

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
MARCH 16, 2010**

Agenda		
Item	Resolution/Ordinance	Page(s)
OB	Mayor of Rijeka, Croatia – Vojko Obersnel	1
OB	Moment of Silence	2
	<u>Presentations:</u>	
	1. Recognition – Kenneth G. Williams- A-1-A Half Marathon	2
	2. Community Appearance Board- WOW Award –District IV	2
	3. Mayor’s Volunteer Challenge Year – 1 100,000 Hours of Giving Back	2
	4. Public Works Department – 2009 Distribution System of the Year Award	
OB	Brain Awareness	2
	5. Recognition – Dillard High School Girls Basketball Team- Class 5A State Championship	3
CA	Consent Agenda	3
M-01	Event Agreement – Clueless on Las Olas – Closing SE 9 Avenue	3
M-02	Event Agreement – Coral Ridge Association Annual Easter Egg Hunt	3
M-03	Event Agreement – 76 th Easter Sunrise Service	2
M-04	Event Agreement – Riverwalk Get Downtown - Closing SE 4 Avenue	2
M-05	Event Agreement – Las Olas Wine and Food Festival Closing 600 to 1100 Blocks of East Las Olas Boulevard	2
M-06	Event Agreement – Mankind Anniversary Block Party- Closing SE 2 Street	3
M-07	Event Agreement – Pineapple Jam	3
M-08	Event Agreement – Sunset Blue – Closing NE 33 Street	3
M-09	Task Order 80 – Camp Dresser & McKee Inc. - \$12,477- Lohmeyer Treatment Plant Polymer Testing	3
M-10	Change Order 3 (Final) - Giannetti Contracting Corporation- \$350,530.42 – Davie Boulevard Sanitary Sewer Forcemain – Add 122 Calendar Days	4
M-11	Change Order 1 – Tenex Enterprises – Add 45 Days – \$1,172.14 – Bermuda Riviera Entryway – Neighborhood Capital Improvement Project	5
M-12	Transfer Funds Between Water and Sewer Projects- \$200,000 – Utilities Information Technology Special Projects, Repair and Replacement	5
M-13	Grant Application – Executive Airport Taxiway Golf Relocation - \$164,920 – Federal Aviation Administration	5
M-14	Revocable License – Neighborhood Capital Improvement Program – Harbour Inlet Associations, Inc. - Automatic Entry Control Gate Arms	5
M-15	Self-Funded Group Health Plan – Amendments to Premiums And Co-Pays	5
M-16	Financial Audit Services – Ernst & Young LLP - Additional Fee – Four Grant Programs	6
M-17	Property Insurance Renewal – Layered Program - \$2,058,275	7
M-18	Supplemental Fleet Plan – Twelve Additional Vehicles Police Department	8
M-19	Change Order 2 – Miguel Lopez, Jr. Inc. - \$106,953.10- Dorsey Riverbend Neighborhood Improvements	9
M-20	River House Restaurant – Termination and Release of Lease Agreement	9

M-21		Agreement – Broward County- No Objection to Plat Note Amendment – Discovery Center – Case 10-P-89	10
M-22		Grant Extension – Urban Area Security Initiative- Interlocal Agreement Amendment – City of Miramar	11
M-23		Board and Committee Education	12
M-24		Joseph C. Carter Park Gym – Pool Building - Restrooms Renovation – Termination of Contract- Takeover Agreement	12
CR-01	10-71	Grant Application – Summer Food Service Program - \$100,300 – Various City Parks and Northfork Elementary School	12
CR-02	10-72	Naming of Park at 1020 NE 12 Avenue – Tranquility Park	13
CR-03	10-73	Lease Agreement – Waterworks 2011 –Program Management Office – Telecom Building – 200 North Andrews Avenue	
CR-04	10-74	Grant Application – Flagler and A-1-A Greenways- Transportation Enhancement – Florida Department of Transportation	14
CR-05	10-75	Special Counsel – Water and Wastewater Issues - Rose, Sundstrom & Bentley, LLP	15
CR-06	10-76	Special Magistrate Appointments	16
CR-07	10-77	Executive Airport – Parcel B – Cypress Parcel B, LLC Assignment and New Amended and Restated Lease And Conservation Easement	17
CR-08	10-78	Executive Airport – Parcel C – Cypress Parcel C, LLC Assignment and New Amended and Restated Lease And Tri-Party Agreement	17
CR-09	10-79	Executive Airport – Parcel D – Cypress Parcel D, LLC Assignment and New Amended and Restated Lease And Conservation Easement	17
CR-10	10-80	Grant Acceptance – Statewide Safety Belt Enforcement- \$20,000 – Florida Department of Transportation	18
CR-11	10-81	Earth Hour – March 27, 2010	18
CR-12	10-82	Grant Application – State Road A-1-A Wayfinding Signage- \$810,327 – National Scenic Byways Program- U.S. Department of Transportation	18
CR-13	10-83	Grant Application – Flagler Greenway - \$187,500 - Florida Office of Greenways and Trails – Recreational Trails Program	18
PUR-01		102-10464 – Accidental Death and Dismemberment Insurance – Police and Firefighters	19
PUR-02		785-9944 – Motorized Watercraft Concession	19
PUR-03		495-10161 – Stormwater Rate Study – Increase Contract Expenditure	19
PUR-04		Fire Stations – Construction Management Services - CIMA Engineering Corp.	20
PUR-06		702-10473 – Smartnet Maintenance and Support - Computer Networking Equipment	20
MD-01		Proprietary – Service Agreement – Lohmeyer Wastewater Treatment Plant- Channel Monster Repair Parts, Refurbishment, Upgrades	21
R-01	10-66	Board-Ups – Special Assessment Liens for Associated Cost	17
R-02	10-67	Historic Landmark Designation – Avis McSmith House And Kindergarten	19
R-03	10-	Disposition of Surplus Property – 1409 SW 3 Avenue	23
R-04	10-	Disposition of Surplus Property – 1143 NW 4 Avenue	24
R-05	10-	Disposition of Surplus Property – Progresso	24
R-06	10-	Disposition of Surplus Property – Lincoln Park First Addition	25
R-07	10-68	Board and Committee Appointments	20
PH-01	10-69	Executive Airport and Industrial Airpark- Minimum Lease Rates and Real Estate Brokerage Commission	24

O-01	C-10-11	Code Amendment – Chapter 20 – Personnel – Police and 25 Firefighters Pension Plan – Deferred Retirement Option Program – Member Contribution Rate
O-02	C-10-12	Code Amendment – Chapter 25 – Streets and Sidewalks- 27 Undergrounding of Utility Facilities – Special Assessment Program

**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
March 16, 2010**

Meeting was called to order at 6:09 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 Jaime Costas

Invocation was offered by Commissioner Rogers, followed by the recitation of the pledge of allegiance led by Mayor Seiler.

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).

Mayor of Rijeka, Croatia – Vojko Obersnel

(OB)

Mayor Seiler introduced Mr. Vojko Obersnel, the mayor of Rijeka, Croatia. Mr. Obersnel is working with the Greater Fort Lauderdale Sister Cities International, Inc. organization. Rijeka is the most important port city in Croatia, and is similar to Fort Lauderdale. Mr. Obersnel thanked the Commission.

Motion made by Vice Mayor Roberts and seconded by Commissioner Rogers to approve the minutes of the December 15, 2009 and January 6, 2009 Conference Meetings and January 20, 2010 Regular Meeting. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Commissioner Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: None.

Moment of Silence**(OB)**

At the request of Commissioner DuBose, a moment of silence was observed in memory of Dillard High School teacher, Courtney Beneby.

Presentations**1. Recognition – Dillard High School Girls Basketball Team (PRES-05)
Class 5-A State Championship**

Commissioner DuBose presented a proclamation to the Dillard High School Girls Basketball Team (Team Panthers), declaring March 16, 2010, as Dillard High School Girls Basketball Team Day in the City in recognition of the team's 5th State Championship victory. All five State Championships were won under the direction of Head Coach Marcia Pinder. Principal, Merceda Stanley, thanked the Commission and Coach Pinder.

2. Recognition – Kenneth G. Williams – A-1-A Half Marathon (PRES-01)

Commissioner Rodstrom presented a certificate of recognition to Kenneth G. Williams for his outstanding performance, participation, and completion of the A-1-A Half Marathon in the 75-99 age category. Mr. Williams thanked the Commission.

3. Community Appearance Board – WOW Award – District IV (PRES-02)

Commissioner Rogers recognized Steve and Monica Smith who reside in River Oaks as the recipients of the WOW Award for District IV.

**4. Public Works Department – (PRES-04)
2009 Distribution System of the Year Award**

Chuck Carden, Chair of the Florida Section of the American Water Works Association presented the City with the 2009 Distribution System of the Year Award in recognition of outstanding performance in a variety of water quality categories. Mark Darmanin, Distribution and Collection Systems Manager, thanked the Commission, the Public Works Director, and staff. He recognized Jose DiCienzo and Keith Hutchison, Distribution and Collection Supervisors.

Brain Awareness Week**(OB)**

Vice Mayor Roberts presented a proclamation to Bunney Brenneman and members of the Pilot International Club declaring the week of March 15-21, 2010, as Brain Awareness Week in recognition of the Brain Minders program. Brain Minders combats brain-related disorders through education, volunteerism, and financial support. Ms. Brenneman thanked the Commission.

5. Mayor's Volunteer Challenge Year – (PRES-03)
100,000 Hours of Giving Back

Vice Mayor Roberts presented a proclamation to Genia Ellis, Chair, Citizens Volunteer Corps and Maxine Singh, Commission Assistant Coordinator, designating March, 2010 through February, 2011, as Mayor's Volunteer Challenge Year – 100,000 hours of giving back. Ms. Singh announced the first mark of 4,500 volunteer hours achieved.

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 – Clueless on Las Olas – Closing SE 9 Avenue (M-01)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Partners in Education, Inc. for Clueless on Las Olas, to be held April 15, 2010, 5:30 p.m. – 9:45 p.m. and closing SE 9 Avenue, from East Las Olas Boulevard south to alley, and SE 9 Avenue, from East Las Olas Boulevard north to alley.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0365

Event Agreement – (M-02)
Coral Ridge Association Annual Easter Egg Hunt

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Coral Ridge Association, Inc. for Coral Ridge Association Annual Easter Egg Hunt, to be held April 3, 2010, 12 Noon – 2 p.m., at Jack and Harriet Kaye Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0366

Event Agreement – 76th Easter Sunrise Service (M-03)**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Fort Lauderdale Business and Professional Woman's Club, Inc. for 76th Easter Sunrise Service, to be held April 4, 2010, 5:30 a.m. – 8:00 a.m., at Fort Lauderdale Beach Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0367

Event Agreement – Riverwalk Get Downtown – Closing SE 4 Avenue (M-04)**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Riverwalk Fort Lauderdale, Inc. for Riverwalk Get Downtown, to be held April 9, 2010, 5:00 p.m. – 8:00 p.m., at the Plaza – 333 East Las Olas Boulevard and closing SE 4 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0368

**Event Agreement – Las Olas Wine and Food Festival
Closing 600 to 1100 Blocks of East Las Olas Boulevard** (M-05)**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with American Lung Association of the Southeast, Inc. for Las Olas Wine and Food Festival to be held May 15, 2010, 7:30 p.m. – 10:00 p.m. and closing of East Las Olas Boulevard.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0369

**Event Agreement – Mankind Anniversary Block Party –
Closing SE 2 Street** (M-06)**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Mankind, Inc. for Mankind Anniversary Block Party, at Mankind – 501 SE 2 Street, March 26, 2010, 5:30 p.m. – 8:30 p.m. and closing SE 2 Street, in front of the store.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0370

Event Agreement – Pineapple Jam

(M-07)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with The Stranahan House, Inc. for Pineapple Jam, to be held April 9, 2010, 6:30 p.m. – 10:30 p.m., at Laura Ward Plaza Stranahan House.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0371

Event Agreement – Sunset Blue – Closing NE 33 Street

(M-08)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with North Beach Restaurants & Shoppes, Inc. for Sunset Blue, to be held March 21, 2010, April 18, 2010 and May 16, 2010, 6:00 p.m. – 10:00 p.m., in 3300 block of NE 33 Street and closing NE 33 Street.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0372

**Task Order 80 – Camp Dresser & McKee Inc. - \$12,477
Lohmeyer Treatment Plant Polymer Testing**

(M-09)

\$12,477 is available in Fund 451, Subfund 01, PBS670503-3199.

A motion authorizing the proper City Officials to execute Task Order 80 with Camp, Dresser & McKee Inc., in the amount of \$12,477 – polymer testing at Lohmeyer Wastewater Treatment Plant.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0352

Change Order 3 (Final) –Giannetti Contracting Corporation - \$350,530.42 (M-10)
Davie Boulevard Sanitary Sewer Forcemain – Add 122 Calendar Days

\$350,530.42 for the change order and \$42,100 for the estimated 12 percent WaterWorks 2011 fees is available in Fund 482, Subfund 01, P10553.482-6599; (EP03545).

A motion authorizing 1) Change Order 3 (Final) with Giannetti Contracting Corporation, in net amount of \$350,530.42 and the addition of 122 non-compensable calendar days to contract period – additional work and final quantity reconciliation – Davie Boulevard 54-inch Sanitary Sewer Forcemain along SE 10 Avenue to Lohmeyer Wastewater Treatment Plant – Package C – Project 10553C.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0360

Change Order 1 – Tenex Enterprises – Add 45 Days - \$1,172.14 (M-11)
Bermuda Riviera Entryway – Neighborhood Capital Improvement Project

Transfer \$3,000 from P00411.331-6599, Fund 331, Subfund 01 to P11250.331-6599, Fund 331, Subfund 01. The transfer includes funds for any unforeseen future costs.

A motion authorizing 1) Change Order 1 with Tenex Enterprises, Inc., in the amount of \$1,172.14 and the addition of 45 work days to contract period – Bermuda Riviera entryway improvements – Neighborhood Capital Improvement Program – Project 11250 and 2) transfer funds to complete funding.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0393

Transfer Funds Between Water and Sewer Projects - \$200,000 (M-12)
Utilities Information Technology Special Projects, Repair and Replacement

Transfer \$200,000 from P11545.454-6599, Annual Sanitary Sewer Repairs 2009-2010, to P11248.454-6599, Utilities IT Special Projects Replacement & Repair, both in Fund 454, Subfund 01.

A motion authorizing transfer of funds between water and sewer projects, in the amount of \$200,000, for utilities information technology special projects, repair and replacement – Project 11248.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0376

Grant Application – Executive Airport Taxiway Golf Relocation - \$164,920 (M-13)
Federal Aviation Administration

The airport's required matching funds are in P11453.468-6599 Fund 468, Subfund 02 totaling \$7,500. The grant appropriation will be required if the grant is received.

A motion authorizing the proper City Officials to apply for, accept and execute, if awarded, a grant, in a maximum amount of \$164,920, from Federal Aviation Administration – taxiway golf relocation design – Executive Airport.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0381

Revocable License – Neighborhood Capital Improvement Program (M-14)
Harbour Inlet Associations, Inc. – Automatic Entry Control Gate Arms

\$21,400 is budgeted in P11505.331-6599 Fund 331, Subfund 01 to fund this project.

A motion authorizing the proper City Officials to execute revocable license with Harbour Inlet Association, Inc. – installation of automatic entry control gate arms at their Harbour Inlet Drive gatehouse.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0389

Self-Funded Group Health Plan – Amendments to Premiums and Co-Pays (M-15)

No budgetary impact.

A motion amending City's Self-Funded Group Health Plan premiums and co-pays for active and retiree participants effective April 1, 2010.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0408

Financial Audit Services – Ernst & Young LLP (M-16)
Additional Fee – Four Grant Programs

\$44,000 available in Fund 001/01, Index Code GEN010201, Subobject 3101 Audit & Accounting. To be allocated to all grants included in the Single Audit.

A motion approving additional fee of \$44,000 to Ernst & Young LLP – audit four additional grant programs (\$11,000 per grant) – financial audit services contract – airport

improvement, clean water state revolving funds, homeland security and airport development.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0383

Property Insurance Renewal – Layered Program - \$2,058,275 (M-17)

INS010101/5101, All Risk Property Carrier, Fund 543/Subfund 01. There are sufficient funds to cover the amount of \$2,058,275.

A motion authorizing the purchase of property insurance for City-owned properties with a layered insurance program from certain insurers, in the amount of \$2,058,275 – April 1, 2010 through March 31, 2011, and determining that this program best meets City needs.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0399

Supplemental Fleet Plan – Twelve Additional Vehicles – Police Department (M-18)

No budgetary impact at this time.

A motion approving fiscal year 2009-2010 supplemental fleet plan including the addition of twelve vehicles for Police Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0239

Change Order 2 – Miguel Lopez, Jr. Inc. - \$106,953.10 (M-19)
Dorsey Riverbend Neighborhood Improvements

\$106,953.10 is budgeted in P10435.129-6599, fund 129, subfund 01, Dorsey Riverbend Neighborhood Improvement Project.

A motion authorizing Change Order 2 with Miguel Lopez, Jr. Inc., in the amount of \$106,953.10 – construction and additional work – Dorsey Riverbend Neighborhood Improvements – Project 10435.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0391

River House Restaurant – Termination and Release of Lease Agreement (M-20)
Bryan Homes, Inc.

Transfer \$25,000 from GEN010201/3199, Fund 001, Subfund 01 to EDV010102/3428, Fund 001, Subfund 01.

A motion authorizing the proper City Officials to execute a termination and release of lease agreement with Bryan Homes Inc. – River House Restaurant – estimated maintenance for a period of six months - \$25,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0348

Agreement – Broward County – No Objection to Plat Note Amendment (M-21)
Discovery Center – Case 10-P-89

No budgetary impact.

Applicant: Discovery and Science, Inc. – Eco Discovery Center
Owner: City of Fort Lauderdale
Location: 401 SW 2 Street
Zoning: Regional Activity Center Arts and Science RAC-AS
Future Land Use: Downtown Regional Activity Center D-RAC

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0400

Grant Extension – Urban Sea Security Initiative (M-22)
Interlocal Agreement Amendment – City of Miramar

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

A motion authorizing 1) extension of 2006 Urban Area Security Initiative grant to June 30, 2010 – U.S. Department of Homeland Security – Florida Division of Emergency Management and 2) proper City Officials to execute all necessary documents to finalize extension, including corresponding amendment to interlocal agreement with City of Miramar.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0402

Board and Committee Education

(M-23)

No budgetary impact.

A motion accepting use of reference handbook – boards and committees – Sunshine Law, public records, conflict of interest and operating in a local government.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0412

**Joseph C. Carter Park Gym – Pool Building – Restrooms Renovation
Termination of Contract – Takeover Agreement**

(M-24)

No budgetary impact.

A motion authorizing the proper City Officials to 1) terminate contract with Palm Beach Building Group, Inc. and execute a takeover agreement with Insko Insurance Services, Inc., Surety – Joseph C. Carter Park gym – pool building – restrooms renovations – Project 11275.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0426

CONSENT RESOLUTION

**Grant Application – Summer Food Service Program - \$100,300
Various City Parks and North Fork Elementary School**

(CR-01)

Appropriate \$100,300 in GFOD10-3231 Food Services fund type 10, fund 129, subfund 01 Revenue into subobject GFOD10-C601. No cash match.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0397

RESOLUTION NO. 10-71

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR AND ACCEPT A GRANT IN THE AMOUNT OF \$100,300 FROM THE FLORIDA DEPARTMENT OF EDUCATION FOR THE SUMMER FOOD SERVICE PROGRAM AT VARIOUS CITY PARKS AND NORTH FORK ELEMENTARY SCHOOL AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR

BEGINNING OCTOBER 1, 2009, AND ENDING
SEPTEMBER 30, 2010, BY ACCEPTING AND
APPROPRIATING SUCH GRANT FUNDS TO FUND 129.

Naming of Park at 1020 NE 12 Avenue – Tranquility Park

(CR-02)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0405

RESOLUTION NO. 10-72

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FORT LAUDERDALE, FLORIDA, NAMING THE
PARK LOCATED AT 1020 NE 12TH AVENUE
“TRANQUILITY PARK”.

**Lease Agreement – WaterWorks 2011 – Program Management Office
Telecom Building – 200 North Andrews Avenue**

(CR-03)

**Appropriate \$241,295 and \$83,705 from P10365.454-6599-454-01 Water and
Wastewater Program Management, respectively to PBS060101-3316-450-01,
Building Leases and PBS060101-3428 Building Repair and Maintenance, to fund
the lease agreement and associated expenses.**

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0320

RESOLUTION NO. 10-73

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FORT LAUDERDALE, FLORIDA,
AUTHORIZING EXECUTION BY THE PROPER CITY
OFFICIALS OF LEASE AGREEMENT WITH CURTIS T.
BELL, TRUSTEE FOR 9,680 RENTABLE SQUARE FEET
OF OFFICE SPACE AT 200 NORTH ANDREWS AVENUE
FOR A TERM NOT TO EXCEED FIFTEEN (15) MONTHS
AND FURTHER AUTHORIZING THE PROPER CITY
OFFICIALS TO AMEND THE FINAL OPERATING
BUDGET OF THE CITY OF FORT LAUDERDALE,
FLORIDA FOR THE FISCAL YEAR BEGINNING
OCTOBER 1, 2009, AND ENDING SEPTEMBER 30,
2010, BY APPROPRIATING FUNDS IN THE AMOUNT OF
\$241,295.00 AND \$83,705.00 RESPECTIVELY, FROM
P10365.454-6599-454-01 WATER AND WASTEWATER

PROGRAM MANAGEMENT TO PBS060101-3316-450-01, BUILDING LEASES AND PBS060101-3428 BUILDING REPAIR AND MAINTENANCE, TO FUND THE LEASE AGREEMENT AND ASSOCIATED EXPENSES.

Grant Application – Flagler and A-1-A Greenways (CR-04)
Transportation Enhancement – Florida Department of Transportation

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0409

RESOLUTION NO. 10-74

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR FUNDING OF UP TO \$750,000.00 PER PROJECT FOR FLAGLER GREENWAY AND A1A GREENWAY PROJECTS.

Special Counsel – Water and Wastewater Issues (CR-05)
Rose, Sundstrom & Bentley, LLP

\$75,000 is budgeted in PBS060101-3199 Other Professional Services, Fund 450 Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0403

RESOLUTION NO. 10-75

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA APPOINTING JOHN J. FUMERO, ESQ., OF THE LAW FIRM OF ROSE, SUNDSTROM & BENTLEY, LLP, AS SPECIAL COUNSEL TO THE CITY OF FORT LAUDERDALE, FLORIDA IN CONNECTION WITH WATER AND WASTEWATER RELATED ISSUES.

Special Magistrate Appointments (CR-06)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0343

RESOLUTION NO. 10-76

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING JUDGE FLOYD HULL, JUDGE MARK PURDY, MEAH ROTHMAN TELL, ESQ., AND ROSE ANNE FLYNN, ESQ., AS CODE ENFORCEMENT SPECIAL MAGISTRATES FOR THE CITY OF FORT LAUDERDALE.

**Executive Airport – Parcel B – Cypress Parcel B, LLC
Assignment and New Amended and Restated Lease and
Conservation Easement**

(CR-07)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-0986

RESOLUTION NO. 10-77

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONSENT AND ASSIGNMENT OF LEASE FROM SOUTHERN FACILITIES DEVELOPMENT, LLC TO CYPRESS PARCEL B, LLC FOR PARCEL B AT FORT LAUDERDALE EXECUTIVE AIRPORT; APPROVING AN AMENDED AND RESTATED LEASE AGREEMENT WITH CYPRESS PARCEL B, LLC; AUTHORIZING CONVEYANCE OF A CONSERVATION EASEMENT OVER PARCEL B AND AUTHORIZING EXECUTION OF ALL OTHER DOCUMENTS NECESSARY TO MEET THE TERMS OF THE AGREEMENTS.

**Executive Airport – Parcel C – Cypress Parcel C, LLC
Assignment and New Amended and Restated Lease and
Tri-Party Agreement**

(CR-08)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1512

RESOLUTION NO. 10-78

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONSENT AND ASSIGNMENT OF LEASE FROM SOUTHERN FACILITIES DEVELOPMENT LLC TO CYPRESS PARCEL C, LLC FOR PARCEL C AT FORT LAUDERDALE EXECUTIVE AIRPORT; APPROVING AN AMENDED AND RESTATED LEASE AGREEMENT WITH CYPRESS PARCEL C, LLC; THE TRI-PARTY MITIGATION AGREEMENT WITH BROWARD COUNTY AND LESSEE PERTAINING TO PARCEL C; AND AUTHORIZING EXECUTION OF ANY OTHER DOCUMENTS NECESSARY TO CARRY OUT THE TERMS OF THE AGREEMENTS.

**Executive Airport – Parcel D – Cypress Parcel D, LLC
Assignment and New Amended and Restated Lease and
Conservation Easement**

(CR-09)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 09-1513

RESOLUTION NO. 10-79

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONSENT AND ASSIGNMENT OF LEASE FROM SOUTHERN FACILITIES DEVELOPMENT LLC TO CYPRESS PARCEL D, LLC FOR PARCEL D AT FORT LAUDERDALE EXECUTIVE AIRPORT; APPROVING AN AMENDED AND RESTATED LEASE AGREEMENT WITH CYPRESS PARCEL D, LLC; AUTHORIZING CONVEYANCE OF A CONSERVATION EASEMENT OVER PARCEL D AND AUTHORIZING EXECUTION OF ALL OTHER DOCUMENTS NECESSARY TO CARRY OUT THE AGREEMENTS.

Grant Acceptance – Statewide Safety Belt Enforcement - \$20,000 (CR-10)
Florida Department of Transportation

Appropriate \$20,000 of Grant Funds into Fund 129, Subfund 01, GSAFEBELT10, Revenue subobject C207, and expenditures in 4352 (\$20,000). No match is required.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0401

RESOLUTION NO. 10-80

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY ACCEPTING AND APPROPRIATING GRANT FUNDS AWARDED TO THE CITY FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$20,000.00 FOR THE 2010 STATEWIDE SAFETY BELT ENFORCEMENT PROGRAM.

Earth Hour – March 27, 2010 (CR-11)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0410

RESOLUTION NO. 10-81

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA SUPPORTING EARTH HOUR 2010 ON MARCH 27, 2010 AND URGING ALL INDIVIDUALS, BUSINESSES, AND GOVERNMENTS IN BROWARD COUNTY TO TURN OFF ALL NON-ESSENTIAL LIGHTING ON THIS DATE BETWEEN 8:30 PM AND 9:30 PM.

Grant Application – State Road A-1-A Wayfinding Signage - \$810,327 (CR-12)
National Scenic Byways Program – U.S. Department of Transportation

\$101,291 match funding is available in Parking's Unrestricted Fund Balance, Fund 461, Subfund 01, FD461.01, Subobject 9901, \$101,291 is available in P11322.106, Fund 106, Subfund 01, subobject 6599.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0420

RESOLUTION NO. 10-82

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY TO THE U.S. DEPARTMENT OF TRANSPORTATION FOR FUNDING IN CONNECTION WITH THE A1A WAYFINDING SIGNAGE.

Please see discussion under Item CR-13 on page 25.

Grant Application – Flagler Greenway - \$187,500 (CR-13)
Florida Office of Greenways and Trails – Recreational Trails Program

\$125,000 match funding is budgeted in Index Code FD001, Fund 001, Subfund 01, Subobject 9129.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0421

RESOLUTION NO. 10-83

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY TO THE U.S. DEPARTMENT OF ENVIRONMENTAL PROTECTION, FLORIDA OFFICE OF GREENWAY AND TRAILS, FOR FUNDING IN CONNECTION WITH THE FLAGLER GREENWAY.

PURCHASING AGENDA

102-10464-Accidental Death and Dismemberment Insurance - (PUR-01)
Police and Firefighters

INS010101/5135 Other Carrier Premiums, Fund 543/Subfund 01. There are sufficient funds to cover the amount of \$24,390 annually.

Purchase two-year accidental death and dismemberment insurance policy for police officers and firefighters, in the annual amount of \$24,390 and determine that this policy best meets needs of the City is being presented by Finance Department.

Recommend: Motion to approve.

Vendor: L B Bryan & Company, Inc. agent for Federal Insurance Company
St. Augustine, FL

Amount: \$24,390.00 annually

Bids Solicited/Rec'd: 1000/3

Exhibit: Commission Agenda Report 10-0387

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

785-9944 – Motorized Watercraft Concession (PUR-02)

No budgetary impact.

Amend contract with Boucher Brothers Fort Lauderdale Beach, LLC to operate a motorized watercraft concession on Fort Lauderdale beach.

Recommend: Motion to approve.

Vendor: Boucher Brothers Fort Lauderdale Beach, LLC
Miami Beach, FL

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-0292

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

495-10161 – Stormwater Rate Study – Increase Contract Expenditure (PUR-03)

\$65,775 is budgeted in PBS700102-3199 Fund 470 Subfund 01.

Increase contract expenditure for stormwater rate study is being presented by Public Works Department.

Recommend: Motion to approve.

Vendor: Burton & Associates, Inc.
St. Augustine, FL

Amount: \$65,775.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-0379

The Procurement Services Department has reviewed this item and recommends approval of this increased expenditure to Burton & Associates, Inc.

Fire Stations – Construction Management Services – (PUR-04)
Cima Engineering Corp.

No budgetary impact from this action.

A motion accepting Consultants Competitive Negotiations Act Selection Committee's recommendation of ranking firms – construction management services for fire station projects and authorizing the proper City Officials to commence negotiations with top ranked firm, Cima Engineering Corp.

Recommend: Motion to approve.

Vendor: Cima Engineering Corp.
Dania Beach, FL

Amount: N/A

Bids Solicited/Rec'd: 2181/17

Exhibit: Commission Agenda Report 10-0363

The Procurement Services Department has reviewed this item and recommends approval to negotiate with the first ranked proposer.

Vehicle Replacements – Florida Sheriffs Association Contract (PUR-05)

\$538,335 is budgeted in Fund 583, Subfund 01, PAR030101,6416.

Purchase nineteen vehicle replacements identified in 2009-2010 Fleet Plan and three vehicle replacements for units declared a total loss by Risk Management is being presented for approval by Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Garber Ford – Mercury, Inc.
Green Cove Springs, FL

Amount: \$538,335.00
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 10-0219

The Procurement Services Department has reviewed this item and recommends approval of purchase from the Florida Sheriff's Association Contract.

702-10473 – SmartNet Maintenance and Support - (PUR-06)
Computer Networking Equipment

\$73,131.43 is budgeted in Fund 581, Subfund 01, ITS020102-3401 (Computer Maint.).

One-year contract renewal for maintenance and support of Cisco SmartNet computer networking equipment is being presented for approval by Information Technology Services Department.

Recommend: Motion to approve.
Vendor: Coleman Technologies, Inc.
 Greenbelt, MD
Amount: \$73,131.43 not to exceed
Bids Solicited/Rec'd: 2055/5
Exhibit: Commission Agenda Report 10-0385

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

The following items were removed from the Consent Agenda:

Motion made by Commissioner Rodstrom and seconded by Vice Mayor Roberts that Consent Agenda Items M-10, M-13, M-17, M-20, M-24, CR-03, CR-04, CR-05, CR-13 and PUR-05 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: NAYS: None.

Change Order 3 (Final) –Giannetti Contracting Corporation - \$350,530.42 (M-10)
Davie Boulevard Sanitary Sewer Forcemain – Add 122 Calendar Days

\$350,530.42 for the change order and \$42,100 for the estimated 12 percent WaterWorks 2011 fees is available in Fund 482, Subfund 01, P10553.482-6599; (EP03545).

A motion authorizing 1) Change Order 3 (Final) with Giannetti Contracting Corporation, in net amount of \$350,530.42 and the addition of 122 non-compensable calendar days to contract period – additional work and final quantity reconciliation – Davie Boulevard 54-inch Sanitary Sewer Forcemain along SE 10 Avenue to Lohmeyer Wastewater Treatment Plant – Package C – Project 10553C.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0360

Commissioner Rodstrom noted change orders on this project are at 21.57%; this is the third change order requested by the contractor. In response to her question, Albert Carbon, Director of Public Works, advised that the WaterWorks program goal was 6%; the City is currently at about 3%. In response to Commissioner Rogers and Mayor Seiler, Paul Bohlander, Assistant Utilities Director confirmed that 16% of the 21% could be described as added value; a major portion of unforeseen conditions had to do with more sheeting that was installed than originally anticipated. He went into some detail about the reasons for the added sheeting. The contractor was very fair about negotiating the costs. In further response to Mayor Seiler's contention that this is about design errors, Mr. Bohlander noted that the contractor relies on City drawings which were not entirely accurate. Additionally, changes were fairly negotiated by the contractor, that is, the City would have paid for this work anyway through the competitive bid process. However, staff had problems with the original design for Cordova Road and the deeper installation, but believes the cost in the change order is fair. Camp Dresser & McKee is the original designer.

Commissioner Rodstrom found 21% unacceptable; if this occurred throughout, there would be budgetary overages.

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

Grant Application – Executive Airport Taxiway Golf Relocation - \$164,920 (M-13)
Federal Aviation Administration

The airport's required matching funds are in P11453.468-6599 Fund 468, Subfund 02 totaling \$7,500. The grant appropriation will be required if the grant is received.

A motion authorizing the proper City Officials to apply for, accept and execute, if awarded, a grant, in a maximum amount of \$164,920, from Federal Aviation Administration – taxiway golf relocation design – Executive Airport.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0381

Commissioner DuBose wanted to look at grant applications when there is a required match and an impact on the budget. Clara Bennett, Executive Airport Manager, advised this project is identified in the Capital Improvement Program (CIP). Mayor Seiler noted in this case it is 95% federally funded and the remainder from the Enterprise Fund. However, he agreed generally speaking.

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

Property Insurance Renewal – Layered Program - \$2,058,275 (M-17)

INS010101/5101, All Risk Property Carrier, Fund 543/Subfund 01. There are sufficient funds to cover the amount of \$2,058,275.

A motion authorizing the purchase of property insurance for City-owned properties with a layered insurance program from certain insurers, in the amount of \$2,058,275 – April 1, 2010 through March 31, 2011, and determining that this program best meets City needs.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0399

Commissioner DuBose asked for additional information on the increased coverage and whether the other variables remain the same. Guy Hine, Risk Manager, advised that, with respect to Flood Zones A and V, the City purchased national flood insurance which reduced the deductible to \$100,000 per location. This was the largest difference. Also, the limit for windstorm increased to \$150 million. In response to Commissioner Rogers and Mayor Seiler, Mr. Hine advised the windstorm deductible is 5% which is standard. The Insurance Advisory Board and the City's agent were recognized for their recommendations.

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

River House Restaurant – Termination and Release of Lease Agreement (M-20)
Bryan Homes, Inc.

Transfer \$25,000 from GEN010201/3199, Fund 001, Subfund 01 to EDV010102/3428, Fund 001, Subfund 01.

A motion authorizing the proper City Officials to execute a termination and release of lease agreement with Bryan Homes Inc. – River House Restaurant – estimated maintenance for a period of six months - \$25,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0348

Commissioner DuBose removed this item from the consent agenda in order to vote no.

Stephen Scott, Director of Economic Development, noted the historical background and purpose for the item.

In response to Commissioner Rogers, Mr. Scott noted the only issue as to how the building was left by the tenant was food accidentally left in a refrigerator which staff resolved.

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

Joseph C. Carter Park Gym – Pool Building – Restrooms Renovation (M-24)
Termination of Contract – Takeover Agreement

No budgetary impact.

A motion authorizing the proper City Officials to 1) terminate contract with Palm Beach Building Group, Inc. and execute a takeover agreement with Inso Insurance Services, Inc., Surety – Joseph C. Carter Park gym – pool building – restrooms renovations – Project 11275.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0426

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

Commissioner DuBose was concerned about the delays and asked that staff stay on top of the project to get it completed. In response to Mayor Seiler, the City Attorney provided a verbal status report relating to the termination, including that the bonding company is ready, willing and able to finish the project, but wanted agreement from the City concerning payment as well as waiver of minor penalties. Liquidated damages incurred thus far would be waived. They have additional time to complete the project. If not completed on time, additional damages would be incurred. They do not want to be responsible for the contractor's delay. Albert Carbon, Director of Public Works, noted the bonding company has eighty calendar days to complete the work and if they fail to do so, it is \$1,000 per calendar day in liquidated damages. With approval, a notice to proceed will be issued tomorrow and the project should be completed before June 1.

Mayor Seiler requested a follow-up report as to whether it is completed on time.

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

Lease Agreement – WaterWorks 2011 – Program Management Office (CR-03)
Telecom Building – 200 North Andrews Avenue

Appropriate \$241,295 and \$83,705 from P10365.454-6599-454-01 Water and Wastewater Program Management, respectively to PBS060101-3316-450-01,

Building Leases and PBS060101-3428 Building Repair and Maintenance, to fund the lease agreement and associated expenses.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0320

RESOLUTION NO. 10-73

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION BY THE PROPER CITY OFFICIALS OF LEASE AGREEMENT WITH CURTIS T. BELL, TRUSTEE FOR 9,680 RENTABLE SQUARE FEET OF OFFICE SPACE AT 200 NORTH ANDREWS AVENUE FOR A TERM NOT TO EXCEED FIFTEEN (15) MONTHS AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY APPROPRIATING FUNDS IN THE AMOUNT OF \$241,295.00 AND \$83,705.00 RESPECTIVELY, FROM P10365.454-6599-454-01 WATER AND WASTEWATER PROGRAM MANAGEMENT TO PBS060101-3316-450-01, BUILDING LEASES AND PBS060101-3428 BUILDING REPAIR AND MAINTENANCE, TO FUND THE LEASE AGREEMENT AND ASSOCIATED EXPENSES.

Commissioner Rodstrom asked whether there were efforts to negotiate the lease amount downward. Albert Carbon, Director of Public Works, advised that the City's Real Estate Office negotiated the lease. In further response, Mr. Carbon explained why the lease is being assumed directly by the City from a previous pass-through arrangement with CH2MHill, WaterWorks 2011 Program Managers. He noted various City staff also occupying the building. There is a ninety day termination clause should the space no longer be needed or alternative space be found. Additional staff for WaterWorks 2011 were not hired. Assigned City staff will continue to work on utility projects. He also responded to a follow-up question of where City staff would be situated once these premises are vacated, indicating staff is looking into options at this time.

In response to Vice Mayor Roberts, Mr. Carbon advised the lease rate is higher because it is month-to-month. He thought it would be cost prohibitive to relocate based on the short period of time and relocation expenses. He also noted the funding source.

In response to Mayor Seiler, Mr. Carbon provided some historical information concerning the lease. Paul Bohlander, Assistant Utilities Director, confirmed that the base rate is the same as paid by CH2MHill. Mr. Carbon noted there is an escalator for tax purposes.

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

Grant Application – Flagler and A-1-A Greenways (CR-04)
Transportation Enhancement – Florida Department of Transportation

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0409

RESOLUTION NO. 10-74

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR FUNDING OF UP TO \$750,000.00 PER PROJECT FOR FLAGLER GREENWAY AND A1A GREENWAY PROJECTS.

Commissioner DuBose referred to the first two items (Flagler and A-1-A greenways) and asked if matches are required. Albert Carbon, Director of Public Works, explained that the Metropolitan Planning Organization allows annual submittal of two projects up to \$750,000 each; there is no match requirement. The other three listed projects could qualify but are not recommended this year.

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

Special Counsel – Water and Wastewater Issues (CR-05)
Rose, Sundstrom & Bentley, LLP

\$75,000 is budgeted in PBS060101-3199 Other Professional Services, Fund 450 Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0403

RESOLUTION NO. 10-75

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA APPOINTING JOHN J. FUMERO, ESQ., OF THE LAW FIRM OF ROSE, SUNDSTROM & BENTLEY, LLP, AS SPECIAL COUNSEL TO THE CITY OF FORT LAUDERDALE, FLORIDA IN

CONNECTION WITH WATER AND WASTEWATER
RELATED ISSUES.

Commissioner Rodstrom removed this item from the consent agenda to vote no.

Mayor Seiler noted the experience of this individual. Albert Carbon, Director of Public Works, confirmed Mr. Fumero moved to this law firm.

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

Grant Application – Flagler Greenway - \$187,500 (CR-13)
Florida Office of Greenways and Trails – Recreational Trails Program

\$125,000 match funding is budgeted in Index Code FD001, Fund 001, Subfund 01, Subobject 9129. *

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0421

RESOLUTION NO. 10-83

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY TO THE U.S. DEPARTMENT OF ENVIRONMENTAL PROTECTION, FLORIDA OFFICE OF GREENWAY AND TRAILS, FOR FUNDING IN CONNECTION WITH THE FLAGLER GREENWAY.

*The City Clerk announced a correction to funds appropriation: \$125,000 match funding is budgeted in P10015.106, Fund 106, Subfund 20, Subobject 6599.

Kathleen Gunn, Grants and Legislative Affairs, responded to Commissioner DuBose request for information on the match funding source for both this item and Item CR-12, noting the funding change announcement earlier.

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

Vehicle Replacements – Florida Sheriffs Association Contract (PUR-05)

\$538,335 is budgeted in Fund 583, Subfund 01, PAR030101,6416.

Purchase nineteen vehicle replacements identified in 2009-2010 Fleet Plan and three vehicle replacements for units declared a total loss by Risk Management is being presented for approval by Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Garber Ford – Mercury, Inc.
Green Cove Springs, FL

Amount: \$538,335.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-0219

The Procurement Services Department has reviewed this item and recommends approval of purchase from the Florida Sheriff's Association Contract.

Robert Walsh, 530 NE Court, felt this is a lot of money and questioned if vehicles are not being properly cared for. It seems vehicle purchases are frequent. He also asked about the vendor locale. Diana Alarcon, Parking and Fleet Services Director, indicated this is a low bid from the Florida Sheriff's Office. She noted additional options included. Green Cove Springs is near Jacksonville. The majority of the vehicles being replaced have exceeded their life expectancy.

Commissioner Rogers took exception to Vehicles V9300 and V9329. With respect to V9300, it is eleven months over its life cycle. There will be no benefit for the tires and other items added in January. As to maintenance, it is still under the trend line. V9329 is in even better shape with about \$2,000 per year to continue using. It is under the trend line. There have not been any repairs lately. Ms. Alarcon advised that both of these vehicles are border line, but have met the replacement criteria. They are public safety vehicles. There are no spares in the fleet.

Motion made by Commissioner Rogers and seconded by Commissioner Rodstrom to approve the item excluding Vehicles V9300 and V9329. Roll call showed: YEAS: Commissioners DuBose and Rogers and Mayor Seiler. NAYS: Commissioner Rodstrom and Vice Mayor Roberts.

MOTIONS

Proprietary – Service Agreement - (MD-01)
Lohmeyer Wastewater Treatment Plant –
Channel Monster Repair Parts, Refurbishment, Upgrades

FY 09/10 \$40,000 is available in PBS670502-3407 Fund 451 Subfund 01. Future years are subject to appropriation of funds.

A motion authorizing the proper City Officials to execute a service agreement in substantially the form provided – purchase channel monster repair parts, refurbishment, upgrades and services at Lohmeyer Wastewater Treatment Plant is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: JWC Environmental
Cosa Mesa, CA

Amount: \$40,000.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-0033

The Procurement Services Department has reviewed this proprietary purchase and recommends an award to JWC Environmental.

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

RESOLUTIONS

Board-Ups – Special Assessment Liens for Associated Cost (R-01)

No budgetary impact.

Commissioner DuBose introduced the following resolution:

RESOLUTION NO. 10-66

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 BOARDING SAID PROPERTIES AND IMPOSING A SPECIAL ASSESSMENT LIEN AGAINST EACH PROPERTY FOR THE ASSESSED AMOUNT, AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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

Historic Landmark Designation – Avis McSmith House and Kindergarten (R-02)
611 NW 15 Avenue

No budgetary impact.

Owner: Avis McSmith

Applicant: Archie Schepp
Location: 611 NW 15 Avenue
Zoning: Residential Single Family – Medium Density RC-15

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

Mayor Seiler and Commissioner DuBose announced site visits made concerning this matter.

Mayor Seiler opened the floor for public comment.

Scott Strawbridge, member of the Historic Preservation Board, expressed support in this item and announced a neighborhood cleanup with refurbishments for the house that are planned.

There being no one else wishing to speak, a motion to close the public hearing was unanimously passed.

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 10-67

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING THE BUILDING THAT IS LOCATED AT 611 NW 15TH AVENUE, FORT LAUDERDALE, FLORIDA, AS A HISTORIC LANDMARK PURSUANT TO SECTION 47-24.11 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS.

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

**Disposition of Surplus Property -
1409 SW 3 Avenue**

(R-03)

No budgetary impact.

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING CERTAIN PROPERTY, DESCRIBED BELOW, NOT NEEDED FOR PUBLIC USE PURSUANT TO CITY CHARTER SECTION 8.04 AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY THAT SUCH PROPERTY BE OFFERED FOR SALE FOR A MINIMUM BID OF \$17,688.00, WITH BIDS TO BE SUBMITTED BY APRIL 9, 2010 AND SCHEDULING

FOR FURTHER PROCEEDINGS BEFORE THE CITY COMMISSION ON APRIL 20, 2010 TO CONSIDER A RESOLUTION ACCEPTING OFFER AND AUTHORIZING CONVEYANCE; REQUIRING THE CITY CLERK TO PUBLISH THIS RESOLUTION IN ONE ISSUE OF THE OFFICIAL NEWSPAPER OF THE CITY WITHIN SEVEN (7) DAYS OF THE ADOPTION HEREOF.

The City Clerk announced that this item has been removed by the City Manager.

**Disposition of Surplus Property -
1143 NW 4 Avenue**

(R-04)

No budgetary impact.

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING CERTAIN PROPERTY, DESCRIBED BELOW, NOT NEEDED FOR PUBLIC USE PURSUANT TO CITY CHARTER SECTION 8.04 AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY THAT SUCH PROPERTY BE OFFERED FOR SALE FOR A MINIMUM BID OF \$13,390.00, WITH BIDS TO BE SUBMITTED BY APRIL 9, 2010 AND SCHEDULING FOR FURTHER PROCEEDINGS BEFORE THE CITY COMMISSION ON APRIL 20, 2010 TO CONSIDER A RESOLUTION ACCEPTING OFFER AND AUTHORIZING CONVEYANCE; AND REQUIRING THE CITY CLERK TO PUBLISH THIS RESOLUTION IN ONE ISSUE OF THE OFFICIAL NEWSPAPER OF THE CITY WITHIN SEVEN (7) DAYS OF THE ADOPTION HEREON.

The City Clerk announced that this item has been removed by the City Manager.

**Disposition of Surplus Property -
Progresso**

(R-05)

No budgetary impact.

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING CERTAIN PROPERTY, DESCRIBED BELOW, NOT NEEDED FOR PUBLIC USE PURSUANT TO CITY

CHARTER SECTION 8.04 AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY THAT SUCH PROPERTY BE OFFERED FOR SALE FOR A MINIMUM BID OF \$14,897.00, WITH BIDS TO BE SUBMITTED BY APRIL 9, 2010 AND SCHEDULING FOR FURTHER PROCEEDINGS BEFORE THE CITY COMMISSION ON APRIL 20, 2010 TO CONSIDER A RESOLUTION ACCEPTING OFFER AND AUTHORIZING CONVEYANCE AND REQUIRING THE CITY CLERK TO PUBLISH THIS RESOLUTION IN ONE ISSUE OF THE OFFICIAL NEWSPAPER OF THE CITY WITHIN SEVEN (7) DAYS OF THE ADOPTION HEREON.

The City Clerk announced that this item has been removed by the City Manager.

**Disposition of Surplus Property -
Lincoln Park First Addition**

(R-06)

No budgetary impact.

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING CERTAIN PROPERTY, DESCRIBED BELOW, NOT NEEDED FOR PUBLIC USE PURSUANT TO CITY CHARTER SECTION 8.04 AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY THAT SUCH PROPERTY BE OFFERED FOR SALE FOR A MINIMUM BID OF \$8,750.00, WITH BIDS TO BE SUBMITTED BY APRIL 9, 2010 AND SCHEDULING FOR FURTHER PROCEEDINGS BEFORE THE CITY COMMISSION ON APRIL 20, 2010 TO CONSIDER A RESOLUTION ACCEPTING OFFER AND AUTHORIZING CONVEYANCE AND REQUIRING THE CITY CLERK TO PUBLISH THIS RESOLUTION IN ONE ISSUE OF THE OFFICIAL NEWSPAPER OF THE CITY WITHIN SEVEN (7) DAYS OF THE ADOPTION HEREON.

The City Clerk announced that this item has been removed by the City Manager.

Board and Committee Appointments

(R-07)

No budgetary impact.

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

Charter Revision Board	Maria Del Rosario Lescano (Mayor Seiler)
Community Appearance Board	Barbara Stern (Commissioner Rogers)
Education Advisory Board	Chase Adams (Commissioner Rogers) Alan J. Levy (Commissioner Rogers) Laura J. Clark (Mayor Seiler) Dr. Magdalene J. Lewis (Mayor Seiler) Maureen Persi (Mayor Seiler) Vialene Monroe (Mayor Seiler)
Marine Advisory Board	Bob Ross (Commissioner Rogers) Barry Flanigan (Mayor Seiler) F. St. George Guardabassi (Mayor Seiler)

Commissioner Rodstrom noted that the Audit Advisory Board has two vacancies and has requested the Commission consider filling them as well as expanding the membership overall. Mayor Seiler asked the City Auditor to inform the Florida Government Finance Officers Association and Florida Institute of CPAs of these openings.

Mayor Seiler asked the City Clerk to check with Vialene Monroe as to whether she is interested in being reappointed to the Education Advisory Board.

The City Clerk noted that individuals listed under Sunrise Key Neighborhood Improvement District are consensus appointments due for reappointment. Commissioner Rodstrom recommended reappointment of all members whose terms are due for reappointment. In response to Commissioner Rodstrom, the City Clerk believed Commissioner Rodstrom is designated to serve on this board. The City Attorney noted it is ex-officio.

Commissioner DuBose introduced the following resolution:

RESOLUTION NO. 10-68

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

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

PUBLIC HEARINGS

Executive Airport and Industrial Airpark (PH-01)
Minimum Lease Rates and Real Estate Brokerage Commission

No current budgetary impact. New rate only applies to future leases. None anticipated in current year.

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

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-69

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE MINIMUM ANNUAL LEASE RATES AND ADOPTING A BROKERAGE COMMISSION POLICY FOR PROPERTY AVAILABLE FOR LEASE AT FORT LAUDERDALE EXECUTIVE AIRPORT.

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

ORDINANCES

Code Amendment – Chapter 20 – Personnel - (O-01)
Police and Firefighters Pension Plan Deferred Retirement Option Program – Member Contribution Rate

No budgetary impact.

Vice Mayor Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-11

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESPECTING THE CITY'S POLICE AND FIREFIGHTER'S RETIREMENT SYSTEM BY AMENDING CITY OF FORT LAUDERDALE CODE SECTION 20-127, DEFINITIONS, CODE SECTION 20-129 (b) (1.2), ENTITLED, BAC-DROP, BY INCREASING THE MAXIMUM BAC-DROP AMOUNT FOR CERTAIN EMPLOYEES; BY AMENDING CODE SECTION 20-129

(b.1), ENTITLED, DEFERRED RETIREMENT OPTION PROGRAM, ("DROP") TO PROVIDE A 72 MONTH, AN 84 MONTH AND A 96 MONTH DROP; PERMITTING AN EXTENSION OF PRE-EXISTING 60 MONTH DROP ACCOUNTS; REVISING DROP EARNINGS; CREATING CONDITIONS PRECEDENT TO PARTICIPATION IN OR EXTENSION OF DROP; PERMITTING THE DROP ACCOUNT TO REMAIN ON DEPOSIT WITH THE PLAN AFTER TERMINATION OF EMPLOYMENT AND PERMITTING THE GENERATION OF DROP EARNINGS TO THE DROP ACCOUNT DURING SUCH PERIOD; BY AMENDING CODE SECTION 20-130, ENTITLED, MEMBER CONTRIBUTIONS, BY INCREASING THE MEMBER CONTRIBUTION RATE; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

As to the revision decided upon at the conference meeting, Assistant City Attorney Dunckel advised the revision will be brought back as an actual impact statement is required.

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

Relief from Public Purpose Use Including Site Plan Review (O-03)
SE 15 Street Boat Launch & Marine Complex – 1784 SE 15 Street –
Case 24-R-09

P11422.331, Fund 331, Subfund 01, Subobject 6599 \$2,590. P11422.129A&B, Fund 129, Subfund 01, Subobject 6599 \$291,715 each account P11422.129C, Fund 129, Subfund 01, Subobject 6599 & not booked yet see CAR 09-1617 \$876,906 executed grant to treasury 2/22/2010, P11422.129D, Fund 129, Subfund 01, Subobject 6599, \$582,101, P11422.328, Fund 328, Subfund 01, Subobject 6599, \$3,090, P11422.129, Fund 129, Subfund 01, Subobject 6599, \$120,000. Total funding \$2,168,117.

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

Vice Mayor Roberts noted when the improvements are scheduled, he would like to discuss the associated funding.

Commissioner Rodstrom introduced the following ordinance on SECOND reading:
 ORDINANCE NO. C-10-10

AN ORDINANCE APPROVING IMPROVEMENTS TO AN EXISTING BOAT LAUNCH AND MARINE COMPLEX THAT DO NOT MEET THE LANDSCAPING AND LIGHTING REQUIREMENTS IN A CF ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), WHICH SITE IS MORE FULLY DESCRIBED AS LOTS 29 THROUGH 40, BLOCK 2, "GULF

POINT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 53, PAGE 15, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. LOCATED ON THE SOUTH SIDE OF SOUTHEAST 15TH STREET, EAST OF CORDOVA ROAD AND COMMONLY KNOWN AS THE 15TH STREET BOAT RAMP AS A PUBLIC PURPOSE USE; AND GRANTING RELIEF FROM THE ULDR RQUIREMENTS 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: Commissioners Rodstrom, DuBose and Rogers, Vice Mayor Roberts and Mayor Seiler. NAYS: None.

**Rezoning to Parks, Recreation and Open Space – 1401 SW 2 Court (O-04)
City of Fort Lauderdale – Sailboat Bend Preserve – Case 13-Z-09**

No budgetary impact.

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

Vice Mayor Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-10-09

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CTY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RML-25 TO P, LOTS 1 THROUGH 7, BLOCK 3 AND LOTS 1 THROUGH 10, BLOCK 4 AND THE ADJACENT VACATED RIGHTS OF WAY, "RIVER HIGHLANDS", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 3, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE WEST SIDE OF SOUTHWEST 14TH AVENUE, AT SOUTHWEST 2ND COURT, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

Rezoning to Parks, Recreation, and Open Space – (O-05)
1720 – 1824 SW 17 Street -
City of Fort Lauderdale – Bill Keith Preserve Park – Case 12-Z-09

No budgetary impact.

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

Commissioner Rogers introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-10-08

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM I TO P, THAT PORTION OF LOT 17, MRS. E.F. MARSHALL'S SUBDIVISION OF GOVERNMENT LOTS 1-4, LYING SOUTH OF SOUTHWEST 17TH STREET AND NORTH OF THE SOUTH FORK NEW RIVER AND CURRENTLY KNOWN AS BILL KEITH NATURE PRESERVE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

Grant Application – Florida Inland Navigation District Waterways (OB)
Assistant Program: Dredging Intracoastal Bahia Mar, Aquatic Complex,
Las Olas Marina

Mayor Seiler noted at the conference meeting, staff was provided direction concerning the Florida Inland Navigation District grant to dredge the Las Olas Marina, Fort Lauderdale Aquatic Complex and Bahia Mar Marina. The following resolution authorizes the grant application (Memorandum 10-66).

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-70

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A GRANT FROM THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM FOR THE PROJECTS LISTED BELOW IN THE GRANT AMOUNTS LISTED BELOW AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO

EXECUTE ANY AND ALL DOCUMENTS NECESSARY OR INCIDENTAL TO THE GRANT AWARD, GRANT AGREEMENT, GRANT ACCEPTANCE, RECEIPT AND DISBURSEMENT OF GRANT FUNDS, SUBJECT TO THE APPROPRIATION OF FUNDS

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

Code Amendment – Chapter 25 – Streets and Sidewalks – (O-02)
Undergrounding of Utility Facilities – Special Assessment Program

No budgetary impact.

With respect to changes incorporated after discussion on February 16, Albert Carbon, Public Works Director, noted 180 days for a neighborhood to obtain the percentage threshold showing initial demonstration of support of residents as well as that percentage threshold being 66% were added. Staff will continue to look for a 30-year loan or bond, but, most likely, a 20-year term is the maximum.

The following information was provided in response to Commissioner Rogers' questions about how much money the City would have expended by the time the information package is mailed to a neighborhood and the process on selecting the neighborhoods. Mr. Carbon explained that a small portion of the estimated \$130,000 engineering fees would be spent when the information package is sent out to the neighborhood. The Commission directive was to utilize a consultant for the assessment work. The City's incurred cost for that initial package sent to the property owners would be approximately \$2,000. Funding for this expense is not budgeted for this year. As to selecting neighborhoods, it will be determined by citizen requests and on a first come, first served basis. Reference to two to five is how many (projects) that the consultant, staff and the utilities can handle in a year.

Commissioner Rogers pointed out that some neighborhoods in his district feel left out of communications on the issue. Mr. Carbon indicated that meetings were not held with residents unless requested. He referred to a list in the commission agenda report of neighborhood association presidents that were sent the draft ordinance.

Commissioner Rodstrom sought clarification on the type of financing. She wanted the longest finance period with the smallest monthly payment. Lynda Flynn, Acting Director of Finance, maintained that because of the size of the debt, the bank loan would be so small it would not be feasible to go out for a bond issue. Any type of special assessment debt is issued for fifteen to twenty-year period. In speaking with her husband, Broward County Commissioner and an investment banker, Commissioner Rodstrom stated that he has concern regarding the language on the bank loan. She wanted the City's financial advisor present at the meetings when addressing finances and bonding.

Vice Mayor Roberts inquired about the City's financial liability for this program. Mr. Carbon verified that, depending on the size of the area and number of homes involved, the City could spend approximately \$200,000 to get to the stage of final plans and assessment. As currently written, the City would bear responsibility for all of the costs if

the program is not implemented. Vice Mayor Roberts expressed concern over the City's financial liability. Mr. Carbon reiterated the process. If the final estimate is greater than five percent over the original estimate, a second petition showing the final estimate must be circulated and 66% approval obtained again. In any case, residents maintain the right to attend the public hearing to voice their support or opposition. The Commission ultimately determines whether to move forward with the assessment. In response to Commissioner Rogers, Mr. Carbon reiterated that in the event the 66% approval is not obtained, the City's financial risk is \$2,000. The City Attorney also outlined the process. If the final estimate is in line with the initial estimate, but circumstances have changed, the same 66% that once wanted undergrounding could say at the public hearing that they no longer want it, the City will not be reimbursed (\$200,000) unless the Commission approves the special assessment. If there is a greater than 5% deviation from the initial estimate, the 66% needs to be obtained again. If that 66% is not obtained, the City loses the money (\$200,000).

In response to Vice Mayor Roberts, the City Manager recalled that the Commission agreed to funding from the fund balance. Vice Mayor Roberts suggested the City take measures to limit exposure, such as one project per year. Commissioner Rodstrom pointed out that there is an economy of scale with pricing. Commissioner Rogers felt the risk is limited by getting the initial percentage. However, it is not budgeted. Commissioner Rodstrom pointed out that the City would be reimbursed and therefore it would not be necessary to budget the money for a long period of time.

Mayor Seiler opened the floor for public comment.

Mary Fertig, representing Idlewyld Improvement Association, encouraged passage of the ordinance. This topic has been an ongoing, long-term discussion. Idlewyld neighborhood requests a 51% or 55% approval, rather than 66%. She believed there would be a fair amount of opportunities provided the public to discuss the program and adequate time to plan the budget. She also believed there are mechanisms to control the number of neighborhoods allowed in any given period of time; possibly a lottery system.

Courtney Crush, representing the Harbor Beach Homeowners Association, advised that this association has encouraged the adoption of such an ordinance for almost fifteen years. She contended the 66% approval requirement is too high. Perhaps a more finite study could be completed to provide a more precise estimate that may help achieve the percentage approval level. Given Harbor Beach's record of participating in self-assessment programs, she urged the requirement be lowered to 55%. She wanted to meet with staff. In response to Commissioner Rodstrom, Ms. Crush explained there must be something between \$2,000 and \$200,000 for full construction drawings. Mayor Seiler explained that many people do not want this program. He was concerned about a lower percentage because circumstances could change. Ms. Crush commented that some properties are second homes. A previous assessment of \$4,500 passed at 53% with no objections to her knowledge, and the remaining 47% were non-responsive. Commissioner Rogers pointed out that the minutes show three neighborhoods who do not think 66% would be a problem. Mayor Seiler felt 66% is safer from the City's perspective. There is a core group of people strongly committed to this project. Commissioner Rodstrom emphasized that this will not be precedent setting for other types of assessments. The reasoning is not to waste a \$200,000 outlay. Ms. Crush explained that Harbor Beach may have a lot of non-responses which the Commission is choosing to treat as no votes.

Commissioner Rodstrom asked what was done in WaterWorks 2011 about people who did not want to convert. Mr. Carbon indicated in that case an ordinance was adopted requiring the hookup. The City Attorney advised that for WaterWorks 2011 the hook-up was not a special assessment and therefore cannot be compared to this. Commissioner Rodstrom agreed with the 66% threshold to protect the City. Mayor Seiler commented that although there are people requesting a lower threshold there are others who support the 66% as an indicator of neighborhood commitment. Moreover there are people who do not want the program. Ms. Crush pointed out that there is apathy and absent property owners. She called attention to the protections in the ordinance giving people an opportunity to speak on it. Mr. Carbon advised that staged reviews and cost estimates are built into the design contract. Vice Mayor Roberts recommended accommodating Ms. Crush with City staff to conduct further study.

Bill Goetz, 51 Fort Royal, advised that he is a former member of the Utility Advisory Committee. He referred to the legislative determination of public purpose and special benefit in the draft ordinance (Section 25-127) and contended there is little logic to support any of the benefits. A comparison of FPL's underground piecemeal system with overhead lines, supported the contention of FPL, AT&T, and Comcast that outages occurred with similar frequencies, but lasted much longer on the underground portion. He encouraged staff to look at all of the listed benefits. To properly assess, it must be known whether the upstream power lines are overhead and the incidents and causes of blackouts. Such assessment should be examined in advance. The City would be responsible for the cost during the assessment process that could last twenty years. He spoke of the advantages of a bond issue and that citywide undergrounding would be a more socially equitable implementation. He encouraged the Commission to direct staff to address his concerns and those of Trevor Underwood before first reading. He did not believe the Commission has been provided adequate information.

In response to Mayor Seiler, Mr. Goetz advised that he is not certain of the reliability of the undergrounding but specifically a piecemeal approach. Unless one knows how the blackouts in the upstream areas affect the downstream (project) areas, the reliability cannot be assessed. Mayor Seiler pointed out that there are lines into the city from numerous neighboring cities, and questioned whether all of those have to be undergrounded first. Mr. Goetz did not believe there is evidence one way or another. However communities with total undergrounding report no blackouts from storms. He felt further study is needed on this point.

Ken Cooper, 625 Royal Plaza Drive, representing Las Olas Isles neighborhood, supported the ordinance. He asked that the size of the easement be flexible upon agreement with the homeowner and all other involved parties. Mr. Cooper asked about use of the public right-of-way rather than easements, if possible. The City Attorney agreed to review the language before the next reading. Mr. Cooper indicated it was difficult to secure 55% approval. He wanted to see a compromise between 51% and 66% to 60%. Commissioner Rodstrom pointed out that Mr. Cooper obtained 55% without a ballpark estimate. Mr. Cooper believed the \$150,000 to \$200,000 estimate for the design is high because the utilities will prepare the plans and the City's contractor would simply overlay them.

Robert Walsh, 530 NE 13 Court, felt undergrounding should be citywide. He supported the 66% threshold. He felt FPL should pay for it. A lot of people do not wish to have

undergrounding. He suggested that more feedback be provided from the Utility Advisory Committee and further study.

Trevor Underwood, 2425 Sunrise Key Boulevard, summarized his written statement on this topic which is attached to these minutes.

Susan Spaul, 2425 Sunrise Key Boulevard, believed there are still a lot of grey areas with respect to cost to property owners it is likely to be very high. The ordinance allows for liens in the case of non-payment which is a huge impact in this economic climate. She has lived in areas with undergrounded utility lines and non-undergrounded neighboring cities; there were still power outages during storms. There should be a one hundred percent approval requirement. In the mature neighborhoods, she questioned the requirement of transformers on every other property line which would damage plantings and the environment.

Mayor Seiler asked if the City would reap any benefit to undergrounding if surrounding cities do not underground as well. Ms. Spaul believed more study is needed on this point. Mr. Underwood maintained that local neighborhood distribution lines are interconnected amongst neighborhoods. Plantation's decision on undergrounding has no impact on Fort Lauderdale. He believed the feasibility study should be completed to properly address such matters including a proper review of the costs and benefits and citywide undergrounding. Piecemeal undergrounding does not provide resiliency benefits. He believed that citywide undergrounding would cost approximately \$600 million. It could be financed by bonds which would be repaid out of the monopoly profits by leasing the lines to competing utility suppliers. If the City owns the lines, they could be leased out at the City's discretion. The City could also purchase electricity. He went on to discuss the history of his study on this topic and involvement with the Utility Advisory Committee.

Ms. Fertig believed that the speakers on the issue are evenly split. She noted there is a public hearing process where people can speak out. Idlewyld Improvement Association is confident that they can obtain the requisite percentage number.

There was no one else wishing to speak.

Commissioner Rodstrom wanted to move the ordinance forward and facilitate those neighborhoods who would like the enhancement. She referred to the municipal bond index and the City's credit rating. She estimated a monthly payment of \$189 for an individual property owner on a \$40,000 enhancement over 35 years. Undergrounding will increase home values. If structured as a tax, property owners may be entitled to take a deduction on this enhancement. She mentioned the outages neighborhoods experience from garbage trucks hitting lines. The idea of citywide undergrounding was thought about before the FPL agreement but is now over. FPL was selected as the City's electric company. Citywide undergrounding would mean that the poorer neighborhoods would be assessed.

Commissioner Rogers pointed out that neighborhoods should be able to do what they wish. Because this is a major assessment, it should require a super-majority. He does not believe that the requirement of a super-majority is precedent-setting because of the size of the assessment. He was concerned about the risk to the City, but it has been quantified to some degree with the 66% approval requirement. However, funds have not

been budgeted; a neighborhood selection procedure has not been voted on by the Commission; and a feasible collection procedure is not in place. He was uncomfortable with moving forward until the Commission reaches decisions on these procedural issues.

Commissioner DuBose expressed concern over the financial impact to the City. He favored a two-thirds approval requirement. If he has not received answers to the questions raised, primarily related to financial impact to the City, he will not be inclined to vote for it on the second reading.

Vice Mayor Roberts expressed concern about the financial aspects and some legalities raised by the speakers tonight. He felt lukewarm toward the ordinance, but agreed that the Commission should strive to facilitate the desires of neighborhoods. More time than two weeks may be necessary. He felt that Mr. Underwood's idea is where the City should be ideally, but he did not think it would be possible. He supported the 66% threshold.

Mayor Seiler noted that some people have waited years for this. The job of the Commission is to facilitate the needs of the residents. If these individuals are willing to pay the assessment and the City's exposure can be limited, he supported moving forward. There are neighborhoods with flooding and overhead lines being damaged by garbage trucks.

Vice Mayor Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 25, STREETS AND SIDEWALKS, ARTICLE IV, POLES, WIRES AND CONDUITS, TO PROVIDE FOR UNDERGROUNDING OF UTILITY FACILITIES; AUTHORIZING AND PROVIDING A PROCEDURE FOR THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS AGAINST PROPERTY BENEFITING FROM UNDERGROUND UTILITY FACILITIES; PROVIDING DEFINITIONS INCLUDING A DEFINITION FOR THE TERM "UNDERGROUND UTILITY LINE ASSESSMENT"; PROVIDING CRITERIA FOR DESIGNATION OF AN UNDERGROUND SPECIAL ASSESSMENT AREA; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF A FINAL ASSESSMENT ROLL; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES AND CLAIMS; AUTHORIZING THE USE OF CITY FUNDS FOR PLANS AND SPECIFICATIONS; REQUIRING PROPERTY OWNERS TO CONNECT TO UNDERGROUND UTILITY LINE FACILITIES WHEN SERVICE IS AVAILABLE;

PROHIBITING THE PLACEMENT OF OVERHEAD
UTILITIES AFTER UNDERGROUND FACILITIES ARE
INSTALLED; PROVIDING FOR SEVERABILITY AND
PROVIDING AN EFFECTIVE DATE.

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

Mayor Seiler directed staff to respond to the questions posed this evening at the second reading.

There being no other matters to come before the Commission, the meeting was adjourned at 9:39 p.m.

The Commission then convened as the Community Redevelopment Agency Board of Directors and returned to the conference, Item I-E, at 9:51 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk