

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
April 6, 2010

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2. Become the Next Water Conservation Hero - Marketing Communications Campaign - Florida International University School of Journalism and Mass Communications (PRES-02)

Commissioner DuBose and Julie Leonard, Assistant Utility Service Director of Operations, recognized recent Florida International University's School of Journalism and Mass Communications Graduates for development of the Become The Next Water Conservation Hero program, an integrated marketing communications campaign in a public private partnership with the City's public works department. Professor Fernando Figueredo thanked the Commission and recognized Monique Damiano, Public Works Public Information Specialist, and Julie Leonard, for being excellent student mentors.

3. Donation from Fort Lauderdale Bridge Club - \$7,000 (PRES-03)

Mayor Seiler recognized members of the Fort Lauderdale Bridge Club for winning the Ace of Clubs Competition in the American Contract Bridge League. The Fort Lauderdale Bridge Club presented an \$8,000 donation to the City's Parks and Recreation Department for youth programs. Mayor Seiler thanked the club members.

4. Outstanding City Employees (PRES-04)

Albert Carbon, Public Works Director, and Diana Alarcon, Director of Parking and Fleet Services, presented the STAR Award to Jason Maloney, Construction Review Specialist, Department of Economic Development; Richard Stapleton, Parking Facilities Maintenance Coordinator, Parking and Fleet Services; and Joseph Pascale, Security Guard I, Parking and Fleet Services, in recognition of their courage, quick thinking and concern in deterring an individual from committing suicide.

National Telecommunicator Week (OB)

Vice Mayor Roberts presented a proclamation designating April 11 through April 17, 2010 as National Telecommunicator Week in the City to Marisol DiBernardo, Fire-Rescue Communications Coordinator; Carol Ward, Broward Sheriff's Office Fort Lauderdale Site Manager; and Mark Blanco, Public Safety Answering Point Manager, in recognition of their daily work to protect residents' health and promote public safety. Ms. Ward thanked the Commission.

Broward County Local Mitigation Strategy (CR-03)

No budgetary impact.

This item was removed from the agenda at the request of the City Manager.

Vacate 10 Foot Utility Easement – 19th Street Investors, Inc. (R-02)
1730 North Federal Highway – Case 1-M-10

No budgetary impact.

This item was removed from the agenda at the request of the City Manager.

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 – Concourse D’Rio Vista (M-01)
Closing Ponce De Leon Drive

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Rio Vista Civic Association, Inc. for Concourse d’Rio Vista, to be held April 18, 2010, 10 AM – 4 PM, in the 1500 block of Ponce de Leon Drive and closing the 1500 block of Ponce de Leon Drive from 9 AM to 5 PM on event day.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0451

Event Agreement – Hospice Regatta 2010 (M-02)
Closing SW 4 Avenue Cul-De-Sac at Riverwalk

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with HospiceCare of Southeast Florida, Inc. for Hospice Regatta 2010, to be held on May 15, 2010, 6:30 AM – 11 PM, at Lauderdale Yacht Club, in the ocean, and at Esplanade and closing SW 4 Avenue cul-de-sac at Riverwalk.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0456

Event Agreement –Take Steps for Crohn’s and Colitis (M-03)**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Crohn’s and Colitis Foundation of America, Inc. for Take Steps for Crohn’s and Colitis, to be held on April 17, 2010, 6 PM – 10 PM, at Huizenga Plaza and downtown sidewalks.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0458

Event Agreement –AVP Pro Beach Volleyball Tour - Fort Lauderdale Open – Co-Sponsorship Banners (M-04)**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with AVP Pro Beach Volleyball Tour, Inc. for AVP Pro Beach Volleyball Tour Fort Lauderdale Open, to be held April 16-18, 2010, 8 AM – 6 PM, at Fort Lauderdale Beach Park, and allowing installation of banners at specified locations, subject to permitting regulations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0450

Event Agreement –Wide Open Volleyball Tournament (M-05)**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Pro-Motions Sports Marketing, Inc. for Wide Open Volleyball Tournament to be held on May 15, 2010, 8 AM – 7 PM, and May 16, 2010, 9 AM – 7 PM, at Fort Lauderdale Beach Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0459

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

A motion authorizing and approving execution of an Event Agreement with Cystic Fibrosis Foundation for Great Strides, to be held on April 10, 2010, 8 AM – 12 noon, at Birch State Park and beach area streets.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0460

**Event Agreement – Green Dog Day Festival -
Closing NE 13 Street**

(M-07)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with 13th Street Alliance, Inc. for Green Dog Day Festival, to be held on May 16, 2010, 12 Noon – 5 PM, on NE 13 Street and Middle River Terrace Park and closing NE 13 Street.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0455

**Event Agreement – Polynesian-Asian-Pacific
Cultural Fest and Ocean Mile Swim**

(M-08)

No budgetary impact.

A motion authorizing and approving execution of an Event agreement with International Swimming Hall of Fame, Inc. for Polynesian-Asian-Pacific Cultural Fest and Ocean Mile Swim to be held on May 8, 2010, 10 AM – 6 PM, and May 9, 2010, 8 AM – 6 PM, at D.C. Alexander Park and in the ocean.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0457

**Grant Application – Tarpon Bend Park - \$200,000
Florida Department of Environmental Protection**

(M-09)

No current year budget impact. Matching funds, in the amount of \$200,000, available under Park Impact Fees Account 269-450220, fund type 01, fund 001, subfund 01, general fund.

A motion authorizing the proper City Officials to apply for 2009 – 2010 grant funding, in the amount of \$200,000, from Florida Department of Environmental Protection Land and Water Conservation Fund – development of Tarpon Bend Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0452

Amend Capital Improvement Program Budget - Transfer (M-10)
Lightning Predictors – Various City Parks - \$18,326

Transfer \$18,326 from the general funds holding account P11236.331-6599, fund 331, subfund 01. General capital projects, to P11533.331-6599 fund 331, subfund 01, lighting prediction systems, general capital projects.

A motion authorizing the transfer of \$18,326 from completed Mills Pond Playground account, capital improvement holding account, to completely fund purchase of lightning predictors at various city parks.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0472

Amendment 4 – Task Order 04-06 – Hazen and Sawyer, P.C. (M-11)
South Andrews Avenue Water Main Improvements – Credit (\$56,700.58)

Reduce the encumbrance by (\$56,700.58) in Fund 482, Subfund 01, P10815.482-6599, Tarpon River Area Large Water Main (EP02797).

A motion authorizing the proper City Officials to 1) execute Amendment 4 to Task Order 04-06 with Hazen and Sawyer, P.C. – additional construction services – South Andrews Avenue Water Main Improvements – Project 10815 and 2) reduce encumbrance by (\$56,700.58) as a result of reallocating unused funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0268

Task Order 17 – Post, Buckley, Schuh & Jernigan, Inc. - \$117,864 (M-12)
Floyd Hull Stadium – ADA Improvements and Hurricane Aftermath Repairs

\$59,832 is available in P16004.125-6599, Fund 125 (Hurricane Fund), Subfund 01 and \$59,832 is available in P10720.331-6599, Fund 331 (General Capital Improvements Fund), Subfund 01.

A motion authorizing the proper City Officials to execute Task Order 17 with Post, Buckley, Schuh & Jernigan, Inc., not to exceed \$117,864 – engineering, architectural and construction management services – ADA Improvements and hurricane aftermath repairs at Floyd Hull Stadium.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0466

Task Order 12 – DeRose Design Consultants, Inc. - \$109,166 (M-13)
Executive Airport – U.S. Customs and Border Protection Facility

\$21,833.20 is available in P11242.468-6599, Fund 468 (Airport Fund), Subfund 02, and \$87,332.80 is available in P11242.468A-6599, Fund 468, Subfund 02.

A motion authorizing the proper City Officials to execute Task Order 12 with DeRose Design Consultants, Inc., in the amount of \$109,166 – mechanical engineering and LEED design services – Executive Airport – U.S. Customs and Border Protection Facility – Project 11242.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0468

Task Order 5 – Kimley-Horn & Associates, Inc. - \$159,945 (M-14)
Executive Airport – U.S. Customs and Border Protection Facility

\$31,989.00 is available in P11242.468-6599, Fund 468 (Airport Fund), Subfund 02, and \$127,956.00 is available in P11242.468A-6599, Fund 468, Subfund 02.

A motion authorizing the proper City Officials to execute Task Order 5 with Kimley-Horn & Associates, Inc., in the amount of \$159,945 – civil engineering and LEED design services – Executive Airport – U.S. Customs and Border Protection Facility – Project 11242.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0469

Task Order 15 – DeRose Design Consultants, Inc. - \$29,204 (M-15)
Executive Airport – U.S. Customs and Border Protection Facility

\$5,804.80 is available in P11242.468-6599, Fund 468 (Airport Fund), Subfund 02, and \$23,219.20 is available in P11242.468A-6599, Fund 468, Subfund 02.

A motion authorizing the proper City Officials to execute Task Order 15 with DeRose Design Consultants, Inc. in the amount of \$29,204 – structural design services – Executive Airport – U.S. Customs and Border Protection Facility – Project 11242.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0470

Task Order 1 – CIMA Engineering Corp. - \$19,176.30 (M-16)
Fire Station 3 – Construction Management Services

\$19,176.30 is available in P10916.336-6599-336-01 (Fire Station 3). Fund 336 is the Fire Bond Fund.

A motion authorizing the proper City Officials to execute Task Order 1 with CIMA Engineering Corp., in the amount of \$19,176.30 – construction management services for Fire Station 3 – 2801 SW 4 Avenue – Project 10916.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0476

Task Order 2 – CIMA Engineering Corp. - \$32,359.89 (M-17)
Fire Station 49 – Creation of Temporary Station

\$32,359.89 is available in P10912.336-6599-336-01 (Fire Station 49). Fund 336 is the Fire Bond Fund.

A motion authorizing the proper City Officials to execute Task Order 2 with CIMA Engineering Corp., in the amount of \$32,359.89 – pre-construction management services – creation of a temporary Fire Station 49 – 1015 Seabreeze Boulevard – Project 10912.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0477

Task Order 81 – Camp Dresser & McKee, Inc. - \$147,862 (M-18)
Lohmeyer Wastewater Treatment Plant – Pretreatment Building

Transfer \$147,862 for this task order and \$17,800 for the estimated 12 percent WaterWorks fees, from P00401, Regional Replacement/Recap to P11340.451-6599, GTL Structure & Well Improvements, all in Fund 451, Subfund 02.

A motion authorizing the proper City officials to 1) execute Task Order 81 with Camp Dresser and McKee, Inc., in the amount of \$147,862 – engineering services associated with design, permitting and bidding services – improvements to pretreatment building at Lohmeyer Wastewater Treatment Plant – Project 11340 and 2) transfer \$147,862 to fund this task order and \$17,800 to fund estimated 12 percent WaterWorks 2011 fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0445

Contract Extension – Straightline Engineering Group, LLC - \$168,600 (M-19)
Annual Contract for Concrete, Stamped Asphalt and Paving Stone Repair

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

A motion authorizing one-year contract extension with Straightline Engineering Group, LLC, in the amount of \$168,600 – 2008-2009 annual contract for concrete, stamped asphalt and paving stone repair – Project 11417 and 2) transferring funds to fund this extension and 17 percent engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0480

Business Capital Improvement Grant Program (M-20)
13th Street Alliance – Installation of Three Statues on NE 13 Street

Transfer \$1,810 from P00441.331-6599-331-01, Business Capital Improvements, to P11499.331-6599-331-01, 2009 BCIP 13th St. Alliance – Statues. Fund 331 is the General Capital Improvements fund.

A motion 1) awarding a Business Capital Improvement Grant, in the amount of \$22,500, to 13th Street Alliance, Inc. – installation of three statues on NE 13 Street – Project 11499 and 2) transfer \$1,810 for geotechnical services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0488

Business Capital Improvement Grant Program – Entryway Features (M-21)
Fort Lauderdale Beach Village Merchants Association, Inc.

Transfer \$22,500 from P00441.331-6599-331-01 (Business Capital Improvement Program), to P11502.331-6599-331-01, (2009 BCIGP North Beach Square Neighborhood). Fund 331 is the General Capital Projects fund.

A motion 1) awarding a Business Capital Improvement Grant, in the amount of \$22,500, to Fort Lauderdale Beach Village Merchants Association, Inc. – entryway features along Sunrise Lane and NE 9 Street – Project 11502 and 2) transferring \$22,500 for this program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0485

Change Order 2 – DiPompeo Construction Corporation - \$46,746.27 (M-22)
Fire Station 3

\$46,746.27 is available in P10916.336-6599-336-01 (Fire Station 3). Fund 336 is the Fire Bond Fund.

A motion authorizing Change Order 2 with DiPompeo Construction Corporation, in the amount of \$46,746.27 – electrical, plumbing, architectural and site plan revisions, and purchase of EPA certified generator – Fire Station 3 – 2801 SW 4 Avenue – Project 10916.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0479

Contract Renewals – May, July, August and September, 2010

(M-23)

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

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

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0441

CONSENT RESOLUTION

**Donation From The Fort Lauderdale Bridge Club, Inc. -
Youth Programs - \$7,000**

(CR-01)

\$7,000 revenue into PKR033201-K275, Recreation Programming, fund 001, subfund 01. \$7,000 expenses into PKR033201-3934, Recreation Equipment and Supplies, fund 001, subfund 01. All General Fund.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0478

RESOLUTION NO. 10-92

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT A DONATION OF \$7,000 FROM THE FORT LAUDERDALE BRIDGE CLUB, INC. FOR YOUTH PROGRAMS 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 SUCH \$7,000 DONATION TO FUND 001.

Earth Day 40th Anniversary

(CR-02)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0416

RESOLUTION NO. 10-93

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING AND ACKNOWLEDGING THE IMPORTANCE OF 40TH ANNIVERSARY OF EARTH DAY, APRIL 22, 2010 AND ENCOURAGING BROWARD COUNTY MUNICIPALITIES TO RECOGNIZE THE IMPORTANCE OF THIS EVENT.

Broward County Local Mitigation Strategy

(CR-03)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0475

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING AND ADOPTING THE BROWARD COUNTY DECEMBER 2009 REVISED MULTI-JURISDICTIONAL LOCAL MITIGATION STRATEGY.

This item was removed from the agenda at the request of the City Manager.

**First Amendment to Joint Project Agreement -
City of Oakland Park – Water Main Improvements - \$172,871.06**

(CR-04)

Reduce appropriations by \$121,165.06 for the participation funding in revenue P10875.454-N451 (Water Main Improvement) and in expenditure P10875.454-6599 (Water Main Improvement), both in Fund 454, Subfund 01.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0267

RESOLUTION NO. 10-94

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE JOINT PROJECT AGREEMENT WITH THE CITY OF OAKLAND PARK FOR THE DESIGN AND CONSTRUCTION OF WATER MAIN IMPROVEMENTS PHASE -2.

Contract Award – Metro Equipment Service, Inc. - \$1,797,575 (CR-05)
Wastewater Conveyance System –
Long-Term Remediation Program Rehabilitation

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

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0454

RESOLUTION NO. 10-95

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 METRO EQUIPMENT SERVICE, INC. AND THE CITY OF FORT LAUDERDALE IN THE AMOUNT OF \$1,797,575 PLUS \$305,587.75 FOR THE 17% ENGINEERING FEES 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, FOR SAID AMOUNTS TO FUND THE CONTRACT.

2010-2013 State Housing Initiatives Partnership Program (CR-06)
Local Housing Assistance Plan

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0492

RESOLUTION NO. 10-96

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

THE LOCAL HOUSING ASSISTANCE PLAN FOR FISCAL YEARS 2010/2011, 2011/2012 AND 2012/2013 PURSUANT TO THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM; DIRECTING STAFF TO TIMELY SUBMIT THE THREE YEAR LOCAL HOUSING ASSISTANCE PLAN TO THE APPROPRIATE AGENCY; AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY OR INCIDENTAL TO THE RECEIPT AND ADMINISTRATION OF THE STATE HOUSING INITIATIVE PROGRAM.

**Neighborhood Stabilization Program –
Administrative Release of Liens**

(CR-07)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0499

RESOLUTION NO. 10-97

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA DELEGATING TO THE CITY MANAGER THE AUTHORITY TO SETTLE AND RELEASE CERTAIN CODE ENFORCEMENT LIENS AND OTHER MUNICIPAL LIENS TO PERMIT THE SETTLEMENT AND RELEASE OF LIENS AGAINST PROPERTY ACQUIRED PURSUANT TO THE NEIGHBORHOOD STABILIZATION PROGRAM.

**Establishing Metropolitan Medical Response System Program as Law
U.S. House of Representatives Resolution –
Amending Homeland Security Act**

(CR-08)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0486

RESOLUTION NO. 10-98

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA SUPPORTING UNITED STATES HOUSE OF REPRESENTATIVES

RESOLUTION 4580 TO CREATE FEDERAL LEGISLATION THAT WOULD ESTABLISH THE METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM WITHIN THE HOMELAND SECURITY ACT OF 2002.

Florida Farm to Energy Bill – Florida Senate Bill 2346

(CR-09)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0498

RESOLUTION NO. 10-99

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA SUPPORTING THE "FLORIDA FARM TO ENERGY" BILL, SENATE BILL 2346, TO BRING PRODUCTION BASED INCENTIVES ("PBI'S") POLICY TO FLORIDA AND SPEED THE SHIFT FROM FOSSIL FUEL TO CLEAN RENEWABLE ENERGY.

LEED Aviation Equipment and Service Facility – Executive Airport - \$400,000 – Joint Participation Agreement – Florida Department of Transportation

(CR-10)

The FDOT JPA of \$400,000 will be appropriated to P11181.468A, Airport Fund 468, Subfund 01, Revenue Subobject D479. The expenditure will be from P11181.468A, Airport Fund 468, Subfund 01, Expense Subobject 6599. The remaining balance of \$645,731 is available in P11181.468, Airport Fund 468, Subfund 01, Expense Subobject 6599. Please see the funding information on the Bid Tab attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0448

RESOLUTION NO. 10-100

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION (FDOT), TO CONSTRUCT AN AVIATION EQUIPMENT AND SERVICE FACILITY (PROJECT NO.: 428556-1-94-

01) AND AMENDING THE FINAL 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 A GRANT IN THE AMOUNT UP TO \$400,000 FROM FDOT FOR THE FORT LAUDERDALE EXECUTIVE AIRPORT.

Amend Operating Budget – Appropriation - \$75,000 (CR-11)
Centennial Celebration Committee

Appropriate \$75,000 from FD001, Fund 001 General Fund, Subfund 01, Undesignated Fund Balance, Subobject 9901 to PUB040101, Fund 001 General Fund, Subfund 01, subobject 3199 -\$35,000; subobject 3999 - \$40,000.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0449

RESOLUTION NO. 10-101

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 \$75,000 FROM FD001 GENERAL FUND TO FUND PUB040101, FUND 001 GENERAL FUND, SUBFUND 01, SUBOBJECT 3199 AND 3999.

PURCHASING AGENDA

403-10443 – Sanitary Sewer Connections – WaterWorks 2011 (PUR-01)
Grant Eligible Properties

\$121,000 is pre-encumbered in Fund 130, Subfund 01, SHO9WW-3299 (RQ1003633), SHIP 08-09 WaterWorks 2011, \$3,269 is available in Fund 108, Subfund 01, CD1208-8001, WaterWorks 2011 04-05 0426, Program Funds and \$100,000 is available in Fund 108, Subfund 01 CD1307-8001, WaterWorks 2011 05-06 0426, Program Funds. Funding of the additional \$147,731.00 is conditional upon approval by Commission of the 2010-2011 Federal Annual Action Plan.

One-year contract for sanitary sewer connections – WaterWorks 2011 Program – grant eligible properties.

Recommend: Motion to approve.

Vendor: D.V.M. Contracting, Inc.
Sterling Heights, MI
Amount: \$372,000 annual
Bids Solicited/Rec'd: 1060/6
Exhibit: Commission Agenda Report 10-0436

The Procurement Services Department has reviewed this item and recommends an award to the low responsive and responsible bidder, D.V.M. Contracting, Inc.

103-10468 – Reject Bids – Polaroid Instant Film (PUR-02)

No budgetary impact.

Reject all bids for Polaroid instant film is being presented for approval by Police Department.

Recommend: Motion to reject.
Bids Solicited/Rec'd: 240/3
Exhibit: Commission Agenda Report 10-0434

The Procurement Services Department has reviewed this item and recommends rejecting all bids submitted.

504-10411 – Barrier Island Parking Study (PUR-03)

\$42,540 is budgeted in Fund 461, Subfund 01, PAR020101, Subobject 3199.

Purchase parking consultant services for barrier island parking study is being presented by Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Rich & Associates, Inc.
Southfield, MI
Amount: \$42,540.00
Bids Solicited/Rec'd: 945/6
Exhibit: Commission Agenda Report 10-0439

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

502-10437 – Lightning Prediction Systems – City Parks (PUR-04)

\$135,000 budgeted in P11533.343-6599, fund 343 subfund 01, special obligation construction 2008B fund. \$18,326 to be transferred general funds holding account. This is a separate item on the 4/6/10 City Commission Agenda.

Purchase Thor Guard Lightning Prediction Systems for various city parks is being presented for approval by Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: Thor Guard, Inc.
Sunrise, FL

Amount: \$153,326.00

Bids Solicited/Rec'd: 254/2

Exhibit: Commission Agenda Report 10-0467

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

Co-Op 10 (03) 10-01-01-27-H – Swimming Pool Chemicals (PUR-05)
Southeast Florida Governmental Purchasing Cooperative Group

\$17,000 Fund 001, Subfund 01, BUS040101-3701, \$22,555 Fund 001, Subfund 01, BUS040101-3701 and \$24,765 Fund 001, Subfund 01 BUS040101-3930; \$38,978 is budgeted in PKR030601-3799 fund 001, subfund 01. All general fund.

Two-year contract for purchase of swimming pool chemicals is being presented for approval by Parks and Recreation Department and Business Enterprises Department.

Recommend: Motion to approve.

Vendor: Allied Universal Corp., Miami, FL
Commercial Energy Specialists, Inc., Jupiter, FL
Leslie's Poolmart, Inc., Phoenix, AZ

Amount: \$103,298.00 (estimated 1st year total)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-0471

The Procurement Services Department has reviewed this item and recommends approving purchases from the Southeast Florida Governmental Purchasing Cooperative Group.

Annual Computer Purchase Plan (PUR-06)

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

Fiscal Year 2009-2010 annual computer purchase plan is being presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Dell Marketing Corporation
Round Rock, TX

Amount: \$143,800.00 (not to exceed)
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 10-0378

The Procurement Services Department has reviewed this item and agrees with the recommendation.

203-10441 – Fire Rescue Uniforms

(PUR-07)

\$45,235.20 is budgeted in FIR010501-3949 (Uniforms), Fund 001, Subfund 01, in FY 0910.

Two-year contract, with option for two, one-year extensions, for purchase of Fire-Rescue staff uniforms is being presented for approval by Fire-Rescue Department.

Recommend: Motion to approve.

Vendor: Various vendors
(See background detail)

Amount: \$45,235.20

Bids Solicited/Rec'd: 1029/7

Exhibit: Commission Agenda Report 10-0465

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

**103-10455 – Reject Bids; 762-9126 – Extend Lease; 09-17-0908 -
Purchase \$294,930 – Additions to Fleet – Motorcycles –
Florida Sheriff's Association Contract**

(PUR-08)

Transfer and appropriate \$294,930.00 from Fleet Replacement Rental Fund 583; Subfund 01, FD583.01, Subobject 9901 to Fleet- Vehicles, PAR030101-6416, Fund 583/01. \$34,650.00 funds available for leasing on a month-to-month basis in Vehicle Rental Index Code POL030411, Fund 001, Subfund 01, Subobject 3307.

A motion to 1) reject all bids for lease of police motorcycles, 2) authorize purchase of fifteen motorcycles using Florida Sheriff's Association contract – vehicle additions to fleet and 3) extend current lease on a month-to-month basis for ten motorcycles until purchased motorcycles are delivered is being presented for approval by Parking and Fleet Services and Police Department.

Recommend: Motion to reject, authorize purchase and extend lease.

Vendor: Rossmeyer Daytona Motorcycles, Inc.
Ormond Beach, FL

Amount: \$294,930.00 (purchase of 15 motorcycles)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-0511

The Procurement Services Department has reviewed these items and recommends rejecting all bids, awarding purchase utilizing Florida Sheriff's Association Contract and extending current lease on a month-to-month basis.

The following items were removed from the Consent Agenda:

Motion made by Vice Mayor Roberts and seconded by Commissioner Rogers that Consent Agenda Items CR-06, CR-09, PUR-03, PUR-04, PUR-08, M-17, M-19 and M-23 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Task Order 2 – CIMA Engineering Corp. - \$32,359.89 (M-17)
Fire Station 49 – Creation of Temporary Station

Commissioner Rogers pointed out that this project has been done for a year and questioned why this item is coming before the Commission now. Albert Carbon, Public Works Director, explained that CIMA Engineering Corp. is the construction manager for the City's fire stations. This is the negotiated fee for construction management on the temporary station. Commissioner Rogers inquired why this was not established in the original contract. Mr. Carbon advised that the original contract with CIMA only included construction of the new station, not the temporary station. Initially, staff planned to manage the project on its own, but found assistance was necessary. CIMA provided assistance and the price for their work was negotiated afterward.

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

Contract Extension – Straightline Engineering Group, LLC - \$168,600 (M-19)
Annual Contract for Concrete, Stamped Asphalt and Paving Stone Repair

Commissioner Rogers expressed desire for the Commission to reach a decision on how to address the sidewalk issue. He pointed out that there is a significant period of time between the contractor being notified and the actual work taking place. He believed that using this contractor is more economical and practical than a homeowner repairing the sidewalk on his own, and suggested using this contractor to repair sidewalks by neighborhood. The residents should be alerted as to the time-frame the contractor will be in the area and offer a discounted price so that large-scale repairs can be completed at a time. Albert Carbon, Public Works Director, explained that this contract is for stamped concrete and pavers. The contract would have to be reconfigured to offer this pricing to a resident as it does not include this type of service. He will ask the City Attorney's office if the contract can be changed, and will return to the Commission at the April 20 or May 4 conference to address the sidewalk repair program.

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

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

Contract Renewals – May, July, August and September, 2010

(M-23)

Vice Mayor Roberts pointed out that some contracts originated in 2007 (or earlier), and, due to their age and a changed economy, suggested new bidding to possibly save money. Kirk Buffington, Director of Procurement Services, advised that a policy of four years on contract terms resulted from the City Auditor's recent audit of Procurement Services, and that has been implemented. He believed that re-bidding does not always result in significant savings. Soft costs such as staff time utilized for re-bidding must be considered. He elaborated upon the staff time involved in re-bidding certain contracts. Both Procurement and the using department's staff spend considerable time reviewing these contracts before making a recommendation. If a vendor requests a price increase, they are automatically removed and the item is re-bid. Staff has managed to prevent price increases for the last couple years. There have been price reductions on construction, but he was doubtful of getting reductions on commodities and services. Vice Mayor Roberts indicated that there should be some flexibility on the four-year policy in order to benefit from changing economic times, and reiterated his belief that better prices may be obtained if older contracts are re-bid. Mr. Buffington pointed out that before the item comes forward, the contracts are reviewed in relation to the marketplace. He noted that twenty-six contracts would have to be re-bid; adding a large workload to Procurement Services. Commissioner Rodstrom noted that some of the contracts originated in 2006, and inquired if these apply to the four-year contract change-out. Mr. Buffington pointed out that some of these contracts are for the Finance Department and due to resource limitations, they would like to wait another year. Lynda Flynn, Acting Director of Finance, indicated that Finance is working on a number of contracts that must be re-bid. When these are finished, those that meet the four-year term will be worked on.

Commissioner DuBose expressed his agreement with Vice Mayor Roberts and Commissioner Rodstrom. He inquired about contract 19 (575-9735) that reflects a decrease. Mr. Buffington thought it may be a rounding of the amount. He did not believe that any other contract figures were rounded. Commissioner DuBose asked that he verify that none of the other figures were rounded and provide him a response. Phil Thornburg, Parks and Recreation Director, verified that the amount for contract 575-9735 is an estimated amount. In response to Commissioner DuBose, Mr. Thornburg confirmed that it is standard practice to estimate the amount of funds to be spent over the year. Mr. Buffington advised that all of the amounts are department estimates. He did not think there were any other rounding errors. Mr. Thornburg clarified that in the case of specific work to be done, the exact amount is stated; however, this estimated item reflects the cost of sound and lights for a special event that may take place in the future, and as such the cost is unknown and dependent upon how long the event may be, for example. Commissioner DuBose expressed concern over approving estimates. Mr. Buffington assured him that the department cannot spend more than the indicated amount approved by the Commission this evening. Commissioner DuBose was concerned about approving an amount that may be more than is necessary. Mr. Buffington advised that departments make the estimates. Most have stayed the same and some have decreased due to decreases in services. Increases are due to

increased usage rather than higher prices. Commissioner DuBose reiterated his concern over approving estimates.

Commissioner Rogers inquired about contract 13 (472-9721-1). Mr. Buffington explained that supply contracts are based on historical usage. He reiterated that departments cannot exceed the amount approved this evening.

Vice Mayor Roberts pointed out that the contracts originating in 2006, 2007, and 2004 have a value of approximately \$2.5 million. He reiterated his desire to re-bid contracts from 2007 and prior. He pointed out that contract 13 is \$.5 million and based on construction services and supplies. He wanted to re-bid this one as well as others. Commissioner Rodstrom agreed with re-bidding whichever ones the Vice Mayor feels should be revisited. The City Auditor indicated that he had the same concerns; four years was a compromise.

Mayor Seiler pointed out contract 2 (462-9469-1) was entered into 2006 following hurricane seasons of 2004 and 2005. He thought generators were popular at that time. This contract has been renewed three times. He thought the contract would be much differently now. Mr. Buffington advised the price is the same as it was in 2006 and he did not know if the pricing has changed. In response to Mayor Seiler, Mr. Buffington offered to re-bid this contract. In response to Commissioner Rodstrom, Mr. Buffington confirmed renegotiations take place between renewals and in most cases, the vendor requests a price increase and that is negotiated to no increase. Commissioner Rodstrom agreed with Mayor Seiler. Mayor Seiler inquired about contract 12 (462-9468-1), pointing out the drop in construction prices since the original contract date. He thought it should be re-bid. Mr. Buffington verified that the price has not been revisited, other than declining the vendor's request for a price increase, but agreed to re-bid it. Mayor Seiler asked about contract 25 (775-9747). Mr. Buffington maintained that the presence of crossing guards at all schools is state mandated. He articulated a survey of Broward, Palm Beach, and Dade County cities that contract for crossing guards was conducted and Fort Lauderdale is the second lowest at \$10.68 per hour. Ronna Adams, Central Services Manager, noted the lowest if Broward County which she provided detail on their in-house approach. Mayor Seiler was satisfied with this renewal as presented.

Mayor Seiler inquired about contract 42 (175-9788) employee benefits consultant doubling. Denny Stone, Employee Benefits Coordinator, provided a history of problems relating to health insurance. The employee benefits consultant fee is a cap and the provider has always come in under the cap. The hourly rate has not changed. There is concern about the healthcare rates for next year and elaborated upon the reasons for expected increased costs. He requested the capability to utilize the consultant for expected additional work if necessary.

In response to Commissioner DuBose, Mr. Buffington agreed to re-bid contract 10 (462-9431) water meter boxes/parts. Commissioner DuBose asked that contract 30 (473-9744) water valve and fire hydrant maintenance be re-bid. Mr. Buffington did not recommend re-bidding because it is a specialized service and a very limited market place, but offered to do so. Vice Mayor Roberts requested that contract 37 (42595) office supplies be re-bid.

Motion made by Commissioner DuBose and seconded by Vice Mayor Roberts to approve the item as presented with removal of contracts 2 (462-9469-1), 10 (462-9431),

12 (462-9468-1), 13 (472-9721-1), 30 (473-9744) and 37 (42595) as shown on Commission Agenda Report 10-0441, Exhibit 1. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Vice Mayor Roberts, Commissioner Rodstrom and Mayor Seiler. NAYS: None.

2010-2013 State Housing Initiatives Partnership Program
Local Housing Assistance Plan

(CR-06)

In response to the City Auditor's prior inquiry, Jonathan Brown, Housing and Community Development Manager, announced that if the City receives State Housing Initiatives Partnership (SHIP) funds this year, the State will have a moratorium on new construction. Therefore, he submitted a revised Exhibit C reflecting adjustments to the housing delivery goals chart for new construction.

In response to Commissioner Rogers, Mr. Brown explained that the recent news article about the Neighborhood Stabilization Program (NSP) gives a better interpretation for the definition of abandoned and foreclosed homes. Currently, the policy allows for purchase of homes that are sixty days in default or ninety days if taxes are unpaid. Generally, there is someone still living in the home. He elaborated upon various options to deal with this issue. Whatever is necessary will be done to ensure that all of the funds are obligated. This will be addressed in the NSP item coming back to the Commission.

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

Florida Farm to Energy Bill – Florida Senate Bill 2346

(CR-09)

Commissioner Rodstrom inquired about the bill's proposed additional fee for retail electric consumers and the bill's requirement that each electric utility impose a renewable energy fee on consumers. Kathleen Gunn, Grants and Legislative Affairs, did not know what the fee amount would be, but advised there is no House companion to this bill and it was not referred to any committees. Mayor Seiler believed the bill is dead because the committees have concluded. He noted this was initiated by the Citizens Sustainability Green Committee and he thought the committee is asking the Commission to embrace the concept. It has some positive ideas. Commissioner Rogers was also concerned about an unknown fee and that those who are paying would not necessarily benefit. Commissioner Rodstrom did not want her vote to imply she is anti-environment. Vice Mayor Roberts was also concerned about the fee. Mayor Seiler and Commissioner DuBose noted the unlikelihood of the bill being enacted this year. Mayor Seiler asked the verbiage be revised to state that the City supports passage of a farm to energy bill instead of the farm to energy bill.

Motion made by Commissioner DuBose and seconded by Commissioner Rodstrom to approve the item as revised to specify a farm to energy bill. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Vice Mayor Roberts, Commissioner Rodstrom and Mayor Seiler. NAYS: None.

504-10411 – Barrier Island Parking Study**(PUR-03)**

Commissioner Rodstrom inquired about the timing of the study particularly about it not being as comprehensive if taken during the summer as opposed to the season. Diana Alarcon, Director of Parking and Fleet Services, advised that the study should begin within the next two weeks and last seventeen weeks, if no storms hinder the process. The consultants will analyze and collect data for, both, seasonal and summer months from hoteliers and establishments. Land use concerns will also be addressed. Mayor Seiler expressed concern about the study taking place entirely over the summer and fall months. Ms. Alarcon advised that the consultant will use data from local establishments based on their sales and various activities. She pointed out that summer is a busy parking season. Commissioner Rodstrom had received resident feedback that there will be a lot of people locally parking vehicles rather than hotel guests. They are concerned about the study not having a broad enough base. Ms. Alarcon contended that the consultant will need to look at the current situation, past studies and reach out to the establishments, so that every angle is touched. She thought rentals would also be taken into consideration. Commissioner Rodstrom asked about dividing the seventeen weeks so as to address different times, such as half during the summer and half during the season. Ms. Alarcon agreed to address that request with the consultant. She emphasized the parking season is through the entire summer (February to September). In response to Mayor Seiler, Ms. Alarcon went into detail as to the end use of the study. Commissioner Rodstrom remarked if the study is to answer questions concerning future development, then there is no rush. As to the beach master plan, she also felt that consultant has already indicated there is parking, but wayfinding signage is needed. Therefore, she wanted to defer it and ask the consultant about dividing the seventeen week period.

At the request of Commissioner Rodstrom, the item was deferred.

502-10437 – Lightning Prediction Systems – City Parks**(PUR-04)**

Vice Mayor Roberts appreciated this safety item being accomplished.

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

**103-10455 – Reject Bids; 762-9126 – Extend Lease; 09-17-0908 -
Purchase \$294,930 – Additions to Fleet – Motorcycles –
Florida Sheriff’s Association Contract****(PUR-08)**

Commissioner Rodstrom removed the item from the consent agenda to vote no. The following information was furnished in response to questions raised by the Commission. Police Sergeant Glenn Gavic advised there could be anywhere from six to ten officers assigned to motorcycles per shift. As to why fifteen are requested, there are vacancies for this motor unit and there is need for spares. Kirk Buffington, Director of Procurement Services, explained the issue with purchasing the bikes that the City has been leasing is

that they are over two years old. The dealer has quoted a purchase price of \$12,500. It costs more because of the wear and tear; they are no longer under warranty. The average shelf life for police use is about five years. Staff does not recommend their purchase. Diana Alarcon, Director of Parking and Fleet Services, advised that the leased bikes have not been part of the fleet; there are no bikes in the fleet. There is a one-year warranty. Having no experience, she preferred to start from an empty baseline. Commissioner Rogers wanted to buy the leased bikes. Mayor Seiler was opposed to purchasing extra bikes in this economic state. Assistant Police Chief Steve Kinsey was agreeable to modifying the proposal. Mayor Seiler did not see the logic in purchasing a new bike for a spare; he wanted to purchase two of the leased bikes for spares and the minimum number of new ones. Sergeant Gavic explained repairs that will be needed on the leased bikes. In speaking with the lease vendor, he offered new bikes for \$14,500, so there is a \$2,000 difference from the used bikes and the new bikes at the end of their use cycle. Mayor Seiler reiterated his position of doing the minimum, purchasing two of the leased bikes that are in the best condition for spares.

Motion made by Vice Mayor Roberts and seconded by Commissioner DuBose to reject all bids for lease of motorcycles. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Vice Mayor Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Motion made by Vice Mayor Roberts and seconded by Commissioner Rogers to purchase ten new motorcycles using Florida Sheriff's Association contract. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: Commissioner Rodstrom.

Sergeant Gavic asked the Commission consider purchasing three spares as opposed to two. Previously, the department had fifteen bikes. In response to Mayor Seiler, Mr. Buffington and Ms. Alarcon noted that five bikes were returned in February. Assistant Chief Kinsey explained there are vacancies in this unit; it has shrunk from seventeen to ten. Vice Mayor Roberts recommended the Mayor's recommendation of ten new and two spares be followed and as staff is replenished, a request for additional purchases be brought back to the Commission.

Motion made by Vice Mayor Roberts and seconded by Commissioner Rogers to purchase two of the currently leased motorcycles at the end of the lease term. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: Commissioner Rodstrom.

Motion made by Vice Mayor Roberts and seconded by Commissioner Rogers to extend current lease on a month-to-month basis for ten motorcycles until purchased motorcycles are delivered. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Vice Mayor Roberts, and Mayor Seiler. NAYS: Commissioner Rodstrom.

Note: The City Commission returned to the conference meeting agenda, Item II-A Comprehensive Annual Financial Report, from 7:52 p.m. to 8:11 p.m. and then returned to the regular meeting agenda, Item MD-01, at 8:11 p.m., in the Chambers on the first floor of City Hall.

MOTIONS

Proprietary – GPS Monitoring – Mobile Building and Code Inspection Program**(MD-01)****Funds of \$17,777.16 are available in Fund 001, Subfund 01, BLD010101, 3299.**

One-year proprietary purchase of GPS Monitoring – Mobile Building and Code Inspection Program – February 1, 2010 through September 30, 2010 is being presented for approval by Building Services Department.

Recommend: Motion to approve.

Vendor: Ituran USA, Inc.
Fort Lauderdale, FL

Amount: \$17,777.16

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-0382

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

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

Proprietary – Oracle Database Licenses and Support**(MD-02)**

\$12,168.40 is budgeted in Fund 450, Subfund 01, PBS010601-3401-3401; \$6,637.40 in Fund 461, Subfund 01, PAR020101-3401-3401; \$2,821.99 in Fund 001, Subfund 01, ITS010301-3401.

Purchase annual support for Oracle database software is being presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Oracle America, Inc.
Santa Clara, CA

Amount: \$21,627.79 (not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-0446

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

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

Proprietary –Project Lifesaver – LoJack SafetyNet Program**(MD-03)**

No budgetary impact. This is a contractual agreement with no funds required from the City.

One-year contract for LoJack SafetyNet Public Safety Agency – Search and Rescue in substantially the form attached is being presented for approval by Police Department.

Recommend: Motion to approve.

Vendor: LoJack SafetyNet, Inc.

Westwood, MA

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-0443

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

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

Proprietary –Lifepak 12 Technical Service Support**(MD-04)**

\$42,015.33 is budgeted in FIR 010501-3407, Fund 001, Subfund 01.

Five-year contract payable in yearly increments of \$42,015.33 – Lifepak 12 technical service support is being presented for approval by Fire Rescue Department.

Recommend: Motion to approve.

Vendor: Physio Control, Inc.

Redmond, WA

Amount: \$210,076.63 5-year term

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 09-1637

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

In response to Commissioner Rogers, Acting Fire Rescue Chief Jeff Justinak explained that this is a continuation of a maintenance contract. It is essential; the alternative is \$250 per hour. Mayor Seiler believed the maintenance is mandated by the Food and Drug Administration (FDA) Medical Devices Act. Chief Justinak was not certain as to the degree of maintenance, but for the maintenance contracts in place, they are essential.

He did not know if all of the maintenances are qualified under FDA. In further response, David DiPetrillo, Battalion Chief, advised the original agreement was for four years, including all parts, service and certifications. In order to keep them in service now under state requirements, the contract must be renewed in the same form.

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

RESOLUTIONS

Appointment of Vice Mayor

(R-01)

No budgetary impact.

Vice Mayor Roberts noted that according to tradition Commissioner Rogers would be the next vice mayor.

Vice Mayor Roberts nominated Commissioner Rogers, which was seconded by Commissioner DuBose. Vice Mayor Roberts introduced the following resolution, designating Commissioner Rogers as vice mayor:

RESOLUTION NO. 10-84

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FORT LAUDERDALE, FLORIDA,
DESIGNATING A VICE-MAYOR FOR A ONE-YEAR
TERM IN ACCORDANCE WITH SECTION 3.05 OF THE
CITY CHARTER.

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

Remarks were made of the quality of service by the outgoing vice mayor and about the team spirit in general.

Vacate 10 Foot Utility Easement – 19th Street Investors, Inc.
1730 North Federal Highway – Case 1-M-10

(R-02)

No budgetary impact.

Applicant: 19th Street Investors, Inc.
Location: 1730 North Federal Highway

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE PLATTED 10 FOOT UTILITY EASEMENT ADJACENT TO THE SOUTH LINE OF PARCEL "A", "F.V.S. PLAT NO. 2", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 123, PAGE 9 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; LESS THE EAST AND WEST 10 FEET THEREOF, LOCATED ON THE EAST SIDE OF FEDERAL HIGHWAY IN THE 1700 BLOCK, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

This item was removed from the agenda at the request of the City Manager.

International Association of Firefighters Local 765 – Tentative Agreement (R-03)

\$1,142,248 is available in FY 09/10 Fire Department, Fund 001, Subfund 01, FIR030101-1101 (Permanent Salaries). \$575,979 and \$590,500 will be needed from Funds Appropriation/Transfer in the respective future years.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 10-85

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AND RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND FORT LAUDERDALE PROFESSIONAL FIREFIGHTERS INC. IAFF LOCAL 765 FOR THE PERIOD APRIL 6, 2010, THROUGH SEPTEMBER 30, 2012, AND AUTHORIZING EXECUTION OF THE COLLECTIVE BARGAINING AGREEMENT.

Commissioner Rodstrom referred to this morning's closed door and expressed the opinion that there is no group more deserving of a salary increase. Public safety is the number one priority. There were items not wrapped up as neatly as she would have liked. She noted the projected revenues by the Property Appraiser have now been announced and when discussions on this item began, that was not considered.

Motion made by Commissioner Rodstrom to defer the item so that those items from the closed door could be cleared up died for lack of a second.

Commissioner DuBose agreed with Commissioner Rodstrom about police and fire being essential. He commented about the profession being dangerous. He believed these individuals deserve an increase, but he paused with respect to the amount because of the state of the economy. With the uncertainty of the market and Commissioner

Rodstrom's remarks about the projections, he has difficulty accepting a 10% over three years which will also go into unfunded pension liability. He could not support it.

Commissioner Roberts noted a package was presented to the unions for a vote after a year of deliberation. While everyone has a right to change their mind, he was concerned that it has happened. The proposal is meant for these departments to be competitive and hire and retain people needed, which has been a problem in the past. Considering employees further contributing to their pensions, it is actually a 1¼ % pay raise the last two years of the contract. It was discussed, including that it is opening the door to pension reform. Other systems in Florida allow a cost of living adjustment whereas this system does not have one. Employees in the state system do not contribute to their pension whereas this is going from 7% to 8½%. The funds have already been budgeted. The other represented groups already received 5%. There is a fairness issue in dealing with all employees across the board. He elaborated upon asset information in the comprehensive annual financial report discussed earlier and reiterated his point about pension reform being made. He was disconcerted that these statements are being made when there were no discussions in that regard in closed door and there were negotiations for an entire year. He supported the contract changes. Commissioner DuBose indicated that he has been consistent in his stance since the beginning of the process. He is not opposed to an increase, but rather the amount. He understood about being fair across the board. He reiterated concern about the uncertainty of the future, that the City has not had to lay off any employees in the past year. He was concerned about the present and moving forward.

Vice Mayor Rogers noted the new Commission began with negotiating this contract in the worst of economic times. He believed this is a fair agreement, referring to the first step of pension reform being made. He viewed this as an agreement with those who protect the city's safety and welfare. It is the most important priority. In his private business, it is the first time in thirty years that no increases were granted. Without the pension reform, he would not have been comfortable with this contract. He was encouraged by the process. He did not think there is doom and gloom in the future. Fort Lauderdale is in the best position to move forward as the economy turns.

Commissioner Rodstrom reviewed the history on this matter with respect to the previous contract that was decided upon for two years in the hope that the economy would improve and they could be offered a 6%, 7%, 8% or 9%. However, times did not get better. In order to give any raise in this environment, every detail has to be addressed. There were issues that arose this morning that a couple of unresolved issues have not been addressed. She elaborated upon the significance of this decision. She agreed the economy will change, but she did not think it will happen in the next year or two. She was not as optimistic about how much the City will have to drawn down on its reserves. She did not want to justify a tax increase in order to give a pay increase and did not think the employees would want that as well.

Mayor Seiler noted this contract expired last September, 2009. It is now six months past the deadline. He elaborated on how, nevertheless, everyone proceeded in good faith. He discussed the attributes of these employees, the size of the city and the number of visitors that are also served. He discussed comparison data in the area and indicated that he does not want Fort Lauderdale to become the training ground for other departments. Fort Lauderdale is the only city that does not provide a cost of living adjustment in the pension. This contract does not change the City's position compared

to other departments. He emphasized that pension reform has been achieved which has never been done in the City's history and the City did not have to give up a lot for it. He delineated the increased employee contribution to the pension and that the guaranteed DROP (Deferred Retirement Option Program) earning percentage was decreased. This is a negotiated and reasonable compromise during a very difficult time and an effort to maintain morale. Since September 11, this job has changed substantially. He reiterated concern about becoming a training ground for other cities.

Mayor Seiler opened the floor for public comment.

Fred Carlson, 625 Orton Avenue, commended the Commission for their integrity and thoughtfulness. He felt the Mayor's comments have hit on the crux of the matter. He anticipated higher inflation and that a 2 ½% in years two and three may not look like enough. He discussed problems in the past and appreciated the unions agreeing to work with the City going forward. He believed it is fair on all parts. It is time to move forward. He supported the increases.

There was no one else wishing to speak.

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

**Fraternal Order of Police Lodge 31 – Tentative Agreement
Police Officers and Sergeants**

(R-04)

\$1,509,257 is available in FY 09/10, Police Department, Fund 001, Subfund 01, POL030201-1101 (Permanent Salaries). \$767,807 and \$787,332 will be needed from Funds Appropriation/Transfer in the respective future years.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 10-86

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AND RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND FORT LAUDERDALE FRATERNAL ORDER OF POLICE LODGE NO. 31, INC., FOR THE PERIOD APRIL 6, 2010, THROUGH SEPTEMBER 30, 2012, REGARDING THE POLICE OFFICERS AND SERGEANTS COLLECTIVE BARGAINING UNIT AS DEFINED IN FLORIDA PUBLIC EMPLOYEES RELATIONS COMMISSION CERTIFICATION NUMBER 619 OF SEPTEMBER 27, 1983.

In response to Mayor Seiler, the City Attorney advised that although the concessions go back to 2009, it is not necessary to stipulate in the title.

Vice Mayor Rogers noted one pending issue has to do with off-duty detail, mentioning the Rothstein matter. He was confident it will be worked out. He felt there have been good faith negotiations and that is why he was willing to move forward without this item being finalized. He noted the original intent of the DROP (Deferred Retirement Option Program) was to get higher (paid) employees to leave in order to hire younger people at a lower pay. He did not think that works anymore; experience is needed. The proposal provides that incentive and makes it financially feasible. He felt the upfront savings in training costs must be considered. With officers staying onboard longer, he believed the City gets a better police force.

Commissioner Roberts agreed with Vice Mayor Roberts. He also noted the issues concerning off-duty employment detail that have come to light as a result of the Rothstein matter after the subject was approved in negotiations. As such, he agreed it needs to be addressed and was confident the changes will be made. Mayor Seiler commented that the Rothstein issue did not occur until months after negotiations were underway, and therefore off-duty employment detail had to be revisited. Four changes to the policy have already been made. He believed the Commission wants more changes. He emphasized the policy should be completely open to the public. He felt the union has agreed to move forward with changes. Overall there have been very few instances involving details. The policy should be enforced.

With respect to the DROP, Mayor Seiler pointed out the cost savings in retaining a police officer versus training a new one. Retaining police officers also speak to customer service with neighborhood and issue familiarity.

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

Fraternal Order of Police Lodge 31 – Tentative Agreement
Police Lieutenants and Captains

(R-05)

\$117,512 is available in FY 09/10, Police Department, Fund 001, Subfund 01, POL030201-1101 (Permanent Salaries). \$59,561 and \$61,070 will be needed from Funds Appropriation/Transfer in the respective future years.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 10-87

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AND RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND FORT LAUDERDALE FRATERNAL ORDER OF POLICE LODGE NO. 31, INC., FOR THE PERIOD APRIL 6, 2010, THROUGH SEPTEMBER 30, 2012, REGARDING THE POLICE CAPTAINS AND LIEUTENANTS COLLECTIVE BARGAINING UNIT AS DEFINED IN FLORIDA PUBLIC EMPLOYEES

RELATIONS COMMISSION CERTIFICATION NUMBER 1464 OF FEBRUARY 23, 2004, AND ORDER CLARIFYING CERTIFICATION 1464, ORDER NUMBER 06E-182, OF SEPTEMBER 15, 2006.

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

Disposition of City Owned Property – 1143 NW 4 Avenue - Progresso

(R-06)

No budgetary impact.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-88

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 \$3,881.00, WITH BIDS TO BE SUBMITTED BY MAY 5, 2010 AND SCHEDULING FOR FURTHER PROCEEDINGS BEFORE THE CITY COMMISSION ON MAY 18, 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.

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

Board and Committee Appointments

(R-07)

No budgetary impact.

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

Affordable Housing Advisory
Committee

Bradley Deckelbaum (Commissioner Rodstrom)

Audit Advisory Board	Richard Jay Weiss (Commissioner Rodstrom) Torey Alston (Commissioner DuBose)
Charter Revision Board	Judy Stern (Commissioner Rodstrom) Mark E. Ketcham (Commissioner Roberts)
Code Enforcement Board	Joshua D. Miron (Mayor Seiler)
Community Appearance Board Education Advisory Board	Jimmy Witherspoon (Commissioner DuBose) Lu Deaner (Vice Mayor Rogers)
Marine Advisory Board	Lisa Scott-Founds (Commissioner Rodstrom) Jimmie Harrison (Commissioner Rodstrom) Jim Welch (Vice Mayor Rogers)
Short-Term Residential Use Committee Utility Advisory Committee	H. Collins Forman, Jr. (Vice Mayor Rogers) Terri Murru (Mayor Seiler) Clare Vickery (Mayor Seiler)

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 10-89

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

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

CITIZEN PRESENTATIONS

Art Seitz – Fort Lauderdale Beach – Centennial Projects

(CIT-01)

Mr. Seitz pointed out that, in Broward and Palm Beach, the public is prevented from beach access due to lack of parking and costly parking fees. He believed that the Fort Lauderdale South Beach is very popular because of amenities like picnic tables and restrooms. He contended the Bahia Mar Park and the Waldorf Astoria hotel would adversely affect the South Beach parking lot due to their implementation of costly fees.

Mr. Seitz felt that changes to North Atlantic Boulevard caused by buildings constructed nearby allowed Ireland's Inn to join its beachfront and non-beachfront properties for a more valuable development. He claimed that Ireland's Inn was permitted to vacate fifty feet of the public right-of-way. Currently, there is not enough space to ride a bicycle across the available public right-of-way. He contended that Ireland's Inn promised

residents a 450 foot roll-up boardwalk however, it was never provided. There are seventeen no parking signs around Ireland's Inn. He believed this is due to their claim of crime in the area, although he felt their security or the local police are sufficient in handling any local crime issues. Ireland's Inn has used part of the public swale for valet parking which he believed was very profitable. He encouraged the City to penalize Ireland's Inn and take back the right-of-way. In order for a bicyclist to get to the front of The Palms and proceed south, they must cross three driveways. This stretch of the A-1-A greenway is valuable because it connects the beach with four city parks. He urged the Commission to conduct a full investigation.

Commissioner Rodstrom indicated that she plans to seek a consensus to look into being able to provide this area parking for beachgoers.

Mr. Seitz contended that the Ireland's Inn structure is dilapidated and a blight to the area. It has limited the public's access to the beach. Promises were made concerning impact fees and mitigation which were not provided. He believed they never had a (hotel) flag.

Blake Spurlin – Pit Bull Dog Attacks

(CIT-02)

Mr. Spurlin was not present.

Robert Walsh – Police Sensitivity Training Concerning Elderly

(CIT-03)

Mr. Walsh referred to an altercation with his neighbor that prompted him to contact the police. He contended that the responding police officer was rude to him and his mother. He believed that the officer's supplemental police report was inaccurate. He felt that police officers should set an example for proper behavior and receive sensitivity training in dealing with the elderly. He emphasized that all residents and police officers should treat one another with courtesy, professionalism, and respect. He submitted a copy of the police report for the record.

PUBLIC HEARINGS

Dock Waiver Application – Distance Limitations
Joshua McKinney – 1720 SE 25 Avenue

(PH-01)

No budgetary impact.

Applicant: Joshua McKinney
Location: 1720 SE 25 Avenue

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

Vice Mayor Rogers announced with whom he had spoken with and a site visit made concerning this matter.

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

Vice Mayor Rogers introduced the following resolution:

RESOLUTION NO. 10-90

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3.B.&D. OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW JOSHUA LEE MCKINNEY, TO USE AND MAINTAIN AN EXISTING BOATLIFT AND DOCK EXTENDING 23.63 FEET AND 18.22 FEET RESPECTIVELY, INTO THE MARIETTA RIVER FROM THE PROPERTY LOCATED AT 1720 S.E. 25TH AVENUE, SUCH DISTANCES AND PROPERTY AS BEING MORE PARTICULARLY DESCRIBED BELOW.

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

ORDINANCES

**Unified Land Development Regulations Amendment -
Community Facilities – Modification of Height and
Maximum Square Foot Gross Floor Area**

(O-01)

No budgetary impact.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-13

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, 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.

In response to Vice Mayor Rogers, the City Attorney advised the only reason for this ordinance is during another unrelated issue, it was brought to the City's attention that the ordinance, as currently written, is in violation of federal land use regulations regarding

the use of religious property. The City could make all of the other uses non-conforming or change the regulations as proposed.

In response to Mayor Seiler, the City Attorney advised that this item was advertised, posted and property owners within a certain number of feet were notified. Greg Brewton, Director of Planning and Zoning, was not aware of any complaints relating to the process. Several people spoke at the Planning and Zoning Board meeting.

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

Recovery Zone -
Economic Development and Facility Bonds

(O-02)

No budgetary impact.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-14

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING THE CITY OF FORT LAUDERDALE A RECOVERY ZONE FOR PURPOSES OF SECTIONS 1400U-1, 1400U-2 AND 1400U-3 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; PROVIDING FINDINGS OF FACT; PROVIDING FOR FUNDING APPROPRIATION, ELIGIBLE PROJECTS FOR RECOVERY ZONE ECONOMIC BONDS AND RECOVERY ZONE FACILITY BONDS; PROVIDING FOR PROJECT INVESTMENT, APPLICATION AND SELECTION PROCESS; PROVIDING FOR INVESTMENT AMOUNT; PROVIDING A SUNSET DATE; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

In response to Mayor Seiler, Stephen Scott, Director of Economic Development, confirmed the entire city is being declared a recovery zone for the purpose of these bonds. Lynda Flynn, Finance Director, advised that taxable interest would be reimbursed at 45% for recovery zone bonds and 35% for build America bonds.

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

Vice Mayor Rogers wanted the resolution to specify that the bonds would only be used for development of a new Broward County main courthouse complex. He requested it be amended to specify use solely and exclusively.

In response to Mayor Seiler, the City Attorney indicated in the event the County does not move forward with the courthouse, the City could rescind this resolution until the County has taken an action in reliance. It is the basic principle of estoppel. He suggested the timing be issuance of the bonds or action toward issuance of the bonds.

In response to Vice Mayor Rogers, Mr. Scott advised that the bonds expire December 31.

Motion made by Vice Mayor Rogers and seconded by Commissioner Roberts amending the resolution to specify use solely and exclusively for development of a new Broward County main courthouse complex and introducing it as follows:

Vice Mayor Rogers introduced the following resolution as amended:

RESOLUTION NO. 10-91

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ALLOCATING THE CITY'S RECOVERY ZONE ECONOMIC DEVELOPMENT BOND ALLOCATION TO BROWARD COUNTY, FLORIDA FOR PURPOSES OF SECTIONS 1400U-1 AND 1400U-2 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED TO BE USED SOLELY AND EXCLUSIVELY FOR THE DEVELOPMENT OF THE NEW BROWARD COUNTY MAIN COURTHOUSE COMPLEX.

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

Amendment to the Pay Plan – Schedules I & II

(O-03)

Sufficient funds in the amount of \$1,120,000 are budgeted in General Fund 001, Subfund 01, GEN010201/3199, Other General Government.

Commissioner DuBose introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-15

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING SCHEDULES I AND II OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING FOUR PAY RANGES IN SCHEDULE 01 AND CHANGING THE PAY RANGE DESIGNATIONS OF POSITIONS IN THE CLASSES OF POLICE CAPTAIN, POLICE MAJOR, BATTALION CHIEF, FIRE MARSHAL, DIVISION CHIEF, AND DIVISION FIRE MANAGER TO THE APPLICABLE RANGE WITHIN THE FOUR NEW PAY RANGES, AND PROVIDING A 2.5% HAZARDOUS DUTY PAY ADJUSTMENT AND A 2.5%

GENERAL PAY INCREASE FOR THESE CLASSES; PROVIDING THE SAME INCREASES TO THE PAY RANGE THAT INCUMBENTS IN THE POLICE AND FIRE DEPARTMENTS ARE ASSIGNED TO WHEN FUNCTIONING AS ASSISTANT CHIEF; AMENDING THE PAY RANGE DESIGNATION OF CERTAIN POLICE AND FIRE CLASSES IN THE "SPECIAL PAY PRACTICES" ASSIGNMENT PAY SECTION OF SCHEDULE I IN ACCORDANCE WITH THE REVISED PAY RANGE DESIGNATIONS DESCRIBED ABOVE; MODIFYING THE SCHEDULE 01 PAY RANGE AMOUNTS FOR SCHEDULE I, TO WIT: SUPERVISORY, PROFESSIONAL, AND MANAGERIAL - P.E.R.C. EXEMPT EMPLOYEES, AND SCHEDULE 02 PAY RANGE AMOUNTS FOR SCHEDULE II, TO WIT: NON-BARGAINING-UNIT (CONFIDENTIAL) GENERAL EMPLOYEES, EXCLUDING SCHEDULE I NON-BARGAINING-UNIT POSITIONS IN THE POLICE AND FIRE CLASSES REFERENCED ABOVE, TO PROVIDE A 5% GENERAL PAY INCREASE; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

Vice Mayor Rogers pointed out the length of review time with the previous pay items and wanted more time for this matter. Commissioner Roberts agreed. He wanted to see comparative and compression data and thought 3% may be in line for some. Commissioner Rodstrom pointed out that information on this group would not be produced so far in advance because these are non-union employees.

Commissioner DuBose indicated that although he does not favor the amount, he would be troubled if this group is treated differently because they do not have the same opportunity to negotiate.

Commissioner Roberts indicated there are employees in Management Category I who do not want an increase. The Commission does not have all of the information. Vice Mayor Rogers agreed it is not a one size fits all. Commissioner Roberts recalled in the past that based on economic situations, certain higher level employees would defer an increase.

Commissioner DuBose emphasized that the Commission be consistent and fair with all of its employees.

The City Manager referred to 5% increases just awarded to police and fire and previously to the general employees through the Teamsters union negotiations and savings achieved. These were all one size fits all. He encouraged consideration of the negative effects of cherry picking on this item. There are issues of fairness and morale. Employees have been waiting for the police and fire to be settled. There will be morale difficulties if this is delayed much longer. This will be a tough budget and the employees in this group are on the frontline of getting the City through this crisis. He referred to the compression issues; there will be cases where the supervisor will be earning less than those they supervise. It is an equity issue. The concept of all union employees

receiving one thing and non-union receiving less will encourage whatever remaining eligible employees to unionize.

Commissioner Rodstrom was agreeable to a deferral if more time is needed.

Commissioner Roberts emphasized that he has never said that these employees are not deserving of some type of pay raise. He believed they will do due diligence on the budget. He never said that a supervisor should make less than employees they supervise. He wanted more information. He questioned that it would work out to 5% across the board.

Vice Mayor Rogers wanted more time to review the information. He did not think two weeks will make a difference because it is retroactive.

Commissioner Roberts commented about his support of past practice of supervisors making 5% more than subordinates and in some cases the percentage variance is as much as 10%. He cautioned the City Manager against raising such a point. He believed the fairness issue will be addressed but further study is needed.

Mayor Seiler also wanted more information. He asked about pension benefits for these employees. He referred to what was given back by the unions. He pointed out that the general employees (Teamsters) did not give anything back themselves, but that for future employees. The police and fire gave something from their own pension benefits. He wanted the same backup and comparisons that was provided for the other matters.

Motion made by Vice Mayor Rogers and seconded by Commissioner Roberts to defer this item to May 4, 2010. Roll call showed: YEAS: Commissioner DuBose, Vice Mayor Rogers, Commissioners Roberts and Rodstrom and Mayor Seiler. NAYS: None.

Robert Walsh, 19 NE 16 Street, felt the action was unfair. These employees are not unionized. He felt they deserve a raise. Police and fire employees are no different than other employees.

Code Amendment – Chapter 25 – Streets and Sidewalks (O-04)
Undergrounding of Utility Facilities – Special Assessment Program

No budgetary impact.

Mayor Seiler opened the floor for public comment.

Pat Renneisen, 3111 NE 57 Court, questioned whether undergrounding requires cement slabs to be placed on every other property. Albert Carbon, Public Works Director, indicated that this question should be answered by the individual utilities. Ms. Renneisen found it unfair that the entire city bears the cost for studies done on certain neighborhoods.

Paul Renneisen, 3111 NE 57 Court, referred to the 66% minimum of people in favor necessary to proceed with undergrounding and pointed out that 41% of properties in the county are upside down in values. He noted the cost involved. He questioned how the vote will be handled for homes in foreclosure or pending foreclosure. It could be a

significant number in the 66%. If an agency votes for a foreclosure, there is no incentive to vote no. He requested deferral until further research is completed. The City Attorney advised that the owner of the property can cast a vote. If the bank owns the foreclosed property, the bank can vote. In response to Commissioner Rodstrom, the City Attorney advised that a non-vote is considered a no vote.

Tamara Tennant, president of Riviera Isles Homeowners Association, announced her neighborhood's collaboration with Commissioner Rodstrom and staff to work toward undergrounding because of their serious drainage issues. She provided and summarized pricing information from utilities for her neighborhood. A copy is attached to these minutes. The FPL estimate is over one year old and must be redone. In response to Commissioner Rodstrom and Mayor Seiler, Albert Carbon, Director of Public Works, explained that the appraiser serves as an expert to validate the assessment in the event of a challenge. The City Attorney explained the expert would be able to testify independently as to the assessment, methodology and benefit to the property. Ms. Tennant continued to present pricing information, including an estimated monthly payment amount for each property owner. The project will not begin until sixty-six percent resident approval is obtained. There is a twenty-five percent FPL rebate available if the project is completed within 180 days. There is an additional discount available if a high-power contractor is used to dig the trenches.

Sid Spiro, 712 Solar Isle Drive, noted his experience as a banker. He believed that a bank would vote in favor of undergrounding if it enhanced the value of a foreclosed property. In his community, overhead lines have been pulled down by garbage trucks. He believed that undergrounding will increase property values by at least ten percent, thereby enhancing the City's tax base. Sixty-six percent is a significant amount considering there are a number of absentee owners. The pricing on the bond (provided by Ms. Tennant) of 4.35 percent assumed a certain dollar amount, however there are a number of other neighborhoods seeking undergrounding which exceeds the \$5 million limit.

Howard Steinholz, president of Seven Isles Homeowners Association, advised that an informal survey taken in his community approximately five years ago showed at least seventy percent in favor of undergrounding. He encouraged the City to implement undergrounding for aesthetics and safety purposes. Seven Isles Homeowners Association unanimously supports undergrounding.

Cindy Weisser, board member of Seven Isles Homeowners Association, emphasized that her community has desired undergrounding for over five years. She felt the Commission is slowing the project. Over seventy percent of her community is willing to pay the assessment and feel they have the right to decide for their own neighborhood. There are issues with rotted power poles and trees. Mayor Seiler advised that this Commission is bringing the issue forward. Ms. Weisser indicated an additional problem of flooding on Delmar Place during high tide; claiming that City staff was to provide an experimental approach four years ago to aid drainage, but did not. In response to Mayor Seiler, Peter Partington, City Engineer, advised that a lot of drains in this area are fitted with flap valves that are rather ineffective. Several months ago, he met with Seven Isles and told them about an experimental design being tested in Sunrise Key which, if proven effective, could be used in other areas. The experimental valves are still under evaluation. He maintained that the problem has not gone on for five years. Ms. Weisser disagreed. In response to Commissioner Rodstrom, Mr. Partington indicated that the

Sunrise Key experimental installation was completed approximately five months ago and is still being evaluated. The decision to try the experimental design in Sunrise Key was made over one year ago. Part of the issue is also cleaning out on a regular basis. Mayor Seiler and Commissioner Rodstrom expressed concern over the Commission not being aware of promises to neighborhoods. Mr. Partington explained that staff is aware of the flooding problems and that the design under discussion has been proven in many cases to be ineffective. Mayor Seiler questioned if other alternatives are being considered. Mr. Partington noted only that in Riviera Isles. Ms. Weisser explained that a resident who is an engineer evaluated the street and suggested four additional inches of pavement to the front part of the street but it was not done. The streets were resurfaced in 2008. She elaborated upon cracking that happened six months later. City staff told the neighborhood that the cracks were within the parameter of acceptance. She questioned why the City would accept poor workmanship. In response to Mayor Seiler, Albert Carbon, Public Works Director, recalled that this was a WaterWorks project completed in 2007 and the protocol to pave the streets one year later was followed. He knew of several intersections along Seven Isles that had significant cracking. He and Paul Bohlander, Assistant Utility Services Director, developed a solution, but he was unsure if it had been implemented yet. Mayor Seiler asked Mr. Carbon provide the Commission with a status report. Ms. Weisser maintained that the City should reject such work. She requested that the streets be repaved.

Trevor Underwood, 2425 Sunrise Key Boulevard, provided a copy of his correspondence to the City Attorney, dated April 5, 2010, which was made a part of the record and went on to summarize his written statement on this topic which is attached to these minutes.

There was no one else wishing to speak.

In response to Commissioner Rodstrom, the City Attorney advised that there will be ample opportunity for public input on this item. He outlined the process, noting there will be at least two more hearing on the bonding. Commissioner Rodstrom noted what is being voted on this evening. This legislation has been pending for over ten years. She believed the City would be mistaken to seek a bank loan; rather there are products in the bond market that would extend the term and make this affordable. It would be a tax deduction. She elaborated upon the increased revenue to the City from increased property values. The project will create jobs and improve the neighborhood's aesthetics including the tree canopy. She believed that a sixty-six percent approval rating is reasonable. However, she did not think it is affordable for the City to issue bonds for citywide undergrounding at this time. She supported this ordinance.

Commissioner Rodstrom submitted a letter from Mary Fertig, president of Idlewyld Improvement Association and mentioned an e-mail from Ken Cooper, Las Olas Isles resident. Ms. Fertig's undated letter was entered into the record.

The City Clerk announced a communication from the Utility Advisory Committee on the conference agenda that suggested an eighty percent approval threshold. In response to Mayor Seiler, Mr. Partington, Utility Advisory Committee staff liaison, thought that the committee has discussed the ordinance on at least two occasions that would have been a part of the agenda which was noticed. Mayor Seiler questioned if the public was afforded an opportunity to testify on the threshold issue at the committee meeting. Mr. Partington pointed out that the discussion of the proposed ordinance was noticed but not the threshold issue specifically. In response to Commissioner Rodstrom, Mr. Partington

recalled that, at their first meeting, the committee requested more time to consider the threshold and, at the second meeting, suggested the eighty percent approval threshold.

Commissioner Roberts indicated that people in District I have requested that the item be deferred until more information is gathered. In response to Mr. Underwood's assertion that the ordinance is illegal, he pointed out that the City Attorney would not recommend an illegal ordinance. Although he wanted to facilitate neighborhoods that want to proceed, he questioned whether the process being established could result in a financial loss for the City. He sought clarification from staff on the measures taken to protect the City. Albert Carbon, Public Works Director, outlined the process. The City would be risking a minimum amount of \$2,600 if the sixty-six percent threshold is not initially met, or a maximum of \$125,000 if the threshold is met, plans and specifications are prepared and the benefit assessor is included based on a neighborhood of approximately three hundred. If the final estimate is within five percent of the initial ballpark estimate, it would be forwarded to the Commission. If the Commission approves moving forward with the benefit assessment, the \$125,000 and the \$2,600 is in that benefit assessment and the City would be refunded. If the Commission does not approve, the City would not be reimbursed. The FPL rebate of twenty-five percent would be included as a reduction in the assessment. However, unless there is one hundred percent connected within the allotted six-month time-frame, none of the residents would receive the rebate. Mayor Seiler inquired how the \$125,000 figure could be reduced and expressed concern over the City's risk of having to absorb this cost multiple times in different neighborhoods. Mr. Carbon reiterated that the \$125,000 gets the City plans and specifications that certify existence of the benefit. Mayor Seiler reiterated his concern about the City's exposure. Mr. Carbon noted that, upon the initial survey, residents acknowledge that there is a construction cost. Mayor Seiler emphasized that the survey is not binding. Mr. Carbon agreed about the potential exposure. Mayor Seiler asked if it is possible for the City to collect the \$125,000 cost if the neighborhood meets the initial approval threshold, but then decides against completing the work. Mr. Carbon explained this is the dilemma recognized by the previous Commission. The neighborhoods want that amount included in the assessment. Commissioner Roberts suggested that the City collect the \$125,000 cost upfront from the residents who support the project. Mayor Seiler reiterated his concern that numerous neighborhoods could seek undergrounding, approve the ballpark estimate, then decide against it upon getting the final estimate. The City would then have to pay the \$125,000. Commissioner Rodstrom suggested polling the neighborhood to find how many residents agree to a certain cost. Commissioner Roberts reiterated that the neighborhood's commitment is exemplified by the sixty-six percent and their agreeability to pay the \$125,000 upfront. Mayor Seiler asked if there is a need to incur the \$125,000. He thought there must be a simpler way to allow the neighborhoods to vote. In response to Mayor Seiler, Mr. Carbon confirmed that the utility companies are paid for design. Some discussion ensued about the estimates submitted by Mr. Tennant of Riviera Isles earlier. Mayor Seiler went on to point out that the \$125,000 estimate could be closer to \$200,000. Mr. Carbon concurred that is the Riviera Isles' example and went on to explain the definitiveness of that number.

Mayor Seiler questioned what process Palm Beach used. Mr. Carbon believed that Palm Beach is currently at the ballpark estimate stage and the City is fronting the cost. John Lehr, representing Florida Power and Light Company (FPL), offered more detailed information concerning the process being used by Palm Beach. They are addressing from a property's meter to the street and have not gotten to the street stage. They are not doing residential neighborhoods. Jupiter Island was just undergrounded. It was paid

for by the residents with bonds. There was an initial cost estimate and the job was then completed in five phases. The town was committed and the entire island was undergrounded. He was not familiar with any examples of a neighborhood magnitude. He indicated that the ballpark estimate is free but an engineering deposit is necessary to move to the binding cost estimate stage. In Riviera Isles, that cost is approximately \$14,800. There is a process used to reach that figure. It is based on the tariff which is \$1.20 per foot for overhead (line) removed. In response to Mayor Seiler, Mr. Lehr advised that the other utilities follow the same process, with the exception of Teco because (their equipment) is already underground.

Max Chamorro, representing Teco Peoples Gas, indicated that they are already underground. He believed the design cost for Riviera Isles is approximately \$10,000. They will use the other utilities' plans and design around any conflicts. If the design is done and it does not proceed, Teco will have to charge for it. Residents will be notified when FPL collects all of the estimates. Mr. Carbon articulated that Keith and Schnars' price includes resolving Teco's design conflicts. The construction costs will be borne by Teco. Mr. Chamorro reiterated that Teco's estimated design cost is \$10,000. Mayor Seiler pointed out that, with the inclusion of Teco's design cost, the total design estimate for Riviera Isles is raised to \$174,000.

Vice Mayor Rogers suggested that a neighborhood with a sixty-six percent or higher approval threshold post a cash bond before the project moves forward. Then, the neighborhoods are not actually fronting the money, but there is a means to cover the contingency of not moving forward with the project and the City is not at risk. Mr. Carbon referred to resolving who would pay for the design cost and commented that two years ago there was a proposal for an initial assessment with a second assessment. Chapter 170 of Florida Statutes states that the design must delineate the benefit; going forward with a design only is not a benefit.

The City Auditor provided more clarification about Jupiter Island. There was a referendum approval of ninety-three percent and a \$10 million bond was issued to pay for it.

Mayor Seiler invited member of the public for suggestions. Mr. Spiro indicated that a proposal from the residents did not include the five percent, but simply a conservative estimate that would not be less than a final amount. It would be fashioned into a ballot. Mayor Seiler wanted to make it binding at the first stage. Mayor Seiler emphasized that he would not want to impose undergrounding on a neighborhood that does not meet the threshold. He went on to suggest a referendum with a high cost estimate and if sixty-six percent vote in favor, it is binding. Only the Commission could make it non-binding. A second phase of voting allows the neighborhood to back out and puts the City at risk. Mr. Spiro agreed. Commissioner Rodstrom supported the idea. The City Attorney advised that the second vote could be eliminated and change the petition to be binding. Mayor Seiler and Commissioner Rodstrom concluded if the neighborhood backed out, they would still be obligated for the \$100,000 (design). The City Attorney offered to amend the ordinance for consideration on April 20. Commissioner DuBose asked if the neighborhood backs out, is the entire neighborhood obligated for the cost or just those who voted in favor of it. Commissioner Rodstrom pointed out that all of the people are to be assessed. However, Vice Mayor Rogers thought only those who signed the agreement would be bound.

Courtney Crush, representing Harbor Beach, agreed with the idea of securing the sixty-six percent and only one vote. She noted they were told the need for a second vote and the purpose of the Keith and Schnars study was purely for the real estate assessment. The City Attorney maintained that the only purpose of having the second vote was if the estimates were way off.

Vice Mayor Rogers noted a request from the Council of Fort Lauderdale Civic Associations to delay this item because they want staff to attend their April 13 meeting and explain it. He asked about how many neighborhoods would be accommodated at one time, how will scheduling be decided and budgeting. He disagreed with Mayor Seiler that the cost will only be \$2,600. Commissioner Rodstrom disagreed that the money would come out of the City's pockets; it would be taken from the bond. Vice Mayor Rogers pointed out that it does not happen simultaneously. Mayor Seiler saw it as a matter of accounting. Vice Mayor Rogers pointed out that only so many could be done at a time; there is staff time. He wanted rules established on scheduling for example. Commissioner Rodstrom felt that an economy of scale will keep the price down. Staff work will be minimal. The utilities, paid from a bond issue, will be doing the work. She did not think there will be a huge rush of neighborhoods coming forward. Vice Mayor Rogers felt rules need to be established in advance.

In response to Mayor Seiler, the City Attorney verified his understanding of the Commission's desire for one vote.

Ms. Crush questioned why full construction drawings at a cost of \$120,000-\$160,000 are needed before the issue comes before the Commission for a vote. If this level of comfort is needed in order to impose a special assessment, she thought it is too fine degree of detail. Mayor Seiler pointed out that the City Attorney has indicated it is no longer needed.

Tim Hall, representing Keith and Schnars, offered some history on this question (full construction drawings before the issue comes before the Commission for a vote) and why the previous commission did not move forward. The City does not have to follow the procedures in Chapter 170 of the Florida Statutes. Keith and Schnars has 30%, 90% and 100% complete submittals. With 90%, a firm bid can be obtained. The 90% complete documents (\$120,000) was arrived upon because the goal was to present a well-defined project, following Chapter 170. This estimate will define what is being offered to the residents, and a firm contractor's bid can be obtained with it.

Mayor Seiler asked if Keith and Schnars could provide a relatively firm number at the 30% stage. Mr. Hall was fairly confident it could be done. Between 30% and 90%, there could be a 20% variance. According to Chapter 170, the City bears any overage on the project amount, however the assessment can be reduced when the project is completed. Mayor Seiler emphasized that the estimate must be high.

In response to Commissioner Rodstrom, Mr. Hall articulated that, upon the sixty-six percent approval of residents, Keith and Schnars would draft a work order with percentage intervals and be paid as those services were delivered. It is a City project and should maintain control to protect the integrity of the work until it is completed. Commissioner Rodstrom agreed, but maintained that this is a neighborhood construction project that the City is overseeing. Mr. Hall contended that the 90% provides a clear picture to both parties. Mayor Seiler pointed out that it also presents a risk. Mr. Hall

concluded. The City Attorney highlighted the authority of the Commission. He understood the Commission's desire to make the first vote binding. There is ballpark number for \$2,600; people sign the petition that indicates it is a ballpark estimate and no matter what the cost, there will be an assessment and the project will be done. Nothing is needed other than a petition and the \$2,600 estimate.

Mr. Underwood conveyed his understanding that municipalities have only two methods of taxation: general taxation like property taxes and special assessment under Chapter 170, but only for special benefit. A cost cannot be assessed; only a special benefit. He had provided a memorandum to the City Attorney where this point is clarified by the Florida Supreme Court. He believed it would be very questionable whether a large special benefit can be defined. It cannot be done by claiming the property value will increase because an assessment lien for the undergrounding would decrease the property value. He contended that the City cannot assess those who do not vote for it, if it goes wrong. In response to Mayor Seiler, he indicated that he has legal training, but is not an attorney. In response to Mr. Underwood, the City Attorney referred to Mr. Underwood's letter that he received yesterday afternoon. He responded to the questions. Benefits are a question of fact, not a matter of law; therefore, if the Commission decides that, in fact, it is a benefit, the burden of proof is fairly debatable. He disagreed with Mr. Underwood and believed that the proposed ordinance can be enforced. Chapter 170 specifically authorizes undergrounding. Mr. Underwood believed the City cannot enforce undergrounding of the service connection on private property. The City Attorney explained that the City can require the power go underground and if one wishes to connect, he or she would connect underground. The cost of replacing and maintaining street lighting is not relevant to the ordinance legality question. Mr. Underwood explained he saw that as an omission in the ordinance. He did not believe the answer to the first point is correct. Mayor Seiler elaborated upon the City Attorney's credentials and experience. In response to Mayor Seiler, Mr. Underwood indicated that he recently studied law for one year. He reiterated his belief in the correctness of the supreme court opinion. He also noted the City could contract with the sixty-six percent, but not with the other thirty-four percent.

Motion made by Vice Mayor Rogers and seconded by Commissioner Roberts to defer the item to May 4, 2010. Roll call showed: YEAS: Commissioners DuBose, Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

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.

Code Amendment – Chapter 20 – Personnel - (O-05)
Police and Firefighters Pension Plan -
Deferred Retirement Option Program – Member Contribution Rate

No budgetary impact.

Commissioner Roberts introduced the following ordinance on SECOND 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, AND 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.

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

There being no other matters to come before the Commission, the meeting was adjourned at 12:02 a.m.

The Commission reconvened the conference meeting with item II-C, from 12:02 a.m. to 12:44 a.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk