-35

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF THE 15 FOOT ALLEY IN BLOCK 3, "AMENDED PLAT OF BLOCKS 1-2-3-4-5-6-7-8-25-26-27-28-29-30-31 AND 32, OF NORTH LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 182, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING NORTH OF THE SOUTH LINE OF LOT 4 OF SAID BLOCK 3; LESS THE NORTH 20 FEET THEREOF, LOCATED EAST OF NORTHEAST 3RD

AVENUE, BETWEEN NORTHEAST 6TH STREET AND NORTHEAST 5TH STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

Mayor Seiler requested details on the cost about the utility line undergrounding when this item is considered on second reading.

Rezoning To Park – 310 NE 6 Street – Case 10-Z-09

(PH-02)

No budgetary impacts.

Applicant: City of Fort Lauderdale
Location: 310 NE 6 Street
Current Zoning: Regional Activity Center – City Center RAC-CC
Proposed Zoning: Park P
Future Land Use: Downtown – Regional Activity Center D – RAC

The Commission announced site visits made concerning this matter.

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

Vice Mayor Roberts introduced the following ordinance on first reading:

ORDINANCE NO. C-09-36

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM "RAC-CC" TO "P", LANDS BEING PART OF LOTS 1 THROUGH 5 AND LOTS 23 THROUGH 26, BLOCK 3, "AMENDED PLAT OF BLOCKS 1-2-3-4-5-6-7-8-25-26-27-28-29-30-31 AND 32, OF NORTH LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 182, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED ON THE SOUTH SIDE OF NORTHEAST 6TH STREET, BETWEEN NORTHEAST 3RD AVENUE AND NORTHEAST 4TH AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

Annual Action Plan Amendments – HOPWA Grant Program

(PH-03)

\$6,969,544.34 in Index Code HP10REV, SOB C559, Fund 108, Subfund 01.

Michael Rajner, P.O. Box 2133, Pompano Beach, indicated that HOPWA is a countywide grant. He felt the primary focus of this program should be housing. He noted the varying rates by the providers and questioned whether all of the providers would be able to provide the same services. He was concerned about the lack of definitions. He questioned the procedures with respect to short-term emergency medication. There should be standards of care imposed with measurable outcomes.

Ray Diaz, Broward House, recalled recently the Commission considered grant funding and questions raised as to whether HUD would reimburse for medical and health services. He contended that HUD has been doing so for the last twenty years and nothing has changed. At that time the Commission concurred with the City Auditor's recommendation that language be added into the action plan. Broward House worked with City staff on the language and the outcome is before the Commission this evening. He did not think that housing and medical services can be separated for these people. The proposed language is embraced by the community, the providers and individuals receiving the services. He urged adoption of these amendments.

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

In response to Mayor Seiler and Vice Mayor Roberts, Greg Brewton, Director of Planning and Zoning, clarified the revised language provided the Commission today (Memorandum 09-275). The vote is to approve the amended plan based on the previous meeting plus the new addition agreed upon by Broward House. All funds will be used for housing related activities.

Commissioner Rogers encouraged continued cooperation and attention to detail.

Motion made by Vice Mayor Roberts and seconded by Commissioner Rodstrom to approve the amendments, authorize submittal to HUD and authorize the Housing and Community Development Manager and City Attorney's Office to execute the proper agreements reflecting the budget change. Roll call showed: YEAS: Commissioners DuBose and Rogers, Vice Mayor Roberts, Commissioner Rodstrom and Mayor Seiler. NAYS: None.

**Unified Land Development Regulations Amendment -
Demolition – Certified Local Government Program –
Historic Preservation Board**

(PH-04)

No budgetary impact.

Alysa Plummer, 1123 West Las Olas Boulevard, thanked the Commission, especially Commissioner Rogers, for this action.

Charles Jordan, 1225 SW 4 Court, noted this is the first commission with the vision to move forward with this. He felt the ninety-day period should be lengthened to a year, which is done in other effective ordinances throughout the country.

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

Commissioner Rogers referred to the conference discussion. He noted other communities with longer time frames. He agreed with Mr. Jordan. The process is encouraged and there is more thinking of an alternative if there is time. He wanted it to be up to twelve months. Mayor Seiler wanted to try this as written for six months. He pointed out that West Palm Beach has the same time frame (ninety days). Vice Mayor Roberts also wanted to try it as written; it can be changed.

Commissioner Rogers introduced the following ordinance on first reading:

ORDINANCE NO. C-09-37

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-24.11.C.4.b, REVIEW PROCESS-DEMOLITION, TO PROVIDE FOR A DELAYED EFFECTIVE DATE OF DEMOLITION OF UP TO 90 DAYS FOR A CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION.

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

Conveyance of Property To Community Redevelopment Agency – Mixed Use Redevelopment – 1534 NW 6 Street

(PH-05)

CRA will reimburse the City in the amount of \$3,185.43 (for the City's original cost in acquiring property by Tax Deed) using CRA tax increment revenue funds available for the Mid-Town Property Acquisition in P10501.322.

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

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 09-279

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO CITY CHARTER SECTION 8.02, CONFIRMING RESOLUTION NO. 09-246, WHICH DETERMINED AND DECLARED THE CITY COMMISSION’S INTENT TO CONVEY CERTAIN PUBLIC PROPERTY TO THE FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY FOR REDEVELOPMENT PURPOSES AND AUTHORIZING EXECUTION AND DELIVERY OF THE DEED OF CONVEYANCE TO THE FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY BY THE PROPER PUBLIC OFFICIALS.

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

ORDINANCES

Rezoning With Allocation of Commercial Flex - (O-01)
Supervisor of Elections Office – 200 West Broward Boulevard
Case 5-ZR-09

No budgetary impact.

Applicant: Riverbend South LLC
Location: 2400 West Broward Boulevard
Current Zoning: Zoning of South Portion of Property: Mobile Home Park MHP
Proposed Zoning
Of South Portion of
Property: Community Business CB
Future Land Use: Medium High Residential

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

This item was addressed together with Item O-02. See below.

Vacate Right-of-Way – SW 26 Avenue – Case 2-P-09 (O-02)
Supervisor of Elections Office – Riverbend South LLC

No budgetary impacts.

Applicant: Riverbend South LLC
Location: SW 26 Avenue between West Broward Boulevard and SW 2 Street
Zoning: Boulevard Business B-1 and Mobile Home Park MHP

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

The Commission announced with whom he or she had spoken with and or site visit(s) made concerning this matter.

Robert Lochrie, representing the Applicant, recalled his presentation on November 17, 2009. He provided an overview of the project location and noted the proposed features. He showed photographs of the area before development began and today which were entered into the record. He noted the Applicant cleaned up the site long before submitting development plans, including removal of existing billboards. There are three concerns of the neighborhood 1) access to 24 Avenue; 2) traffic on 24 Avenue; and 3) parking garage buffer facing 24 Avenue.

There are many curb cuts or driveways along 24 Avenue. All of the current cuts or any in the future will be closed permanently to the south to the property line. Northbound traffic from 24 Avenue will not be permitted to enter the site. The only access into the site from 24 Avenue will be from a right-turn lane. Both left-turn movements up to 24 Avenue and right-turn movements into the neighborhood would be allowed for access out of the site. He went on to show a graphic and discuss access points. With a wide range of access points, traffic is distributed and diminishing impact on any one intersection.

David Plummer of David Plummer & Associates, representing the Applicant, indicated David Plummer & Associates prepared the traffic study to look at the impact of the Supervisor of Elections on 24 Avenue. He discussed the intersection of 24 Avenue and the project entrance up to Broward Boulevard. Three northbound lanes to Broward Boulevard will be created. There will be two southbound lanes, one into the site and the center lane will continue to the neighborhood to the south, so there is no change in the characteristics of their street. He offered more detail on the traffic pattern, including three possible alternatives controlled by traffic signalization timing that will be decided upon by Broward County. In all alternatives, a right-turn lane will be created. Graphics used to discuss the traffic pattern are attached to these minutes.

In response to Mayor Seiler, Mr. Plummer advised there will be storage space for seven vehicles to stack (on 24 Avenue). There should be no need for Race Trac to use 24 Avenue unless traffic would return and proceed west. Race Trac traffic volume is included in the study. In response to Commissioner DuBose, Mr. Plummer indicated that the original pattern was eliminated; it was the least efficient.

Mr. Lochrie agreed to all of the additional conditions suggested by staff listed in Exhibit 6 of Commission Agenda Report 09-1734. He corrected Item 3 of Exhibit 6 to refer to 24 Avenue. In response to Mayor Seiler, Mr. Plummer advised that the current vehicle storage of westbound to southbound left-turn lane at Broward Boulevard and 24 Avenue is about nine or 225 feet. It will be made as long as the State will allow.

Mr. Lochrie advised that all building construction traffic will be prohibited from entering or exiting the site from 24 Avenue. With respect to the garage buffer, he went on to describe the landscape plan and noted it is similar to developments along Federal Highway between Sunrise and Broward boulevards. In response to a request of the homeowner association president, there will be 85 flowering trees planted along 24 Avenue in addition to others that he enumerated. He showed photographs of the level of landscape intensity done by the Applicant for buffering in various areas which were entered into the record. The bamboo proposed for this site has a height of about 65 feet so it will be taller than the building. As a result of the neighborhood's request, it is

possible to provide an additional 25 feet of setback for the garage. He noted the additional landscape material proposed for that area. He also noted the setback distances.

Mayor Seiler opened the floor for public comment.

Lloyd Brown, 112 SW 24 Avenue, thought that any traffic added to the intersection of SW 24 Avenue and Broward Boulevard will cause gridlock and fumes. There will be a concrete building looking out his front door. The sun will be blocked. He was concerned about invasion of privacy and noise. He suggested the lake be placed next to the neighborhood and the garage place next to 27 Avenue, but the Applicant has indicated it is not possible.

Virgil Niederriter, 104 SW 21 Way, recognized the development will be good for the tax base and will bring jobs, but was concerned about traffic congestion in future phases and related traffic amenities. He pointed out that the wall around the development was deleted after Planning and Zoning Board approval. He questioned whether it is possible provide the additional setback mentioned. He emphasized the desire for a wall. He asked approval be deferred until the traffic issue could be resolved.

Gerald Horton, 139 SW 22 Terrace, was concerned that the parking garage will look into all of the backyards. He referred to additional phases and expressed concern about traffic congestion, noise and shadow. There should be a greater setback for the parking garage. He wanted a wall around the development.

Mary Hayden, 312 W 25 Terrace, hoped that everyone would be considerate of each other. She was concerned about the change in commitment concerning the wall. She believed the traffic will increase.

Anthony Brown, 400 SW 25 Terrace, recognized the development will be good, but was concerned about traffic on 24 Avenue and that the parking garage is across the street from residential. He suggested relocating the garage toward 27 Avenue and the lake near the residential.

Winston Deweever, 123 SW 22 Terrace, disagreed with the Applicant's remarks concerning access onto 24 Avenue from the mobile home park. He was concerned with the traffic pattern. He felt the lake area will eventually be used for development. He was concerned about future development on this site.

Michael Toy, 609 SW 22 Terrace, believed there will be traffic congestion at 24 Avenue and Broward Boulevard that will flood into their neighborhood. He felt the parking garage is too large to be adjacent to single family. He responded to Mayor Seiler's questions about potential cut-through traffic.

Carol Clarkson, 5710 NE 21 Road, indicated her family owns the subject property. She went on to comment that the Applicant has kept his word. This developer's previous projects have been beautifully landscaped. She did not think the lake will be removed. She mentioned the creation of jobs. She felt this is a good project for the property.

Pat Bergman, 1822 Comstock Lane, San Jose, California, indicated her family owns the subject property. She looked forward to the development occurring. She felt the issues have been addressed. She questioned why someone would want a wall versus beautiful landscaping.

There was no one else wishing to speak.

Mr. Lochrie responded to Mayor Seiler's question concerning speed tables on 24 Avenue. He addressed the issue of using 24 Avenue versus 27 Avenue to Davie Boulevard. He clarified the commitment made at the Planning and Zoning Board level was a wall but only south of the garage along 24 Avenue. The board did not impose that condition. The Applicant is still willing to do this. City staff did not support such a wall. He noted the additional 25 feet of setback for the parking garage. The traffic analysis conducted applies only for the Supervisor of Elections. Any additional development would require a new process. He clarified the building is sixty feet high and five stories.

In response to Commissioner Rogers and Mayor Seiler, Mr. Lochrie advised that in response to City staff, although open-air, the parking garage frontage facing east was redesigned to resolve visual issues. In addition, there is landscaping. To shield headlights, there is a 42 inch high wall from the deck on each floor.

Commissioner Rodstrom introduced the following ordinance on second reading with the six conditions recommended in Commission Agenda Report 09-1734 and the additional 25 feet of setback and the amendment to Condition 3 by the City Engineer:

ORDINANCE NO. C-09-33

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF THE RIGHT OF WAY FOR SOUTHWEST 26 AVENUE, PLATTED AS SOUTHWEST 24 AVENUE AND SHOWN ON THE AMENDED PLAT OF "BLOCKS 4, 5, 6, 7 AND 14, WOODLAND PARK – UNIT 1," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 30, PAGE 45, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING NORTH OF THE SOUTH RIGHT-OF-WAY LINE OF WEST BROWARD BOULEVARD AND BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF PARCEL "A" OF SAID PLAT, LYING SOUTH OF BROWARD BOULEVARD AND NORTH OF SOUTHWEST 2 STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Commissioner DuBose was troubled because he also had a different understanding about the wall. He commended everyone involved for the concessions made and remarked that everyone agrees it is a good project. He was concerned about the remaining issues that appear to be major that will impact quality of life. It is unfortunate that the garage cannot be moved. He mentioned the future phases. He was opposed to this proposal.

In response to Commissioner Rogers' question about neighborhood compatibility and shadow impact, Greg Brewton, Director of Planning and Zoning, believed the Applicant has made an attempt to address issues and the project meets minimum requirements for neighborhood compatibility, but there is always opportunity to make adjustments. Mr.

Lochrie displayed and reviewed the results of a shadow study conducted on March 21 and December 22 which is the shortest day of the year. The study does not take into consideration the additional 25 feet of setback. A copy of the study is attached to these minutes. Mr. Lochrie responded to Commissioner DuBose's question as to when the shadow study information was presented to the neighborhood.

Vice Mayor Roberts noted an example of a parking garage across the street from residential in District I.

Mayor Seiler was pleased to see the garage being moved 25 feet.

Peter Partington, City Engineer, requested the following addition to Condition 3 (Exhibit 6, Commission Agenda Report 09-1734): intersection geometry to be improved in a way that avoids having to split phase the signal operation subject to approval by Broward County.

In response to Mayor Seiler, Mr. Lochrie clarified the highest point of the parking garage is 60 feet; the (roof) parking level is at 50 feet.

In response to a resident from yesterday's neighborhood meeting, Mr. Lochrie clarified there is no rezoning of single family residential on the north side of 3 Street.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioner Rodstrom and Mayor Seiler. NAYS: Commissioner DuBose.

There was no one wishing to speak on this item.

Mayor Seiler questioned whether it is necessary to include the same conditions as the previous item. The City Attorney clarified the vacation determines the property is no longer needed for a public purpose. A building permit could not be obtained without the Applicant meeting the conditions imposed with approval of the rezoning and the Commercial Flex. Mr. Brewton noted that one condition of the site plan approval was to construct a new right of way.

Commissioner Rodstrom introduced the following ordinance on second reading:

ORDINANCE NO. C-09-34

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM MHP TO CB WITH COMMERCIAL FLEX ALLOCATION AND DEVELOPMENT PLAN APPROVAL, A PORTION OF PARCELS B AND C, AMENDED PLAT OF BLOCKS 4, 5, 6, 7 AND 14 OF WOODLAND PARK-UNIT 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGE 45 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND A PORTION OF THE EAST ONE-HALF (E ½) OF THE NORTHWEST ONE-QUARTER (N.W. ¼) OF THE NORTHEAST ONE-

QUARTER (N.E. ¼) OF SECTION 8, TOWNSHIP 50 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA CONTIGUOUS WITH SAID PARCEL B AND C, LOCATED BETWEEN SOUTHWEST 27 AVENUE AND I-95, SOUTH OF WEST BROWARD BOULEVARD AND NORTH OF SOUTHWEST 3 STREET, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioner Rodstrom and Mayor Seiler. NAYS: Commissioner DuBose.

Commissioner Rodstrom noted for the November 17 Agenda Item R-04, board appointments, she should have abstained because her son works for one of the individuals appointed. The City Attorney did not see it as necessary.

There being no other matters to come before the Commission, the meeting was adjourned at 12:46 A.M. The Commission turned to remaining business on the Community Redevelopment Agency (northwest) agenda.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk