

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
JANUARY 6, 2010

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
January 6, 2010**

Meeting was called to order at 6:06 p.m. by Mayor Seiler on the above date, in City Hall, 100 North Andrews Avenue, 1st floor chambers.

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 Kim Hancock

Invocation was offered by Reverend Gail Tapscott, Unitarian Universalist Church, followed by the recitation of the pledge of allegiance led by Amelia Forum, Amanda Forum, and Alissa London.

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 October 20, 2009 Regular Meeting and December 1, 2009 Joint Workshop with Charter Revision Board. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

Presentations

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

Commissioner Rodstrom recognized Jan Faust who resides in Victoria Park as the recipient of the WOW Award for District II. Ms. Faust thanked the Commission for the award.

2. OSHA and South Florida Construction Industry Safety Training Months January – April, 2010 (PRES-02)

Vice Mayor Roberts presented a proclamation designating January through April, 2010, as OSHA and South Florida Construction Industry Safety Training Months in the City to Darlene Fossum, Fort Lauderdale Director of OSHA, who thanked the Commission.

Catherine Murray Day – January 6, 2010 (OB)

Commissioner Rogers presented a proclamation declaring January 6, 2010 as Catherine Murray Day in the City in recognition of 60 years of civil service. She served over 20 years on active Marine duty and was the first woman to join the Fleet Marine Corp Reserve. She has volunteered at Holy Cross Hospital for the last 30 years. Ms. Murray thanked the Commission.

Human Trafficking Awareness Day – January 11, 2010 (OB)

Commissioner Rodstrom presented a proclamation declaring January 11, 2010 as Human Trafficking Awareness Day in the City to Adriane Reese of the Broward Human Trafficking Coalition in recognition of their efforts to educate, bring awareness, and combat this crime. Ms. Reese thanked the Commission.

Expression of Sympathy (OB)

Mayor Seiler and the City Commission offered an expression of sympathy to City employees, Kim Clifford and Nicki Pasiechnik, and their families on the passing of their father, Jerry Fetters.

Multi-Way Stop – Intersection of NE 9 Avenue and NE 3 Street (CR-13)

No budgetary impact.

This item was removed from the agenda at the request of Commissioner Rodstrom.

On-Street Parking – North Side of East Broward Boulevard East of NE 15 Avenue (CR-16)

No budgetary impact.

This item was removed from the agenda at the request of Commissioner Rodstrom.

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 – Caring For Kids Day And Closing Streets Along Route**(M-01)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Great Healthworks, Inc. for Caring For Kids Day, to be held January 30, 2010, at the Esplanade and closing City streets along route.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1811

Event Agreement – Cinema Paradiso Chocolate Festival Closing SE 6 Street**(M-02)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Broward County Film Society, Inc. for Cinema Paradiso Chocolate Festival, to be held January 30, 2010, at Cinema Paradiso, 503 SE 6 Street and closing SE 6 Street from SE 5 Avenue to SE 5 Terrace.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1812

Event Agreement – Riverwalk Blues Festival**(M-03)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with It's Only Zeroes, Inc. for Riverwalk Blues Festival, to be held February 13 and 14, 2010, on the Downtowner Saloon property at 10 South New River Drive East.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1813

Event Agreement – St. Demetrios Greek Orthodox Church Festival (M-04)
Church Festival

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with St. Demetrios Greek Orthodox Community of Broward County, Inc. for St. Demetrios Greek Orthodox Church Festival, to be held February 12-14, 2010, on church grounds – 815 NE 15 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1814

Event Agreement – Movies and Mutts (M-05)
Closing SE 6 Street

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Broward County Film Society, Inc. for Movies and Mutts, to be held January 22, 2010, at Cinema Paradiso and closing SE 6 Street from SE 5 Avenue to SE 5 Terrace, leaving garage and condominium access open.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1815

Updated Background Screening Policy – City Programs (M-06)

No budgetary impact.

A motion approving updated Background Screening Policy for all contract employees and individuals who volunteer for City programs.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0036

Amendment to Agreement – 2010 Air Lauderdale Fort Lauderdale Air Show LLC – Relocating Southern Boundary (M-07)

No budgetary impact.

A motion directing City Attorney to prepare an amendment to agreement with Fort Lauderdale Air Show, LLC – 2010 Air and Sea Show – request to relocate event southern boundary and authorizing the proper City Officials to execute amended agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0010

Change Order – Miguel Lopez Jr., Inc. - \$176,320 (M-08)
Dorsey Riverbend Neighborhood Improvements

\$176,320 is budgeted in P10435.129-6599, fund 129, Subfund 01 Dorsey Riverbend Neighborhood Improvement Project.

A motion authorizing the proper City Officials to award a change order with Miguel Lopez Jr., Inc., in the amount of \$176,320 – additional work – Dorsey Riverbend Neighborhood Improvements – Project 10435.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0038

Contract Renewals – March, April, May and June, 2010 (M-09)

Please refer to Exhibit 1 for funding information.

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

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1750

Transfer Funds Between Fire Bond Projects (M-10)
Citywide Integrated Access Control And Video Surveillance System

Transfer \$50,000 from P10919.336-6599, Fire Station 35, to P10905.336-6599, Fire Station 29, Fund 336, Sub-Fund 01, Transfer \$50,000 from P10919.336-6599, Fire Station 35, to P10909.336-6599, SE Fire Station Design & Construction (Fire Station 8), Fund 336, Sub-Fund 01, Transfer \$40,000 from P10919.336-6599, Fire Station 35, to P10912.336-6599, Fire Station 49, Fund 336, Sub-Fund 01, Transfer \$15,000 from P10919.336-6599, Fire Station 35, to P10914.336-6599, Fire Station 54, Fund 336, Sub-Fund 01, Transfer \$35,000 from P10911.336-6599, Fire Station 46 Design & Construction, to P10914.336-6599, Fire Station 13, Fund 336, Sub-Fund 01, for the purchase of a city-wide, integrated access control system.

A motion authorizing transfer of funds between Fire Bond projects for purchase of Citywide Integrated Access Control and Video Surveillance System for eleven fire stations and Fire Support Services Building.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1808

Grant Application – LifePak 15 Monitors – Defibrillators - (M-11)
\$269,100.95 Florida Department of Health Emergency Medical Services

Cash match in the amount of \$89,700.32 is budgeted in FD001, Fund 001, Subfund 01, Subobject 9129.

A motion authorizing the proper City Officials to apply for grant funds, in the amount of \$269,100.95 from Florida Department of Health Emergency Medical Services – LifePak 15 Monitors – Defibrillators – 25% match of \$89,700.32

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0012

Change Order 4 (Final) – Foster Marine Contractors, Inc. (M-12)
Chula Vista Basin A – Credit (\$852,143.13)

Reduce encumbrance by (\$852,143.13) in Fund 482, Subfund 01, P10940.482-6599; EP03505.

A motion authorizing 1) Change Order 4 (Final) with Foster Marine Contractors Inc., in net CREDIT amount of (\$852,143.13) – final quantity reconciliation – Sanitary Sewer and Water Main Improvements – Chula Vista Basin A – Project 10940A and 2) reduce encumbrance by (\$852,143.13).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1757

Change Order 4 – Fire Station 29 - \$45,497.89 – Add 9 Working (M-13)
Days DiPompeo Construction Corporation

\$45,497.89 is available in P10905.336-6599-336-01.

A motion authorizing Change Order 4 with DiPompeo Construction Corporation, in the amount of \$45,497.89 and the addition of nine work days to contract period – Fire Station 29 – 2002 NE 16 Street – Project 10905.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0025

Change Order 7 – Southern Florida Paving Group, LLC (M-14)
Annual Speed Hump Installation – Lauderdale Manors Drive –
\$16,354

Transfer \$19,135 from P11186.332, Annual Asphaltic Concrete Resurfacing 2006-2007 to P11450.332, Fund 332, Subfund 001, to fund this change order and 17 percent engineering fees.

A motion authorizing 1) Change Order 7 with Southern Florida Paving Group, LLC, in the amount of \$16,354.00 – additional scope of work to 2009 Annual Speed Hump Installation – Lauderdale Manors Drive – Project 11450 and 2) Transfer funds to fund this change order and 17 percent engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0045

Task Order 09-10 – Keith And Associates, Inc. - \$9,220 (M-15)
Survey Services – Dixie Wellfield – Raw Water Main Replacement

\$10,350 is available in Fund 454, Subfund 01, P11484.454-6599 to fund the Task Order plus 12 percent estimated WaterWorks 2011 fees.

A motion authorizing the proper City Officials to execute Task Order 09-10 with Keith and Associates, Inc., in the amount of \$9,220 – Survey Services associated with Dixie Wellfield – Raw Water Main Replacement – Project 11484.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0014

Task Order 2010-01 – URS Corporation - \$50,000 – (M-16)
Beach Consulting Services

\$50,000 is available in 2010 CIP, to be recorded in P11322.331, Beach Improvements, Fund 331, Subfund 01, Subobject 6599. Please refer to Exhibit 2.

A motion authorizing the proper City Officials to execute Task Order 1020-01 with URS Corporation, not to exceed \$50,000, for consulting services – Beach Renourishment, Sand Bypass Project, Outstanding Florida Waters Designation for Waters Off City Shoreline, Listing of Coral Endangered Species and South Beach Parking.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0016

Task Order 1 – CIMA Engineering Corp. - \$21,573.34 - (M-17)
Temporary Fire Station 29

Transfer \$21,573.34 from P10919.336-6599-336-01, Fire Station 35, to P10905.336-6599-336-01.

A motion authorizing the proper City Officials to execute Task Order 1 with CIMA Engineering Corp., for Construction Management Services for Fire Station No. 29, in the amount of \$21,573.34 – Pre-Construction Management Services – creation of temporary Fire Station 29 – NE 16 Street – Project 10905.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0024

Transfer Funds Between Utility Capital Projects - \$168,000 (M-18)
Improvements to D-54 Pump Station Forcemain

Please see funding information attached to these minutes.

A motion authorizing transfer of funds from Water and Sewer Fund Recapitalization to D-54 Pump Station Forcemain – Project 11542 – Alternative Disposal Method – Peele Dixie Water Treatment Plant.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1558

Contract Award – LeLack Corporation D/B/A LeLack Construction (M-19)
Executive Airport Observation Area Renovations - \$92,069

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 LeLack Corporation d/b/a LeLack Construction, in the amount of \$92,069 – Executive Airport Observation Area Renovations – Project 11493 and 2) Transfer funds necessary to complete funding of contract, contingencies and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1805

Revocable License – School Board of Broward County (M-20)
Temporary Lane and Sidewalk Closures – SE 6 Street and
SE 4 Avenue Area

No budgetary impact.

A motion authorizing the proper City Officials to execute a Revocable License with School Board of Broward County – temporary closure of SE 6 Street eastbound right turn lane, between SE 3 Avenue and SE 4 Avenue, and SE 4 Avenue southbound lane and adjacent sidewalk, between SE 6 Street and SE 7 Street.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1809

Sovereignty Submerged Lands Easement – Water (M-21)
Transmission Pipeline Intracoastal Waterway – Oakland
Park Boulevard

No budgetary impact.

A motion authorizing the proper City Officials to execute Sovereignty Submerged Lands Easement with Florida Board of Trustees – Internal Improvement Trust Fund – installation of water transmission pipeline under Intracoastal Waterway adjacent to Oakland Park Boulevard – Oakland Park Boulevard thirty-inch Water Main – Project 10572.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1818

Water Environment Research Foundation Subscription – (M-22)
\$10,557.

\$10,557 is available in Fund 450, Subfund 01, PBS010101, Subobject 4113.

A motion approving one-year subscription to Water Environment Research Foundation, a non-profit organization, in the amount of \$10,557.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 09-1826

CONSENT RESOLUTION

Amend Operating Budget – Appropriation - \$5,000 (CR-01)
Sponsorship – 2009 New Year’s Eve Celebration

\$5,000 in sponsorship funds (revenue) to be appropriated to PKR010402-K384 Other Events, Fund 001, Subfund 01; Appropriate expenses in the amount of \$5,000 to PKR010402-3299 Other Services, Fund 001, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0007

RESOLUTION NO. 10-04

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 \$5,000 IN CASH SPONSORSHIP FROM B&L SERVICE, INC. D/B/A YELLOW CAB INCLUDING \$650.00 TO PAY JAN BETH IDELMAN, INC., THE EVENT FUNDRAISER.

Water Aerobics Program – Aquatic Complex (CR-02)
Instructors – Service Agreement

Accept and appropriate \$3,750 as Revenue to General Fund 001, Subfund 01, BUS040101-K528 Program Fees and Expenditure of \$3,000 to General Fund 001, Subfund 01 BUS040101-3246 Recreation Programming.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1164

RESOLUTION NO. 10-05

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PROGRAM SERVICE AGREEMENT WITH RAYMOND WALSH AND LOIS EISNER TO CONDUCT WATER AEROBICS INSTRUCTION AT THE FORT LAUDERDALE AQUATIC COMPLEX FOR THE PERIOD OF JANUARY 15, 2010 THROUGH JANUARY 14, 2011 AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010 BY ACCEPTING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$3,750 TO FUND 001.

Amend Operating Budget – Appropriation of Grant and (CR-03)
Match Funds SE 15 Street Boat Launch and Marina Complex –
\$876,906

Appropriate Grant Funds to Fund 129, Subfund 01 P11422.129C, Revenue in F742 and Expenditure in 6599. Request appropriation of match funds in the amount of

1) \$393,440 from P11000.331, Fund 331, Subfund 01 to P11422.129D, Fund 129, Subfund 01-6599; 2) appropriation of match funds in the amount of \$56,560

Recommend: Adopt resolution

Exhibit: Commission Agenda Report 09-1617

RESOLUTION NO. 10-06

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$876,906.00 FROM THE FLORIDA INLAND NAVIGATION DISTRICT ("FIND") FOR AN IMPROVEMENT PROJECT TO THE S.E. 15 STREET BOAT LAUNCHING AND MARINE COMPLEX; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY OR INCIDENTAL TO THE ACCEPTANCE AND ADMINISTRATION OF THE FIND GRANT AGREEMENT FOR THE PROJECT; 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 \$876,906.00 FROM FIND AND APPROPRIATING MATCH FUNDS ALL AS MORE PARTICULARLY SET FORTH BELOW.

Facility Use Agreement – Wally Byam Caravan Club (CR-04)
International Fort Lauderdale Stadium – Follow Me To Paradise Rally

Appropriate \$950 as Revenue to General Fund 001, Subfund 01, BUS090101-N900 Miscellaneous with the balance of \$50 to be deposited into Airport Fund 468, Subfund 01, BUS070101-N257 Ft. Lauderdale Stadium. Appropriate \$950 as Expenditure to General Fund 001, Subfund 01, BUS090101-3407 Equipment Repair.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1752

RESOLUTION NO. 10 -07

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION OF A LICENSE AGREEMENT 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 \$1,000.

**Facility Use Agreement – Federal League, Inc.
Fort Lauderdale Stadium**

(CR-05)

Appropriate \$1,710 as Revenue to General Fund 001, Subfund 01, BUS090101-N900 Miscellaneous with the balance of \$90 to be deposited into Airport Fund 468, Subfund 01, BUS070101-N257 Fort Lauderdale Stadium. Appropriate \$1,710 as expenditure to General Fund 001, Subfund 01, BUS090101-3407 Equipment Repair.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0003

RESOLUTION NO. 10-08

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION OF A LICENSE AGREEMENT WITH FEDERAL LEAGUE, 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 \$1,800.00 RECEIVED FROM FEDERAL LEAGUE, INC.

Bank Signature Authority

(CR-06)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1792

RESOLUTION NO. 10-09

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 4.01(c) OF THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING LYNDA C. FLYNN, INTERIM DIRECTOR OF FINANCE, AND DON HALQUIST, SENIOR ACCOUNTANT, INDIVIDUALLY TO SIGN CHECKS FOR THE PAYMENT OF MONEY BY THE CITY OF FORT LAUDERDALE, PRESCRIBING THAT SUCH EMPLOYEES SHALL BE UNDER FIDELITY BOND IN THE AMOUNT OF \$500,000, RESCINDING RESOLUTION NO. 08-198 AND ANY

OTHER RESOLUTION OR PART OF ANY RESOLUTION
IN CONFLICT HEREWITH, AND PROVIDING FOR AN
EFFECTIVE DATE.

Rescheduling January 19, 2010 City Commission Meetings

(CR-07)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1804

RESOLUTION NO. 10-10

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FORT LAUDERDALE, FLORIDA,
RESCHEDULING THE JANUARY 19, 2010, REGULAR
AND CONFERENCE MEETINGS OF THE CITY
COMMISSION TO JANUARY 20, 2010.

Amend Operating Budget – Appropriation - \$58,055
CityWide Integrated Access Control and Video Surveillance System

(CR-08)

Appropriate \$58,055 from P11078.331-6599, Fund 331, Subfund 01, to FIR010101-6499, Fund 001, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1807

RESOLUTION NO. 10-11

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 IN
THE AMOUNT OF \$58,055 FROM FUND 331 TO FUND
001 FOR THE PURCHASE OF A CITY-WIDE,
INTEGRATED ACCESS CONTROL AND VIDEO
SURVEILLANCE SYSTEM.

Grant Acceptance – Community Emergency Response Team Program Florida Department of Community Affairs - \$9,000

(CR-09)

Appropriate \$9,000 of Grant Funds into Fund 129, Subfund 01, GCERT10, Revenue Subobject C594, and expenditures in 3922 (\$800), 3946 (\$500); 3949 (\$700), 3999 (\$2,500), 4337 (\$4,000) and 4355 (\$500). There is no required cash match.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0039

RESOLUTION NO. 10-12

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 \$9,000 FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFIARS, DIVISION OF EMERGENCY MANAGEMENT UNDER THE COMMUNITY EMERGENCY RESPONSE TEAM PROGRAM, EXECUTE ALL DOCUMENTS NECESSARY TO RECEIVE SUCH GRANT FUNDING AND MENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010 BY APPROPRIATING SUCH GRANT FUNDS IN THE AMOUNT OF \$9,000 TO FUND 129.

Utility Advisory Committee – Tree Subcommittee

(CR-10)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0042

RESOLUTION NO. 10-13

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 09-07 WHICH AMENDED RESOLUTION NO. 03-17 WHICH ESTABLISHED THE UTILITY ADVISORY COMMITTEE; EXTENDING THE TERM OF THE UTILITY ADVISORY COMMITTEE TO DECEMBER 31, 2010 AND FURTHER AUTHORIZES THE EXISTENCE OF A TREE SUBCOMMITTEE UNDER THE UTILITY ADVISORY COMMITTEE THROUGH DECEMBER 31, 2010; PROVIDINNG FOR SEVERABILITY; FURTHER, PROVIDING FOR REPEAL

OF CLAUSES IN CONFLICT HEREWITH; AND
PROVIDING FOR EFFECTIVE DATE.

Amend Operating Budget – Appropriation - \$20,000 (CR-11)
Annual Analysis Updates – Lohmeyer Wastewater Treatment Plant

Appropriate \$20,000 from P00401-6599, Fund 451, Subfund 02 to PBS670503-3199, Fund 451, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1817

RESOLUTION NO. 10-14

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 \$20,000 FOR CAPACITY ANALYSIS REPORT AND THE LARGE USERS REPLACEMENT AND RENEWAL ANALYSIS AT THE GEORGE T. LOHMEYER WASTEWATER TREATMENT PLANT.

Amend Operating Budget – Appropriation - (CR-12)
\$20 Million – Fire Bond Projects

Appropriate \$20 million to Fire Bond projects and the Bond issuance Expense Account as identified in Exhibit 1.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0050

RESOLUTION NO. 10-15

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 \$20,000,000 TO FUND 336, SUBFUND 01, SUBOBJECT 6599, TO BE OFFERED LATER THIS FISCAL YEAR

DIRECTLY TO THE REMAINING FIRE BOND PROJECTS.

Multi-Way Stop – Intersection of NE 9 Avenue and NE 3 Street (CR-13)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0028

RESOLUTION NO. 10 -

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REQUESTING BROWARD COUNTY INSTALL A MULTI-WAY STOP AT THE INTERSECTION OF NE 9TH AVENUE AND NE 3RD STREET.

Amend Operating Budget – Transfer Capital Improvement Project Balances (CR-14)

Transfer funds from project index codes identified in Exhibit 1 to Undesignated Fund Balance in respective Funds.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1827

RESOLUTION NO. 10-16

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 TRANSFERRING FUNDS FROM AVAILABLE PROJECT BALANCES TO NET AVAILABLE FUND BALANCE IN FUNDS 331, 328 AND 343.

Contract Award – Close Construction, Inc. - \$4,435,994 Liquid Oxygen & Concrete Improvements – Lohmeyer Wastewater Treatment Plant (CR-15)

Please refer to Exhibit 3 for funding information.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1754

RESOLUTION NO. 10-17

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 \$5,000,000 TO FUND LIQUID OXYGEN AND CONCRETE IMPROVEMENTS AT THE GTL WASTEWATER TREATMENT PLANT AND TO AUTHORIZE THE PROPER CITY OFFICIALS TO AWARD AND EXECUTE A CONTRACT WITH CLOSE CONSTRUCTION, INC.

On-Street Parking – North Side of East Broward Boulevard East of NE 15 Avenue (CR-16)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0002

RESOLUTION NO. 10 -

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING ON- STREET PARKING ON EAST BROWARD BOULEVARD EAST OF NE 15 AVENUE AND ON THE NORTH SIDE OF THE ROADWAY.

Grant Application – Enhanced Marine Law Enforcement Grant Program Broward County - \$160,608 – Boating Safety Initiatives (CR-17)

No current year budgetary impact. The EMLEG Program does not require a match.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0009

RESOLUTION NO. 10-18

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO

APPLY TO THE BROWARD COUNTY MARINE ADVISORY COMMITTEE FOR A BROWARD COUNTY ENHANCED MARINE LAW ENFORCEMENT GRANT FOR THE ENHANCEMENT OF MARINE LAW ENFORCEMENT AND BOATING SAFETY EDUCATION; AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL DOCUMENTS NECESSARY TO RECEIVE SUCH GRANT FUNDING.

Amend Operating Budget – Transfer and Appropriation - \$65,994 (CR-18)
Florida Department of Law Enforcement – Operation Last Call III

Appropriate \$58,780 of Grant Funds into Fund 129,. Subfund 01, GCALL10, Revenue Subobject F204, and expenditures in 3307 (\$10,800); 3946 (\$282), 4352 (\$45,348) and, 6499 (\$2,350). Also, transfer and appropriate \$7,214 in City matching funds from FD001, Subfund 01, Subobject 9129 to grant index GCALL10, Revenue Subobject Q001

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0030

RESOLUTION NO. 10-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY ACCEPTING AND APPROPRIATING GRANT FUNDS AWARDED TO THE CITY BY THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT IN THE AMOUNT OF \$58,780.00 FOR OPERATION LAST CALL III.

Recreation Programming Memorandum Of Understanding (CR-19)
Agreements City Manager Authority To Execute

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0037

RESOLUTION NO. 10-20

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

AUTHORIZING THE CITY MANAGER OR HIS/HER
DESIGNEE TO EXECUTE MEMORANDUM OF
UNDERSTANDING AGREEMENTS FOR THE USE OF
PARKS AND RECREATION FACILITIES FOR
RECREATION PROGRAMMING.

PURCHASING AGENDA

403-10391 – Asphalt And Bituminous Materials

(PUR-01)

There is no cost to enter into this contract. The department will spend in accordance with per unit pricing secured through the competitive bid process and available budget.

One-year contract for asphalt and bituminous materials is being presented for approval by Public Works Department.

Recommend: Motion to approve.
Vendor: Hardrives of Delray, Inc.
Delray Beach, FL
Amount: per unit prices
Bids Solicited/Rec'd: 187/2
Exhibit: Commission Agenda Report 09-1701

The Procurement Services Department reviewed this item and recommends an award to the low bidder, Hardrives of Delray, Inc.

403-10392 – Disposal Of Construction Debris

(PUR-02)

There is no cost to enter into this contract. The department will spend in accordance with per unit pricing secured through the competitive bid process and available budget.

One-year contract for disposal of construction debris is being presented for approval by Public Works Department.

Recommend: Motion to approve.
Vendor: Southern Waste Systems, LLC
Lantana, FL
Amount: per unit prices
Bids Solicited/Rec'd: 938/3
Exhibit: Commission Agenda Report 09-1702

The Procurement Services Department has reviewed this item and recommends awarding this contract to the low bidder, Southern Waste Systems, LLC.

Citywide Integrated Access Control And Video Surveillance System Fire Stations And Fire Support Services Building

(PUR-03)

Contingent on the approval of CAR 09-1807 and CAR 09-1808, as presented to the City Commission on January 6, 2010, the funds will be available and budgeted as follows: \$34,637 in P10916.331 – 6599, Fire Station 3, Fund 331, Subfund 01 \$38,417 in P10909.336-6599, Fire Station 8, Fund 336

Purchase Citywide Integrated Access Control and Video Surveillance System for eleven fire stations and Fire Support Services Building is being presented by Fire-Rescue Department.

Recommend: Motion to approve.

Vendor: AVI Integrators, Inc., d/b/a Security 101
Pompano Beach, FL

Amount: \$382,501.00 Base bid plus optional 5 yr. maintenance

Bids Solicited/Rec'd: 966/3

Exhibit: Commission Agenda Report 09-1806

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

The following items were removed from the Consent Agenda:

Motion made by Vice Mayor Roberts and seconded by Commissioner DuBose that Consent Agenda Items M-06, M-07, M-09, M-15, M-19, CR-08, CR-14, and CR-15 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

Updated Background Screening Policy – City Programs

(M-06)

In response to Vice Mayor Roberts, Phil Thornburg, Parks and Recreation Director, explained that the background checks are valid for one year.

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

**Amendment to Agreement – 2010 Air Lauderdale
Fort Lauderdale Air Show LLC – Relocating Southern Boundary****(M-07)**

In response to Commissioner Rodstrom, Stan Smith, representing Fort Lauderdale Air Show, confirmed an upcoming meeting with the concerned resident, Fort Lauderdale Air Show and the Police Department to ensure access from the hotels behind the zone would be allowed.

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

Contract Renewals – March, April, May and June, 2010**(M-09)**

Commissioner Rogers felt generally speaking products and services cost less today. He suggested that the City consider the rebidding rather than automatic renewal, for some contracts at staff's discretion. Kirk Buffington, Director of Procurement Services, contended that each contract is reviewed individually. Not everything is less today. Any contract competed prior to 2007 was pulled. Some exceptions were made due to long-term relationships, which he believes are valuable in most cases. He cited two reasons, being the occurrence of a tough delivery schedule or supply shortage. He, his staff, and each department have discriminatingly reviewed the contracts for market viability. The City manages over four hundred term contracts so thought must be given to resource and staff time for the re-bid process.

Commissioner Rodstrom asked whether the \$80,000 fireworks funding could come from the Beach Community Redevelopment Agency (CRA) next year, rather than the general fund. Don Morris, Beach Community Redevelopment Agency Director, maintained the necessity to review that with the City Attorney to see how it meets their plan. The project has not been budgeted for this fiscal year, although there are funds available to cover it. Mayor Seiler agreed.

Commissioner Rodstrom asked about Items 12 and 16 on Exhibit 1 of Commission Agenda Report 09-1750, bulk trash separation, recycling and disposal service and debris management service. Albert Carbon, Public Works Director, advised these items will be part of the interlocal agreement negotiations (with the Resource Recovery Board), that agreement will not go into effect until 2011 and after these contracts would be ready for extension.

Mayor Seiler questioned the necessity of Item 38 of Exhibit 1, emergency catering services. Mr. Buffington explained that this service supplies provisions for City employees working on a 24/7 emergency schedule. The contract is based on unit pricing and originated from an invitation to bid.

In response to Mayor Seiler. Mr. Buffington advised that Item 13 of Exhibit 1, yoga and aikido instruction, is a revenue contract; there is an increase in revenue because more people are taking the classes.

Mr. Buffington offered more information for Mayor Seiler concerning Item 7 of Exhibit 1, caustic soda co-op with Margate.

Mr. Buffington offered more information for Commissioner Rogers concerning Item 35 of Exhibit 1, concrete repair services.

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

Task Order 09-10 – Keith And Associates, Inc. - \$9,220 (M-15)
Survey Services – Dixie Wellfield – Raw Water Main Replacement

Commissioner Rodstrom noted her conflict of interest and intention to abstain from voting.

Motion made by Commissioner DuBose and seconded by Commissioner Rogers to approve the item as presented. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioner DuBose, and Mayor Seiler. NAYS: None. Commissioner Rodstrom abstained. A memorandum of voting conflict is attached to these minutes.

Contract Award – LeLack Corporation D/B/A LeLack Construction (M-19)
Executive Airport Observation Area Renovations - \$92,069

Commissioner Rogers expressed his belief that the project is unnecessary. Clara Bennett, Executive Airport Manager, advised that the project was identified in the Capital Improvement Program (CIP), using Enterprise funds. It was designed by in-house staff. The observation area has been operating for approximately twelve years and is heavily used. The goal is to revitalize older facilities, especially during slow construction times. She responded to Mayor Seiler's questions as to its location, usage and features.

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

Amend Operating Budget – Appropriation - \$58,055 (CR-08)
CityWide Integrated Access Control and Video Surveillance System

In response to Commissioner Rogers, Jeff Justinak, Acting Fire Rescue Chief, noted the funding source. Because Station 2 was done independently by the contractor it will require a complete change-out whereas the other stations will only require modification in order to universalize all of the stations. He expressed concern over servicing Station 2 as the contractor is no longer in business. Albert Carbon, Public Works Director, explained that the access system is customarily left out of the general construction contract and bid separately. It was figured into the fire bond. The upgrade to Fire

Station 2 was not part of the fire bond. The rest of the changes were included, but in a separate contract.

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

**Amend Operating Budget – Transfer Capital Improvement
Project Balances**

(CR-14)

In response to Commissioner Rogers, the City Auditor confirmed that the majority of this accounting clean-up relates to the Southside School project with the rest being small projects. Projects are reviewed annually to determine any remaining funding. Those funds are then returned to the general fund balance.

Albert Carbon, Public Works Director, clarified some funding points highlighted in Exhibit 2 of Commission Agenda Report 09-1827 for Commissioner Rodstrom.

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

**Contract Award – Close Construction, Inc. - \$4,435,994
Liquid Oxygen & Concrete Improvements – Lohmeyer
Wastewater Treatment Plant**

(CR-15)

Commissioner Rogers indicated he no longer has a question on this item.

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

MOTIONS

**Proprietary – Fitness and Wellness Classes -
Beach Community Center North Broward Hospital District**

(MD-01)

\$38,400 is budgeted in Fund 001, Subfund 01, PKR 033301, Subobject 3246.

Two-year contract with North Broward Hospital District d/b/a Broward Health to provide fitness and wellness classes at Beach Community Center – February 1, 2010 through January 31, 2012 – presented for approval by Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: North Broward Hospital District d/b/a Broward Health
Fort Lauderdale, FL

Amount: \$38,400.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1816

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

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

Proprietary –GPS Monitoring – Mobile Building And Code Inspection Program (MD-02)

Funds of \$20,873 are available in Fund 001, Subfund 01, BLD010101,3299.

One-year renewal for GPS Monitoring – Mobile Building and Code Inspection Program – October 1, 2009 through September 30, 2010 – presented for approval by Building Department.

Recommend: Motion to approve.

Vendor: **Ituran USA, Inc.**
Fort Lauderdale, FL

Amount: \$20,873.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1570

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

Vice Mayor Roberts questioned the necessity of the program. Valerie Bohlander, Director of Building Services, confirmed and necessity. In response to Mayor Seiler, Kirk Buffington, Director of Procurement Services, advised of the program's implementation in 2006 with a competitive contract done by Volusia County. Mayor Seiler voiced his belief that GPS monitoring costs have reduced each year since 2007. Mr. Buffington asserted that only this company can monitor these units. If another company were to be hired for monitoring, new correlating units would have to be purchased. The City currently owns seventy units. The monthly cost is approximately \$1,800. He offered to contact the company to verify his statement. Mayor Seiler requested that other companies be researched for improved cost effectiveness. Commissioner DuBose asked that the full conversion cost to move to another company be included.

Motion made by Vice Mayor Roberts and seconded by Commissioner Rogers to approve the item as amended to a month-to-month basis for sixty days. Roll call

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

RESOLUTIONS

**Lot Clearing and Cleaning – Special Assessment Liens For
Associated Cost**

(R-01)

No budgetary impact.

Vice Mayor Roberts introduced the following resolution:

RESOLUTION NO. 10-01

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, MADE PURSUANT TO CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF LOT CLEARING AND IMPOSING A SPECIAL ASSESSMENT LIEN AGAINST EACH PROPERTY FOR THE ASSESSED AMOUNT, AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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

**Sidewalk Cafes – State Road A-1-A Right Of Way Florida
Department of Transportation – Lease Renewal And Boundary Expansion**

(R-02)

No budgetary impact.

Vice Mayor Roberts introduced the following resolution:

RESOLUTION NO. 10-02

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO REQUEST THE FLORIDA DEPARTMENT OF TRANSPORTATION (“FDOT”) TO APPROVE RENEWAL OF THE TEMPORARY LEASE OF SURPLUS

PROPERTY TO THE CITY OF FORT LAUDERDALE ("CITY") TO BE UTILIZED FOR THE PURPOSE OF PROVIDING SIDEWALK CAFES ON STATE ROAD A-1-A; REQUESTING AN EXTENSION OF THE LEASE BOUNDARIES TO AN AREA NORTH TO THE SOUTH BOUNDARY OF SUNRISE BOULEVARD, SUCH PROPERTY BEING MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION AND SKETCH ATTACHED AS EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

Board and Committee Appointments

(R-03)

No budgetary impact.

In response to Mayor Seiler, there was review remaining openings on the Visioning Committee. Mayor Seiler asked that these appointments be made on January 20.

Commissioner Rogers suggested Leo Hansen to serve as an alternate on the Board of Adjustment. In response to Commissioner Rodstrom, the City Clerk offered to confirm that he meets the qualifications. Mayor Seiler wanted to make sure that applicants have required qualifications before being added to the applicant list. The City Clerk explained that information on the applications is accepted as accurate, but offered to look into it.

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

Affordable Housing Advisory Committee	Jonathan E. Jordan (Mayor Seiler)
Beach Redevelopment Board	Ramola Motwani (Commissioner Rogers) Aiton J. Yaari (Commissioner Rogers)
Code Enforcement	Chad Thilborger (consensus)
Community Appearance Board	David Tilbury (Commissioner Rogers)
Education	Alan J. Levy (Commissioner Rogers)
Fire-Rescue Facilities Bond Issue Blue Ribbon Committee	Frank B. Anderson, Jr. (Commissioner Rogers) Allan A. Kozich (Commissioner Rogers)
Board of Trustees of the General Employees Retirement System	Julie K. Cameron (Mayor Seiler)

Vice Mayor Roberts introduced the following resolution:

RESOLUTION NO. 10-03

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

CITIZEN PRESENTATIONS

Michael P. Moran- New York City Officials- “Taking Back New York’s Streets – Untangling Gridlock and Making New York Greener and More Livable

(CIT-01)

Mike Moran reviewed his prior presentation on litter, noting specifically cigarette butt litter is a growing issue in parks and beach areas. Over 1,100 cities around the country have adopted either bans or restrictions to alleviate the problem. He asked for feedback on any progress made toward litter alleviation. The City Attorney reviewed an opinion that was provided to the Commission, advising that the state has pre-empted the area therefore, the Commission has no authority to pass ordinances on an outdoor smoking ban. Mr. Moran argued that when the tobacco industry adopted the clean air act, they included language that implied that any further regulation would have to occur at a state level. Every city commission that has overruled this; did it by risking being sued by the state. He felt that the idea is ridiculous as the state would then be suing the city for adopting legislation that provides a healthier environment. Mayor Seiler disagreed, and explained that the City does not have the authority to enforce that type of law.

Mr. Moran claimed that 500,000 people have left Florida this year. He believed that the City should focus on improving quality of life. He used one example of New York City, Times Square, and their efforts to address congestion; an instapark which he elaborated upon. A copy of information used in his presentation is attached to these minutes.

Commissioner DuBose commented on an anti-littering campaign currently being developed by City staff. Commissioner Rogers suggested that Mr. Moran involve himself in the City’s visioning process.

Douglass H. - Perry-Beach Master Plan**(CIT-02)**

Douglass H. Perry referred to that part of the beach master plan that has to do with the RFP on the Swimming Hall of Fame. He noted the loss of revenue at the Hall of Fame. He pointed out the importance of revenue producing facilities. The current RFP is unbalanced with 70 to 80 percent of the project area allocated for pool facilities and only 20 to 30 percent available for revenue producing operations. He went on to provide a brief chronology of the development of the RFP. A copy of information used in his presentation is attached to these minutes.

Sherman Whitmore - International Swimming Hall of Fame**(CIT-03)**

Sherman Whitmore expressed concern about the development of the International Swimming Hall of Fame. He wished to continue with the subject matter discussed by Mr. Perry. He asked questions of staff at the December 9 meeting (pre-proposal) but did not receive an answer as to funding. He explained that the Hall of Fame intends to make a proposal to the City. Mayor Seiler referred to minutes (provided by Mr. Perry) and concluded from the comments that there is no money from the City. The whole purpose is that the City is hoping City funding is not needed. The Commission wanted to receive proposals that proposers felt would work. Instructions were given by the full Commission to go to the Hall of Fame and that all proposals incorporate the Hall of Fame. He wanted a representative of the Hall of Fame to confirm that this is their position. He questioned if Mr. Whitmore had authority to represent the Hall of Fame. Mr. Whitmore indicated that he discussed it with Bruce Wigo, president and chief executive officer of the Hall of Fame. The Hall of Fame's position is that the proposal is seriously flawed. Commissioner Rodstrom wanted to hear directly from Mr. Wigo. In response to Mayor Seiler, Mr. Whitmore explained no one, including City staff, has approached the Hall of Fame. Mayor Seiler explained only the proposers are required to go to the Hall of Fame which is a condition of the RFP.

Cate McCaffrey, Director of Business Enterprises, confirmed that bids have not yet been opened; it is slated for March 4. It is clear that the identified stakeholders have to be part of the process per the RFP. One of the required components in addition to the pools, per the Commission's direction, is a site for the Hall of Fame. Mr. Whitmore explained that the RFP is extremely vague; he was also concerned with the RFP mandates that make it impossible to be financially positive. Commissioner Rogers suggested that Mr. Whitmore proactively seek out the interested parties. In response to Mayor Seiler and Vice Mayor Roberts, Ms. McCaffrey listed the mandates and amenities. In response to Commissioner Rogers, she described the proposal of Leisure and Recreation Concepts, Inc. (LARC) .

The City Manager expressed concern about a potential conflict of interest created if the Hall of Fame intends to submit a competitive bid if all proposers are mandated to negotiate with the Hall of Fame as to the Hall of Fame's desires. It is clear that the Hall of Fame has a definite vision, not only for the Hall of Fame, but for the overall site. Mayor Seiler did not think that the Hall of Fame has an interest, but it needs to be clarified. If the Hall of Fame aligns with one developer and is not neutral, there is a problem. Commissioner Rodstrom indicated that she sits on the Swimming Hall of Fame board of directors. She did not recall the board voting on Mr. Whitmore represent the

board. After some discussion, Mr. Whitmore agreed that he is representing himself as a developer and he happens to have a relationship with the Hall of Fame. Mr. Whitmore reiterated his concern about the mandates and the financial feasibility. He went on to say that this is also Mr. Wigo's position. In response to Mayor Seiler, Mr. Whitmore advised that he does not have a financial interest in the Hall of Fame. He went on to indicate that he is speaking on behalf of Mr. Wigo and himself.

Commissioner Rodstrom referred to information furnished by Mr. Perry where it indicates that she found a staff ignorant of any funding available from the Beach CRA and clarified that she would never use the word, ignorant. In reference to an RFP in the minutes also provided by Mr. Perry (June 2, 2009, page 4), she noted her comments were related to the RFP by the previous Commission; this Commission's RFP was meant to be investor friendly.

David Tilbury - Proposed Legislation – Adjusting Mortgage Loans (CIT-04)
With Good-Faith Negotiations

David Tilbury proposed that the City consider adopting legislation to require a mandatory, good faith, face-to-face mediation conference between the lender and borrower before any home is foreclosed upon. He went on to point out other cities in the country that have implemented or are working toward this concept. Mayor Seiler believed it is a great idea and not just last week the Florida Supreme Court mandated mediation in home foreclosures.

Carl Grant, Jr. – Proposed Ordinance – Engle Tobacco (CIT-05)
Settlement Surcharge

Carl Grant, Jr. proposed a public - private partnership program entitled Municipal Alliance Goodwill Ordinance relating to the Engle Amendment Tobacco Resale Surcharge Agreement by municipalities throughout the state. Many people, including himself who are survivors of injured deceased relatives have been unfairly compensated. The settlement money is not going to victims. He was unfairly compensated. The idea is a surcharge of \$0.35 per cigarette produced. A copy of information used in his presentation was entered into the record.

PUBLIC HEARINGS

Relief From Zoning For Public Purpose Use Including Site Plan (PH-01)
Review Osswald Park – Case 58-R-09

No budgetary impact.

Applicant: City of Fort Lauderdale
Location: NW 21 Avenue between NW 21 and NW 26 Streets

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

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

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-01

AN ORDINANCE APPROVING IMPROVEMENTS TO AN EXISTING PARK THAT DO NOT MEET THE BUFFERYARD/WALL REQUIREMENTS IN A "P" ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), WHICH SITE IS MORE FULLY DESCRIBED AS ALL OF PARCEL A OF "OSSWALD PARK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 143, PAGE 29, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; LOCATED AT THE NORTHEAST CORNER OF NORTHWEST 22 STREET AND NORTHWEST 21 AVENUE, AS A PUBLIC PURPOSE USE; AND GRANTING RELIEF FROM THE ULDR REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE ULDR OF THE CITY OF FORT LAUDERDALE, FLORIDA.

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

**Rezoning To Exclusive Use – Parking Lot –
1101 NW 1 Street**

(PH-02)

Specialty Care Center – Overflow Parking Lot – Case 11-ZR-09

No budgetary impacts.

Applicant: North Broward Hospital District
 Location: 1101 NW 1 Street
 Current Zoning: Residential High Rise/Multi-Family/High Density RMH-60
 Proposed Zoning: Exclusive Use District – Parking Lot XP
 Future Land Use – Northwest Regional Activity Center

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.

There being no individuals wishing to speak on this matter, a **motion** was made by Commissioner Rodstrom and seconded by Vice Mayor Roberts to close the public

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

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-02

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RMH-60 TO XP, WITH COMMERCIAL FLEX ALLOCATION AND DEVELOPMENT PLAN APPROVAL, LOTS 9 THROUGH 13 AND A PORTION OF THE WEST 7 FEET OF LOT 14, BLOCK 203, "F. R. OLIVER'S AMENDED PLAT OF SEMINOLE ADDITION TO FORT LAUDERDALE", ACCORDING TO THE PLAT THEROF, RECORDED IN PLAT BOOK 1, PAGE 88, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED ON THE NORTH SIDE OF NORTHWEST 1ST STREET BETWEEN NORTHWEST 11TH AVENUE AND NORTHWEST 12TH AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

ORDINANCES

**Code Amendment – Chapter 25 – Sidewalk Repair
Installment Payment Program**

(O-01)

No budgetary impact.

In response to Commissioner Rogers, Mayor Seiler noted the program will be revisited based on Commission discussion.

Vice Mayor Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-03

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 25-61, WORK DONE BY CITY; COSTS, TO PROVIDE FOR AN INSTALLMENT

PAYMENT PROGRAM FOR PROPERTY OWNERS FOR
SIDEWALK REPAIRS.

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

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

Vice Mayor Roberts introduced the following resolution:

RESOLUTION NO. 10-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 09-308 WHICH SET A DE NOVO HEARING FOR JANUARY 20, 2010 IN THE APPEAL OF CASE NO. 2-H-09 OF THE HISTORIC PRESERVATION BOARD'S DECISION TO CHANGE THE DE NOVO HEARING DATE TO MARCH 2, 2010.

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

Fort Lauderdale Stadium - (OB)
Temporary Head Groundskeeper

Fund 468, Subfund 01, BUS070101-1107

Cate McCaffrey, Director of Business Enterprises, clarified that the position is created until approximately June, 2010 (Memorandum 10-003). The pay is based on an hourly rate. Mayor Seiler expressed concern about committing to the June timeline, thereby restricting the City from moving forward with an RFP or other options. In response to Mayor Seiler, the City Attorney confirmed Ms. McCaffrey's comment that because the position is temporary, it can be terminated at any time.

Motion made by Commissioner Rogers and seconded by Vice Mayor Roberts to approving a temporary non-budgeted Head Groundskeeper position to manage day-to-day operations at the stadium through approximately June, 2010, for approximately \$18,140 plus FICA for an approximate total of \$19,525, and amending the fiscal year 2009-2010 final operating budget by appropriating these funds currently available in Fund 468, Subfund 01, BUS070101-1107. Roll call showed: YEAS: Commissioner Rogers, Vice Mayor Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

There being no other matters to come before the Commission, the meeting was adjourned at 8:10 P.M. The Commission convened as the Board of Directors of the Community Redevelopment Agency and subsequently the conference meeting with Conference Item I-I at 8:43 P.M.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk