

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING

May 18, 2010

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
May 18, 2010**

Meeting was called to order at 6:11 p.m. by Mayor Seiler on the above date, in City Hall, 100 North Andrews Avenue, 1st floor Chambers.

Roll call showed:

Present: Commissioner Bruce G. Roberts
Commissioner Charlotte E. Rodstrom
Commissioner Bobby B. DuBose
Vice Mayor Romney Rogers
Mayor John P. "Jack" Seiler

Absent: None.

Also Present: City Manager George Gretsas
City Auditor John Herbst
City Clerk Jonda K. Joseph
City Attorney Harry A. Stewart
Sergeant At Arms Sergeant Jamie Costas

Invocation was offered by Pastor Green Phiri, First Alliance Church, followed by the recitation of the pledge of allegiance led by Jamie Hart, Supervisor of Marine Facilities.

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

Minutes approval may be found on Page 18.

Expression of Sympathy **(OB)**

Mayor Seiler and the City Commission offered a moment of silence in memory of Patrick Ambrose, Florida Highway Patrol Trooper, who was killed in the line of duty on May 15, 2010.

Application – Beach Boating Restricted Area – **(PH-01)**
Watercraft Concession Waiver –
Ocean Manor Resort Hotel and Condominium – Ocean Parking Valet, Inc.

No budgetary impact.

Motion made by Commissioner Roberts and seconded by Vice Mayor Rogers to defer the item to June 1, 2010. Roll call showed: YEAS: Vice Mayor Rogers, Commissioner

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

Presentations

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

Commissioner Roberts recognized Carol Cappadona who resides in Bermuda Riviera as the recipient of the WOW Award for District I. Ms. Cappadona thanked her contractor and architect, as well as the Commission.

2. **Emergency Medical Services Week – May 16-22, 2010** (PRES-02)

Vice Mayor Rogers presented a proclamation designating May 16-22, 2010, as Emergency Medical Services Week in the City to Dr. Nabil El Sanadi, Medical Director, Fire Rescue Department. Dr. El Sanadi thanked the Commission and recognized all of the City's emergency medical workers for their dedication to saving lives. Jeff Justinak, Acting Fire Rescue Chief, thanked the Commission and citizens for their support of the emergency medical services program.

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 – Riverwalk Trust Burger Battle (M-01)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Riverwalk Fort Lauderdale, Inc. for Riverwalk Trust Burger Battle to be held June 4, 2010, 7 PM – 10 PM, on the Riverside Hotel lawn.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0687

Event Agreement – Commodore’s Cup**(M-02)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Sea Scouts Ship 814 Christ of the Abyss, Inc. for Commodore’s Cup to be held June 12, 2010, 7 AM – 5 PM, at George English Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0688

**Event Agreement – Neighborhood Networks Family Strengthening Center
Broward Gardens Apartments – Grand Opening****(M-03)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with The Not My Kids Foundation, Inc. for Neighborhood Networks Family Strengthening Center to be held May 28, 2010, 11 AM – 6:30 PM, at Broward Gardens Apartments’ grand opening.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0689

Event Agreement – St. Thomas Aquinas Reunion**(M-04)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Quarterdeck Cordova, Inc. for St. Thomas Aquinas Reunion to be held June 25, 2010, 6 PM – 11 PM, at Quarterdeck – 1541 Cordova Road.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0690

**Agreement – Operation of Fort Lauderdale Stadium -
Traffic Sports USA, Inc.****(M-05)**

\$50,232 is budgeted in GF001, subfund 01, PKR061401, 1107, salaries. \$45,500 is budgeted in GF001, subfund 01, PKR061401, 3601, electricity.

A motion authorizing the proper City Officials to execute an agreement with Traffic Sports USA, Inc., in substantially the form attached, for operation of Fort Lauderdale Stadium – June 1, 2010 – June 30, 2011.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0714

**Qualified Target Industry Program – Kaplan University - (M-06)
\$25,950 and \$37,500 –
Florida Office of Tourism, Trade and Economic Development**

**Fund 001, Subfund 01, EDV010101-4299, Other contribution - \$25,950 and Fund
001, Subfund 01, EDV010101-4299, Other contribution - \$37,500.**

A motion authorizing City's portion of two payments to Florida Office of Tourism, Trade and Economic Development – Qualified Target Industry Program – IOWA College Acquisition Corp. d/b/a Kaplan University - \$25,950 and \$37,500.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0704

**Grant Application – Rapid Decontamination and Disinfecting System - (M-07)
\$100,000 – Assistance to Firefighters Grant –
Federal Emergency Management Agency**

**\$20,000 in matching funds are budgeted in General Fund 001, Subfund 01,
FD001/9129. Transfer to Miscellaneous Grants.**

A motion authorizing the proper City Officials to apply for grant funds, in the amount of \$100,000 with a 20% local match of \$20,000, from U.S. Department of Homeland Security, Federal Emergency Management Agency – fiscal year 2010 Assistance to Firefighters Grant Program, in support of rapid decontamination and disinfecting system purchase.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0715

**Grant Application – Shipboard Firefighter Training Program - \$250,000 (M-08)
Assistance to Firefighters Grant- Federal Emergency Management Agency**

**\$50,000 in matching funds are budgeted in General Fund 001, Subfund 01,
FD001/9129. Transfer to Miscellaneous Grants.**

A motion authorizing the proper City Officials to apply for grant funds, in the amount of \$250,000 with a 20% local match of \$50,000, from U.S. Department of Homeland Security, Federal Emergency Management Agency – fiscal year 2010 Assistance to Firefighters Grant Program, in support of a Shipboard Firefighter Training Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0716

**Grant Application – Emergency Mass Decontamination Tractor & Trailer - (M-09)
\$450,000 – Assistance to Firefighters Grant –
Federal Emergency Management Agency**

\$90,000 in matching funds are budgeted in General Fund 001, Subfund 01, FD001/9129. Transfer to Miscellaneous Grants.

A motion authorizing the proper City Officials to apply for grant funds, in the amount of \$450,000 with a 20% local match of \$90,000, from U.S. Department of Homeland Security, Federal Emergency Management Agency – fiscal year 2010 Assistance to Firefighters Grant Program, in support of an emergency mass decontamination tractor and trailer purchase.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0717

**Grant Application – 2010 Bulletproof Vest Partnership Grant (M-10)
U.S. Department of Justice - \$76,450**

\$38,225 in matching funds are budgeted in Fund 001, Subfund 01, (General Fund), Index Code FD001, Subobject 9129 (Transfer to Miscellaneous Grants).

A motion authorizing the proper City Officials to apply for grant funds, in the amount of \$76,450 with a 50% local match of \$38,225, from U.S. Department of Justice – 2010 Bulletproof Vest Partnership Grant Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0703

**Termination of Lease Agreement – Tiki Ship, LLC – (M-11)
Tropical Adventures Vessel -
New River Downtown Municipal Dockage Facility**

Anticipated loss of revenue in the approximate amount of \$13,454.36 from the General Fund, Index Code BUS020103, Subobject K184, Fund 001, Subfund 01.

A motion terminating annual lease agreement with Tiki Ship, LLC – Tropical Adventures vessel – currently occupying slip numbers 58 and 59 of New River downtown municipal dockage facility.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0685

Convention Connection Sun Trolley Service (M-12)

Please see funding information attached to these minutes.

A motion authorizing 1) proper City Officials to execute an Interlocal Agreement with Broward County for Convention Connection Sun Trolley Service for June 28, 2010 – September 30, 2013, 2) transfer titles of eight Sun Trolley vehicles to Broward County, 3) funding of Broward County 5% administrative cost and 4) continued negotiations – restoration of the six Sun Trolley vehicles to be retained by Broward County – City Manager to approve such costs up to \$10,000 if necessary.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0644

Task Order 78 – Camp Dresser & McKee Inc. - \$20,000 (M-13)
Pump Stations – Permitting and Final Certification Assistance

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute Task Order 78 with Camp Dresser & McKee Inc., in the amount of \$20,000 – re-permitting and re-certifications of Pump Stations A-2, A-18, A-19, A-20, and A-21.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0682

Task Order 6 – Kimley-Horn and Associates, Inc. - \$163,735.50 (M-14)
Executive Airport – Taxiway Golf Relocation

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute Task Order 6 with Kimley-Horn and Associates, Inc., in the amount of \$163,735.50 – Executive Airport – Taxiway Golf Relocation – Phase 1 – Project 11453.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0686

Change Order 2 – Globetec Construction, LLC - \$87,791.57 (M-15)
Fiveash Water Treatment Plant – Filter Rehabilitation – Add 20 Days

Please see funding information attached to these minutes.

A motion authorizing Change Order 2 with Globetec Construction, LLC, in the amount of \$87,791.57 and the addition of 20 non-compensable calendar days to contract period – additional work – Fiveash Water Treatment Plant filter rehabilitation – Project 11490.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0684

Transfer Funds – Executive Airport – Turf Establishment - \$19,854 (M-16)

Please see funding information attached to these minutes.

A motion authorizing the Proper City Officials to transfer \$19,854 from P11237 – Airport Capital Projects Holding Account (Project 11237) to Airfield Turf Establishment (Project 10804).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0699

Contract Extension – Gonzalez Pavement Equipments, Inc. (M-17)
Annual Storm Drainage Contract - \$512,046.64

Please see funding information attached to these minutes.

A motion authorizing 1) one-year contract extension with Gonzalez Pavement Equipments, Inc., in the amount of \$512,046.64 – 2010-2011 Annual Storm Drainage Contract – Project 11613 and 2) transfer \$650,300 to fund contract, 17 percent engineering fees and 10 percent contingencies.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0694

Florida Water Environment Association Utility Council - \$14,000 (M-18)
Membership Fee and Special Assessment

\$14,000 is available in PBS010101, Subobject 4113, Fund 450, Subfund 01.

A motion approving payment to Florida Water Environment Association Utility Council, in the amount of \$14,000 – annual membership fee and special assessment – Environmental Protection Agency draft Numeric Nutrient Criteria rule.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0691

Memorandum of Understanding – Weatherization Innovation Pilot Program (M-19)
U.S. Department of Energy – Down To Earth Global Sustainability Initiative, Inc.

No budgetary impact.

A motion authorizing 1) development of memorandum of understanding with Down to Earth Global Sustainability Initiative, Inc. including partnering in application to U.S. Department of Energy – Weatherization Innovation Pilot Program and 2) proper City Officials to execute all necessary documents.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0721

Disbursement of Funds/Joint Investigation/O.R. 05-68919 (M-20)
Law Enforcement Trust Fund

\$147.62 is available in Fund 107 (DEA Confiscated Property), Subfund 01 (Justice Task Force) in account GL 219-068919 (Deposits Trust).

A motion authorizing the equitable disbursement of \$147.62 with each of the thirteen participating law enforcement agencies to receive \$11.35.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0542

CONSENT RESOLUTION

Maintenance of Improvements In Area On Top of Henry Kinney Tunnel (CR-01)
Lease Agreement – Florida Department of Transportation

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0711

RESOLUTION NO. 10-144

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A LEASE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR SURPLUS PROPERTY TO BE UTILIZED FOR THE PURPOSE OF CREATING A PUBLIC PLAZA AREA ON TOP OF THE HENRY KINNEY TUNNEL ON THE SOUTH SIDE OF THE NEW RIVER TO INCLUDE LANDSCAPING, HARDSCAPING AND PARKING.

**Change Order 1 – Central Florida Equipment Rentals, Inc. - \$56,697.90 (CR-03)
City-Wide Force Main and Water Main Interconnects and Improvements –
Add 60 Day**

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0667

RESOLUTION NO. 10-145

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

**Grant Acceptance – Lifepak 15 Cardiac Monitor Defibrillators - \$854,289 (CR-04)
Assistance to Firefighters Grant Program**

Appropriate \$854,289 of Grant Funds into Fund 129, Subfund 01, GLIFEPAK11, Revenue subobject C594, and expenditures in 6499 (\$854,289); Also appropriate \$213,572 in City matching funds from FD001, Subfund 01, Subobject 9129 to grant index GLIFEPAK11, Revenue Subobject Q001 and Expenditures in 3946 (\$54,121), 3999 (\$12,888) and 6499 (\$146,563).

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-0702

RESOLUTION NO. 10-146

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$854,289 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY – 2010 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY – 2010 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM TO RECEIVE AND DISBURSE SUCH GRANT FUNDS; AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010 BY ACCEPTING AND APPROPRIATING SUCH GRANT REVENUE FUNDS INTO FUND 129.

City Cemeteries General Price List**(CR-05)****No budgetary impact.****Recommend:** Adopt resolution.**Exhibit:** Commission Agenda Report 10-0489

RESOLUTION NO. 10-147

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE GENERAL PRICE LIST FOR THE CITY CEMETERIES EFFECTIVE, JUNE 1, 2010.

PURCHASING AGENDA

504-10411 – Barrier Island Parking Study**(PUR-01)****\$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 10-0543

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

Lease – Digital Postage Meter (PUR-02)

FY09/10 funding \$1,182.36 GF 001, Subfund 01, BUS010101-3310; FY10/11 funding pending budget approval \$5,911.80 GF 001, Subfund 01, BUS010101-3310.

Four-year contract to purchase digital postage meter services is being presented for approval by Business Enterprises Department.

Recommend: Motion to approve.
Vendor: Pitney Bowes Inc.
Stamford, CT
Amount: \$28,376.64 (four year total)
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 10-0683

The Procurement Services Department has reviewed this item and recommends leasing off of the State of Florida contract.

103-10499 - Ammunition (PUR-03)

Please see Bid Tab and funding information attached to these minutes.

Purchase ammunition for monthly training programs and department issue on-duty ammunition is being presented for approval by Police Department.

Recommend: Motion to approve.
Vendor: Florida Bullet Incorporated, Clearwater, FL
Lawmen's and Shooters' Supply, Inc., Vero Beach, FL
Amount: \$77,335.65
Bids Solicited/Rec'd: 559/2
Exhibit: Commission Agenda Report 10-0732

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

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-19, CR-01, CR-05, and PUR-01 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

**Agreement – Operation of Fort Lauderdale Stadium -
Traffic Sports USA, Inc.**

(M-05)

Mayor Seiler opened the floor for public comment.

Jamie Siragusa, Federal League, Inc., explained that the Federal League leased Fort Lauderdale Stadium for the past fourteen years, but was recently dismissed in favor of Traffic Sports USA, Inc. The League submitted proposals in August, 2009, and January, 2010. He thought the January, 2010 proposal was more economically beneficial to the City than Traffic Sports'. Staff told the League that Federal Aviation Administration (FAA) approval was required, but he was unsure if Traffic was given the same directive. If Traffic has received FAA approval, he wondered why the League's proposal was not also presented to the FAA as a side-by-side comparison. Last month, the League had a conference with Traffic and City Officials to establish an agreement to allow both organizations to operate at the stadium. Traffic claimed the facility needed modifications which would render it useless to the League. He understood the modifications were not made, though Traffic is using the facility. He maintained that the City has forfeited approximately \$3,000 in revenue because the League is not also renting the facility. He emphasized the League's willingness to share the facility with Traffic. He pointed out that the City of Winter Haven keeps its former spring training facility economically viable by renting it out for college baseball tournaments and similar activities.

In response to Commissioner Roberts, Mr. Siragusa confirmed that the League was willing to rent the facility to any groups that would meet the maintenance obligations and remove the City's financial burden. Cate McCaffrey, Director of Business Enterprises, explained that four entities expressed interest in long-term use, one of which was the League. Long-term use of the facility must be approved by the FAA. She elaborated upon the other interested groups. All four of the proposals were submitted to the FAA, and all of the entities were given confirmation. The recent response from the FAA indicated that none of the long-term use proposals met the community use exception, other than a proposed water park, which is suggesting fair market value for the property. The FAA requires fair market value for the use of the property, not just maintenance of it. She recalled that Mr. Siragusa was offered the use of only two fields. Staff felt his offer was too low, so they moved forward with Traffic's proposal for short-term use which corresponds with the use of Lockhart Stadium until June, 2011. She confirmed that income from Traffic will maintain the entire facility.

In response to Mayor Seiler, Phil Thornburg, Parks and Recreation Director, verified that part of Traffic's proposal is to renovate one of the back fields to create a full-sized soccer facility. Therefore, only two fields would be usable for baseball. In response to Commissioner Roberts, he outlined the proposal detailed in Commission Agenda Report

10-0714. The current monthly utility cost with no use is approximately \$5,000. The cost will increase when tenants take possession. Traffic will pay all utility costs over \$3,500 per month.

Commissioner Rodstrom inquired whether Traffic's current tenancy interferes with any potential long-term plans for the property. Mr. Thornburg indicated that this proposal ends in June, 2011 which corresponds with the agreement that Broward Schools has for Lockhart Stadium. Vice Mayor Rogers asked if Mr. Siragusa's proposal included an offer to maintain the facility in the same fashion as Traffic. Mr. Thornburg was unsure, but felt it was better for the lessee to maintain the property rather than the lessor so they have control over the condition of the fields. Mr. Siragusa clarified that his initial proposal was not long-term, rather it was a short-term agreement similar to Traffic. It included all maintenance costs and did not require a staff maintenance person or utilities. The League sought to totally relieve the financial burden from the City, but there was no opportunity to further negotiate the proposal. He reiterated that the League was a loyal tenant for fourteen years, but was dismissed in favor of another group with a similar proposal. Mayor Seiler pointed out his previous directive for staff to meet with Mr. Siragusa. Mr. Siragusa reiterated that staff coordinated the conference call with respect to the idea of working with Traffic. Traffic indicated the fields would have to be modified, however, they are currently using the unmodified fields, therefore the League could utilize them on Saturdays to increase revenue. The modifications sought by Traffic would render the fields unusable for baseball. In response to Vice Mayor Rogers, he claimed that the League would typically use all three fields every Saturday. He attempted to reach a compromise to use only two of the fields, but needed a different pro-ration and could not reach an agreement on price. The League initially paid \$600 per day on a day-to-day rental. He reiterated that his initial proposal included paying all of the maintenance costs because the League had a baseball school interested in renting the facility six days per week. He did not offer the City a dollar amount, but rather to handle all of the maintenance costs. He claimed that their proposal in January, 2010 was also similar to the first.

Ms. McCaffrey indicated that the League's proposal was received along with the others for a long-term use. The City strove to accommodate the League because they were long-standing tenants. They always paid \$600 for the use of three fields. When staff contemplated moving the stadium to Parks and Recreation, it was a goal to accommodate as many (tenants and potential tenants) as possible. The proposals went to the FAA. During the conference with the League and Traffic, Mr. Siragusa indicated that he had made a deal with another facility. He felt that he should pay \$300 rather than \$600 because he could only use two fields. Ms. McCaffrey and Mr. Thornburg had suggested that \$400 was a more reasonable price, but he refused. She emphasized her and Mr. Thornburg's desire to let all interested parties use the facility to the best of their ability. Negotiations halted because Mr. Siragusa indicated that he was taking the operation elsewhere.

Philip Laufman, 511 SE 5 Avenue, believed that the Athletic Alliance and the League proposals were both more beneficial to the City as they offered to relieve all maintenance costs. It seems as though a sweetheart deal was made with Traffic. In response to Vice Mayor Rogers, Mr. Laufman verified that he is a baseball player.

Steven Gabur, representing the Athletic Alliance, believed that soccer is not suitable for this facility. He pointed out that a soccer practice facility will not generate revenue or

positively contribute to citizens' lives. He claimed that soccer places a hardship on the City whereas baseball does not because the City would have to pay \$7,000 per month to lease the facility to Traffic. Athletic Alliance proposed to lower the City's hardship by \$4,000 and feels it could (eventually) eliminate it altogether. Traffic could rent space for practice, but not under their terms. He felt that the facility is good enough for minor league players because it proved suitable for professional soccer players. According to the FAA's letter, Traffic has no future at the stadium. He thought the stadium's potential as a baseball facility is unlimited. He claimed that, in ten days, the Alliance has contacted six entities that want to use the stadium, including international and major league baseball interest. He submitted a letter from Daniel Pritt of Athletic Alliance and a copy of a proposed lease which he believed is similar to the Traffic lease except it would lower the City's responsibility by \$4,000. A copy was entered into the record. He advised of his authorization to answer any questions directed to the Alliance.

In response to Mayor Seiler, Mr. Gabur explained that he was directed by City staff to negotiate with Traffic, but only wished to negotiate with the City. Alliance's proposal offered to cover all of the City's expenses. Ms. McCaffrey recalled her discussion with Mr. Gabur. She believed the Alliance's proposal was forwarded to the FAA. The City was contemplating long-term use for the Alliance. In terms of all the long-term use proposals submitted to the FAA, the cost to the City was always taken into account as part of the long-term use for the property. In response to Mayor Seiler, Mr. Thornburg asserted that Traffic agreed to rent the facility to any of the City's sports organizations (youth soccer) at the City's rate. Mr. Gabur clarified that the Alliance submitted two proposals; one was long-term and the second was a short-term lease. Mayor Seiler recalled a telephone conversation with Mr. Gabur in which he referred him to staff. He pointed out that Traffic is providing fields for youth soccer; there is a deficiency in youth soccer fields. The City cannot enter into any long-term contracts without FAA approval. Therefore, the City is attempting to utilize the facility on a short-term basis. The current arrangement allows for youth soccer. Mr. Gabur felt that youth soccer practice at this facility is not possible because it lacks lighting. Alliance is willing to accommodate the League, Traffic, and other entities, but not under their terms. A significant amount of revenue could be brought in for the City and the programs. The City does not have a big league team because they have nowhere to play. Mayor Seiler pointed out that the City had a big league team, but the FAA required \$1.2 million for them to stay. Mr. Gabur reiterated that the Alliance can fulfill the short-term goals for the facility at less expense to the City than Traffic. In response to Vice Mayor Rogers, Mr. Gabur reiterated that the City would spend \$4,000 less on the Alliance than the current agreement with Traffic. He elaborated upon the itemization of savings.

Vice Mayor Rogers questioned if there were side-by-side comparisons made of the proposals. Mr. Thornburg verified that he was unaware of the Alliance proposal. He indicated that Mr. Gabur contacted him, but staff was working with Traffic and he did not want to invite discussion with other entities. Vice Mayor Rogers expressed his desire to save the most money and implement the best use for the facility. He thought the fact that there are no lights would negatively impact its use for soccer. He did not want to lose the deal over \$100. Mr. Thornburg verified that two fields for baseball will remain; the stadium will not be changed. Baseball could use the facility. The proposal gives Traffic its operational needs. He believed that Traffic would be willing to work with any entity to use the fields and generate revenue. Vice Mayor Rogers raised the idea of deferral. Mr. Thornburg noted that Traffic is already at the facility and they are looking to start renovations when the agreement is in effect. They are currently paying \$740 per day

because they agreed to cover the baseball revenue when it left. Vice Mayor Rogers suggested a condition for Traffic to facilitate baseball use.

Janna Lhota, representing Traffic Sports USA, Inc., recalled a verbal agreement made at the April 6, 2010 Conference meeting for staff to work with Traffic to enter into a license agreement for field rental, use of the locker room, and office space. The rental was then \$5,400 per month. She provided historical insight about their discussions with the League. At least one field needs to be converted to a regulation Federation Internationale de Football Association (FIFA) field because a professional soccer team will practice there. This posed a problem in negotiations. Traffic agreed to cover the \$600 per week revenue loss which brought their rental cost to \$7,800 per month. Traffic is currently utilizing the fields but has not performed renovations because there is no formal agreement in place. They are paying a per diem rental which is \$7,800 divided by thirty days (\$260 per day) which is paid with tax to the City. Mr. Thornburg verified that the \$5,400 was approved at the Conference meeting, and subsequently Traffic agreed to cover the League portion. Vice Mayor Rogers asked if Traffic is willing to allow baseball on the two fields. Ms. Lhota claimed it has been Traffic's desire to maximize the facility's use, whether for soccer or other uses.

Vice Mayor Rogers thought the motion for approval should include the condition that the facility also be used for baseball at a fair rental. Mayor Seiler questioned the dispute over only \$100. In response to Mayor Seiler, Ms. Lhota did not see any reason why Traffic would not allow Federal to use the fields for baseball. Vice Mayor Rogers suggested the condition be for \$200 per field per day for baseball use. A discussion continued on the revenue advantage and potential loss. Mr. Thornburg explained that Traffic is obligated to maintain the fields, and any revenue from renting the fields is theirs to keep. Ms. Lhota maintained that Traffic already has language in their agreement stating they will sublicense the facility to other users, but it must be at their discretion.

Mr. Gabur reiterated that Traffic is not making a good offer. This agreement will cost the City a minimum of \$7,000 per month and Traffic will receive all of the profit, including \$200 per day from the motorcycle club. He reiterated Alliance's proposal, suggesting the item be deferred to continue discussions. He emphasized the facility's value for baseball use. Ms. Lhota maintained that Traffic has worked in good faith with staff to finalize this agreement. (Mayor Seiler left the meeting momentarily) Vice Mayor Rogers felt that the baseball users should make a deal with Traffic. Ms. McCaffrey noted another proposal has been received that is similar to Alliance's proposal. There are a number of groups who wish to use the facility. In response to Vice Mayor Rogers, Mr. Thornburg reiterated his certainty that Traffic will rent the facility to others to cover their costs. City staff will refer interested groups to Traffic.

In response to Commissioner Roberts, the City Attorney advised that the agreement with Traffic provides that they will have revenue from renting any part of the facility they are not using and the City will receive a percentage of the revenue. Mayor Seiler reiterated that Traffic has agreed to rent to youth soccer at the same price the City was charging. Discussion ensued about making provision for Traffic subleasing to baseball in their contract. The City Attorney agreed that the programming language be revised to specify baseball. Mr. Thornburg clarified that the revenue goes to the airport.

In response to Mr. Laufman, Mayor Seiler explained that if nothing is done with the facility, the City will suffer a substantial financial loss. If the facility is closed, it will never

be able to re-open as a sports facility because the FAA will not allow it. He gave historical insight, noting all interested parties that came forward were directed to staff.

Motion made by Commissioner Rodstrom and seconded by Commissioner DuBose to approve the item as amended, regarding programming, with the first sentence of Paragraph 5B to specify third parties and baseball. Roll call showed: YEAS: Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

Termination of Lease Agreement – Tiki Ship, LLC – (M-11)
Tropical Adventures Vessel -
New River Downtown Municipal Dockage Facility

In response to Vice Mayor Rogers and Mayor Seiler, Cate McCaffrey, Director of Business Enterprises, advised that her office worked with code enforcement to issue warnings, but the violations continued. They are currently in New Jersey. Andrew Cuba, Marine Facilities Manager, indicated that a collection agency is utilized for such cases. They owe the City approximately \$4,500 with a one month deposit in the amount of \$3,000 already applied. The collection agency has located them and is following up. The non-payment was for a period of one month and fourteen days.

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

Convention Connection Sun Trolley Service (M-12)

In response to Commissioner DuBose concerning use of local option gas tax monies, Peter Partington, City Engineer, highlighted the history and the requested action including the funding source. The County will bill the City five percent of the grant it is passing through to the Transportation Management Association (TMA). After October 1, (2010), the five percent will be taken from the money that would normally be passed to the TMA. Prior to October 1, (2010), the strict interpretation of the agreement shows that the City will owe the County approximately \$600, which is the only funding to be taken from local option gas tax revenue.

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

Memorandum of Understanding – Weatherization Innovation Pilot Program (M-19)
U.S. Department of Energy – Down To Earth Global Sustainability Initiative, Inc.

See May 18, 2010 conference meeting, Agenda Item II-A.

Maintenance of Improvements in Area On Top of Henry Kinney Tunnel (CR-01)
Lease Agreement – Florida Department of Transportation

Commissioner Rodstrom recalled Florida Department of Transportation (FDOT) stipulating that the City maintain the lighting and landscaping of the Middle River bridge on Sunrise Boulevard and asked for an update. Albert Carbon, Public Works Director, noted continual work with FDOT on the Middle River bridge project. He believed construction is scheduled for 2013. They are considering a temporary bridge on Sunrise Boulevard. When an agreement is finalized, it will be presented to the Commission. An extension was requested.

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

City Cemeteries General Price List (CR-05)

In response to Vice Mayor Rogers, Cate McCaffrey, Director of Business Enterprises, advised that prices are increased annually. Julius Delisio, Business Enterprises, indicated that last year's increase was the same as this year which he detailed. The goal is to stay competitively priced for residents. In the past, pricing was very inexpensive which attracted a lot of non-residents. This caused concern because cemetery capacity is limited; most are bound by streets. Therefore, residents are provided an incentive discount. He also elaborated upon the impact of the increased cremation rate.

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

504-10411 – Barrier Island Parking Study (PUR-01)

In response to Commissioner Rodstrom, Diana Alarcon, Director of Parking and Fleet Services, indicated that the scope of services is in the proposal and will be part of the contract. Kirk Buffington, Director of Procurement Services, explained that once the award authority is received this evening, the contract is finalized; the contract is not brought back to the Commission. He assured that staff will make sure items previously highlighted by Commissioner Rodstrom are included.

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

Motion made by Vice Mayor Rogers and seconded by Commissioner Roberts to approve the minutes of the April 6, 2010 Regular Meeting and April 6, 2010 Joint Workshop with Budget Advisory Board Meeting. Roll call showed: YEAS: Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS:

MOTIONS

Proprietary – Annual Maintenance – Kronos Timekeeping System (MD-01)

\$23,146.65 is budgeted in Fund 450, Subfund 01, PBS010601-3401; \$6,394.38 is budgeted in Fund 001, Subfund 01, PKR060101-3401; \$2,736.19 is budgeted in Fund 461, Subfund 01, PAR020101-3401.

Purchase annual maintenance for Kronos timekeeping system is being presented for approval by Public Works Department.

Recommend:	Motion to approve.		
Vendor:	Kronos Incorporated Chelmsford, MA		
Amount:	\$32,277.22		
Bids Solicited/Rec'd:	N/A		
Exhibit:	Commission Agenda Report	10-0680	

The Procurement Services Department has reviewed this item and recommends approval of this Proprietary purchase to Kronos Incorporated.

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

09-B-65PW – Summer Food Preparation and Delivery Services (MD-02)

\$85,376.00 will be available under GFOD-10-3231 Food Services, fund type 10, fund 129, subfund 01.

Agreement to provide food preparation and delivery for lunches and snacks at various City parks is being presented for approval by Parks and Recreation Department.

Recommend:	Motion to approve.		
Vendor:	G.A. Food Services of Pinellas County, Inc. St. Petersburg, FL		
Amount:	\$85,376.00	(estimated)	
Bids Solicited/Rec'd:	N/A		
Exhibit:	Commission Agenda Report	10-0692	

The Procurement Services Department has reviewed this item and recommends award to single bidder from the Volusia County contract.

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

RESOLUTIONS

Disposition of Surplus City Property – 1409 SW 3 Avenue - Lauderdale (R-01)

No budgetary impact.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-140

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 \$2,875.00, WITH BIDS TO BE SUBMITTED BY JUNE 16, 2010 AND SCHEDULING FOR FURTHER PROCEEDINGS BEFORE THE CITY COMMISSION ON JULY 7, 2010 TO CONSIDER A RESOLUTION ACCEPTING OFFER AND AUTHORIZING CONVEYANCE; REQUIRING THE CITY CLERK TO PUBLISH THIS RESOLUTION IN ONE ISSUE OF THE OFFICIAL NEWSPAPER OF THE CITY WITHIN SEVEN (7) DAYS OF THE ADOPTION HEREOF.

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

Disposition of Surplus City Property – 1143 NW 4 Avenue - Progresso (R-02)

Fund 001, Subfund 01, EDV010102-N412 Sale of Surplus Land - \$4,000.

Vice Mayor Rogers introduced the following resolution:

RESOLUTION NO. 10-141

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8.04 OF THE CITY CHARTER, ACCEPTING THE OFFER OF FOUR THOUSAND AND NO/100 DOLLARS (\$4,000.00) BY BRAD LAIRD FOR THE PURCHASE OF SURPLUS PROPERTY WITH AN APPROXIMATE STREET ADDRESS OF 1143 NW 4TH AVENUE, FORT LAUDERDALE, FLORIDA AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE REQUIRING A CLOSING WITHIN SIXTY (60) DAYS AND FURTHER AUTHORIZING EXECUTION AND DELIVERY OF CONVEYANCE IN ACCORDANCE WITH THE SALES CONTRACT.

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

Board and Committee Appointments
(R-03)**No budgetary impact.**

Mayor Seiler announced a Board of Adjustment opening due to Bruce Weihe's resignation. There was consensus to defer this item to June 1, 2010.

RESOLUTION NO. 10-

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.

PUBLIC HEARINGS

**Application – Beach Boating Restricted Area –
Watercraft Concession Waiver –**

(PH-01)

Ocean Manor Resort Hotel and Condominium – Ocean Parking Valet, Inc.

No budgetary impact.

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.

Motion made by Commissioner Roberts and seconded by Vice Mayor Rogers to defer the item to June 1, 2010. Roll call showed: YEAS: Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

**Dock Waiver Application – Distance of Limitations
Ed and Margaret Brin – 609 SW 5 Place**

(PH-02)

No budgetary impact.

Applicant: Ed and Margaret Brin
Location: 609 SW 5 Place

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

Vice Mayor Rogers announced a site visit and expressed concern that dockage may be rented out for business purposes. Joseph Harper, representing South Florida Dock and Seawall, Inc., explained that he is the contractor. The main reason for this construction is safety enhancement because of the strong current. He elaborated upon how the docking structures could be made safer. He thought that dockage for area condominiums was also designed to increase safety. Three finger piers will be extended and the mooring pilings will be moved out farther. He contended that the owner has no intention of commercial use. Although the property is zoned for a bed and breakfast, so his heirs may utilize it as such. Whether the property is residential or commercial, the upgrades are necessary because the current is dangerous. In further response, Mr. Harper maintained that the owner has executed a private boat docking release for the Florida Department of Environmental Protection, stating that the moorings would not be used for commercial purposes. If more than four boats are docked at the property, the owner would have to enter into a submerged land lease with the State, among other requirements.

Vice Mayor Rogers introduced the following resolution:

RESOLUTION NO. 10-142

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. & C. OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW ED BRIN AND MARGARET BRIN, HUSBAND AND WIFE, TO EXTEND AND MAINTAIN THREE (3) EXISTING WOOD FINGER PIERS AND CONSTRUCT FIVE (5) NEW DOUBLE CLUSTER MOORING PILINGS TO EXTEND INTO THE NEW RIVER 28.6 AND 43 FEET RESPECTIVELY FROM THE PROPERTY LOCATED AT 609 SOUTHWEST 5TH PLACE, SUCH DISTANCES AND PROPERTY AS BEING MORE PARTICULARLY DESCRIBED BELOW AND SUBJECT TO CERTAIN TERMS AND CONDITIONS.

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

ORDINANCES

**Relief from Zoning Requirements for Public Purpose Use -
Bill Keith Preserve – Case 25-R-10**

(O-01)

No budgetary impact.

Applicant: City of Fort Lauderdale
Location: 1720 SW 17 Street

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

Mayor Seiler announced a site visit.

Vice Mayor Rogers introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-10-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING IMPROVEMENTS TO A PUBLIC PARK THAT DO NOT MEET THE PARKING AND LOADING ZONE REQUIREMENTS IN A PARKS, RECREATION AND OPEN SPACE ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), WHICH PROPERTY IS MORE FULLY DESCRIBED AS THAT PORTION OF LOT 17, MRS. E.F. MARSHALL'S SUBDIVISION OF GOVERNMENT LOTS 1-

4 AND THE WEST HALF (W ½) OF THE NORTHEAST QUARTER (NE ¼) AND THE NW ¼ OF THE SW ¼ OF SEC. 16, TOWNSHIP 50 SOUTH, RANGE 42 EAST, P.B.1, P.2, BROWARD COUNTY, LYING SOUTH OF SOUTHWEST 17 STREET AND NORTH OF THE SOUTH FORK NEW RIVER AND CURRENTLY KNOWN AS BILL KEITH NATURE PRESERVE AS A PUBLIC PURPOSE USE; AND GRANTING RELIEF FROM THE ULDR REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE ULDR OF THE CITY OF FORT LAUDERDALE, FLORIDA.

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

Code Amendment – Chapter 25 – Streets and Sidewalks
Determination of Sidewalks to be Constructed or Reconstructed

(O-02)

No budgetary impact.

In response to Commissioner Rodstrom, Peter Partington, City Engineer, explained that this amendment enables staff to send a standard letter to owners directly, rather than adopting a resolution designating the locations. The financial responsibility remains with the property owner. New sidewalks are an assessable improvement, unless a neighborhood applies for an NCIP (Neighborhood Capital Improvement Program) grant. Albert Carbon, Public Works Director, pointed out that when the budget was completed in September, 2009, the direction was that the City would help pay. Subsequently, the Commission decided the City would not pay. There is sidewalk funding in the CIP (Capital Improvement Plan) on hold. He offered to follow-up with providing the Commission the dollar amount. As to an incentive program mentioned in the commission agenda report, staff needs direction from the Commission to waive the right-of-way improvement permit fees in the event a property owner wishes to use their own contractor. Such waivers would not come before the Commission; it would be a staff procedure. Mr. Partington advised no new position is requested. The 50% cost share is no longer proposed. Commissioner Rodstrom wanted to see the letter.

Vice Mayor Rogers commented about additional information needed in the letter and went on to indicate he was hesitant to delegate this responsibility as he believed that determination of sidewalks in need of repair is very subjective. Mr. Partington emphasized that there is a standard and offered to provide it for second reading. He agreed the letter needs more work which could also be done for second reading. Vice Mayor Rogers believed there should perhaps be two letters; one identifying the sidewalk and the policy. It needs to be simplified. Mr. Partington noted that many times people call and staff explains the details to them.

In response to Commissioner Rodstrom, Mr. Carbon indicated that the financing plan could be available by second reading.

Motion made by Commissioner Rodstrom and seconded by Vice Mayor Rogers to defer the item to June 15, 2010. Roll call showed: YEAS: Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

ORDINANCE NO. C-10-

AN ORDINANCE AMENDING CHAPTER 25, STREETS AND SIDEWALKS, ARTICLE II, CONSTRUCTION AND REPAIR OF SIDEWALKS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA BY REPEALING SECTION 25-58, DETERMINATION OF NECESSITY FOR CONSTRUCTION OR RECONSTRUCTION, AND AMENDING SECTION 25-59, NOTICE TO OWNERS TO CONSTRUCT, RECONSTRUCT, REPAIR, ETC., AND SECTION 25-56, DUTY OF OWNER OF ABUTTING PROPERTY, TO ELIMINATE THE NEEDS FOR THE CITY COMMISSION TO DETERMINE BY RESOLUTION ALL PLACES AND SITES IN THE CITY WHERE IT IS NECESSARY OR ADVISABLE FOR SIDEWALKS TO BE CONSTRUCTED OR RECONSTRUCTED.

Code Amendment – Chapter 25 – Streets and Sidewalks (O-03)
Undergrounding of Utility Facilities – Special Assessment Program

No budgetary impact.

Vice Mayor Rogers requested that correspondence (May 16, 2010) emailed from Trevor Underwood be made part of the record.

Peter Partington, City Engineer, noted two major changes. The required approval percentage was increased from 66 to 70 percent. Staff proposes to provide explicit reports to the Commission at the 30 percent, 60 percent, and 90 percent design stages, confirming the initial estimates and identifying any problematic factors that might arise at the public hearing. In response to Vice Mayor Rogers, Mr. Partington advised that the Commission controls whether to impose the assessment. The City Attorney confirmed that the City's only expense is the initial estimate which is approximately \$2,600. The petition is based on this figure, and then the Commission will determine whether the assessment moves forward. There is no longer a second petition if the final number is more than five percent over the initial estimate. Vice Mayor Rogers asked if the petition is an enforceable pledge. The City Attorney explained that the petition is a request, not a pledge. A petition is unnecessary for a special assessment. Vice Mayor Rogers questioned how the City will cover any costs beyond \$2,600. The City Attorney recalled there was agreement to spend the \$2,600 to provide the owners with a ballpark estimate. The owners are aware that, once the petition is signed, the Commission decides whether a final assessment is issued. The City cannot assess for the planning costs because it provides no benefit unless the City follows through with the construction, at which time planning becomes part of the construction cost.

Mayor Seiler opened the floor for public comment.

Courtney Crush, representing Harbor Beach Property Owners Association, sought clarification on the revised process. The City Attorney explained that the cost of the project cannot be determined until the engineering and design is completed, therefore it must be done before the hearing. This figure will be brought to the hearing to make a determination of the assessment on a per-property basis. The \$122,000 will be included in the benefit as well as the construction cost for a total to assess. An assessment cannot be based on an estimate.

Commissioner Roberts referred to the design milestones and the associated expenditure levels. He asked what would happen if the community became opposed at a point in time after the City has reached the 30 percent mark and expended, for example, \$70,000. The City Attorney pointed out the Commission makes that decision. If the Commission chooses not to move forward, the \$70,000 would be the City's responsibility. Mayor Seiler felt the process is too complicated. He thought that a neighborhood desirous of undergrounding should be able to do so. Vice Mayor Rogers suggested a possible safeguard in which the Commission takes a second vote to move forward. Commissioner Rodstrom pointed out that the approval threshold was raised from 66 to 70 percent as a safeguard. She elaborated upon the voting and assessment procedure. Vice Mayor Rogers felt there should be a process to account for the 70 percent approval. Mayor Seiler did not believe the 70 percent approval stage should be turned into a public hearing. Commissioner Rodstrom maintained that the object is to facilitate undergrounding for desirous neighborhoods and reiterated that the 70 percent is a protection mechanism.

Commissioner DuBose asked what happens if some residents challenge the 70 percent. Mayor Seiler drew attention to the importance of setting policy. With 70 percent support, he felt the process should be simple. Commissioner DuBose pointed out that all policies must include an appeal mechanism. Commissioner Rodstrom maintained that residents would have that opportunity at the public hearing. The City Attorney reviewed the process. The design milestones are not in the ordinance; they are a stopgap or administrative process to address the Commission's concerns if the costs are much higher.

It was confirmed for Mayor Seiler that the Council of Civic Associations received information on the proposal, but did not vote on it.

Vice Mayor Rogers stressed that the Commission is setting a standard that requires a vote. He believed there should be a mechanism in place to acknowledge that vote before money is spent. Albert Carbon, Public Works Director, articulated that a mechanism is in place. After the 70 percent approval is received, the consultant, Keith & Schnars, develops a scope of service for design plans which will come to the Commission for approval, along with the 70 percent approval threshold. At this point, the Commission will decide upon hiring the consultant to complete the design for the neighborhood. Residents may come before the Commission at that point. When the design is 90 to 100 percent complete, then a full public hearing is held to set the benefit assessment. The cost to this point is \$2,600.

Commissioner Rodstrom introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-10-12

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

In response to Vice Mayor Rogers, the City Attorney confirmed that the City can foreclose the lien on a homestead property. Vice Mayor Rogers requested a provision be included that foreclosure of a lien requires Commission approval. The City Attorney advised it is unnecessary because a foreclosure action would not be filed without authority from the Commission.

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

Offshore, Coastal and Waterway Assessment and Impact Protection Plan (OB)

The City Clerk read the proposed motion and resolution detailed in Memorandum 10-114.

RESOLUTION NO. 10-143

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

Commissioner Rodstrom advised that Broward County Mayor Ken Keechl, is holding a meeting on Friday (May 21, 2010) with all coastal mayors to address the oil issue. She anticipated a collaborative effort with one source of funding for this type of study. Perhaps, the City's expense could be reduced. Mayor Seiler also expressed concerns about the cost and whether this firm is the most suitable for this job. He pointed out that their contract was originally awarded in 2007 and expired in September, 2009, but allowed for extensions. Most of the firms that applied were architectural. He understood that the County wants to complete the testing inhouse to avoid expense. He does not want to duplicate their efforts. In regard to Mayor Keechl's letter, Albert Carbon, Public Works Director, noted that limited water quality monitoring from the ocean is already done and the City's lab can do this. He believed that the contractor, PBS&J (Post, Buckley, Schuh & Jernigan, Inc.), is ready for the job, despite the fact that the selection process was three years ago. The reason the City went through the selection process was to retain a contractor, consultant, and engineer to be ready to proceed in case of an emergency. PBS&J is the consultant for Escambia County, and they are currently working on remediation in the Gulf region which costs \$894,000 (not to exceed). He assured that staff will collaborate with the County and State and try to obtain reimbursement from British Petroleum. He emphasized the time sensitive nature of the matter.

Commissioner DuBose wanted to take a proactive approach, but was concerned about the expense. He understood the need for Phase 1, Plan Development, but not the additional funding because there are a lot of variables. If there is a future need for increased funding, he believed there would be ample time for staff to bring back the item. Commissioner Roberts agreed. In response to his question, Mr. Carbon advised there is some \$6 million in the account where this could be charged. He viewed this is emergency planning and ultimately in the event that other agency plans fall through, the City needs to be prepared to deal with the oil issue itself. He thought a maximum amount of funding should be available to staff in case it is needed and staff should have some ability to move forward and take appropriate action if necessary. Vice Mayor Rogers expressed concern that issues may arise when the Commission is recessed. He thought that funding should be authorized with instruction to spend only as necessary. He wanted Mayor Seiler to be proactive and take a leadership role. Mayor Seiler stressed that the County does not have any beaches, so any efforts on their part would be collaborative with the cities. He wanted to first fully understand the County's proposal before incurring costs. He felt the City should be prepared, spend only what is necessary, and avoid causing panic.

Vice Mayor Rogers maintained that emphasis should be on taking a proactive stance and utilizing the emergency management experience of others. Mayor Seiler questioned

the necessity of an outside entity (PBS&J) in light of the County and City resources already available. This contract was established for hurricanes whereas this issue is water quality. Vice Mayor Rogers agreed, but felt, therefore, the City must rely on experts and PBS&J is currently working on this. Commissioner Rodstrom recognized the possibility that the City may need its own resources, but expressed a desire to see what the County would offer because it could possibly save the City some money. She suggested that possibly the consultant also attend the Friday meeting. The Commission could reconvene after that meeting.

The City Auditor suggested that the GSA (General Services Administration) has cooperative purchasing for disaster recovery services that the City could utilize to access companies already involved in the Gulf clean-up. Mayor Seiler clarified the objective is to establish a water quality and shoreline quality baseline which may be needed to measure the damages. He did not want to unnecessarily alarm tourists. Mr. Carbon indicated that PBS&J and the City's pre-positioned emergency contractor are both already operating in Louisiana and the Florida Panhandle. Although the prior emphasis for contractors was debris management, it has expanded the services to include any type of emergency. He thought PBS&J should attend the County meeting and help the City develop a plan, utilizing some information already collected. This will keep the City ahead of the curve. Staff will continue to provide updates. In response to Mayor Seiler, Mr. Carbon explained that the cost to develop the plan is \$75,000 (not to exceed), but the baseline data is an added expense. The City would begin working with other cities. The City is unsure what contributions the County will make. In response to Mayor Seiler, he confirmed that staff used Escambia County's contract as a guideline to develop this budget. Escambia County is paying approximately \$150,000 for a phase one remediation of their beaches, but there is no clear cost for a phase two environmental inventory. In response to Commissioner Rodstrom, he was unsure of the costs paid by the cities in Escambia County.

Commissioner Roberts reiterated his desire to move forward, warning that the County's proposed help may not be in place when it is needed. Planning will take the most time. He urged that at least \$75,000 be authorized. The City Manager recalled his experience with hurricanes. Self-sufficiency served the City well. The County's size makes it difficult to meet resident needs on a local level. He recommended the City maintain self-sufficiency while also utilizing County resources. Amy Aiken, Emergency Management, confirmed a conversation today with Broward County Emergency Management Director, that the County will follow the recommendations of NOAA (National Oceanic and Atmospheric Administration) and the Coast Guard. They will identify areas of confluence, where debris is collecting and the City should do this as well. The County thought the City's plan was proactive and a good idea. The City Manager pointed out that the County will only be offering water testing. Although imminent danger is not apparent, he emphasized the City's need to be prepared. He reiterated the request for funding to develop a plan to also help manage bureaucratic obstacles with respect to future funding reimbursement opportunities.

Commissioner Rodstrom believed that the County has mitigation in place for its beaches. She thought the County would also seek reimbursement from British Petroleum and other organizations. She expressed concern over a potential panic that could harm the economy. The \$75,000 will buy a plan, but no data. She reiterated her suggestion to work with the County and attend the meeting on Friday before proceeding.

Mayor Seiler referred to the hourly billing rates included in the memorandum (Exhibit B). He questioned PBS&J's coastal engineering and coastal mitigation expertise, noting it appears most of the work will be assigned to sub-consultants. Mr. Carbon was confident of PBS&J's expertise in this field. He offered to provide resumes and descriptions of their work in the Gulf. Commissioner Rodstrom pointed out that this is a 2006 contract. It would have been helpful for the Commission to receive updated information.

Motion made by Commissioner DuBose and seconded by Commissioner Roberts, authorizing Phase 1 only, in an amount not to exceed \$75,000. This roll call includes the resolution which was read by title only.

Mayor Seiler suggested a maximum of \$50,000. Mr. Carbon offered to monitor it. The proposal was based on the City proceeding alone, but the County is now onboard. It is an hourly basis, not to exceed.

Roll call showed: YEAS: Vice Mayor Rogers, Commissioner Roberts, and Commissioner DuBose. NAYS: Commissioner Rodstrom and Mayor Seiler. The City Clerk clarified that this motion and roll call include the above referenced resolution that amends the budget.

Mayor Seiler requested a budget from PBS&J and a list of their subcontractors. Mr. Carbon advised that no subcontractors are proposed for this scope of services (Phase 1). Mr. Carbon provided a copy of the scope of services provided by PBS&J and after review, Mayor Seiler noted Phase 1 is more clear. He went on to request that copies be provided to the Commission and made a part of the record.

Note: The City Commission adjourned the regular meeting at 9:17 p.m. and returned to the conference meeting agenda, item II-D, from 9:17 p.m. to 11:00 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk