

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
DECEMBER 15, 2009

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
December 15, 2009**

The meeting was called to order at 6:03 p.m. by Mayor Seiler on the above date in the City Commission meeting room of City Hall, 100 North Andrews Avenue.

Roll call showed:

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

Absent: None.

Also Present:	Assistant City Manager	David Hebert
	City Auditor	John Herbst
	City Clerk	Jonda K. Joseph
	City Attorney	Harry A. Stewart
	Sergeant At Arms	Sergeant Steven Greenlaw

Invocation was offered by Reverend Sherod E. Mallow, All Saints Episcopal Church, followed by the recitation of the pledge of allegiance led by Ted Fling, resident.

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

Motion made by Vice Mayor Roberts and seconded by Commissioner Rogers to approve the minutes of the September 23, 2009 Special Meeting; October 6, 2009 Conference Meeting, and the November 17, 2009 Joint Workshop with the Budget Advisory Board. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None

Presentations

**1. Community Appearance Board – WOW Award (PRES-01)
District I**

Vice Mayor Roberts recognized Dr. Ivan and Kristi Puente who reside in Coral Ridge as the recipients of the WOW Award for District I. Dr. Fuente thanked the Commission for the award.

Change Order 5 – Poole and Kent Company of Florida - (M-06)
\$59,510.54 – Wastewater Pump Station Rehabilitation –
Add 108 Calendar Days

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

Change Order 2 (Final) – Poole and Kent Company of Florida - (M-08)
\$39,304.17 – Lohmeyer Wastewater Treatment Plant - Pumping
Systems – Add 300 Days

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

Amendment To The Pay Plan – Schedule I (O-04)

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

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.

Amendment And First Extension To Agreement – Mills Pond Park (M-01)
Broward County R.C. Race Club, Inc. – Remote Control Miniature Racecars

Revenue of \$7,200 to be deposited into PKR030801-K303 Contracted Events – Mills Pond Fund 001, Subfund 01.

A motion authorizing the proper City Officials to execute an amendment and first extension to agreement with Broward County R.C. Race Club, Inc. – non-exclusive use of a portion of Mills Pond Park to operate remote control miniature racecars – October 1, 2009 – September 30, 2010 – first extension retroactive to October 1, 2009.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1739

Amendment 2 – Task Order 06-03 – Hazen and Sawyer, P.C. (M-02)
\$293,951 – Fiveash Water Treatment Plant Reliability Upgrades

\$330,000 is available in Fund 482, Subfund 01, P10508.482-6599; EP03043.

A motion authorizing the proper City Officials to: (1) execute Amendment 2 to Task Order 06-03 with Hazen and Sawyer, P.C., in the amount of \$293,951 – Fiveash Water Treatment Plant Reliability Upgrades – Project 10508 – funding is available to fund this amendment and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-0966

Amendment 2 – Task Order 23 – CMTS Florida, LLC. - \$29,434.38 (M-03)
Utility Construction Inspection Services – Riverside Park

\$33,000 is available in Fund 482, Subfund 01, P10578.482-6599; EP03128.

A motion authorizing the proper City Officials to: (1) execute Amendment 2 to Task Order 23 with CMTS Florida, LLC., in the amount of \$29,434.38 – Utility Construction Inspection Services – Riverside Park Basin B – Project 10578B – funding available to fund this amendment and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1384

Amendment 3 – Task Order 49 – Camp Dresser & McKee, Inc. - (M-04)
\$9,961 – Wastewater System Interconnects – Sistrunk Boulevard and Birch Road

\$11,500 is available in Fund 482, Subfund 01, P11119.482-6599.

A motion authorizing the proper City Officials to execute Amendment 3 to Task Order 49 with Camp Dresser & McKee, Inc., in the amount of \$9,961 – additional engineering services during construction – Sistrunk Boulevard and Birch Road Interconnects – Wastewater Transmission System – Project 11119 – funding available to fund this change order and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1662

Amendment 6 – Work Authorization 16724.84 – Keith and Schnars, P.A. - (M-05)
\$7,477.50 – Sistrunk Boulevard Water Main Replacement

\$8,500 is available in Fund 482, Subfund 01, P10830.482-6599.

A motion authorizing the proper City Officials to execute Amendment 6 to Work Authorization 16724.84 with Keith and Schnars, P.A., in the amount of \$7,477.50 – additional design services – Sistrunk Boulevard Water Main Replacement – Project 10830 – funding available to fund this amendment and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1472

Change Order 5 – Poole and Kent Company of Florida - (M-06)
\$59,510.54 – Wastewater Pump Station Rehabilitation –
Add 108 Calendar Days

Appropriate \$59,510.54 from the WaterWorks 2011 Region SRF Construction Loan #4 Fund to Fund 491, Subfund 01, P10537.491-6599 and transfer \$7,200 from P00401, Regional Recap, to P10537.451 both in Fund 451, Subfund 01, Subsubject 6599; EP03137.

A motion authorizing: (1) Change Order 5 with Poole and Kent Company of Florida, in the amount of \$59,510.54 – additional work and quantity adjustments and the addition of 108 non-compensable calendar days to contract period – Wastewater Pump Stations A, B and E Rehabilitation – Project 10537; (2) appropriate \$59,510.54 to fund this change order; and (3) transfer \$7,200 to fund 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1335

Change Order 5 – Metro Equipment Service, Inc. - \$124,940.67 (M-07)
Add 79 Days – Wastewater Systemwide Pump Station Upgrades

\$140,000 is available in Fund 482, Subfund 01, P10874.482-6599; EP03219.

A motion authorizing Change Order 5 with Metro Equipment Service, Inc., in net amount of \$124,940.67 and the addition of 79 non-compensable calendar days to contract period – additional work and quantity adjustments – Phase I Wastewater Systemwide Pump Station Upgrades – Project 10874 – funding available to fund this change order and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1612

Change Order 2 (Final) – Poole and Kent Company of Florida - (M-08)
\$39,304.17 – Lohmeyer Wastewater Treatment Plant - Pumping Systems – Add 300 Days

Appropriate \$40,000 from the WaterWorks Non-Region SRF Construction Loan #4 Fund to Fund 491, Subfund 01, P10767.491-6599 and transfer \$5,000 from P00401 to P10767.451, both in Fund 451, Subfund 02, Subobject 6599; EP03005.

A motion authorizing: (1) Change Order 2 (Final) with Poole and Kent Company of Florida, in net amount of \$39,304.17 – additional work and quantity adjustments and the addition of 300 non-compensable calendar days to contract period – Lohmeyer Wastewater Treatment Plant – Pumping Systems – Project 10767; (2) appropriate \$40,000 to fund this change order; and (3) transfer \$5,000 to fund 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1613

Change Order 12 – Sun-Up Enterprises, Inc. (M-09)
ADA Modifications and Parking Lot Repairs - \$69,750

Transfer \$81,607.50 from P10720.331, ADA Buildings to P10721.331 to fund the change order including 17 percent engineering fees all in Fund 331, Subfund 01, Subobject 6599.

A motion authorizing: (1) Change Order 12 with Sun-Up Enterprises, Inc., in the amount of \$69,750 – ADA Modifications and Parking Lot Repairs – additional work including signage and markings – Project 11321; and (2) transfer \$81,607.50 to fund the change order and 17 percent engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1784

Contract Award – LMK Pipe Renewal, LLC - \$2,339,975 (M-10)
Wastewater Conveyance System Long-Term Remediation Program Rehabilitation

Please refer to Exhibit 2 for funding information.

A motion authorizing the proper City Officials to: (1) award and execute contract with LMK Pipe Renewal, LLC., in the amount of \$2,339,975 – Wastewater Conveyance System Long-Term Remediation Program Rehabilitation – Project 11444-S – funding available to fund this change order and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1434

Task Order 43 – CH2M Hill, Inc. - \$65,323 (M-11)
Emergency Response Plan Update and Plan Overview
Training Exercise

\$31,900 is available in Fund 129, Subfund 01, GUASI09-3199 and \$33,423 is available in Fund 450, Subfund 01, PBS670101-3199.

A motion authorizing the proper City Officials to execute Task Order 43 with CH2M Hill, Inc. in the amount of \$65,323 – engineering services associated with Public Works Department Emergency Response Plan Update and Plan Overview Training Exercise.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1559

Task Order 2 – CSA Central, Inc. - \$55,036.00 (M-12)
Riviera Isles Drainage Improvements

\$55,036.00 is available in P11546.331, Fund 331, Subfund 01, Subobject 6599.

A motion authorizing the proper City Officials to execute Task Order 2 with CSA Central, Inc., in the amount of \$55,036 – Investigation of Viable Drainage and Tidal Flooding Solutions – Riviera Isles – Project 11546.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1779

Railroad Infrastructure and Utility Crossing Lease - \$97,035.18 (M-13)
Florida East Coast Railway and Flagler Development Group

\$302,746.00 is available in P08889-6599, Fund 331, Subfund 01.

A motion authorizing payment to Florida East Coast Railway and Flagler Development Group, in the amount of \$97,035.18 – maintenance requirements – railroad infrastructure and utility crossing lease – various locations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1729

Amendment 1 – Grant Agreement – South Florida Water (M-14)
Management District – Water Savings Incentive Program

No budgetary impact.

A motion authorizing the proper City Officials to execute Amendment 1 to Grant Agreement with South Florida Water Management District – Water Savings Incentive Program – documentation/formatting consistency.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1758

Donation – Saint Patrick’s Day Parade and Festival - \$20,000 (M-15)
March 13, 2010

\$20,000 is budgeted in GEN010101-4210 Fund Type 01, Fund 001, Subfund 01.

A motion authorizing a donation to Fort Lauderdale Saint Patrick’s Day Parade and Festival Inc., in the amount of \$20,000 – Saint Patrick’s Day Parade and Festival on March 13, 2010.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1790

Settlement of Vehicle Accident General Liability File (M-16)
VA GL 08-542 - \$45,000

Funds are budgeted in INS010101/5104 (Automobile Liability Claims), Fund 543/01. There are sufficient funds to cover the amount of \$45,000.

A motion authorizing settlement of Vehicle Accident General Liability File VA GL 08-542 (Jack Johnson) - \$45,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1765

Lease Agreement – Police Evidence and Property Storage - (M-17)
Saige, LLC

Funding is available as follows: \$37,559.70 in Fund 01, Subfund 001, POL020408, 3316 and \$18,897.30 in Fund 104, Subfund 001, POL050101, 3316. Please note that the \$56,457 represents the cost for the remaining nine (9) months of the current fiscal year.

A motion authorizing the proper City Officials to execute a lease agreement with Saige, LLC for a five-year term with three five-year renewal options – police evidence and property storage warehouse space – 1600 NE 12 Terrace - \$75,276 per year plus annual contract stipulated increases.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1793

**Task Order – E-Sciences – Environmental Testing and Evaluation - (M-18)
\$65,780 – Sistrunk Boulevard Streetscape and Enhancement**

\$65,780.00 is budgeted in P10448.320-6599 Fund 320, Subfund 01 NE/NW 6th Street (Sistrunk Boulevard) Streetscape & Enhancement Project.

A motion authorizing the proper City Officials to execute a task order with E-Sciences, Incorporated, General Environmental Engineering Consultant, in the amount of \$65,780 – environmental testing and evaluation for Sistrunk Boulevard Streetscape and Enhancement – Project 10448.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1789

CONSENT RESOLUTION

**Maintenance – Landscape, Hardscape and Irrigation Improvements – U.S. 1 – Memorandum of Agreement - (CR-01)
Florida Department of Transportation**

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1696

RESOLUTION NO. 09-293

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR CITY MAINTENANCE OF LANDSCAPING IMPROVEMENTS TO STATE ROAD 5 (US 1) FROM NORTH OF S.E. 17TH STREET (M.P. 8.820) TO BROWARD BOULEVARD (M.P.10.311).

**Grant Application – Historic Preservation - Southside School - \$50,000 – Florida Historical Resources Division - (CR-02)
Southside School**

No current year budget impact. Matching funds in the amount of \$50,000 available under Fund Type 30, Fund 343, Subfund 01, P10777.343, Subject 6599.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1791

RESOLUTION NO. 09-294

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR HISTORIC PRESERVATION GRANT FUNDS IN THE AMOUNT OF \$50,000 FROM THE FLORIDA DEPARTMENT OF STATE, HISTORICAL RESOURCES DIVISION FOR THE SOUTHSIDE SCHOOL PROJECT.

Donation – 3,106 Trees – Tree Canopy Restoration (CR-03)
T&G Properties of South Florida, Inc. d/b/a Tower Palms

Appropriate \$67,677.00 in tree donations to PKR060301-N451 – Revenue, Other Contributions. Fund Type 01, Fund 001, Subfund 01. Appropriate \$67,677.00 in tree donations to PKR060301-3913 – Expenditures, Horticultural Supplies, Fund Type 01, Fund 001, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1774

RESOLUTION NO. 09-295

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING A DONATION OF 3,106 TREES FROM T&G PROPERTIES OF SOUTH FLORIDA, INC. D/B/A TOWER PALMS AND AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY ACCEPTING AND APPROPRIATING THE VALUE OF THE DONATED TREES.

Amend Operating Budget – Appropriation - \$163,347 (CR-04)
Computer Network Upgrades – Water and Wastewater Treatment Plants

Appropriate \$163,347 from FD450.01-9901, Subfund 01 Water and Sewer Undesignated Fund Balance to Fund 454, Subfund 01, PBS010601, Subobject 3404 \$15,854.75; Subobject 6499 \$98,257.50; Subobject 3401; PBS010601 Subobject 3404 \$15,854.75; Subobject 6499 \$98,257.50; Subobject 3401 \$13,632.31; Subobject 3907 \$31,642.44; and Subobject 6405 \$3,960.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1493

RESOLUTION NO. 09-296

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 \$163,347 FOR COMPUTER NETWORK INFRASTRUCTURE UPGRADES AT THE WATER AND WASTEWATER TREATMENT PLANTS.

Amend Operating Budget – Appropriation - \$100,000 (CR-05)
Stormwater Pump Station Replacement Pumps – 100 North
New River Drive

Appropriate \$100,000 from FD470.01-9901, Subfund 01, Stormwater Undesignated Fund Balance to PBS660502-6499, Fund 470, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1713

RESOLUTION NO. 09-297

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 \$100,000 FOR THE PURCHASE OF REPLACEMENT EQUIPMENT FOR THE STORM STATION AT 100 NORTH NEW RIVER DRIVE.

Sidewalk Repair/Replacement – Notification (CR-06)
To Property Owners

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1782

RESOLUTION NO. 09-

A RESOLUTION REQUIRING THE OWNERS OF CERTAIN PARCELS OF REAL PROPERTY TO RECONSTRUCT OR REPAIR SIDEWALKS ABUTTING THEIR PROPERTIES WITHIN SIXTY (60) DAYS AND, IN THE EVENT SUCH OWNERS FAIL TO DO SO, AUTHORIZING CITY WORK CREWS OR CONTRACTORS, OR BOTH, TO RECONSTRUCT OR REPAIR SAID SIDEWALKS WITH THE COST OF PERFORMING SUCH WORK CONSTITUTING A CHARGE AND LIEN AGAINST SAID PROPERTY.

Contract Award – Miguel Lopez Jr. Inc. - \$29,048.38 (CR-07)
Tarpon River Civic Association – Neighborhood Capital
Improvement Program

\$17,502.38 is budgeted in P11384.331-6599 Fund 331, Subfund 01; transfer \$7,000 from P00411.331-6599 to P11384.331-6599 all in Fund 331, Subfund 01; appropriate \$4,546 of neighborhood contributed money recorded in P11384.331-N965 Actual to P11384.331-N965 revenue budget and to P11384.331-6599 Expenditure Budget, all in Fund 331, Subfund 01. Bid Tab is attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1783

RESOLUTION NO. 09-298

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY ACCEPTING AND APPROPRIATING NEIGHBORHOOD CONTRIBUTED FUNDS IN THE AMOUNT OF \$4,546.00 TO FUND 331, SUBFUND 01 IN CONNECTION WITH A CONTRACT WITH MIGUEL LOPEZ, JR. INC., FOR CONSTRUCTION OF ROUNDABOUTS AT THE INTERSECTION OF SW 7TH AVENUE AND SW 7TH STREET.

Contract Award – Homestead Concrete & Drainage, Inc. - (CR-08)
\$21,365.23 – Las Olas Association, Inc. – Business Capital
Improvement Program

\$9,365.23 is budgeted in P11110.331-6599, Fund 331, Subfund 01; appropriate \$12,000 of neighborhood contributed money recorded in P11110.331-N965 Actual

to P11110.331-N965 Revenue Budget and to P11110.331-6599 Expenditure Budget, all in Fund 331, Subfund 01. Bid Tab is attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1788

RESOLUTION NO. 09-299

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY ACCEPTING AND APPROPRIATING NEIGHBORHOOD CONTRIBUTED FUNDS IN THE AMOUNT OF \$12,000 TO FUND 331, SUBFUND 01 IN CONNECTION WITH A CONTRACT WITH HOMESTEAD CONCRETE & DRAINAGE, INC. FOR CONSTRUCTION OF MEDIANS ON LAS OLAS BOULEVARD BETWEEN SE 12TH AVENUE AND TARPON DRIVE.

**Settlement Agreement – Martin Zisholtz
Sidewalk Encroachment – 329 SW 2 Street**

(CR-09)

Appropriate \$47,000 from Fund 331, Subfund 01, P00469.331-6599 to Fund 331, Subfund 01; \$20,000 to P11417.331-6599; \$27,000 to Fund 001, Subfund 01, PBS040101-3322.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1785

RESOLUTION NO. 09-300

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION OF A COMPROMISE AND SETTLEMENT AGREEMENT WITH MARTIN L. ZISHOLTZ AND FURTHER 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 \$47,000.00, AS MORE PARTICULARLY DESCRIBED BELOW, IN CONNECTION

WITH THE COMPROMISE AND SETTLEMENT
AGREEMENT WITH MARTIN ZISHOLTZ.

Facility Use Agreement – South Broward Hospital District (CR-10)
Fort Lauderdale Stadium – Annual Joe DiMaggio Legends Game

\$5,000 to be appropriated to General Fund 001, Subfund 01, BUS090101-N900 Misc. income.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1751

RESOLUTION NO. 09-301

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION OF A FACILITY USE AGREEMENT WITH SOUTH BROWARD HOSPITAL DISTRICT D/B/A MEMORIAL HEALTHCARE SYSTEM 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 ACCEPTING AND APPROPRIATING \$5,000 RECEIVED FROM SOUTH BROWARD HOSPITAL DISTRICT D/B/A MEMORIAL HEALTHCARE SYSTEM.

Facility Use Agreement – Motorcycle Safety of Florida, Inc. (CR-11)
Fort Lauderdale Stadium – Motorcycle Training

\$4,400 to be appropriated to General Fund 001, Subfund 01, BUS090101-N900 Misc. Income.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1753

RESOLUTION NO. 09-302

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION OF A FACILITY USE AGREEMENT WITH MOTORCYCLE SAFETY OF FLORIDA, INC., 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 ACCEPTING AND

APPROPRIATING \$4,400.00 RECEIVED FROM
MOTORCYCLE SAFETY OF FLORIDA, INC.

Visioning Committee

(CR-12)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1796

RESOLUTION NO. 09-303

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE VISIONING COMMITTEE; PROVIDING THE PURPOSE AND DUTIES OF THE COMMITTEE; PROVIDING FOR THE NUMBER OF COMMITTEE MEMBERS; PROVIDING CRITERIA FOR COMMITTEE MEMBERSHIP AND PROVIDING FOR LENGTH OF TERM OF THE COMMITTEE.

Short-Term Residential Use Committee

(CR-13)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1787

RESOLUTION NO. 09-304

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

Rescheduling January 5, 2010 City Commission Meetings

(CR-14)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1726

RESOLUTION NO. 09-305

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE JANUARY 5, 2010, REGULAR AND CONFERENCE MEETINGS OF THE CITY COMMISSION TO JANUARY 6, 2010.

Grant Acceptance – Emergency Medical Services Matching (CR-15)
Grant Program – Florida Department of Health – Chest
Compression Devices - \$118,950

Appropriate \$118,950 of Grant Funds into GEMS 10, Fund 129, Subfund 02, Revenue Subobject D238, and expenditures in 6499. Also, appropriate \$39,650 in city match funds to grant index GEMS10, Revenue Subobject Q001 and Expenditure Subobject 6499 from FD001, Subfund 01, Subobject 9129.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1760

RESOLUTION NO. 09-306

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$118,950 FROM THE FLORIDA DEPARTMENT OF HEALTH - EMERGENCY MEDICAL SERVICES MATCHING GRANT PROGRAM, EXECUTE ANY DOCUMENTS THAT MAY BE NECESSARY TO RECEIVE SUCH GRANT FUNDS AND AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY APPROPRIATING SUCH GRANT FUNDS IN THE AMOUNT OF \$118,950 TO FUND 129.

Grant Acceptance – Metropolitan Medical Response System (CR-16)
Program – Florida Division of Emergency Management - \$321,221

Appropriate \$321,221 of Grant Funds into Fund 129, Subfund 01, GMMRS11, Rev C310, and expenditures in 6499. There is no cash match.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1767

RESOLUTION NO. 09-307

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$321,221 FROM THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT – METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM, EXECUTE ANY DOCUMENTS THAT MAY BE NECESSARY TO RECEIVE SUCH GRANT FUNDS, AND AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY APPROPRIATING SUCH GRANT FUNDS IN THE AMOUNT OF \$321,221 TO FUND 129.

PURCHASING AGENDA

295-10320 – Floating Day Dockage For Small Boats (PUR-01)
Four Sites Along New River

\$414,334.80 is available in Fund 129, Subfund 01, P11000.129A Subobject 6599 and \$414,334.80 is available in Fund 331, Subfund 01, P11000.331 Subobject 6599.

Contract award to purchase and construct floating day dockage for small boats at four sites along the New River in the amount of \$828,669.60 is being presented for approval by the Business Enterprises Department.

Recommend: Motion to approve.

Vendor: Palm Beach Marine Construction, Inc.
West Palm Beach, FL

Amount: \$828,669.60

Bids Solicited/Rec'd: 671/6

Exhibit: Commission Agenda Report 09-1742

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

493-10355 – Cisco Network Infrastructure – Public Works (PUR-02)
Utilities Administration Building

Funding of \$163,347 will be available in Fund 450, Subfund 01, PBS010601 - \$15,854.75 in Subobject 3404; \$98,257.50 in Subobject 6499; \$13,632.31 in Subobject 3401; \$31,642.44 in Subobject 3907; and \$3,960 in Subobject 6405, after

approval of CAR 09-1493 Fund Appropriation. \$163,347 is available in FD450.01 Water and Sewer Undesignated Fund Balance.

Purchase Cisco Network Infrastructure – Optic Cable throughout Public Works Utilities Administration building is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Presidio Networked Solutions, Inc.
Greenbelt, MD

Amount: \$163,347.00

Bids Solicited/Rec'd: 757/5

Exhibit: Commission Agenda Report 09-1561

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

882-9958 – Cancellation of Vending Machine Services (PUR-03)
Contract

No budgetary impact.

Cancel contract for vending machine services is being presented by the Procurement Services Department.

Recommend: Motion to approve.

Vendor: Ultimate Catering, LLC
West Palm Beach, FL

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1743

The Procurement Services Department has created this item and recommends cancellation of this contract.

Pharmaceutical Drugs and Medical Supplies (PUR-04)

\$195,042.95 is budgeted in GMMRS08-3922, Fund 129, Subfund 01.

Purchase pharmaceutical drugs and medical supplies is being presented for approval by the Fire-Rescue Department.

Recommend: Motion to approve.

Vendor: Broward Sheriff's Office
Fort Lauderdale, FL

Amount: \$195,042.95

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1775

The Procurement Services Department has reviewed this item and recommends approving additional purchases from governmental agency.

762-9300-2 – State Lobbyist Services

(PUR-05)

\$27,499.99 is budgeted in MGR020101-3122, Subfund 01, Fund 001.

Month-to-month contract renewal not to surpass June 19, 2010 for State Lobbyist Services 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: \$27,499.99

Bids Solicited/Rec'd: 253/5

Exhibit: Commission Agenda Report 09-1766

The Procurement Services Department has reviewed this item and recommends renewing contract on a month-to-month basis not to exceed June 19, 2010.

762-9300-1 – State Lobbyist Services

(PUR-06)

\$27,499.99 is budgeted in MGR020101-3122, Subfund 01, Fund 001.

Month-to-month contract renewal not to surpass June 19, 2010 for State Lobbyist Services is being presented for approval by the Grants and Legislative Affairs Office.

Recommend: Motion to approve.

Vendor: CLD & Associates, LLC
Fort Lauderdale, FL

Amount: \$27,499.99

Bids Solicited/Rec'd: 253/5

Exhibit: Commission Agenda Report 09-1771

The Procurement Services Department has reviewed this item and recommends renewing contract on a month-to-month basis not to exceed June 19, 2010.

Pharmacy Benefit Management Services

(PUR-07)

552-994 – Contract Extension and 195-10309 – New Contract

INS220101/subobject 5131; Fund 545/01, Self-funded group healthcare. There are sufficient funds budgeted for estimated \$3.5m in annual prescription drug claims.

Two-month contract extension with Catalyst, Rx, Inc. through February 28, 2010 and three-year contract with Express Scripts, Inc., effective February 1, 2010, with one-year

negotiated renewal option, subject to City Commission approval – pharmacy benefit management services is being presented by the Finance Department.

Recommend: Motion to approve.

Vendor: Catalyst, Rx, Inc. Express Scripts, Inc.
Rockville, MD St. Louis, MO

Amount: \$3,500,000 (estimated annual)

Bids Solicited/Rec'd: 938/4

Exhibit: Commission Agenda Report 09-1676

The Procurement Services Department has reviewed this item and recommends awarding a two-month renewal extension with current PBM and also recommends awarding new PBM contract to the first-ranked proposer.

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

Motion made by Commissioner DuBose and seconded by Vice Mayor Roberts that Consent Agenda Items M-10, M-12, M-17, CR-01, CR-06, CR-07, CR-09, CR-12, PUR-03, 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: Commissioner DuBose, Commissioner Rogers, Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Contract Award – LMK Pipe Renewal, LLC - \$2,339,975 (M-10)
Wastewater Conveyance System Long-Term Remediation
Program Rehabilitation

Commissioner Rodstrom questioned the discrepancy between the two bid proposals, with a monetary difference in excess of \$825,000 and the lack of some backup items customarily provided. Albert Carbon, Public Works Director, announced that this was a low bid contract, not an RFP, and was based solely on price and conditions in the specifications. He went on to explain that there were certain aspects of the lowest bidder's bid that deemed it non-responsive which he elaborated upon. The specifications were not met. There were a total of two bidders. Commissioner Rodstrom went on to question whether a scope of service is provided to the bidders. Mr. Carbon replied and listed the detail that is provided. Bidders are made aware of the requirement for prior installation experience in Florida. The chosen bidder has experience here in Fort Lauderdale. In further response, he advised that the design information provided about the German-made material was for a partially deteriorated condition, but the City's requirement was for a fully deteriorated condition. They have not done any installations in Florida. Additionally, it met German construction and product standards; but they did not specify that American Society for Testing and Materials (ASTM) standards were met. LMK met all of the specifications including ASTM, but he was unsure where the materials were manufactured. In further response, he listed everything used in the decision process.

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

In response to Commissioner Rodstrom, Mr. Carbon indicated work should begin within thirty to sixty days, but, most likely, because of the holidays, it will be closer to the sixty-day point. He offered to notify her of the preconstruction meeting to gauge when work will begin.

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

Task Order 2 – CSA Central, Inc. - \$55,036
Riviera Isles Drainage Improvements

(M-12)

Commissioner Rodstrom indicated that the residents were dissatisfied with a phased task order and the necessity for an RFQ and that Phase I did not result in a preliminary drawing. They planned to pursue additional state funding on their own. Albert Carbon, Public Works Director, explained that the two alternatives to be examined are to raise the streets or to partially re-grade with some other passive and active systems to aid in tidal and drainage issues. These alternatives will be presented to residents. Then a cost analysis will be performed on each which will be presented to the residents and the Commission. It will all be done within a 45-day period. He went on to explain that the cost for the plans and specifications exceed the programmed amount. This will allow for sketches to be drawn in order to see if funding is available.

In the event this is not ready in time for the legislative session, Commissioner Rodstrom requested that the City provide the residents with either a letter or resolution showing that the City is working on this. The City Attorney indicated that nothing can be provided until the City is clear on which option. In further response, Mr. Carbon advised that Phase I is \$55,036 and 45 days; there is no cost identified for Phase II because it is uncertain as to which alternative will be chosen. The work will start as soon as this is approved.

Commissioner Rogers asked for more information about tidal influences on drainage. Mr. Carbon confirmed that background data on tidal influences is available at Miami Dade Climate Change Task Force that can be included in the final report. Commissioner Rodstrom and Mayor Seiler requested that this information be provided to the Commission as soon as possible.

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

Lease Agreement – Police Evidence and Property Storage -
Saige, LLC

(M-17)

Police Captain Michael Gregory noted a change in the lease from how it appears in the agenda package. The escalation clause was based on an increase in the CPI, not to exceed three percent per year. The escalation clause remained through the first 5-year term and during each successive three-year period. Therefore, the CPI would be fixed

at three percent maximum per five-year term. The landlord changed the CPI stipulation after the lease was executed and the agenda published. The change is after the first five-year term. Thereafter, any five-year option to renew the CPI is not to exceed eight percent. Essentially, the CPI will be renegotiated at each renewal.

In response to Commissioner Rogers, Captain Gregory confirmed his extensive review of vacant City property, however none met the department's needs. He went on to verify that the West Broward Boulevard location, which is climate-controlled, is the primary storage facility and elaborated on how it will be used in the future. The proposed facility will require ADA modifications at the landlord's expense.

The City Auditor noted that the Police Department reached out to him and he toured their facility. There is a dire need. He confirmed that this is an appropriate course of action. Vice Mayor Roberts also confirmed the need and impact on the department.

Mayor Seiler expressed concern with the CPI rate. Assistant City Attorney Bob Dunkel indicated that the lease that he reviewed showed a cap of three percent CPI, including the first five-year term and additional three option terms. After all supposed agreements were made and the agenda published, the landlord requested an eight percent cap. It was suggested to the landlord to accept three percent for the first five years and re-negotiate on the renewal terms when occurred.

Mayor Seiler would not support the item because it was changed after it was made public. Captain Gregory agreed.

Captain Gregory noted an additional change requested by the landlord. The original lease includes a clause that the City would acquire 11,306 square feet of mezzanine space no later than the 48th month of the lease. It was changed to 36 months.

Motion made by Commissioner Rogers and seconded by Commissioner DuBose to approve the lease with no modifications.

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

**Maintenance – Landscape, Hardscape and Irrigation
Improvements – U.S. 1 – Memorandum of Agreement -
Florida Department of Transportation**

(CR-01)

Commissioner Rogers pointed out that Florida Department of Transportation (FDOT) met with homeowners associations regarding their intent to complete numerous improvements along Federal Highway. It has become apparent that the City was expected to pay for the improvements, although he did not recall the City making that commitment. Commissioner Rogers was concerned about unsafe crosswalks in the area. There is not enough money to do all of the needed work. He asked about looking at the safety issues before the landscaping is completed. Peter Partington, City Engineer, contended that FDOT has a budget allowance of four percent of hard costs for what they consider soft improvements, such as landscaping and brick paver crossings. He believed that the four percent is concentrated on landscaping. As for the safety issue, the striping of the crosswalks will be put back in. The City could request FDOT, at

their cost, and outside of the four percent, to complete special emphasis crosswalks. However, if stamped asphalt crosswalks are chosen, the City would be responsible for the additional maintenance cost.

Commissioner Rogers noted a dangerous turn lane on 13th that was addressed at the homeowners meeting (with FDOT), but not rectified. Now, FDOT is moving forward with the landscaping there and may tear it up a year later. Mr. Partington believed that this would not occur. The budget will not allow for everything wanted. However, if this item is approved, Staff will arrange a meeting with FDOT and Commissioner Rogers to address such issues.

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

**Sidewalk Repair/Replacement – Notification
To Property Owners**

(CR-06)

Commissioner Rogers noted of the 298 notices to property owners, over a hundred are in District IV and twenty-three are on 11th Court. He personally examined the sidewalk and observed some cracks, but did not find anything that he considered a serious safety hazard. Eleventh Court is one of the few cross streets that has sidewalks. He went on to express concern over upsetting citizens. He wanted a different approach to be taken. With so many on one street, he suggested the City pursue getting a better rate from the contractor and get the neighborhood to help. Before proceeding with this program, he wanted to rethink it, especially with the holidays approaching.

In response to Mayor Seiler, Commissioner Rogers confirmed that the property owner where there was a major issue has indicated he will take care of it.

In response to Commissioner Rodstrom, Peter Partington, City Engineer, indicated that the notices have not yet been mailed and explained the necessary steps.

Commissioner Rodstrom asserted that the City should seek resident compliance by means of a gentler method. She emphasized the importance of the letter's content and agreed about the timing as to the holidays.

Commissioner DuBose suggested reviewing the ordinance. Mayor Seiler agreed,

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

**Contract Award – Miguel Lopez Jr. Inc. - \$29,048.38
Tarpon River Civic Association – Neighborhood Capital
Improvement Program**

(CR-07)

Commissioner Rogers asked about the funding and indicated his receipt of an e-mail from the president of the homeowners association. Peter Partington, City Engineer, indicated that the neighborhood is to provide the same amount of money up-front, and the monies will be reimbursed upon completion. Commissioner Rogers explained that the neighborhood loaned the City \$4,546 of the \$35,000 project to get through the bid phase, and understood if the bids were below that number, they would be refunded the difference. Peter Partington confirmed that, in all likelihood, they will be refunded, although it is not advisable to refund it now because construction projects have unforeseen incidents and contingencies are also funded. In further response, Mr. Partington outlined the project timeline.

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

Settlement Agreement – Martin Zisholtz
Sidewalk Encroachment – 329 SW 2 Street

(CR-09)

Commissioner Rogers questioned whether there was a written demand for double rent. Assistant City Attorney Dunckel advised it was received on April 28, 2008. It could be argued that, for 2006 and 2007, the double rent would not be owed. However, he was willing to compromise on those two years because, if this was delayed any further, the City would be facing, either, a full year rent of double rent or litigation. In response to Mayor Seiler, Mr. Dunckel confirmed that it is a negotiated settlement.

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

Visioning Committee

(CR-12)

Commissioner Rodstrom had resolved her question.

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

882-9958 – Cancellation of Vending Machine Services
Contract

(PUR-03)

In response to Commissioner Rogers, the City Attorney confirmed his examination of the analysis by the Procurement Department. He concurred with the analysis.

In response to Mayor Seiler, Kirk Buffington, Director of Procurement Services, did not think there were any new issues raised in the email referenced by Mayor Seiler. He noted there were several meetings with the contractor who maintains it is Pepsi America's responsibility to fulfill the contract. Despite numerous assertions from staff that the contract is between the City and Ultimate Catering, he continues to rely upon the failure of Pepsi to deliver appropriate, timely reports and so forth. . The contractor has been given numerous opportunities to cure this contract. The contractor alleged that he had the checks and reports on November 24 and claims he was told by the contract administrator not to bother. . The contract administrator categorically denies making this statement. If he did have the checks and reports, he could have mailed them. or dropped them off at the Parks and Recreation Department. There is no requirement for hand delivery.. In response to Mayor Seiler, Mr. Buffington confirmed that the City did not receive the monthly reports or the checks at any time prior to the deadline.

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

762-9300-2 – State Lobbyist Services

(PUR-05)

In response to Commissioner Mayor Seiler reviewed the decision for an RFP.He requested the RFP deadline be extended to January 31. Kirk Buffington, Director of Procurement Services, indicated the City could hire a new firm before June 19. Mayor Seiler felt it is important for the City to reevaluate its position in Tallahassee.

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

762-9300-1 – State Lobbyist Services

(PUR-06)

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

MOTIONS

Proprietary – Resident Beach Parking Cards

(MD-01)

\$34,020 is budgeted in Fund 461, Subfund 01, PAR020109, 3999.

Purchase up to 6,000 pre-programmed resident beach parking cards is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Parkeon, Inc.
Moorestown, NJ

Amount: \$34,020.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1740

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

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

Proprietary – Fire Stations 3 and 49 Alerting System (MD-02)

\$73,222.50 is budgeted in P10916.331-6599, Fire Station 3, Fund 331, Subfund 01 and \$40,000 is budgeted in P10912.336-6599, Fire Station 49, Fund 336, Subfund 01. In addition, the Fire Department is requesting a transfer of \$33,222.50 from P10909.336-6599, SE Fire Station Design & Construction (Fire Station 8), Fund 336, Subfund 01 to P10912.336-6599, Fire Station 49, Fund 336, Subfund 01 to fully fund this request.

Purchase Zetron Fire-Rescue Alerting System for Fire Stations 3 and 49 – response to fire, medical and mutual aide calls is being presented for approval by the Fire-Rescue Department.

Recommend: Motion to approve.

Vendor: Motorola, Inc.
Schaumburg, IL

Amount: \$146,445.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1759

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

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

Proprietary – Early Adopter Program – Police Electronic Field Reporting (MD-03)

No Budgetary Impact.

Contract with Intergraph Corporation – CAD Systems – Intergraph Security, Government & Infrastructure Early Adopter program – electronic field reporting – at no cost to the City is being presented for approval by the Police Department (acceptance in substantially the form provided).

Recommend: Motion to approve.

Vendor: Intergraph Corporation registered in the State of Florida
as Intergraph Corporation – CAD Systems
Miramar, FL

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1683

The Procurement Services Department has reviewed this item and recommends contract approval in substantially the form attached to test Intergraph Early Adopter Program.

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

Proprietary – Accero Payroll System Upgrades

(MD-04)

INS200101/6405/Computer Software; Fund 543/01. There are sufficient funds to cover \$95,000. ITS010201/3199/Other Prof. Services; Fund 001/01. There are sufficient funds to cover the remaining \$25,000.

Purchase proprietary upgrades to Accero Payroll System is being presented for approval by the Finance Department.

Recommend: Motion to approve.

Vendor: Accero, Inc.
Lake Oswego, OR

Amount: \$120,000.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1764

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

In response to Vice Mayor Roberts, Kirk Buffington, Director of Procurement Services, explained that Cyborg has changed ownership and is now known as Accero. Vice Mayor Roberts expressed concern that, in the past, it was not a user-friendly system. Kevin Keimel, Information Technology Services explained that many enhancements were installed with the system and those missed were addressed by the Commission as they arose. The proposal is a web-based interface and user friendly. However, sometimes issues related to union negotiations create functions that the system cannot handle. In which case, changes would have to be made. Vice Mayor Roberts reiterated his belief that the system has lacked user friendliness and flexibility.

Commissioner Rogers asked about shift changes. Mr. Keimel explained that, for a shift change from three to two weeks, for example, the system would have to be reprogrammed which would require some time. It is related to programming. It would take about two months to make the change and test it. Commissioner Rogers questioned if any further purchase of software would be required for the changes. Some professional services may have to be purchased if the vendor's help is needed. There is someone on staff who can make such changes. If possible, it will be completed in-house. In further response, Assistant City Manager Hebert explained that the 11.5-hour change is no longer on the table, the software changes once thought necessary will not be required.

Vice Mayor Roberts requested an update on other available systems to provide assurance that this is the optimum software program. He referenced time saving from a management perspective on personnel matters, for example. He was not sure this is the best and whether there are any issues or problems. Mayor Seiler had received negative feedback on this software. In response to Mayor Seiler, the City Auditor agreed that there are challenges with this payroll system, although he believed the upgrade is necessary at this time. However, the City may need to consider a more robust human resource system for the future. It does not have the capability of assigning costs that would be needed for zero-based budgeting and to allocate time to various grant programs. However, the cost for software, training and service interruption would be large. It should be on the radar screen for the next three to five years. Mayor Seiler inquired about the cost of outsourcing the payroll function. Averill Dorsett, Director of Human Resources, did not know about the cost, but cautioned the level of control relinquished with outsourcing. Mayor Seiler wanted to make sure there are no added consultant costs down the road. Mr. Keimel clarified what this will accomplish and the elimination of frustration in using the system. He did not anticipate any additional consultant cost other than the 11.5-hour shift change; however, that is no longer necessary.

Commissioner Rodstrom agreed that if this program does not provide program-based tracking, the City should look long-range for something that will enable such tracking.

Motion made by Commissioner Rodstrom and seconded by Vice Mayor Roberts to approve the item was amended at Vice Mayor Roberts' suggestion to request a comparative of other systems be provided the Commission which includes the current system's weaknesses and the desired improvements. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

RESOLUTIONS

**Vacate 20 Foot Sanitary Sewer Easement – 1801 SE 8 Street
Land Trust, LLC – Case 2-M-09****(R-01)****No budgetary impacts.****Applicant: 1801 SE 8 Street Land Trust, LLC
Location: 1801 SE 8 Street**

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 09-290

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE UTILITY EASEMENT OVER THE NORTH 20 FEET OF THE SOUTH 35 FEET OF TRACT 5, "AMENDED PLAT OF PALM POINT," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 15, PAGE 64, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED EAST OF CORDOVA ROAD, EAST OF THE CUL-DE-SAC AT THE EAST END OF SOUTHEAST 8TH STREET, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

**Solid Waste Disposal Service – Memorandum of Understanding
Broward County Solid Waste Disposal District****(R-02)****No budgetary impact.**

The City Attorney pointed out that this is not the resolution provided by the Resource Recovery Board. This resolution provides tentative approval because all of the necessary information has not been received. The only information provided was about the \$12 fee. Approval of this resolution would not be harmful. He believes it lays claim to the bonus that is supposedly available if an agreement is reached. The only thing that the City has been told that is negotiable is the \$12 fee. There are many issues that the City may want to negotiate that the Resource Recovery Board has not advised are negotiable.

In response to Mayor Seiler, the City Attorney confirmed receipt of letters, but indicated that they did not really answer the questions. They answered unequivocally that the \$12

fee was negotiable. He went on to enumerate the questions: There were a number of other items in the memorandum of understanding that mentioned a minimum 1% CPI and not to exceed 5% regardless of whether there is a consumer price index change There was the up to 40% change due to regulatory changes. There is the date of the bonus payment

With some question, it was clarified that the correct resolution is labeled Exhibit 5 in the Commission's backup.

In response to Mayor Seiler, Ron Greenstein and Eugene Steinfeld (Resource Recovery Board) indicated their approval of the resolution.

In response to Commissioner DuBose the City Attorney confirmed that this provides 5 1/2 months is to get answers and two weeks to execute the interlocal agreement In response to Mayor Seiler Albert Carbon, Public Works Director, confirmed that Kessler Consulting is onboard to assist with negotiations. Their contract covers the interlocal agreement negotiations.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 09-291

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE BASIC PRECEPTS OF THE MEMORANDUM OF UNDERSTANDING (MOU) AMONG BROWARD COUNTY, BROWARD SOLID WASTE DISPOSAL DISTRICT, WHEELABRATOR SOUTH BROWARD, INC., AND WHEELABRATOR NORTH BROWARD, INC., PROVIDING THAT THIS RESOLUTION SHALL BE BINDING ONLY UPON APPROVAL OF AN ADDITIONAL RESOLUTION APPROVING A NEW INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SERVICES.

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

Board and Committee Appointments

(R-03)

No budgetary impacts.

The City Clerk drew attention to the Beach Redevelopment Board recommendation to the Beach Business Improvement District. In response to Mayor Seiler, the City Clerk noted the resolution provision on this appointment and past practice.

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

Beach Business Improvement District Advisory Committee	A. J. Yaari
Board of Adjustment	Karl V. Shallenberger
Centennial Celebration Committee	Beauregard Cummings Stephanie Jean Charles L. Palmer
Community Appearance Board	Tom Catalino Greg Stuart Valerie J. Amor
Economic Development Advisory Board	Dev Ramesh Motwani Adam I. Sanders Cort A. Neimark
Education Advisory Board	Alec H. Anderson
Fire-Rescue Facilities Bond Issue Blue Ribbon Committee	Patrick McTigue Douglas Ruth June D. Page Frederick H. Nesbitt Sam Monroe
Historic Preservation Board	Jay Adams
Insurance Advisory Board	Joe Piechura Stephen D. Estler
Short Term Residential Use Committee	Marilyn Mammano Annette Ross Margaret Croxton D. J. Parker Dwight Ledbetter Joe Amorosino John Torregrosa Larry Isakowitz F. Ronald Mastriana
Utility Advisory Committee	Jay Weiss Maria Canady
Visioning Committee	Gloria Katz Tim Smith Stanley Eichelbaum Alan L. Gabriel Randall Vitale Peg Buchan Wiley D. Thompson, III Charles B. Ladd

Vice Mayor Roberts introduced the following resolution:

RESOLUTION NO. 09-292

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

ORDINANCES

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

(O-01)

No budgetary impact.

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

The Commission announced the disclosures were the same as those indicated on first reading.

As there was no one wishing to speak, Commissioner Rogers introduced the following ordinance on SECOND 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 LAUDERDAE," 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: Commissioner DuBose, Commissioner Rogers, Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Vacate 15 Foot Alley – 310 NE 6 Street – Case 4-P-09 (O-02)
City of Fort Lauderdale and Community Redevelopment Agency

No budgetary impact.

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 the disclosures were the same as those indicated on first reading.

As there was no one wishing to speak, Commissioner Rogers introduced the following ordinance on SECOND 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: Commissioner DuBose, Commissioner Rogers, Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Unified Land Development Amendment – Demolition (O-03)
Certified Local Government Program – Historic
Preservation Board

No budgetary impact.

In response to Mayor Seiler the City Attorney confirmed that an update of the historic preservation ordinance is underway and will be presented within the next two meetings.

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

There being no other matters to come before the Commission, the meeting was adjourned at 7:47 P.M. The Commission returned to the conference meeting agenda, Item I-A, Beach Master Plan.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk