

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
FEBRUARY 2, 2010

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
February 2, 2010**

Meeting was called to order at 6:11 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 Manger George Gretsas
City Auditor John Herbst
City Clerk Jonda K. Joseph
City Attorney Harry A. Stewart
Sergeant At Arms Sergeant Jerry Williams

Invocation was offered by Pastor David Rambarran, First Church of the Nazarene, followed by the recitation of the pledge of allegiance led by Broward County Commissioner, Albert Jones.

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

Motion made by Commissioner DuBose and seconded by Commissioner Rogers to approve the minutes of the October 20, 2009 Conference Meeting, November 9, 2009 Joint Workshop and November 17, 2009 Regular Meeting. Roll call showed: YEAS: Vice Mayor Roberts, Commissioner Rodstrom, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

Presentations

**1. 2009 United States Tennis Association Florida Champions (PRES-01)
 Jimmy Evert Tennis Center**

Commissioner Rodstrom recognized the Jimmy Evert Tennis Center Men's advanced players for their outstanding achievement in the United States Tennis Association League. The team won the County, Regional, and State championships and ranked 4th in the nation. The players thanked the Commission.

Cyclists Promoting Renewable Energy**(OB)**

Commissioner DuBose presented a commendation to Susie Wheeldon and Jamie Vining of The Solar Cycle Team from London for their landmark finish of an around-the-world cycling tour to promote solar and renewable energy. On behalf of the team, Ms. Wheeldon thanked the Commission.

2. Outstanding City Employees**(PRES-02)**

Jeff Justinak, Acting Fire Rescue Chief, recognized the following Urban Search and Rescue Task Force members for their recent deployment to Haiti: Division Chief Robert F. Hoecherl; Driver-Engineer Eloy Alicea; Captain John C. McLoughlin; Firefighter, Jeffrey S. Bayne; Driver-Engineer, Hugh P. Bayne; Lieutenant Jeremy J. Riffard; Resident, Lybbi Kienzle and her dog, Josh; and Assistant Chief, John B. Molenda. Chief Justinak expressed gratitude for their efforts and welcomed them home.

Expression of Sympathy**(OB)**

Mayor Seiler and the City Commission offered an expression of sympathy and a moment of silence to the wife, Diane Eddy, and family of former Fire Rescue Chief, James Eddy.

2. Outstanding City Employees**(PRES-02)**

Albert Carbon, Public Works Director, presented the STAR Award to Melvin Howell and Adrian Smith, both Municipal Maintenance Workers III, in recognition of their innovative approach and teamwork in the design of a discharge flume that improved operations and efficiency.

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 – Jerome E. Gray Esq. Health and Temperance Parade Closing City Street Along Route**(M-01)**

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Southeastern Conference Association of Seventh Day Adventists, Inc. for Jerome E. Gray Esq. Health and Temperance Parade, to be held February 20, 2010, 3PM – 6PM, at Joseph C. Carter Park and area streets and closing City streets along route.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0059

Event Agreement – Fort Lauderdale St. Patrick’s Day Parade and Festival (M-02)
Closing City Streets Along Route

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Fort Lauderdale St. Patrick’s Day Parade and Festival, Inc. for St. Patrick’s Day Parade and Festival, to be held March 12, 2010, 11:30AM – 1PM and March 13, 2010, 11:30AM – 9PM, at Huizenga Plaza, Las Olas Riverfront and on East Las Olas Boulevard and closing East Las Olas Boulevard and parade staging area on SE 8 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0170

Event Agreement – St. Patrick’s Day Celebration (M-03)
Closing South New River Drive

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with It’s Only Zeroes, Inc. for St. Patrick’s Day Celebration, to be held March 17, 2010, 10AM – 10:30PM, at the Downtowner and on South New River Drive and closing South New River Drive.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0171

Event Agreement – Forgotten Children (M-04)
Closing City Streets Along Route

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Helping Abused Neglected Disadvantaged Youth, Inc. for Forgotten Children, to be held February 27, 2010, 9 AM – 12 PM, at Huizenga Plaza and downtown streets and authorizing closing City streets along route.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0172

Event Agreement – Esplanade Park Project Fundraiser

(M-05)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Greater Fort Lauderdale Sister Cities International, Inc. for Esplanade Park Project Fund Raiser, to be held March 22, 2010, 6 PM – 8:30 PM, at Esplanade.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0173

**Event Agreement and Co-Sponsorship Banners
33rd Annual Waterway Clean-Up**

(M-06)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Marine Industries Association of South Florida, Inc. for 33rd Annual Waterway Cleanup, to be held March 6, 2010, 9 AM – 1 PM, at several waterfront locations throughout the City and approving co-sponsorship to allow banners at specified locations, subject to permitting regulations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0174

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

(M-07)

Transfer \$67,000 from P00401, Regional Replacement/Recapitalization to P10537.451-6599, both in Fund 451 Subfund 02; 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 and 2) transfer \$67,000 to fund this change order and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0107

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

Transfer \$45,000 from P00401, Regional Replacement/Recapitalization to P10767.451-6599, both in Fund 451 Subfund 02; EP03005.

A motion authorizing 1) Change Order 2 ((Final) with Pool 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 and 2) transfer \$45,000 to fund this change order and 12 percent estimated WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0111

Change Order 2 (Final) – Foster Marine Contractors, Inc. – (M-09)
Credit (\$21,291.71) – Sanitary Sewer and Water Main Improvements –
Chula Vista Basin C

Reduce the encumbrance by (\$21,291.71) in Fund 482, Subfund 01, P10940.482-6599; EP03621.

A motion authorizing 1) Change Order 2 (Final) with Foster Marine Contractors, Inc., in net CREDIT amount of (\$21,291.71) – final quantity reconciliation – Sanitary Sewer and Water Main Improvements – Chula Vista Basin C – Project 10940C and 2) reduce encumbrance by (\$21,291.71).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0127

Change Order 3 (Final) – Globetec Construction, LLC – Credit (\$9,728.61) (M-10)
Sanitary Sewer and Water Main Improvements – Melrose Manors

Reduce encumbrance by (\$9,728.61) in Fund 482, Subfund 01, P10710.482-6599; EP03460.

A motion authorizing 1) Change Order 3 (Final) with Globetec Construction, LLC, in net CREDIT amount of (\$9,728.61) – additional work and final quantity reconciliation – Sanitary Sewer and Water Main Improvements – Area 2 West Melrose Manors Basin A – Project 10710A and 2) reduce encumbrance by (\$9,728.61).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0136

Change Order 2 - Quinn Construction, Inc. - \$83,140 (M-11)
Rehabilitation - SW 11 Avenue Swing Bridge

\$97,274 is available in P10057.331-6599-331-01 to fund the change order and 17 percent engineering fees.

A motion authorizing the proper City Officials to execute Change Order 2 with Quinn Construction, Inc., in the amount of \$83,140 - additional work - rehabilitation of SW 11 Avenue Swing Bridge - Project 10057.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0154

Change Order 8 - Southern Florida Paving Group, LLC - \$15,295 (M-12)
Speed Hump Installation - SW 29 Avenue - Melrose Manors

\$17,130.40 is available in P10710.482-6599-482-01 to fund the change order and 12 percent WaterWorks 2011 Engineering Fees.

A motion authorizing Change Order 8 with Southern Florida Paving Group, LLC, in the amount of \$15,295 - additional scope of work - Speed Hump Installation Contract - SW 29 Avenue, south of Broward Boulevard - Melrose Manors - Project 11450.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0165

Change Order 1 - DiPompeo Construction Corporation - (M-13)
\$32,079.21 - Add 9 Days - Fire Station 3 - 280 SW 4 Avenue

\$32,079.21 is available in P10916.336-6599, Fund 336, Subfund 01.

A motion authorizing the proper City Officials to execute Change Order 1 with DiPompeo Construction Corporation, in the amount of \$32,079.21 and the addition of nine work days to contract period – Fire Station 3 - 280 SW 4 Avenue - Project 10916.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0175

**Contract Renewals -
Consultants Competitive Negotiations Act
February - June, 2010**

(M-14)

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

A motion authorizing extension of listed Consultants Competitive Negotiations Act contracts that expire February through June, 2010, and authorizing proper City Officials to execute all necessary documents contingent upon each respective consultant agreeing to extension, with the same fees, terms and conditions.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0129

**Facility Use Agreement - Calvary Chapel Church, Inc.
Temporary Use of Old Fire Station 88 - Executive Airport**

(M-15)

No budgetary impact.

A motion authorizing the proper City Officials to execute a Facility Use Agreement with Calvary Chapel Church, Inc. - temporary use of old Fire Station 88 at Executive Airport - February 3, 2010 through April 30, 2010.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0180

CONSENT RESOLUTION

**Amend Operating Budget – Appropriation - \$20,000
Sponsorship – 2009 New Year’s Eve Celebration**

(CR-01)

\$20,000 in sponsorship funds (revenue) to be appropriated to PKR010402-K384 Other Events, fund 001, subfund 01. Appropriate expenses in the amount of \$20,000 to PKR010402-3299 Other Services, fund 001, subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0146

RESOLUTION NO. 10-31

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 ACCEPTING AND APPROPRIATING CASH SPONSORSHIPS IN THE AMOUNT OF \$5,000 EACH RECEIVED FROM THE DOWNTOWN DEVELOPMENT AUTHORITY, KEITH AND SCHNARS, P.A., PREMIER BEVERAGE COMPANY AND GOLD COAST BEVERAGE DISTRIBUTORS, FOR A TOTAL OF \$20,000 TO THE GENERAL FUND FOR THE CITY'S 2009 NEW YEAR'S EVE CELEBRATION AND BY APPROPRIATING EXPENSES IN THE AMOUNT OF \$20,000 TO THE GENERAL FUND INCLUDING PAYMENT OF \$2,600 TO THE EVENT FUNDRAISER JAN BETH IDELMAN, INC.

Grant Application – Florida Forest Health Improvement Initiative - (CR-02)
\$24,000 – Florida Department of Agriculture – Tree Planting On
Public Lands

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0156

RESOLUTION NO. 10-32

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR FUNDING IN THE AMOUNT OF \$24,000 FROM THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, UNDER THE FLORIDA FOREST HEALTH IMPROVEMENT INITIATIVE GRANT AND AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY AND ALL OTHER NECESSARY DOCUMENTS IF SUCH GRANT FUNDING IS AWARDED.

Amend Operating Budget – Transfer and Appropriation - (CR-03)
\$100,000 – Transportation System – Repairs and Maintenance

Appropriate \$100,000 from P00423.331-6599, Fund 331, Subfund 01, to PBS040204-3299, Fund 01, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1526

RESOLUTION NO. 10-33

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 AND APPROPRIATING \$100,000 FROM FUND 331, SUBFUND 01 TO THE PUBLIC WORKS TRANSPORTATION OPERATING BUDGET ACCOUNT LOCATED IN FUND 01, SUBFUND 01.

**Contract Award – Lanzo Lining Services, Inc. – Florida -
\$1,347,065 – Wastewater Conveyance System Remediation
and Annual Sewer Lining**

(CR-04)

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

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1769

RESOLUTION NO. 10-34

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO AWARD AND EXECUTE A CONTRACT WITH LANZO LINING SERVICES, INC. AND THE CITY OF FORT LAUDERDALE FOR THE WASTEWATER CONVEYANCE SYSTEM LONG-TERM REMEDIATION PROGRAM – SEWER BASIN A-23 AND AN ANNUAL SEWER REPAIR CONTRACT PROJECT 11497 AND 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 \$1,400,204 FOR FUNDING OF SAID CONTRACT AND ESTIMATED WATERWORKS 2011 FEES.

**Saltwater Intrusion Modeling Study - \$212,500
Agreement – Broward County**

(CR-05)

Appropriate \$25,000 from FD450.01-9901 Fund 450 Subfund 01 Water and Sewer Undesignated Fund Balance, to PBS690602-3199 Fund 450 Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0083

RESOLUTION NO. 10-35

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF FORT LAUDERDALE FOR COST SHARING FOR THE DEVELOPMENT OF A SALTWATER INTRUSION MODEL FOR THE CENTRAL PORTION OF COASTAL BROWARD COUNTY, FLORIDA AND 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 \$25,000 FOR THE CITY'S CONTRIBUTION FOR THE CURRENT FISCAL YEAR.

**Amend Operating Budget – Appropriation - \$2,942,811.90
Sanitation Revenue Bonds**

(CR-06)

Appropriate \$800,000 from FD409.01 Subobject 9930 Fund 409 Subfund 01 Wingate Reserve and \$2,142,811.90 from FD409.01 Subobject 9901 Fund 409 Subfund 01, \$2,870,000 to REV2000.409-7101 and \$72,811.90 to REV2000.409-7102, both in Fund 409 Subfund 04.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0116

RESOLUTION NO. 10-36

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY TRANSFERRING AND APPROPRIATING \$2,942,811.90 FROM FD409.01, SUBOBJECT 9930 AND SUBOBJECT 9901 TO FUND

409, TO PAY OFF THE REMAINING SANITATION REVENUE BONDS, SERIES 2000 BALANCE.

Electric Utility Easement To Florida Power and Light Company (CR-07)
Fire Station 49 – 1015 Seabreeze Boulevard

The approximate cost of recording the easement will be in an amount not to exceed \$100, and that amount is available in P10912.336-6599, Fund 336, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0148

RESOLUTION NO. 10-37

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION AND DELIVERY BY THE PROPER CITY OFFICIALS OF AN EASEMENT DEED GRANTING UTILITY EASEMENT RIGHTS TO FLORIDA POWER AND LIGHT COMPANY FOR THE PLACEMENT OF ELECTRICAL UTILITY FACILITIES WITHIN AN EASEMENT AREA MORE PARTICULARLY DESCRIBED BELOW.

Electric Utility Easement To Florida Power and Light Company (CR-08)
Fire Station 3 – 2801 SW 4 Avenue

The approximate cost of recording the easement will be in an amount not to exceed \$100, and that amount is available in P10916.336-6599, Fund 336, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0149

RESOLUTION NO. 10-38

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION AND DELIVERY BY THE PROPER CITY OFFICIALS OF AN EASEMENT DEED GRANTING UTILITY EASEMENT RIGHTS TO FLORIDA POWER AND LIGHT COMPANY FOR THE PLACEMENT OF ELECTRICAL UTILITY FACILITIES WITHIN AN

EASEMENT AREA MORE PARTICULARLY DESCRIBED
BELOW.

**On-Street Parking – North Side of East Broward Boulevard
East of NE 15 Avenue**

(CR-09)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0187

RESOLUTION NO. 10-39

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 10-25, WHICH SUPPORTS ON-STREET PARKING ON EAST BROWARD BOULEVARD EAST OF NE 15TH AVENUE AND ON THE NORTH SIDE OF THE ROADWAY.

**Amendments – Policies and Procedures Manual
Code Enforcement and Special Magistrate**

(CR-10)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1336

RESOLUTION NO. 10-40

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE POLICIES AND PROCEDURES GOVERNING THE ENFORCEMENT OF CODE VIOLATIONS BY USE OF THE CITATION VIOLATION NOTICE PROCESS AND JURISDICTION OF THE CODE ENFORCEMENT BOARD AND SPECIAL MAGISTRATE.

**Amend Operating Budget – Appropriation - \$10,000
Donation To Broward County Crime Stoppers**

(CR-11)

Appropriate \$10,000 from Fund 104, Subfund 01, Undesignated Fund Balance, to Fund 104, Subfund 01, POL050201, Subobject 4299.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0152

RESOLUTION NO. 10-41

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 \$10,000.00 FROM THE STATE LAW ENFORCEMENT TRUST FUND FOR A DONATION TO BROWARD CONTY CRIME STOPPERS.

Amend Operating Budget – Appropriation - \$30,000 (CR-12)
Donation To Onikusu Judo Club

Appropriate \$30,000 from Fund 104, Subfund 01, Undesignated Fund Balance, to Fund 104, Subfund 01, POL050201, Subobject 4299.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0158

RESOLUTION NO. 10-42

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 \$30,000.00 FROM THE STATE LAW ENFORCEMENT TRUST FUND FOR THE ONIKUSU JUDO CLUB.

Amend Operating Budget – Appropriation of Additional Revenue (CR-13)
Red Light Traffic Camera Program

Please see the Budget Appropriation Template attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0181

RESOLUTION NO. 10-43

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY APPROPRIATING FUNDS AS SET FORTH IN EXHIBIT 1, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Grant – Northwest Neighborhood Enhancement - \$500,000
Florida Department of Transportation

(CR-14)

Appropriate \$500,000.00 of Grant Funds into Fund 128, Subfund 01, P11485.128A-C409 and expenditures in 6599.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0185

RESOLUTION NO. 10-44

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) IN ORDER TO RECEIVE A GRANT IN THE AMOUNT OF \$500,000 FOR THE NORTHWEST NEIGHBORHOOD ENHANCEMENT PROJECT 11485 AND AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY APPROPRIATING THE GRANT FUNDS IN THE AMOUNT OF \$500,000 TO FUND 128.

PURCHASING AGENDA

502-10387 – City Park Garage Elevator Repair
Eastern Elevator Service Inc.

(PUR-01)

\$24,680 is budgeted in Fund 461, Subfund 01, PAR020104-3428.

Elevator repair services for City Park Garage is being presented for approval by Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Eastern Elevator Service Inc.
Davie, FL

Amount: \$24,680.00

Bids Solicited/Rec'd: 446/1

Exhibit: Commission Agenda Report 10-0124

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

103-10427 – Police Uniforms (PUR-02)

\$81,148.20 is available in Fund 001, Subfund 01, POL020406, Subobject 3949.

One-year contracts to purchase uniforms for sworn and non-sworn police personnel is being presented for approval by Police Department.

Recommend: Motion to approve.

Vendor: See Background Detail for various recommended awarded vendors.

Amount: \$81,148.20 (estimated annual)

Bids Solicited/Rec'd: 973/13

Exhibit: Commission Agenda Report 10-0140

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

105-10422 – Automated License Plate Recognition Vehicle System (PUR-03)

\$28,900 is available in Fund 129, Subfund 01, GLLEBG10, \$2,500, 3199; \$2,400, 3401; \$3,000, 6405 and \$21,000, 6499.

Purchase of automatic license plate recognition vehicle system is being presented for approval by Police Department.

Recommend: Motion to approve.

Vendor: NDI Technologies, Inc.
Longwood, FL

Amount: \$28,900.00

Bids Solicited/Rec'd: 301/7

Exhibit: Commission Agenda Report 10-0147

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

385-10113 Automated Red Light Camera Traffic Enforcement System (PUR-04)

\$1,108,800 will be available in Fund 001, Subfund 01, POL050301, 3299 (Other Services) contingent upon approval of CAR item 10-0181.

Thirty-nine month contract for automated red light camera traffic enforcement system is being presented for approval by Police Department – acceptance in substantially the form provided.

Recommend: Motion to approve.

Vendor: American Traffic Solutions, Inc., a Kansas corporation authorized to transact business in the State of Florida as ATS American Traffic Solutions, Inc.

Amount: \$2,970,000 (Projected Annual Revenue)

Bids Solicited/Rec'd: 546/3

Exhibit: Commission Agenda Report 10-0183

The Procurement Services Department has reviewed this item and recommends award and contract approval in substantially the form attached to the first ranked proposer.

503-10351 Turf Grass Maintenance Services (PUR-05)

\$2629.98 budgeted in PBS660602-3237 fund 450, subfund 01; \$4524.28 budgeted in PBS670502-3237 fund 451, subfund 01, \$29,767.80 budgeted in PBS090101-3237 fund 409, subfund 01; \$28,959.99 budgeted in PBS670302-3237 fund 450, subfund 01; \$3483.46 budgeted in PBS670503-3237 fund 451 subfund 01.

One-year contract for turf grass maintenance services for wellfields and Wingate compound is being presented for approval by Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: EDJ Service, Inc.
Fort Lauderdale, FL

Amount: \$69,365.51 (estimated)

Bids Solicited/Rec'd: 656/9

Exhibit: Commission Agenda Report 10-0150

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

402-10377 – Vending Machine Services**(PUR-06)**

There is no cost to enter into this contract. The department will receive commission based on sales of approximately \$2,700 per annum to be deposited into PKR010101-K902, fund 001, subfund 01.

Two-year contract for vending machine services is being presented for approval by Parks and Recreation Department.

Recommend:	Motion to approve.	
Vendor:	USA Vending, Inc. Coral Gables, FL	
Amount:	\$2,700.00	Estimated Annual Revenue
Bids Solicited/Rec'd:	353/5	
Exhibit:	Commission Agenda Report 10-0151	

The Procurement Services Department has reviewed this item and recommends an award to the high bidder, USA Vending, Inc.

The following items were removed from the Consent Agenda:

Motion made by Vice Mayor Roberts and seconded by Commissioner Rodstrom that Consent Agenda Items CR-04, CR-06, CR-09, CR-13, PUR-01, PUR-04 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Vice Mayor Roberts, Commissioner Rodstrom, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

Note: The City Commission returned to the conference meeting agenda at 6:43 P.M. and addressed Conference Item I-C and then returned to the regular meeting at 7:03 P.M.

Contract Award – Lanzo Lining Services, Inc. – Florida - (CR-04)
\$1,347,065 – Wastewater Conveyance System Remediation and Annual Sewer Lining

In response to Commissioner Rogers, Paul Bohlander, Assistant Utilities Services Director, advised that this item will not be funded with bond funds, rather partially capital and partially operating funds because it includes an annual repair component, as well as rehabilitation of sewers in a specific basin. In further response, he explained that general estimates of quantities that may be needed for emergency repairs are made. The contractor is not guaranteed to be paid for those estimated quantities, but is obligated to complete all necessary repairs.

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

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

Amend Operating Budget – Appropriation - \$2,942,811.90 (CR-06)
Sanitation Revenue Bonds

Commissioner Rodstrom asked if the City was in violation of bond covenants by not making bond coverage in fiscal year 2008-2009. Ed Udvardy, Assistant Public Works Director, clarified that the bond documents state that, if bond coverage is not made, the City has opportunity to correct by either adjusting rates or by paying off the bond which is the action being taken. There is no need to adjust the rates because there is a significant amount of retained earnings in reserves. To his understanding, the bond covenants have not been violated.

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

On-Street Parking – North Side of East Broward Boulevard (CR-09)
East of NE 15 Avenue

Commissioner Rogers recalled his prior comment about not wanting to set a precedent. Apparently there is a history on parking at this location and Las Olas Boulevard. Because he does not have all of the documentation, his preference is to defer the item. In response to Mayor Seiler, the City Attorney confirmed that, if this item is deferred, the prior resolution remains in effect.

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

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

Mayor Seiler directed the City Attorney to bring this item back to the Commission when Commissioner Rogers completes his research. Commissioner Rodstrom requested that Commissioner Rogers meet with the District Broward County Commissioner to discuss this issue.

Amend Operating Budget – Appropriation of Additional Revenue (CR-13)
Red Light Traffic Camera Program

Vice Mayor Roberts requested further clarification. Police Chief Frank Adderley verified that a sergeant would serve as the program liaison and supervise three service aids

which will come from the \$1,170,000 revenue. The program will be evaluated and, if necessary, expanded. Mike Gregory, Police Captain, confirmed that the contract provides for the vendor being completely responsible for all property leases.

Vice Mayor Roberts asserted that, because the revenues are not guaranteed, he would prefer that the Commission approve the original recommendation of \$1.8 million revenue, and amend it after the program demonstrates profitability.

In response to Commissioner Rogers, Captain Gregory advised that only existing staff would be used. Vice Mayor Roberts recapped his understanding that additional revenue is being appropriated that the City does not yet have, nor the initial amount. He was somewhat uncomfortable with it. The City Auditor clarified that the adopted annual budget included \$1.8 million for this program. The budget only reflects the City's net profit on the fines. The Commission must first appropriate the full revenue. The salaries for the employees are budgeted in the general fund. That budget will be transferred to a specific area, to capture all of the costs in one area within the general fund. Although there will be no new hires during the start-up phase, at some point the positions will likely be replaced. The \$1.8 million revenue was predicated on a full year of cameras in place. However, the vendor indicated that more fines could be issued than originally estimated by staff. It is possible that the potential fines could be double the estimate, despite the cameras not being in place for the past six months.

In response to Commissioner Rodstrom, Police Chief Adderley reiterated the need to evaluate the program before the number of employees is determined for next year's budget. In further response, he verified that more fine revenues are obtained at the beginning of the program and that an appeal process is in place. Commissioner Rodstrom questioned whether funds have been budgeted for liability. The City Attorney maintained that there is administrative cost for due process which has been provided. However, there is no funding allocated for certain anticipated lawsuits. In response to Commissioner Rogers, Police Chief Adderley indicated staff will have detailed accident data for each of the camera intersections.

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

Citizen Presentation - Mary Shoucair – Homeless - (CIT-03)
Use of Homes In Foreclosure For Shelter of Homeless

Ms. Shoucair summarized her written statement on this topic which is attached to these minutes.

502-10387 – City Park Garage Elevator Repair (PUR-01)
Eastern Elevator Service Inc.

In response to Commissioner Rogers, Kirk Buffington, Director of Procurement Services, advised that this bid was for additional work on an elevator already under a maintenance

contract. Other contractors will not work on an elevator that a competitor is already maintaining. He noted the number of vendors who received notices of invitation, however there are only four or five quality contractors in South Florida.

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

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

(PUR-04)

Commissioner Rodstrom inquired whether staff has data reports on liability coverage from other cities. Police Chief Frank Adderley advised no, there is pending litigation in other cities. The City Attorney maintained that generally his staff could handle the lawsuits, depending on how many are filed. There are currently about six lawsuits across the state. There is a due process procedure and there may be an appeal from that. The program is new, therefore no data is available. Commissioner Rodstrom asked if the City can be released from the contract if the cameras are deemed unconstitutional. The City Attorney explained there are three ways to terminate the contract and noted them. If it is terminated for the City's convenience, the City pays an unamortized amount of the installation, not to exceed \$100,000 per camera. If the cameras are determined unconstitutional, the City pays nothing. The vendor would bear the cost of the cameras. The issue of the City possibly having to reimburse the vendor based on a court order is not covered in the contract. If the court orders, the City would return the collected fees including the vendor's portion of them.

In response to Vice Mayor Roberts, Police Captain Gregory indicated that the City is in the process of negotiations, but does not have lease agreements with the targeted intersections. Once the lease agreements are in place, installation is fairly quick. Kirk Buffington, Director of Procurement Services, asserted that the contract must first be approved by the Commission before the vendor proceeds.

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

RESOLUTIONS

Dock Permit Application – Paula and Florin Thaqi – 110 SE 11 Avenue

(R-01)

No budgetary impact.

Applicant: Paula and Florin Thaqi
Location: 110 SE 11 Avenue

Cate McCaffrey, Director of Business Enterprises, highlighted information detailed in Commission Agenda Report 10-0134.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING PURSUANT TO SECTION 8-144 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PERMITTING THE REPAIR, MAINTENANCE AND USE OF A 15' L X 8' W MARGINAL DOCK AND TWO SUPPORT PILINGS EXTENDING FROM THE ADJOINING SEAWALL ON PUBLIC PROPERTY BY FLORIN THAQI AND PAULA M. THAQI, HUSBAND AND WIFE, SAID MARGINAL DOCK, SUPPORT PILINGS AND SEAWALL LOCATED ON PUBLIC PROPERTY ABUTTING S.E. 2ND STREET SOUTHWEST OF THE THAQI RESIDENCE, THE LEGAL DESCRIPTION OF WHICH IS MORE PARTICULARLY DESCRIBED BELOW, UNDER CERTAIN TERMS AND CONDITIONS.

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

Board and Committee Appointments

(R-02)

No budgetary impact.

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

Beach Redevelopment Board	Daniel Matchette (Mayor Seiler)
Code Enforcement Board	Frank Marino (Alternate) (Commissioner Rodstrom)
Marine Advisory Board	Emilio "Mel" DiPietro (Vice Mayor Roberts)
Utility Advisory Committee	Stephanie J. Toothaker (Vice Mayor Roberts)
Visioning Committee	Gary Sieger (Commissioner Rodstrom) Dan Lindblade

With respect to the pending consensus appointment to the Visioning Committee, the following nominations were offered: Darran Blake (Commissioner Rodstrom), Dan Lindblade (Commissioner Rogers) and Alan Hooper (Mayor Seiler). The Commission

ranked these individuals and selected Dan Lindblade. The ranking ballots are made a part of the record.

The City Clerk indicated that the Nuisance Abatement Board has requested the Commission appoint an alternate. Mayor Seiler asked Ted Fling, chair of the board, publicize the need for applicants.

The City Clerk noted that the Audit Advisory Board is in need of appointees. There are no applicants on file at this time. Mayor Seiler encouraged interested individuals to apply.

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 10-30

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

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

CITIZEN PRESENTATIONS

Miranda Lopez – Beach and Bahia Mar Park

(CIT-01)

Ms. Lopez summarized her written statement on this topic which is attached to these minutes.

Art Seitz – Beach

(CIT-02)

Mr. Seitz commended Miranda Lopez on her passionate activism; her advice should be heeded. The City's upcoming centennial is a good reason to issue bonds. He encouraged the City to purchase the American Golf Course. The downtown should be connected to the beach. He suggested that resources be tapped and a master plan be compiled for Las Olas Boulevard to the Yankee Clipper and from the ocean to the Intracoastal. He advocated the beach being a destination similar to Miami's South Beach. The Beach Redevelopment Advisory Board voted unanimously to request the Commission consider building a pier. The pier should be tied into D.C. Alexander Park. He presented a petition of forty-three signatures requesting a citizen committee for research, input, and review of the International Swimming Hall of Fame and City property use and vision, with Commission participation. The petition was made a part of the record.

PUBLIC HEARINGS

Vacate 15 Foot Alley – 1300 SE 10 Avenue – Case 6-P-09
City of Fort Lauderdale – Evergreen Cemetery

(PH-01)

No budgetary impact.

Applicant: City of Fort Lauderdale
Location: 1300 SE 10 Avenue
Zoning: Community Facilities CF

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

In response to Commissioner Rogers, Greg Brewton, Director of Planning and Zoning, noted the concerns of Planning and Zoning Board member Fred Stresau related to the removal of landscaping and whether there would be allocated space for pedestrian to walk without walking onto gravesites themselves. These issues were addressed. It was also noted that this was approved by the Cemetery System's Board of Trustees approved this item with a unanimous vote. A concern with this cemetery is that family plots cannot be obtained. There are numerous single spaces. This will add about four hundred spaces and will allow families to purchase multiple plots. In response to Commissioner Rodstrom, Julius Delisio, Business Enterprises, confirmed that nothing is along the water.

Vice Mayor Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-04

AN ORDINANCE VACATING, ABANDONING AND CLOSING PORTIONS OF THE INTERIOR RIGHTS-OF-WAY AS SHOWN ON THE "REVISED OFFICIAL PLAT OF EVERGREEN CEMETERY", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 5, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING PORTIONS OF SECOND STREET, PALM AVENUE, CYPRESS AVENUE, MYRTLE AVENUE, OLEANDER AVENUE AND POINCIANA AVENUE AND LOCATED SOUTH OF SOUTHEAST 12TH STREET AND EAST OF SOUTHEAST 10TH AVENUE, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

ORDINANCES

Code Amendment – Chapter 26 – Traffic and Parking Rates and Hours (O-01)
Observed Holidays and Add Metered Parking South of NE 13 Street

No budgetary impact.

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-05

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO PARKING: AMENDING CHAPTER 26, "TRAFFIC", SECTION 26-1 "DEFINITIONS OF WORDS AND PHRASES" OF THE CODE OF ORDINANCES TO INDICATE THOSE HOLIDAYS CURRENTLY OBSERVED BY THE CITY AND AMENDING SECTION 26-161 "RATES AND HOURS FOR ON AND OFF-STREET PARKING" TO PROVIDE FOR AN ADDITIONAL METERED PARKING AREA IN THE NORTHEAST SECTION OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

At Commissioner DuBose's request, Diana Alarcon, Director of Parking and Fleet Services, offered to correct the wording to indicate Martin Luther King, Jr. holiday rather than birthday.

Unified Land Development Regulations Amendment - (O-02)
Community Facilities Modification of Height And Maximum Square Foot Gross Floor Area

No budgetary impact.

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

ORDINANCE NO. C-10-

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERALE, FLORIDA, AMENDING SECTION 47-8.30, TABLE OF DIMENSIONAL REQUIREMENTS, AND TABLE 1 OF SECTION 47-24, DEVELOPMENT PERMITS AND PROCEDURES, TO PERMIT MODIFICATION OF HEIGHT AND MAXIMUM SQUARE FOOT GROSS FLOOR AREA FOR USES IN CF-H, CF-HS AND CF-S ZONING DISTRICTS.

There being no other matters to come before the Commission, the meeting was adjourned at 8:08 P.M. The Commission resumed the conference meeting from 8:08 P.M. to 8:43 P.M.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk