

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING

April 20, 2010

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2. Donation from the Frankie Foundation - (PRES-02)
Two Automated External Defibrillators
Placement in City Parks

Dave McGirr, president of the Frankie Foundation, presented two automated external defibrillators for placement in City parks to Commissioner Roberts. Commissioner Roberts thanked the foundation.

Fleet Week – April 26 - May 2, 2010 (OB)

Commissioner Rodstrom read a proclamation designating the week of April 26 through May 2, 2010 as Fleet Week in the City. Mayor Seiler encouraged those attending to offer thanks to military personnel.

502-10486 – Ford Vehicle Replacements and Additions to Fleet (PUR-01)

\$212,133 is budgeted in Fund 583, Subfund 01, PAR030101, 6416.

Mayor Seiler announced that vehicle 5512 was removed from the agenda to be re-bid. This was later changed to vehicle 5285.

403-10440 – Liquid Chlorine (PUR-05)

\$434,970 is budgeted in Fund 450, Subfund 01, PBS670303-3701.

Mayor Seiler announced a corrected amount of \$434,970.

Facility Use Agreement – Aquatic Complex (CR-03)
Royal Caribbean Cruises, Ltd.

Please see the funding information attached to these minutes.

Mayor Seiler announced that no budget amendment is required for this item.

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 – Peter Feldman Park Event (M-01)
Closing Alley That Runs Through the Park

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Downtown Development Authority for Peter Feldman Park Event to be held April 29, 2010, 5:30 PM – 7:30 PM, at Peter Feldman Park and closing alley that runs through the park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0286

Event Agreement – Fort Lauderdale Christian School Family Fun Run (M-02)
Closing City Streets Along Route

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Fort Lauderdale Christian School, Inc. for Family Fun Run to be held May 15, 2010, 6 AM – 12 Noon, on school property at 6330 NW 31 Avenue and closing city streets along route.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0506

Event Agreement – March for Babies (M-03)
Closing City Streets Along Route

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with March of Dimes Foundation Incorporated for March for Babies to be held May 8, 2010, 7 AM – 12 Noon, at Birch State Park and closing city streets along route.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0507

Donation of Two Automated Defibrillators – Use In City Parks (M-04)
The Frankie Foundation

No budgetary impact.

A motion accepting donation of two automated external defibrillators from The Frankie Foundation – use in city parks.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0554

Contract Award – Weekley Asphalt Paving, Inc. - \$630,290.60 (M-05)
Annual Asphaltic Concrete Pavement Surfacing

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

A motion authorizing the proper City Officials to award and execute a contract with Weekley Asphalt Paving, Inc., in the amount of \$630,290.60 – 2009-2010 Annual Asphaltic Concrete Pavement Surfacing – Central Beach North, Lauderdale Beach, Coral Ridge – Project 11524.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0384

Hazardous Materials Management – License Renewals - \$16,117.64 (M-06)
Broward County

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

A motion authorizing payment of \$16,117.64 to Broward County for renewal of twenty-two hazardous materials management licenses – June 1, 2010 to May 31, 2012.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0531

Change Order 1 – Homestead Concrete and Drainage, Inc. - \$12,483.36 (M-07)
**Annual Contract – ADA Modifications,
Parking Lot Repairs and Construction**

Please see the funding information attached to these minutes.

A motion authorizing Change Order 1 with Homestead Concrete and Drainage, Inc., in the amount of \$12,483.36 – 2009-2010 annual contract for ADA modifications, parking lot repairs and construction – City Hall parking lot – Project 10768FF-C2.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0550

Change Order 5 – DiPompeo Construction Corporation – (M-08)
Add 11 Work Days – Fire Station 29 – 2002 NE 16 Street - \$28,127.67

Please see the funding information attached to these minutes.

A motion authorizing Change Order 5 with DiPompeo Construction Corporation, in the amount of \$28,127.67 and the addition of 11 work days – Fire Station 29 – 2002 NE 16 Street – Project 10905.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0551

Change Order 2 – Gates Builders, Inc. - \$39,389.92 – Add 5 Work Days (M-09)
Fire Station 49 – 1015 Seabreeze Boulevard

Please see the funding information attached to these minutes.

A motion authorizing Change Order 2 with Gates Builders, Inc., in the amount of \$39,389.92 and the addition of five work days – Fire Station 49 – 1015 Seabreeze Boulevard – Project 10912.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0552

Settlement of General Liability File – GL 09-404C - \$74,811.11 (M-10)

Funds are budgeted in Fund 543/01, INS 010101-5113 (General Liability Claims). There are sufficient funds to cover the amount of \$74,891.11.

A motion authorizing settlement of General Liability file GL 09-404C (Florida East Coast Railway) - \$74,811.11.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0521

No Objection to Plat Note Amendment – Dr. Kennedy Homes (M-11)
1004 West Broward Boulevard – Case 21-P-07(A)

No budgetary impact.

Applicant: Housing Authority, City of Fort Lauderdale
Location: 1004 West Broward Boulevard
Zoning: Residential Multi-Family Mid-Rise/Medium High Density RMM-25
Future Land Use: Medium-High Residential

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0546

Official Centennial Celebration Artist – Charles Fazzino

(M-12)

No budgetary impact.

A motion approving an agreement with Museum Editions, Ltd., exclusive publishing company for Charles Fazzino, appointing Charles Fazzino as official artist for 2011 Centennial Celebration and to create official artwork for the centennial event.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0547

Agreement – Summer Youth Employment Program - Workforce One

(M-13)

Funds are budgeted in General Fund 001, Subfund 01, GEN010101, Subobject 4210/FY09-10, impact a maximum of \$160,000.

A motion authorizing the proper City Officials to execute an agreement with Workforce One for Summer Youth Employment Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0549

Donation – Where the Boys Are Event - \$20,000

(M-14)

\$20,000 is budgeted in GEN010101-4210 fund type 01, fund 001, subfund 01.

A motion authorizing a donation to The Broward County Film Society, Inc. a/k/a Fort Lauderdale International Film Festival, in the amount of \$20,000, to be used exclusively to fund Where the Boys Are event on Fort Lauderdale Beach – May 29, 2010.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0577

Qualified Target Industry Program – Citrix Systems, Inc. - \$13,000 Florida Office of Tourism, Trade and Economic Development

(M-15)

Fund 001, Subfund 01, EDV010101-4299, Other contribution - \$13,000.

A motion authorizing the City's portion of payment to Florida Office of Tourism, Trade and Economic Development – Qualified Target Industry Program – Citrix Systems, Inc. - \$13,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0570

Budget Amendment – Fiscal Year 2009-2010 (M-16)
Wage and Hazardous Duty Increases – Fire Rescue and Police Departments

Transfer \$2,769,017 from General Fund 01, Subfund 01, GEN010201/3199, Other Professional Services: \$1,142,248 to General Fund 01, Subfund 01, FIR030101/1101, Permanent Salaries and \$1,626,769 to General Fund 01, Subfund 01, POL030201/1101, Permanent Salaries. Proof of available funding is provided as Exhibit 2.

A motion approving a budget amendment to reflect revisions to fiscal year 2009-2010 adopted budget for wage and hazardous duty increases – Fire-Rescue and Police departments.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0575

CONSENT RESOLUTION

Renaming Tarpon Bend Park to Lewis Landing Park (CR-01)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0496

RESOLUTION NO. 10-109

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RENAMING TARPON BEND PARK TO "LEWIS LANDING PARK."

Amend Operating Budget – Appropriation - \$10,000 (CR-02)
Sponsorship – 2009 New Year's Eve Celebration

\$10,000 in sponsorship funds (revenue) to be appropriated to PKR010402-K384 Other Events, fund 001, subfund 01. Appropriate expenses in the amount of

\$10,000 to PKR010402-3299 Other Services, fund 001, subfund 01. Both General Fund.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0522

RESOLUTION NO. 10-110

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010, BY APPROPRIATING CASH SPONSORSHIP IN THE AMOUNT OF \$10,000 FROM THE SOUTH FLORIDA FORD DEALERS ASSOCIATION FOR THE CITY'S 2009 NEW YEAR'S EVE CELEBRATION TO THE GENERAL FUND AND APPROPRIATING EXPENSES IN THE AMOUNT OF \$10,000 INCLUDING PAYMENT OF \$1,300 TO THE EVENT FUNDRAISER JAN BETH IDELMAN, INC. TO THE GENERAL FUND.

**Facility Use Agreement – Aquatic Complex
Royal Caribbean Cruises, Ltd.**

(CR-03)

Please see the funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0447

*RESOLUTION NO. 10-111

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER OFFICIALS TO EXECUTE A FACILITY USE AGREEMENT WITH ROYAL CARIBBEAN CRUISES, LTD. FOR REHEARSALS AT THE FORT LAUDERDALE AQUATIC COMPLEX FROM MAY 17, 2010 THROUGH MAY 21, 2010 AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010 BY ACCEPTING AND APPROPRIATING \$525 IN REVENUE FUNDS TO FUND 001.

Item was revised.

Broward County Local Mitigation Strategy

(CR-04)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0537

RESOLUTION NO. 10-112

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.

**Off Grid Solar, Inc. – Qualified Target Industry Tax Refund Program
Economic Development Incentive Package – Off Grid Solar, Inc.**

(CR-05)

No budgetary impact fiscal year 2009/2010. \$11,250 would be budgeted for each of the next four fiscal years if all hiring requirements are met.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0563

RESOLUTION NO. 10-113

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RECOMMENDING THAT OFF GRID SOLAR, INC., BE APPROVED AS A QUALIFIED APPLICANT PURSUANT TO SECTION 288.106, FLORIDA STATUTES, AND PROVIDING THAT FUNDS IN THE AMOUNT OF \$45,000 ARE AVAILABLE AS LOCAL PARTICIPATION IN THE QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM.

Enterprise Zone Boundary Expansion

(CR-06)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0392

RESOLUTION NO. 10-114

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING A JOINT APPLICATION WITH BROWARD COUNTY, THE CITIES OF DANIA BEACH, HOLLYWOOD, LAUDERHILL, LAUDERDALE LAKES, POMPANO BEACH AND WEST PARK TO THE STATE OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT, REQUESTING A BOUNDARY CHANGE TO THE CURRENT STATE-DESIGNATED ENTERPRISE ZONE.

WaterWorks 2011 Financing – Revolving Fund Loan Agreement - Amendment 2 – Florida Department of Environmental Protection

(CR-07)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0440

RESOLUTION NO. 10-115

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AMENDMENT 2 TO THE STATE REVOLVING FUND LOAN AGREEMENT, NUMBER WW47440S WITH THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO MAKE FINAL ADMINISTRATIVE ADJUSTMENTS REQUIRED BY THE LOAN AGREEMENT WHICH WILL REDUCE THE FINAL LOAN AMOUNT AND FINALIZE THE LOAN SERVICE FEES AND CAPITALIZED INTEREST; AUTHORIZING THE AMENDMENT TO LOAN AGREEMENT AND PROVIDING AN EFFECTIVE DATE.

Contract Award – MBR Construction, Inc. - \$467,600 Peter Feldman Park – Tunnel Top Park

(CR-08)

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

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0351

RESOLUTION NO. 10-116

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY ACCEPTING AND APPROPRIATING \$83,781.00 FROM THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA) TO FUND 129 TO COMPLETE THE FUNDING IN CONNECTION WITH THE AWARD OF A CONTRACT TO MBR CONSTRUCTION, INC., IN THE AMOUNT OF \$467,600.00 FOR IMPROVEMENTS TO PETER FELDMAN PARK, PROJECT 11305, SUBJECT TO THE CONDITION THAT THE REMAINING BALANCE OF FUNDS IN THE CURRENT CAPITAL IMPROVEMENT PLAN FOR THE CONSTRUCTION OF THE HENRY KINNEY TUNNEL TOP PARK BE USED EXCLUSIVELY FOR THE HENRY KINNEY TUNNEL TOP PARK.

Grant – Harborage Isle Drive Bridge Replacement - \$2,048,348
Florida Department of Transportation

(CR-09)

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

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0556

RESOLUTION NO. 10-117

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY ACCEPTING AND APPROPRIATING \$2,048,348.00 IN GRANT FUNDS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION TO FUND 129, SUBFUND 01, P10742.129 AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LOCAL AGENCY PROGRAM AGREEMENT FOR THE HARBORAGE ISLE DRIVE BRIDGE.

**Amend Operating Budget – Appropriation - \$3,100
Community Appearance Board Annual Awards**

(CR-10)

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

Recommend: Adopt resolution.
Exhibit: Commission Agenda Report 10-0529

RESOLUTION NO. 10-118

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 \$3,100 TO FUND 001 FOR COSTS ASSOCIATED WITH THE 2010 COMMUNITY APPEARANCE BOARD ANNUAL AWARDS EVENT.

**Grant Acceptance – Local Agency Program Agreement - \$215,080
Commercial Boulevard Landscape Improvements**

(CR-11)

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

Recommend: Adopt resolution.
Exhibit: Commission Agenda Report 10-0558

RESOLUTION NO. 10-119

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010, BY ACCEPTING AND APPROPRIATING \$215,080.00 IN GRANT FUNDS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION TO FUND 129, SUBFUND 01, P11331-129 AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE COMMERCIAL BOULEVARD LANDSCAPE IMPROVEMENT PROJECT.

PURCHASING AGENDA

***502-10486 – Ford Vehicle Replacements and Additions to Fleet** (PUR-01)

\$212,133 is budgeted in Fund 583, Subfund 01, PAR030101,6416.

Purchase six vehicle replacements identified in 2009-2010 Fleet Plan and four vehicle additions to fleet identified in Supplemental Fleet Plan for a total of ten vehicles is being presented for approval by Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Bartow Ford Co.
Bartow, FL

Amount: \$212,133.00

Bids Solicited/Rec'd: 386/6

Exhibit: Commission Agenda Report 10-0527

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

*Item was revised.

352-9192 – Extension – Workers Compensation (PUR-02)
Claims Administration Contract

Funds of \$44,055 are available in INS010101/5124 Workers' Compensation Administration, Fund 543/Subfund 01.

Two month extension of workers compensation claims administration contract at current monthly rate of \$22,027.50 is being presented for approval by Finance Department.

Recommend: Motion to approve.

Vendor: Gallagher Bassett Services, Inc.
Itasca, IL

Amount: \$44,055.00

Exhibit: Commission Agenda Report 10-0540

The Procurement Services Department has reviewed this item and recommends extending the contract for two months.

595-10241 – Saturday Night Alive – Signature Event Marketing Proposal (PUR-03)
Beach Business Improvement District

\$78,960 is budgeted in Fund 135, Subfund 01, EDV030101, 3201.

Amendment and restatement of contract with Wizard Entertainment, Inc. to create, operate and promote a sustainable signature event – Beach Business Improvement District – “Saturday Night Alive” is being presented for approval by Economic Development Department.

Recommend: Motion to approve.

Vendor: Wizard Entertainment, Inc.
Fort Lauderdale, FL

Amount: \$78,960.00

Bids Solicited/Rec'd: 445/5

Exhibit: Commission Agenda Report 10-0019

The Procurement Services Department has reviewed this item and recommends extending the contract for one year.

202-10484 – Structural Collapse Technician Training (PUR-04)

\$39,060 is available in GUAS107-4116 (Schools), Fund 129, Subfund 01.

Purchase structural collapse technician training services is being presented for approval by Fire-Rescue Department.

Recommend: Motion to approve.

Vendor: The School Board Of Broward County
Fort Lauderdale, FL

Amount: \$39,060.00 For base class plus 10 added students

Bids Solicited/Rec'd: 1271/3

Exhibit: Commission Agenda Report 10-0520

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

403-10440 – Liquid Chlorine (PUR-05)

\$434,970 is budgeted in Fund 450, Subfund 01, PBS670303-3701.

One-year contract for purchase of liquid chlorine is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Allied Universal Corp.
Miami, FL

***Amount:** \$439,970.00 (not to exceed)

Bids Solicited/Rec'd: 301/1

Exhibit: Commission Agenda Report 10-0429

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

*Amount was corrected.

175-9715 – Change Order 4 – Utility Billing System Software Integration (PUR-06)

\$72,714.78 is budgeted in Fund 454 Subfund 01, P11139.454-6564 (Utility Billing System Replacement); \$4,342.14 is budgeted in P11139.470-6561 Fund 470 Subfund 01 (Utility Billing System Replacement); and \$14,743.08 is budgeted in P11139.409-6564 Fund 409 Subfund 01 (Water and Sewer Fund).

Change Order 4 – additional services necessary for utility billing system software integration and two-month contract extension is being presented by Public Works Department.

Recommend: Motion to approve.

Vendor: N. Harris Computer Corporation
Ottawa, Ontario, Canada

Amount: \$91,800.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-0432

The Procurement Services Department has reviewed this item and recommends adding the additional services and extending the contract for two months.

603-10447 – Litter and Recycling Receptacles (PUR-07)

\$112,900 is budgeted in Fund 409, Subfund 01, PBS090701, 6499.

Purchase metal litter and recycling receptacles and associated parts is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Victor Stanley, Incorporated
Dunkirk, MD

Amount: \$112,900.00

Bids Solicited/Rec'd: 370/5

Exhibit: Commission Agenda Report 10-0523

The Procurement Services Department recommends awarding to the low responsive and responsible bidder.

This item was withdrawn at the request of the City Manager.

The following items were removed from the Consent Agenda:

Motion made by Commissioner Roberts and seconded by Vice Mayor Rogers that Consent Agenda Items M-05, M-11, M-12, M-16, CR-05, PUR-01, and PUR-07 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, Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Contract Award – Weekley Asphalt Paving, Inc. - \$630,290.60
Annual Asphaltic Concrete Pavement Surfacing

(M-05)

Commissioner Rodstrom announced that she had received several complaints about asphalt problems in areas resurfaced after the WaterWorks projects. In response to Commissioner Rodstrom, Albert Carbon, Public Works Director, advised that eight bids were received on January 6, 2010. Weekley has been contracted with the City on an annual basis for the past five years, possibly longer. In response to Vice Mayor Rogers, Mr. Carbon indicated that he has received one complaint regarding cracked asphalt from Seven Isles. Occasionally resurfacing is done on an as needed basis, but he believed this contractor's work to be satisfactory. The contract is competitively bid each year and Weekley is the lowest bid. The next lowest bid was \$659,000. Commissioner Rodstrom did not want to spend more money on a higher priced contract, but requested that inspectors be utilized to ensure quality work.

Commissioner DuBose expressed concern about unequal distribution of resurfacing throughout the city; only one of the maps for proposed street paving is located in District III. Also, the proposal includes an area that has already been resurfaced through a grant. Mr. Carbon noted this topic is scheduled for a conference discussion. He went on to explain the City's program for resurfacing. He offered to provide a map delineating the years roads are to be paved. Some projects have been delayed due to restricted funding, so the paving schedule is currently akin to a fifteen-year cycle. Commissioner DuBose questioned whether streets are selected by age or condition. Mr. Carbon advised that roads are selected based on age, but some exceptions are made for severely deteriorated roads. Patches or a one lane treatment are used if the problem is isolated to a certain area. Inspectors are not sent to roads outside of the cycle, unless a complaint call is received. Commissioner DuBose expressed his desire to defer the item until he could review the information in more detail.

In response to Commissioner Rodstrom, Mr. Carbon verified that the WaterWorks program funds resurfacing for an entire road if it required tearing up more than half. However, if a trench is dug to install a water line, the general fund pays to resurface the entire road. Mr. Carbon believed this funding approach was part of the WaterWorks program. He offered to provide a copy of that Commission decision.

In response to Commissioner DuBose, Mr. Carbon maintained that Dorsey Riverbend - Durrs is under consideration for resurfacing, but is not proposed for funding this year. Commissioner DuBose indicated that all of the streets currently scheduled for resurfacing are on one side of the city.

Motion made by Commissioner DuBose and seconded by Commissioner Rodstrom to defer the item to May 4, 2010. Roll call showed: YEAS: Commissioner DuBose, Vice

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

**No Objection to Plat Note Amendment – Dr. Kennedy Homes
1004 West Broward Boulevard – Case 21-P-07(A)**

(M-11)

In response to Vice Mayor Rogers, Thomas Lodge, Planning and Zoning, explained the procedure for a plat note amendment according to the Unified Land Development Regulations (ULDR).

Mayor Seiler opened the floor for public comment.

Dave Parker, president of Sailboat Bend Civic Association, announced that the civic association is going to work on the historic ordinance coordinating with City staff and the president of the Historic Preservation Board. Mr. Parker requested that the Housing Authority update the civic association on the project's advancement, claiming that he has not received any information other than public postings. Mayor Seiler agreed that proper communication is important. He asked that the Housing Authority, specifically Robert Lochrie and Scott Strawbridge of the Housing Authority, to cooperate with Sailboat Bend in providing updates. He asked Mr. Parker to notify him in the event adequate communication does not take place.

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

Official Centennial Celebration Artist – Charles Fazzino

(M-12)

Commissioner DuBose expressed concern that the artist's draft presented at the conference meeting did not include any representation of the black community. He felt that a revised draft could have been easily provided to him, though it was not. He is not opposed to this artist, but is opposed to approving the item because he believed that inadequate examples of artwork have been provided. Chaz Adams, Public Information Office, assured the Commission that a revised draft would be provided. Commissioner DuBose emphasized that one month has passed since the first draft and nothing has been provided. He wanted to defer the item until he is provided with a revised draft. Ina Lee, member of the Centennial Celebration Committee, asserted that the artist is pleased to obtain the community's input. She thought this item presently before the Commission represents the contract with the artist and not related to the final artwork. There are stipulations in the contract that allow for approval of the artwork. She reiterated that approval of finished artwork is not being sought at this meeting, rather it is the assignment of an official artist. The artist will then come back to seek approval of proposed final artwork. Commissioner DuBose wanted something tangible provided to ensure the final artwork would represent a diverse community before voting on this. Mayor Seiler pointed out that all final artwork must be approved by the Commission and assured Commissioner DuBose that he would not approve any artwork that does not reflect the true diversity of the city. Commissioner DuBose reiterated his concern that it was promised, taken as a sense of urgency, yet it has still not been addressed. Ms. Lee

thought from the committee's standpoint the intention was never to go back and revise the conceptual first draft, but to get the contract approved and then authorize the artist to create the finished artwork which would include the concerns. He was not asked to make changes to the original conceptual artwork because he was not yet approved to the artist. Commissioner DuBose felt there is no compromising that the draft provided does not represent the diversity of the city. Ms. Lee understood but explained the draft was only intended to be a concept. The artist is pleased to create artwork reflective of the city.

Vice Mayor Rogers noted that the contract states the committee will have the right to review and approve the artwork, but it does not define committee. The City Attorney maintained that this is a scrivener's error; committee should be replaced with City because committee is not defined in the contract. In response to Mayor Seiler, the City Attorney pointed out this item does not accept the previous concept sketch. If approved, the artist must complete another concept sketch for Commission approval. Commissioner DuBose maintained that the lack of diversity in the artist's original work was raised as a major concern with the committee, but little was done. Ms. Lee indicated that the issue was discussed. She reiterated that the artist is very pleased to follow the City's desires in the next draft. Commissioner DuBose was concerned that the artist was not asked to revise his original sketch. Ms. Lee apologized for not doing so. Mayor Seiler believed that the artist would not complete another draft unless assured that he is the approved artist. He felt safeguards within the contract are in place to ensure that the artwork reflects the diversity of the community. In response to Mayor Seiler, Ms. Lee confirmed that she would have the artist contact Commissioner DuBose to verify his intent. Mayor Seiler suggested the item be deferred until Commissioner DuBose speaks to the artist. Commissioner DuBose reiterated his concern that this issue was not brought to the artist's attention. He expressed his hope that, before the item comes before the Commission again, a sense of urgency regarding this issue is communicated.

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

Mayor Seiler requested the Centennial Celebration Committee include a standing report on the conference agenda for the remainder of the year.

Budget Amendment – Fiscal Year 2009-2010 (M-16)
Wage and Hazardous Duty Increases – Fire Rescue and Police Departments

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

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

Off Grid Solar, Inc. – Qualified Target Industry Tax Refund Program (CR-05)
Economic Development Incentive Package – Off Grid Solar, Inc.

Commissioner Roberts inquired whether this company was properly vetted and whether they can fulfill their commitments. Stephen Scott, Director of Economic Development, advised that companies that meet the criteria for qualified target industry incentives are vetted by the Greater Fort Lauderdale Broward Economic Development Alliance and the Broward County Office of Economic Development. He verified that Off Grid Solar is a start-up with an identified site, though they have not yet commenced operations. The company projects the creation of the jobs specified in Commission Agenda Report 10-0563 over the course of the next three years. The City's financial obligation of the first payment, in the amount of \$11,250, is not prompted unless fifty jobs are created within the company's first year at an average salary of \$50,000 per year. The company's claims would be audited before any payments are issued.

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

502-10486 – Ford Vehicle Replacements and Additions to Fleet (PUR-01)

In response to Commissioner Rodstrom, Diana Alarcon, Director of Parking and Fleet Services, provided more detailed justification and referred to the replacement criteria and best practice comparisons in the commission agenda report. In response to Commissioner Rodstrom, Ms. Alarcon agreed to contact Broward Sheriff's Office (BSO) in terms of comparison.

Vice Mayor Rogers did not believe the Impala (vehicle 5508) is in need of replacement. Ms. Alarcon asserted that maintenance has increased dramatically. She believed it has reached the end of its lifecycle. Vice Mayor Rogers noted that it had less operation and maintenance costs than some of the others listed in Commission Agenda Report 10-527. Ms. Alarcon agreed, but maintained that it meets the criteria for replacement. Vice Mayor Rogers pointed out it is only at level three versus the Cherokee which is at level four. He also mentioned the Buick Century (vehicle 5285), emphasizing the need to stretch vehicle lifecycles due to challenging economic conditions. Ms. Alarcon requested that vehicle 5512 be exchanged for vehicle 5508. Vice Mayor Rogers refuted the belief that there should be a variety of undercover detective vehicles. He suggested that only Ford Taurus vehicles be purchased because they are \$2,600 less expensive than Ford Edge vehicles. In response to Vice Mayor Rogers, Police Lieutenant John Appel confirmed that new vehicles are not issued to new officers, rather experienced officers operate the new vehicles and the older vehicles are rotated down to the new officers. All of the vehicles in this item will be utilized for working detectives.

Mayor Seiler pointed out that other cities in Florida are using seized vehicles for undercover operations. Lieutenant Appel indicated that all seized vehicles are evaluated for possible undercover use. If the seized vehicle is of value, it is utilized. There are currently some in the fleet and quite a few have been used over the years. Commissioner Roberts warned that maintaining a large inventory of seized vehicles is costly.

The City Auditor recalled a contract with a rental car company for the purpose of undercover operations. Police Chief Frank Adderley advised that contract is used for a task force. Mayor Seiler asked how many cars are utilized for undercover operations. Lieutenant Appel advised that the majority of vehicles noted on the commission agenda report are used for plain-clothes assignments whereas officers in high risk undercover use rentals. He responded to Vice Mayor Rogers' inquiry about using the Ford Taurus instead of the Edge, advising that the Edge vehicles were chosen because they are newer body style designs and will provide fleet diversity.

Vice Mayor Rogers reiterated his belief that vehicles 5508 and 5285 could still be used, and that Ford Taurus vehicles should be substituted for the Ford Edge for a \$10,000 savings. Ms. Alarcon reiterated her request to exchange vehicle 5512 with 5508. Lieutenant Appel noted that the Ford Edge was selected to steer away from the larger sport utility vehicles. The Edge economically provides the cargo capacity of an SUV. Some detectives with multiple assignments need cargo space to store gear. The City Auditor pointed out that the Ford Escape is substantially less costly than the Edge and has similar cargo capacity. Lieutenant Appel contended the Escape is a smaller vehicle. Mayor Seiler expressed concern over a contradictory message as he was previously told the Edge vehicles were needed for undercover operations. He agreed with Vice Mayor Rogers. The City Auditor confirmed from the internet the amount of cargo space in each vehicle and concluded they are functionally equivalent. Ms. Alarcon agreed to re-bid for the Ford Edge vehicles, thus deleting the two new additions and replacements for 5295 and 5508. Vehicles 5108 and 5112 and two new additions (Ford Taurus) would be approved this evening, along with a Ford Taurus for 5512 instead of replacing 5285.

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

603-10447 – Litter and Recycling Receptacles

(PUR-07)

Mayor Seiler opened the floor for public comment.

Vicki Eckels, 917 SE 14 Street, maintained her continued opposition to the purchase of these waste containers because she thought they are too expensive and an inefficient use of enterprise funds. She believed that emphasis should be placed on recycling, rather than trash collection. Trash disposal is costly, whereas capturing recyclables generates revenue and eliminates disposal cost. A significant amount of beachside trash is recyclable. But she claimed there is only one recycling container on the sand from the south end of the south parking lot to Sunrise Boulevard. She emphasized that every public space trash container should be paired with a recycling container. She suggested that the money budgeted for this item would be better used on one-for-one trash and recycling containers on the beach and signage that promotes recycling. Photographs used during the presentation were made a part of the record.

Bruce Cummings, 830 SW 9 Street, announced that she recently attended a volleyball event on the beach and was disgusted by the numerous plastic items littering the beach. There were no recycling or trash bins in the area. She questioned the City approach to recycling. She suggested mandatory recycling for local event holders.

There was no one else wishing to speak.

Commissioner DuBose thought this item is too costly. He preferred that City staff research alternative methods to save money. Vice Mayor Rogers agreed that a trash can should be accompanied by a recycling bin. Alternatives should be researched. Commissioner DuBose wanted to make use of the Citizens Sustainability Green Committee for matters of this nature. Mayor Seiler agreed. He also was concerned about potential duplicating of efforts with the Broward County Resource Recovery Board. Edward Udvardy, Assistant Public Works Director, advised that the City is working with the Resource Recovery Board, but they will not provide assistance in this collection effort. He noted in many locations there has been a match-up of trash and recycle containers. With a change to the allotment numbers, it would be possible for a one-for-one waste and recycling containers. Mayor Seiler emphasized the need for a one-for-one. There do not appear to be any recycling containers on the beach. Mr. Udvardy maintained that his proposal does not include the beach. Phil Thornburg, Parks and Recreation Director, confirmed that there are few recycling containers on the sand, however, an effort is made to make more available during spring break and other busy times. Staff will make sure there is a one-for-one at every location. Mayor Seiler pointed out in addition to the beach, he noticed there were no containers at the restrooms near Bahia Mar. He emphasized that people must change their habits and these containers must be made available. Mr. Thornburg indicated that recycling is not required for local event holders, but it is strongly encouraged and reflected in the application process. Mayor Seiler and Commissioner Roberts felt that it should be a requirement. The City Manager requested that this item be withdrawn and brought back. Mayor Seiler reiterated his suggestion that the committee be utilized. Commissioner Roberts suggested that other types of receptacles be researched for improved cost effectiveness.

In response to Commissioner Rodstrom, Mr. Udvardy advised that grant funds were used to retrofit waste trucks with dual compartments. The trucks are now able to remove trash and recyclables from the one-for-one locations at the same time. He did not anticipate any change to the trucks. Vice Mayor Rogers suggested a receptacle design with smaller openings to prevent trash from being placed in them.

This item was withdrawn at the request of the City Manager.

Note: City Commission recessed at 7:50 p.m. and returned to the conference meeting agenda, City Commission Reports, from 7:50 p.m. to 8:20 p.m. and then returned to the regular meeting agenda, item MD-01, at 8:20 p.m., in the Chambers on the first floor of City Hall.

MOTIONS

Noise Control Ordinance Amendments – Consulting Services

(MD-01)

Funds of \$3,150.00 plus travel expenses not to exceed \$500.00. The total of \$3650.00 are available in Fund 001, Subfund 01, BLD020101-3199.

Contract extension for additional acoustical consulting services – amendments to Noise Control Ordinance.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0539

In response to Commissioner DuBose, Mike Maloney, Code Enforcement Manager, explained that staff was given direction in July, 2008 to evaluate the ordinance's effectiveness and whether it is legally defensible. The consultant is necessary because the science of noise is very technical and complex. Commissioner DuBose noted that approximately \$10,000 has already been spent in order to amend the ordinance, but inquired why the technical questions were not initially addressed by the consultant. He felt the consultant is being retained for a just in case situation. Cate McCaffrey, Director of Business Enterprises, elaborated upon the reasons for this additional work, noting specific conditions which present unique challenges. In response to Mayor Seiler, the City Manager clarified that, because the amendments are believed unenforceable, the consultant is needed to help make it enforceable. Also, there have been some unintended consequences and some unsatisfied residents because the ordinance is currently unenforceable. Vice Mayor Rogers wanted to move forward to obtain a legally enforceable ordinance.

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

Proprietary – Airport Liability Insurance Renewal

(MD-02)

INS010101/5135, Other Carrier Premiums, Fund 543/Subfund 01. There are sufficient funds to cover the amount of \$9,665.70.

One-year renewal of airport liability insurance policy.

Recommend: Motion to approve.

Vendor: Risk Management, Inc., d/b/a Public Risk Insurance Agency, Lake Mary, FL with carrier Arch Insurance Company, Jersey City, NJ.

Amount: \$9,665.70

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-0524

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

Commissioner DuBose inquired whether the resultant savings meant any changes to the policy. Guy Hine, Risk Manager, indicated that the policy was unchanged.

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

Proprietary – Upgrade Claims Software System – Risk Management (MD-03)

\$25,000 in FIN030101/3401/Computer Maint, \$28,600; FIN030101/3199/Prof. Svces, Fund 543/Subfund 01, with sufficient funds to cover the total amount of \$53,600.

Contract to purchase upgrade to Riskmaster software (claim tracking) system in substantially form provided is being presented for approval by Finance Department.

Recommend: Motion to approve.

Vendor: Computer Sciences Corporation
Falls Church, VA

Amount: \$53,600.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-0526

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

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

RESOLUTIONS

Vacate 10 Foot Utility Easement – 19th Street Investors, Inc. (R-01)
1730 North Federal Highway – Case 1-M-10

No budgetary impact.

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

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-106

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.

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.

Northwest Commercial Development Project – First Amendment - (R-02)
Development Agreement – Assignment of Developer’s Interest

No budgetary impact.

Vice Mayor Rogers inquired as to how staff determined that the replacement corporation has a similar track record and sufficient financial capacity to carry out the obligations under the agreement. Alfred Battle, Community Redevelopment Director (Northwest), indicated that nothing has been reviewed. The developer is requesting the assignment and it is a typical action. Sean Jones, representing Milton Jones Development Corporation and MJDC AOA, LLC, noted that the principals of both companies are Milton and Barbara Jones; they own one hundred percent of each. MJDC owns the property. He elaborated upon their credentials and experience provided in Commission Agenda Report 10-0579. Vice Mayor Rogers voiced concern over a twenty-two year old business being replaced with a five year-old limited liability company, and the fact that no financial information on either company was provided. He asked about personal guarantees. Mr. Jones asserted that Mr. and Mrs. Milton Jones have signed as joinder for the development agreement, and Milton Jones Development Corporation is still on the agreement. Vice Mayor Rogers and Mayor Seiler believed that the resolution provides for a substitution. The City Attorney advised that the direction was to prepare an assignment. To his knowledge, no financial statements were reviewed. This would relieve Milton Jones Development Corporation of the obligation. In response to Vice Mayor Rogers, Mr. Jones explained the purpose is to have a single asset entity. Vice Mayor Rogers therefore expressed concern about releasing a company that has financial wherewithal to complete the project. Commissioner DuBose suggested and the City Attorney agreed the item be deferred. In response to Commissioner Rodstrom, the City Attorney indicated that he has not reviewed the financial statements on Milton Jones Development Corporation because that development agreement was approximately fifteen years old. Mr. Jones articulated the deferral would not impact the project’s schedule.

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE NORTHWEST COMMERCIAL REDEVELOPMENT PROJECT, SUCH

AMENDMENT APPROVING AN ASSIGNMENT AND ASSUMPTION OF THE DEVELOPER'S INTERESTS AND OBLIGATIONS UNDER THE DEVELOPMENT AGREEMENT TO MJDC AOA, LLC, A FLORIDA LIMITED LIABILITY COMPANY.

The item was deferred, no date certain.

Board and Committee Appointments

(R-03)

No budgetary impact.

Charter Revision Board	E. Clay Shaw (Rogers)
Education Advisory Board	Joseph Discepola (Rogers)
Marine Advisory Board	Robert Dean (Rodstrom)
Sunrise Key Neighborhood District	Bob Moss

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-107

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

PUBLIC HEARINGS

**Land Use Plan Map Amendment –
Various Designations to Park and Open Space Parks:
Flamingo, Hortt, South Middle River and Gore – Case 2-T-10**

(PH-01)

No budgetary impact.

Applicant: City of Fort Lauderdale
Location: Flamingo (partial), Hortt, South Middle River and Gore

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

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

Renee Cross, Planning and Zoning, noted a correction on page 2 of Exhibit 1, the reference should be gross acreage.

Commissioner Rodstrom, Vice Mayor Rogers, and Mayor Seiler announced with whom he or she had spoken with and/or site visits made concerning this matter.

Vice Mayor Rogers introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-16

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE 2008 FORT LAUDERDALE COMPREHENSIVE PLAN TO AMEND THE LAND USE DESIGNATION OF CERTAIN PROPERTIES FROM INDUSTRIAL, COMMUNITY FACILITIES AND RESIDENTIAL MEDIUM TO PARK/OPEN SPACE AND AUTHORIZING THE PROPER CITY OFFICIALS TO TRANSMIT THE PROPOSED AMENDMENTS TO THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS.

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

Application – Beach Boating Restricted Area – (PH-02)
Motorized Watercraft Waiver – Ocean Manor Resort Hotel and Condominium –
Ocean Parking Valet, Inc.

No budgetary impact.

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

Stephanie Toothaker, representing the Applicant, understood that the property owner to the north has concerns about the item. She was agreeable to a two-week deferral.

In response to Mayor Seiler, William Isenberg (representing the property owner to the north), wanted a four-week deferral. Commissioner Roberts also requested a four-week deferral for more vetting within the neighborhood. Ms. Toothaker was agreeable.

The City Clerk pointed out that Mr. Isenberg is not registered as a lobbyist with the City and requested that he express his intention to do so as soon as possible. Mr. Isenberg agreed to complete the registration on the following day.

Motion made by Commissioner Roberts and seconded by Vice Mayor Rogers to defer the item to May 18, 2010. Roll call showed: YEAS: Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO CITY CODE SECTION 8-174 GRANTING A WAIVER TO OCEAN MANOR RESORT HOTEL AND CONDOMINIUM ASSOCIATION AND OCEAN PARKING VALET, INC., A FLORIDA CORPORATION D/B/A OCEAN RENTALS TO OPERATE A MOTORIZED WATERCRAFT CONCESSION WITHIN THE BEACH BOATING RESTRICTED AREA DEFINED IN CITY CODE SECTION 8-171 SUBJECT TO CERTAIN TERMS AND CONDITIONS.

**Creation of Community Redevelopment Area
Portions of Middle River – South Middle River – Lauderdale Manors**

(PH-03)

No budgetary impact at this time.

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

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

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-108

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, FINDING THAT ONE OR MORE BLIGHTED AREAS AS DEFINED IN PART III, CHAPTER 163, FLORIDA STATUTES, EXIST IN THE CITY OF FORT LAUDERDALE WITHIN THAT AREA DESCRIBED AS BEING BOUNDED BY SUNRISE BOULEVARD ON THE SOUTH, INCLUDING THE COMMERCIAL CORRIDOR OF SUNRISE BOULEVARD FROM PROGRESSO DRIVE TO I-95, FROM SUNRISE BOULEVARD TO NW 10TH PLACE, NW 10TH PLACE TO NW 10TH AVENUE, NW 10TH AVENUE TO CHATEAU PARK DRIVE, CHATEAU PARK DRIVE TO NW 9TH AVENUE, NW 9TH AVENUE TO NW 16TH STREET, NW 16TH STREET TO NW 7TH AVENUE, NW 7TH AVENUE TO NE 13TH STREET, AND NE 13TH STREET TO PROGRESSO DRIVE; FINDING THAT REHABILITATION, CONSERVATION, REDEVELOPMENT OR A COMBINATION OF SUCH ACTIVITIES IN SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS AND WELFARE OF THE

RESIDENTS OF THE CITY OF FORT LAUDERDALE;
 DECLARING A NEED FOR A COMMUNITY
 REDEVELOPMENT AGENCY; DECLARING THE CITY
 COMMISSION OF THE CITY OF FORT LAUDERDALE
 TO BE THE COMMUNITY REDEVELOPMENT AGENCY
 FOR THE MIDDLE RIVER – SOUTH MIDDLE RIVER –
 SUNRISE BOULEVARD COMMUNITY
 REDEVELOPMENT AREA; AND PROVIDING FOR AN
 EFFECTIVE DATE.

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.

ORDINANCES

Comprehensive Plan – Land Use Map and Text Amendment - (O-01)
Case 14-T-08 – Park/Open Space – Downtown Regional Activity Center

No budgetary impact.

Commissioner DuBose inquired whether this ordinance would capture other parks that may present potential conflicts (proposed Amendment 4 to Florida Constitution). Renee Cross, Planning and Zoning, explained the purpose of the amendment is to comply with the Department of Community Affairs' request to reference that this is a text amendment. Anthony Fajardo, Planning and Zoning, confirmed the City is doing its due diligence with respect to Amendment 4 to Florida Constitution and the City's parks. Commissioner DuBose elaborated upon what other cities are doing to be prepared if Amendment 4 is adopted and the difficulties that could result if the City is not prepared. Mr. Fajardo explained that Planning and Zoning has made the Parks and Recreation Department aware of any possible future improvements that would require land use changes.

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO AMEND ORDINANCE NO. C-09-02 AMENDING THE 2008 FORT LAUDERDALE COMPREHENSIVE PLAN TO AMEND THE LAND USE OF CERTAIN PROPERTIES FROM COMMERCIAL, EMPLOYMENT CENTER, INDUSTRIAL AND RESIDENTIAL TO PARK/OPEN SPACE, TO AMEND THE TEXT IN THE PERMITTED USE SECTION OF THE FUTURE LAND USE ELEMENT FOR THE DOWNTOWN REGIONAL ACTIVITY CENTER TO PERMIT PARK/OPEN SPACE USES SUBJECT TO CERTAIN CONDITIONS.

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

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

No budgetary impact.

Commissioner Roberts introduced the following ordinance on SECOND 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.

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

Recovery Zone – Economic Development and Facility Bonds (O-03)

No budgetary impact.

Commissioner Roberts introduced the following ordinance on SECOND 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 Commissioner DuBose, the City Attorney explained that the ordinance establishes the recovery zone and the resolution assigns it to the County. The language of the resolution was revised so that the County can only use the assignment of that recovery zone money for the courthouse project. Mayor Seiler advised that it expires at year end.

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

Citizen Recognition 2010 Resolutions

(OB)

Commissioner DuBose introduced the following resolutions:

RESOLUTION NO. 10-102

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SELECTING AND HONORING JOHN F. HOELZLE AS EXEMPLARY FORMER CITY EMPLOYEE FOR 2010

RESOLUTION NO. 10-103

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SELECTING AND HONORING ROBERT PAUL KELLEY AS HONORED FOUNDER FOR 2010.

RESOLUTION NO. 10-104

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SELECTING AND HONORING PETER FELDMAN AS DISTINGUISHED CITIZEN FOR 2010.

RESOLUTION NO. 10-105

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SELECTING AND HONORING JAMES THEODORE "TED" FLING AS CITIZEN OF THE YEAR FOR 2010.

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

**Partial Satisfaction of Judgment and Settlement Agreement –
Isham v. City of Fort Lauderdale****(OB)**

Mayor Seiler corrected Memorandum 10-0184; the closed door sessions actually took place on April 6, 2010 and April 13, 2010. He went on to highlight information in the memorandum.

Motion made by Commissioner Roberts and seconded by Vice Mayor Rogers to approve the partial satisfaction and settlement agreement (detailed in Memorandum 10-0184). Roll call showed: YEAS: Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

The City Commission adjourned the regular meeting at 9:08 p.m. and returned to the conference meeting, beginning with agenda item I-F, from 9:09 p.m. to 10:10 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk