

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
SEPTEMBER 21, 2010

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
September 21, 2010**

The meeting was called to order at 6:08 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: Acting City Manager Allyson Love
City Auditor John Herbst
City Clerk Jonda K. Joseph
City Attorney Harry A. Stewart
Sergeant At Arms Sergeant Jaime Costas

Invocation was offered by Assistant Pastor Fidel Gomez, Calvary Chapel Fort Lauderdale, followed by the recitation of the pledge by Kathy Guerke.

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).

In response to Commissioner DuBose, the City Clerk advised that the September 7, 2010 Regular Meeting minutes were provided to the Commission yesterday. Commissioner DuBose indicated that he had not yet reviewed them.

Motion made by Commissioner DuBose and seconded by Commissioner Rodstrom to defer approval of the September 7, 2010 Regular Meeting minutes to October 5, 2010. Roll call showed: YEAS: Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom to approve the September 21, 2010 Regular Meeting agenda. Roll call showed: YEAS: Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

**Community Bus Service – Galt Ocean Mile – Expand Route (PH-05)
Downtown Fort Lauderdale Transportation Management Association**

No budgetary impact.

Motion made by Vice Mayor Rogers and seconded by Commissioner Roberts to defer the item until October 19, 2010. YEAS: Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

**Rezoning to Planned Unit Development – 1224 East Las Olas Boulevard (PH-06)
First Presbyterian Church of Fort Lauderdale – Case 4-ZPUD-08**

No budgetary impact.

Motion made by Vice Mayor Rogers and seconded by Commissioner Roberts to defer the item until November 16, 2010. YEAS: Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

**Relief from Zoning Requirements for Public Purpose Use (PH-07)
Fire Station 35 – 1969 East Commercial Boulevard – Case 33-R-09**

No budgetary impact.

Motion made by Vice Mayor Rogers and seconded by Commissioner Roberts to defer the item until October 5, 2010. YEAS: Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

Presentations

**1. Choose Peace and Stop Violence Week – September 20-24, 2010 (PRES-01)
Stand Up for Peace across Broward Day – September 22, 2010**

Commissioner DuBose presented a proclamation designating the week of September 20-24, 2010, as Choose Peace and Stop Violence Week and September 22, 2010, as Stand Up for Peace Across Broward Day to Francine Klauber, Representative of Government Affairs for the Broward County School Board, on behalf of Maureen Dinnen, Broward County School Board Member. Ms. Klauber noted that local principals will meet with City staff to plan a centennial celebration. She emphasized that adults must serve as non-violent role models for children. Ms. Klauber thanked the Commission.

2. Fire Prevention Week – October 3-9, 2010 (PRES-02)

Commissioner Roberts presented a proclamation designating October 3-9, 2010, as Fire Prevention Week in the City to David Raines, Fire Marshal and Jeff Lucas, Assistant Fire Marshal. Mr. Raines thanked the Commission. He explained that public education is essential in the fire-rescue department's mission to save lives and property. Mr. Lucas reminded the public to check and replace smoke detector batteries.

3. Broward College 50th Anniversary Day – September 30, 2010 (PRES-03)

Vice Mayor Rogers presented a proclamation designating September 30, 2010, as Broward College 50th Anniversary Day in the City to J. David Armstrong, Jr., President and Sean Guerin, Board Chair. Mr. Guerin emphasized Broward College's commitment to the community. Mr. Armstrong thanked the Commission for their partnership.

4. Community Appearance Board – WOW Award – District I (PRES-04)

Commissioner Roberts recognized Kathy and Andy Guerke who reside in Coral Ridge as the recipients of the WOW Award for District I. Mr. Guerke thanked the Commission. He also expressed gratitude to Community Appearance Board members, Barbara Stern and Victor Yue, as well as his architect, and builder.

5. Fort Lauderdale Aquatics Masters Swimming Team (PRES-05)

Commissioner Rodstrom recognized the Fort Lauderdale Aquatics Masters Swimming Team for their recent U.S. Masters Swimming National Championship team titles as well as athletes currently representing the U.S.A. Paralympic swimming team and U.S.A. Swimming Junior National teams. Commendation certificates were presented to the athletes and coaches. Duffy Dillon, Head Coach, thanked the Commission and City staff. He pledged to make the premier Masters and U.S.A. swim meets part of the City's centennial celebration.

**6. Virginia Shuman Young Elementary School
2010 Blue Ribbon Day – September 21, 2010 (PRES-06)**

Commissioner Rodstrom presented a proclamation designating September 21, 2010, as Virginia Shuman Young Elementary School 2010 Blue Ribbon Day to Dr. Mark Strauss, Principal, and Ms. Danielle Smith, Assistant Principal. Dr. Strauss thanked the City for recognizing and working with Virginia Shuman Young Elementary School. He emphasized that this award is for the entire community.

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| PUBLIC HEARINGS BUDGET |
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Fiscal Year 2010-2011 Millage Rate and Budget (PH-01)

No current year budgetary impact.

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

Mayor Seiler announced that this is the second of two public hearings to be held as required by law on the millage rate and budget for fiscal year 2010-2011. He opened the public hearing and noted its purpose.

Shonda Singleton-Taylor, Acting Director of Office of Management and Budget, presented slides on the proposed Fiscal Year 2010-2011 property tax millage rate and budget. A copy of the slides is attached to these minutes. Ms. Singleton-Taylor pointed out that the City's proposed millage rate has remained the same for four years. The ad valorem tax loss of \$11.8 million is primarily due to a ten percent loss in taxable property value.

Faye Wright-Simpson, representing Women In Distress, expressed gratitude for the City's previous support. She provided an overview of the organization's services, including statistical data on domestic violence offenses in the city. The average cost to serve one domestic violence victim is \$94 per night. The organization wishes to expand the number of clients served. She requested the City's funding remain intact for the next fiscal year.

Dennis Ulmer, 1007 NW 11 Place, thought replacement of the City's radio communications equipment should be a funding priority to maintain safety for police and fire-rescue personnel and residents. He supported a state tax credit recently authorized to encourage the film industry to continue operations. An active film industry will create more jobs and attract tourists. He suggested metered parking be included at the new building department site. He thanked City employees and the Commission for their service. Mayor Seiler did not think parking fees will likely be increased at that location.

Fred Nesbitt, 3900 Galt Ocean Drive and a member of the Budget Advisory Board, indicated that he is speaking as a citizen, not on the board's behalf. He pointed out that need for government services rises during poor economic times. He hoped the adopted budget will be a work in progress in that revisions will be made throughout the year. He believed the City's management tier is too heavy. He recommended the number of departments be reduced including elimination of two assistant city managers, two assistant to the city managers and moving the office of professional standards to human resources. He agreed with the merger of the office of management and budget with finance. He suggested appointing a blue ribbon panel to look at the City's organization, management and span of supervision and make recommendations. He strongly urged collaboration with the Budget Advisory Board to develop a three or five year budget. He noted that the Budget Advisory Board will present their recommendations on October 27, 2010 at the joint meeting with the Commission.

Marc Dickerman, 1417 SW 2 Street, expressed support of the proposed budget. He hoped City departments will continue to make budget cuts throughout the year. He urged the Commission to closely review the Budget Advisory Board's recommendations.

Mayor Seiler announced the upcoming joint meeting with the Budget Advisory Board on October 27.

Robert Walsh, 401 East Las Olas Boulevard, thought the City's proposed budget is solvent. He noted the Commission's budget cuts. He recalled the City Auditor stating the proposed budget is not sustainable. He questioned if the City Auditor met with department heads to discuss budget-related issues. He thought the City Auditor's \$50,000 budget cut was relatively minor in comparison to other revisions. The City Auditor explained why he deemed the budget structurally unbalanced. It is his duty to investigate information brought forth by department heads, rather than to work directly with them. He pointed out that most of his budget is salary-based, and there is little to

cut. Mr. Walsh felt there is a double standard in that departments are asked to make cuts, but the Auditor does not do the same. Mayor Seiler clarified the City Auditor's role. Mr. Walsh was concerned about departmental budget cuts such as those to the public information office.

Art Seitz, 1905 North Atlantic Boulevard, believed the City can obtain funding for wayfinding signage because A-1-A was deemed a scenic highway. He contended approximately \$1 million was available last year, but an application was not made. He expressed support for bicycle/greenway improvements; though there is no funding (for such projects) in this year's budget. He thought the City's cost to get shovel ready is minimal compared to the available funding. He noted his long-time request for the City to be prepared with shovel ready projects. He claimed the City is one of the top 10 worst places in the United States for pedestrians and cyclists. He thought there is enough money in the budget to get shovel ready on greenway projects. He believed there would be \$1 million in available funding if the greenway project from East Oakland Park Boulevard to Sunrise Boulevard was shovel ready. He believed the City could have claimed three parking spaces at Ireland's Inn to generate revenue and enhance public beach access. Mayor Seiler requested an update on the parking space at this location at the October 5, 2010 meeting. Mr. Seitz believed a greenway already exists between East Oakland Park Boulevard and Ireland's Inn; only signage is needed.

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

Commissioner Rodstrom noted that she did not accept the budget on first reading. She has considered the Budget Advisory Board's recommendations. She agreed with the Budget Advisory Board that the budget is not sustainable as well as the City Auditor's belief that it is not structurally balanced. She recalled the directive for the Acting City Manager to bring back a five percent cut. Instead there was a shift or swap in spending according to the City Auditor. She continued to be very dissatisfied with the budget. She was pleased that a department was consolidated, but questioned if savings resulted. Ms. Singleton-Taylor explained that the savings is approximately \$196,000. She confirmed for Commissioner Rodstrom that there will be no layoffs. The total net FTE (full-time equivalent) is 2,519.5. There were 60 vacant positions reduced. In light of the fact that no employees were laid off, Commissioner Rodstrom questioned why there will be service and operational impacts. Albert Carbon, Public Works Director, explained that several employees left and their positions will not be filled; therefore, the development review process services will be affected. Commissioner Rodstrom noted that she views the budget as a two-year, rather than one-year plan. She requested staff provide a one-year forecast based on revenues and expenditures remaining the same and from what source would the shortage be drawn next year. Ms. Singleton-Taylor explained that this forecast would require a closer examination. Commissioner Rodstrom pointed out that the City Auditor's opinions were instrumental in her decision not to accept the budget. She requested Ms. Singleton-Taylor meet with her before the end of the meeting to provide her information on long-term budget goals. She pointed out that this is the third consecutive year that reserves have been used.

At Commissioner Rodstrom's request, the City Auditor explained how the three percent savings was achieved. Part of what was used to balance this year's budget was a

cessation of inner fund charges between the Fleet Vehicle Replacement Fund and the operating departments within the general fund. Fleet Services continued to buy new vehicles, but stopped charging replacement costs to the departments. There are sufficient funds this year to do this; however, at the current rate of collections versus spending, the Fleet Vehicle Replacement Fund will be depleted by 2015. This deferment of replacement costs will result in a worse situation in the future, but it could be accommodated for one year. The same type of deferment happens in the general fund. The level of fund balance in the general fund is in fact higher at this time than it should be. Ideally non-recurring funding sources are used for non-recurring expenses. Unless there is a substantial change in the budget, the City will be impacted within the next two years. The fund balance will be gone through in a short time. Going forward, the City will not be able to make ends meet strictly through savings.

Commissioner Rodstrom would not support the budget as it is not structurally balanced or sustainable in the next couple years. She did not agree to employee salary increases. She would not support the budget based on information from the Budget Advisory Board, the City Auditor, and her personal analysis.

Mayor Seiler asked if she has any specific reductions to recommend. Commissioner Rodstrom thought the budget cuts should have come from the Acting City Manager. Mayor Seiler clarified that the Acting City Manager presented \$13.9 million in reductions. Commissioner Rodstrom expressed her desire to defer the final reading until October 5, 2010. Discussion ensued as to whether that would be legally permissible. The City Attorney indicated that October 9, 2010 is the final day the budget can be adopted. He elaborated upon the consequences of not meeting that deadline. She reiterated her desire to defer the final reading so that staff could honor the directive of a five percent cut.

Motion made by Commissioner Rodstrom and seconded by Vice Mayor Rogers to defer the item to October 5, 2010 was later withdrawn.

The City Attorney responded to Commissioner DuBose's question, indicating there would not be a problem with public notice as the matter is being deferred to a date certain. Vice Mayor Rogers agreed that more strategic budget reductions should be made. He believed the only significant impact that could be made is not funding the vacant positions. He thought this should be addressed to determine the appropriate policy. He recalled staff's advisement that services will be impacted based on the cuts. He believes that, if the 27 vacant positions are truly vital, they would have been filled within twelve months. The only way to strategically reduce the size of government without harming current employees is to not fund these positions and require justification for new jobs. He requested more time. He questioned the validity of a position deemed vital that has been unfilled for 64 months. He calculated that the City would save approximately \$1.5 million if positions that are vacant twelve months or longer are not funded. Also, he recalled that the Fleet Vehicle Replacement Fund was deemed oversubscribed, with \$24 million in reserves. However, the City Auditor has warned against drastically reducing this fund. Therefore, he felt there should be some charge and the additional money should be used to pay off debt. He suggested some of the existing leases at five percent interest should be paid off.

Mayor Seiler warned against deferment because only four commissioners will be present on October 5. Commissioner Roberts did not believe the personnel issue could be

completely resolved in two weeks. He thought the budget could be adopted contingent upon the City Manager's contract specifying that he or she will develop a five-year plan, performance based budgeting, reorganization, outsourcing, ways to increase operational efficiency and management/supervisor study. He would go forward with this budget with the understanding that these items are developed by the next budget cycle. He agreed that a position that has been vacant for sixty months could not be vital. He suggested positions that have been vacant for more than twelve months be eliminated. If needed, the City Manager could present the reasoning to the Commission. As to use of the Fleet Vehicle Replacement Fund, he suggested no new vehicles be purchased without Commission approval. He believed the City did not accomplish its budget goals this year therefore he wanted specific tasks for the next year. He did not think this could be resolved in two weeks when part of the discussion is a five-year (financial) plan. Mayor Seiler wanted the Commission to feel that they have full knowledge of the budget before voting, therefore he suggested they review whatever is necessary now.

Based on the Budget Advisory Board's recommendation, Commissioner Rodstrom recommended eliminating the office of professional standards and moving that function to human resources or the City Attorney's Office for a savings of \$675,000. In response to Mayor Seiler, she indicated that she did not meet with staff on this idea because she was staying with the no layoff policy. Mayor Seiler pointed out that there would be no net savings if it is necessary to retain the employees. He believed there will be a reduction in the number of departments in the future. Without a net savings, it does not make sense. Commissioner Rodstrom noted that there was not adequate time to review the vacant position information. She agreed with Vice Mayor Rogers that a position is not vital if it has not been filled in 64 months. She believed the budget is riddled with similar inconsistencies.

Commissioner DuBose stressed that all budgets should be considered a work in progress. He would be uncomfortable eliminating positions without a full grasp of the impact. He has expressed concern that services will be impacted, which he has addressed with the parks and recreation department and come to a better understanding, but the issue is not resolved. He emphasized the important role of parks in the city. He pointed out that a budget increase of \$1.6 million through collective bargaining was considered in the face of budget cuts. He thought the budget goals should be viewed in terms of a three to five-year projection. The budget can be amended. Vice Mayor Rogers noted that the parks and recreation department does not have any vacancies unfilled for twelve months or more. Commissioner DuBose reiterated concern about cutting positions without full understanding as to impact. Mayor Seiler used the example of the city treasurer position which has been vacant for some time but it should not be eliminated. There is an individual in an acting capacity. The Acting City Manager explained that the duties of many vacant positions have been assumed by current employees. This causes an impact to services because some employees are handling numerous duties. Unfunded vacancies were intended as a short-term solution, but were continued in an effort to make things work and dealing with the transition that is occurring. She opposed eliminating the vacant positions. Vice Mayor Rogers referred to the nineteen vacant positions that have been vacant for twelve months and longer and are not highlighted on the Vacancies that are funded in the FY 2011 Budget document (attached to these minutes) and asked they be defunded. The Acting City Manager requested that department heads be allowed to provide justification for these positions. Vice Mayor Rogers referred to the Commission's previous freeze. He wanted departments to come back and justify filling any defunded positions if they see

fit. If there is a service impact, it could be addressed. However, the Commission has strategically reduced the size of government.

Mayor Seiler noted that it appears all of the unhighlighted positions are in the Utilities Fund. Albert Carbon, Public Works Director, confirmed that is accurate and explained that several of the positions are associated with the WaterWorks program. The positions were created specifically for the expansion of the Peele-Dixie Water Treatment Plant which began operations in June, 2009. Public Works has been trying to fill these positions since the March, 2009 hiring freeze. In terms of the utility service worker positions, the need arose due to the City's sewer system expansion over the last several years. There is more work planned. The positions have been kept vacant until needed. He reiterated the necessity to fill the Peele-Dixie Water Treatment positions, though approval has not been granted. Vice Mayor Rogers did not understand the positions staying vacant during the worst economic times and highest unemployment rate. The City's website does not correspond with those on the Vacancies document. Mr. Carbon reiterated and elaborated upon Public Works' ongoing efforts to obtain approval to fill the positions since October 2009 and the hiring freeze. The plant is now fully operational 24/7. The positions were created but not intended to be filled until the plant became operational. Vice Mayor Rogers pointed out that he is unaware of any maintenance-related problems at any of the plants, other than the odor. Mr. Carbon clarified that the odor is an operational, rather than maintenance issue. Vice Mayor Rogers felt if things are working now, he questioned why more is needed. Mr. Carbon emphasized that he has been going through the channels since December 2009 and January 2010. He has been using overtime to meet the need. If the plants go down, there is no water. Vice Mayor Rogers thought the plants appear to work satisfactorily. He agreed that emergency workers are necessary, but the appropriate number must be determined. In some instances, it is necessary to use overtime. Commissioner Roberts thought it is bad practice to make knee-jerk decisions. However, he believed there could be more consolidation, reorganization and more cuts. He reiterated his comments that this is a work in progress and about tasking the new city manager. He added that there should be a citizens survey on services wanted. Mayor Seiler chronicled the commissioner votes and their positions at the prior hearing and concern about a tie-vote on October 5. He wanted that risk to be fully understood. Commissioner Roberts wanted to look at the position in conjunction with the workshop and developing a five-year plan. He wanted to get consensus approval that employment contracts would not be renewed over the course of the next year while reorganization is being considered. In his experience, it can take two to four years to recover from knee-jerk reductions. Vice Mayor Rogers disagreed that this is a knee-jerk reaction. Commissioner Roberts thought this is actually frustration grown from the lack of response from the previous city management for the last one and a half years. Vice Mayor Rogers indicated that he is flexible in terms of which vacancies to eliminate. There are vacancies for greater periods of time that could be cut if twelve months is not agreeable. He felt this is the only way to shrink the size of government and have a strategic impact. He believed the vote should be taken tonight. Commissioner DuBose indicated his beliefs are more in alignment with Commissioner Roberts. He agreed in terms of the importance of where and how the budget cuts are made. He warned against negative service ramifications of inappropriate cuts. He believed progress has been made. He was concerned about making cuts and not looking at the big picture. The impact on services must be fully understood. Commissioner Roberts agreed that progress has been made. Seventy-five positions were cut last year and sixty are recommended this year bringing the staffing level back to its position in 2000.

Commissioner Rodstrom withdrew her motion.

Director of Finance and Treasurer positions vacant twenty-eight and twenty months - Mayor Seiler questioned if either position could be eliminated in light of the consolidation. Ms. Singleton-Taylor explained that the director of finance position has been vacant for ten months. There is an error on the Vacancies document. Ms. Singleton-Taylor pointed out her position deputy director has been held vacant while she has been serving as the acting director. There would not be a deputy director of finance. The Acting City Manager clarified that the director of the office of management and budget is being eliminated. The deputy position title will need to be modified; it will be a deputy director of finance. In response to Vice Mayor Rogers, Ms. Singleton-Taylor explained that \$105,000 is the base budgeted amount for payroll projections. In response to Commissioner Rodstrom, Ms. Singleton-Taylor indicated she could not respond to whether her salary will be increased in the new position.

Latent Fingerprint Examiner position vacant thirty-six months - Police Chief Frank Adderley explained that a part-time employee from the Plantation Police Department has been performing this work. Legally, there must be two individuals to verify every identification. In response to Vice Mayor Rogers, a part-time employee was able to complete the duty; however, the individual retired and moved out of the area. He stressed that the position is desperately needed although they have made it work for the last three years.

Community Redevelopment Agency Planning and Design Manager vacant thirty-two months – Alfred Battle, Northwest Community Redevelopment Agency Director, explained that this position has been approved for recruitment. An offer has been made to a prospective new hire. The position is considered crucial to the organization. It applies to the existing CRA.

Housing Program Supervisor vacant twenty-one months - Greg Brewton, Director of Planning and Zoning, explained that the position is 76 percent funded by grant and is essential in guaranteeing all of the housing programs remain in compliance. For the past twenty-one months, an employee has served in an acting capacity with some responsibilities divided amongst other employees. In response to Mayor Seiler, Mr. Brewton explained the individual could not continue to work outside of the position unless there is an official action taken to hire the individual in that role. He emphasized the importance of monitoring the housing programs.

Service Clerk vacant for twenty-one months – Albert Carbon, Director of Public Works, explained that he has been trying to get permission to fill the position. The call center is 24/7. They have been shifting employees around and there have been longer wait times.

Utilities Service Workers vacant for eighteen months or longer – Albert Carbon, Director of Public Works, explained these positions were intended to be filled when the system came online. Because of the hiring freeze and no layoff policy, the idea was to be able to transfer people from the general fund to these positions, if necessary. The positions are needed.

GEO Information System Technician vacant for thirty months – Albert Carbon, Director of Public Works, explained this has to do with GIS as-built utilities and elaborated upon the purpose. Permission to fill the position has not yet been granted.

Customer Service Field Representative vacant for twenty-two months – Albert Carbon, Director of Public Works, explained the purpose of the position and reiterated that positions were put on hold.

Assistant Parking Services Manager vacant for twenty months – Diana Alarcon, Director of Parking and Fleet Services, indicated she has been handling the responsibilities of that position. It has impacted response time to customers and she is not as available to the general public as in the past.

Parking Enforcement vacant for twenty-seven months – Diana Alarcon, Director of Parking and Fleet Services, indicated this position is funded from the parking enterprise fund and managed by the Police Department. It is revenue generating, more than compensating for the salary.

Airport Operations Aide and Assistant Airport Manager for thirteen and twenty-one months – Clara Bennett, Executive Airport, advised these positions have not been authorized because of the hiring freeze. She has assumed more work and various strategic, safety and security related projects have been deferred. As to the aide position, an aide was moved from noise abatement to operations because it is a critical function.

Utilities Service Worker III vacant for twenty-six months – Albert Carbon, Director of Public Works, advised that this is in the stormwater system, helping with pump stations, keeping drains opens. There are currently seventeen employees; three fulltime pump stations and miles of storm drains. There is a need for routine maintenance and response to emergency calls.

Motion made by Vice Mayor Rogers and seconded by Commissioner Roberts to not fund any unhighlighted positions vacant over twenty-four months shown on Vacancies that are Funded in the FY 2011 Budget document, page 2-8 only, and place those funds in the reserve fund; and to add the following tasks for the coming year that were recommended in a recent letter from the Budget Advisory Board: five-year plan, performance based budgeting, reorganization and increasing efficiencies, looking at outsourcing non-strategic services and reducing government and conducting public surveys.

During discussion of the above motion, Commissioner Roberts received consent to amend the motion to add the following tasks set forth in a recent letter from the Budget Advisory Board: five-year plan, performance based budgeting, reorganization and increasing efficiencies, looking at outsourcing non-strategic services, reducing government and conducting public surveys.

Roll call showed: YEAS: Vice Mayor Rogers, Commissioners Roberts and Rodstrom and Mayor Seiler NAYS: Commissioner DuBose

Motion made by Vice Mayor Rogers and seconded by Commissioner Roberts to use \$4 million from the Fleet Vehicle Replacement Fund to pay debt in Parking and Fleet Services.

Vice Mayor Rogers explained the logic behind his motion in response to Commissioners Roberts and DuBose, indicating that the fund would not continue to be depleted. Fees to departments would be reinstated. In response to Commissioner DuBose, Ms. Singleton-Taylor advised that in such case \$3.9 million would be added back to the expenditure total for the general fund. Commissioner DuBose referred to the presentation indicating there would be a three percent savings. If the motion passes, it would be contrary to what was presented in the budget. In response to Vice Mayor Rogers, Ms. Singleton-Taylor advised that the three percent savings applies to all funds. Vice Mayor Rogers clarified that he did not want the net impact to decrease less than three percent but the additional Fleet Vehicle Replacement Fund should be used to pay some of the fleet debt. Commissioner DuBose was concerned about the lack of clarity to the public. One amendment may impact another area of the budget and ultimately the amount may be unchanged. In response to Vice Mayor Rogers, the City Auditor advised that following Government Finance Officers Association standards is fifteen percent of annual operating expenses which would be about \$1 million. Therefore, there is \$23 million in fund balance; there needs to be an emergency reserve of at least \$1 million and \$12-\$13 million for vehicle replacement/purchases. Vice Mayor Rogers wanted to take half of the difference to pay down existing leases. Lynda Flynn, Interim Director of Finance, advised that she is in the process of refinancing two debts to 2.43% and 2.6% rates that will come before the Commission in October. Staff is looking at every lease and bond issue to refinance. Diana Alarcon, Parking and Fleet Services, explained the accounting practice that occurs with respect to the fire truck debt.

Roll call showed: YEAS: Vice Mayor Rogers, Commissioners Roberts and Rodstrom and Mayor Seiler NAYS: Commissioner DuBose

Commissioner DuBose reiterated he voted no because he does not have a clear picture of the impact of the changes.

Mayor Seiler announced the final millage rate for all general City purposes exclusive of debt service will not exceed 4.1193 which represents an 11.35 percent decrease in the millage rate under the rolled-back rate of 4.6459 mills. The final millage rate for debt service for the 1997/2002 General Obligation Refunding Bonds is .1122. The final millage rate for debt service for the 2005 General Obligation bonds is .0497. The final millage rate for debt service for the 2010 General Obligation Bonds is .0554.

In response to Commissioner Rodstrom, the City Attorney explained that the Commission's changes will affect the reserve funds. The tentative millage rate of 4.1193 (not to exceed) and other figures are final. The applicable bond issues are general obligation issues.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 10-258

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011.

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

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 10-259

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011.

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

Sunrise Key Neighborhood Improvement District (PH-02)
Recommended Millage Rate and Budget – Fiscal Year 2010-2011

No current year budgetary impact.

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

Mayor Seiler announced that this is the second of two public hearings held as required by law on the on the Sunrise Key Neighborhood Improvement District millage rate and budget for fiscal year 2010-2011. He opened the public hearing and noted its purpose.

Shonda Singleton-Taylor, Acting Director of Management and Budget, announced the proposed millage rate of 0.5000 mills will generate revenue of \$81,700.

Robert Walsh, 401 E. Las Olas Boulevard, pointed out to Mayor Seiler that he had questions about the budget which are not focused on Sunrise Key. Despite Mayor Seiler's request to stay on topic, Mr. Walsh refused to alter his subject matter. Upon Mayor Seiler's prompting, Mr. Walsh relinquished the remainder of his presentation.

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

In response to Mayor Seiler, Commissioner Rodstrom noted there are no amendments to the Sunrise Key budget; the residents are satisfied.

Mayor Seiler announced the final millage rate for all Sunrise Key Neighborhood Improvement District purposes will be 0.5000 mill, which represents a decrease of 36.08 percent under the rolled-back rate of .7822 mills.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-260

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011.

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.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-261

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FOR FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011.

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.

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 – 13.1 Marathon Fort Lauderdale
Closing Streets Along Route****(M-01)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with US Road Sports and Entertainment of Florida, LLC for 13.1 Marathon Fort Lauderdale, to be held November 14, 2010, 5:30 AM – 10:30 AM, beginning on the west side of 17th Street Causeway bridge and ending at Fort Lauderdale Beach Park and closing streets along the route.

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 10-1254

Event Agreement – Beach Baptism**(M-02)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Flamingo Road Baptist Church, Inc. for Beach Baptism, to be held September 26, 2010, 1 PM – 5 PM, at Fort Lauderdale Beach Park.

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 10-1255

Event Agreement – Flavors of Greece**(M-03)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with St. Demetrios Greek Orthodox Community of Broward County, Inc. for Flavors of Greece, to be held October 9 and 10, 2010, at the church – 815 NE 15 Avenue.

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 10-1256

**Event Agreement – Handy Thanksgiving Day Tour
Closing SW 1 Avenue****(M-04)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Helping Abused, Neglected, Disadvantaged Youth, Inc. for HANDY Thanksgiving Day Tour, to

be held November 25, 2010, 7 AM – 11 AM, at Las Olas Riverfront, downtown, and beach area streets and closing SW 1 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1259

Event Agreement – YOLO Farmers Market

(M-05)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with YOLO Las Olas, LLC for YOLO Farmers Market, to be held on Sundays, October 3, 2010 through January 2, 2011, at the Plaza – 333 East Las Olas Boulevard.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1262

Event Agreement – Boat Show Kick-Off

(M-06)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Quarterdeck Cordova, Inc. for Boat Show Kick-Off, to be held October 22, 2010, 6 PM – 11 PM, at the Quarterdeck – 1541 Cordova Road.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1263

Event Agreement – Halloween at Snyder Park

(M-07)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Brandano Displays, Inc. for Halloween at Snyder Park event, to be held October 21-24 and 28-30, 2010, 5 PM – 11 PM and on October 31, 2010, 3 PM – 11 PM, contingent upon City Attorney receiving and approving a validly executed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1326

Parks and Recreation Background Screening Policy**(M-08)****No budgetary impact.**

A motion approving revised background screening policy for parks and recreation program volunteers and instructors.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1342

**Grant Application – River Oaks Stormwater Park - \$2,400,000
FEMA Pre-Disaster Mitigation Program****(M-09)****Please see funding information attached to these minutes.**

A motion authorizing 1) proper City Officials to apply for grant funds, in the amount of \$2,400,000 for use in land purchase and development of River Oaks Stormwater Park infrastructure (Project 11419) from Federal Emergency Management Agency 2011 Pre-Disaster Mitigation Program - \$800,000 City match from Florida Department of Environmental Protection funds and 2) City Grant Manager or designee to serve as signatory on required electronic grant submission system and any documents required for initiating application process.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1315

**Contract Award – Western Waterproofing Company - \$42,910
City Park Garage Weatherproof and Restripe – 7th Level****(M-10)****Please see funding information attached to these minutes.**

A motion authorizing the proper City Officials to award and execute contract with Western Waterproofing Company of America, in the amount of \$42,910 – City Park Garage weatherproof and re-stripe – 7th level – Project 11543.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1320

**SE – SW 2 Street Utility Line Undergrounding - \$81,396
Agreement – Florida Power and Light Company****(M-11)****Please see funding information attached to these minutes.**

A motion authorizing 1) proper City Officials to execute agreement with Florida Power and Light Company for conversion of overhead electric facilities to underground service – SE 2 Street, from SE 2 Avenue to SE 3 Avenue and 2) transfer \$81,396 to fund the agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1337

Amendment – Interlocal Agreement with Broward County (M-12)
Convention Connection Sun Trolley Service

No budgetary impact.

A motion authorizing proper City Officials to execute Amendment 1 to Interlocal Agreement with Broward County for the Convention Connection Sun Trolley Service to extend the deadline for City delivery of alternative fuel vehicles to Broward County and to lease one additional vehicle to City – final execution of Amendment 1 is subject to approval by Broward County.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1360

Dockage Lease Agreement – Jungle Queens, Inc. (M-13)
Dock Areas A and B – 1005 Seabreeze Boulevard

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute lease agreement with Jungle Queens, Inc., for vessel storage in conjunction with a small boat rental operation – 1005 Seabreeze Boulevard – October 1, 2010 to September 30, 2011.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1153

Dockage Lease Agreement – Apex Marine, LLC (M-14)
South Side of New River Riverwalk

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute lease agreement with Apex Marine, LLC, for private vessel storage in conjunction with a repair and maintenance facility – south side of New River Riverwalk between SW 1 Avenue and SE 3 Avenue bridge – October 1, 2010 to September 30, 2011.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1157

Dockage Agreement – Fort Lauderdale International Boat Show (M-15)
Use of Las Olas Municipal Marina

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute dockage agreement with Yachting Promotions, Inc. and Marine Industries Association of South Florida, Inc. - use of dockage at Las Olas Municipal Marina – 2010 Fort Lauderdale International Boat Show – October 27, 2010 through November 2, 2010.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1152

Excess Workers' Compensation Insurance Policy Renewal - \$327,240 (M-16)

Please see funding information attached to these minutes.

A motion authorizing procurement of excess workers' compensation insurance through negotiation method.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1281

Purchase Vehicle Parts – Fleet Services Contractor (M-17)

No budgetary impact.

A motion authorizing the City's fleet services contractor, First Vehicle Services, to purchase vehicle parts on the City's behalf, in accordance with U.S. Communities AutoZone Contract 061343, for use on and in repairing City vehicles.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1333

Amendment to Contract to Purchase – Stormwater Retention – (M-18)
Detention Area
2120-2117 SW 19 Avenue – River Oaks – River Oaks Landings, LLC

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute First Amendment to Contract for Purchase and Sale with River Oaks Landings, LLC, substituting Florida Department of Environmental Protection for South Florida Water Management District as the granting agent for post-closing \$800,000 grant contingent upon grant acceptance and execution of agreement with Florida Department of Environmental Protection.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1209

Change Order Award – H & J Contracting, Inc. - \$78,560.24 (M-19)
Northwest Neighborhood Improvements

Please see funding information attached to these minutes.

A motion authorizing Change Order 1 with H & J Contracting, Inc., in the amount of \$78,560.24 – Northwest Neighborhood Improvements – Project 11485, contingent upon Community Redevelopment Agency Board approval of funds transfer.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1306

Interlocal Agreement for Fire-Rescue Services – City of Wilton Manors (M-20)

No budgetary impact.

A motion authorizing the proper City Officials to execute five-year interlocal agreement with City of Wilton Manors for provision of fire-rescue services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1340

| |
|---------------------------|
| CONSENT RESOLUTION |
|---------------------------|

Amend Operating Budget – Appropriation and Transfer - \$120,000 (CR-01)
Playground Replacements – Guthrie-Blake and Bryant Peney Parks

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1279

RESOLUTION NO. 10-267*

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 AND TRANSFERRING \$120,000 FOR REPLACEMENT OF TWO PLAYGROUNDS AT GUTHRIE-BLAKE PARK AND BRYANT PENEY PARK AS SET FORTH IN THE ATTACHED EXHIBIT.

*Resolution revised. See discussion on page 38.

**Amend Operating Budget – Appropriation - \$25,000
Sponsorship – 2010 4th of July Celebration**

(CR-02)

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1290

RESOLUTION NO. 10-268

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010, BY ACCEPTING AND APPROPRIATING CASH SPONSORSHIP IN THE AMOUNT OF \$25,000 FROM FORD MOTOR COMPANY FOR THE 2010 4TH OF JULY CELEBRATION AND APPROPRIATING EXPENSES IN THE AMOUNT OF \$25,000 INCLUDING A \$3,250 PAYMENT TO JAN BETH IDELMAN, INC., THE EVENT FUNDRAISER, AS SET FORTH IN THE ATTACHED EXHIBIT.

**Grant Application – South Middle River Park - \$200,000
Florida Department of Environmental Protection**

(CR-03)

No current year budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1313

RESOLUTION NO. 10-269

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR 2011-2012 FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) GRANT FUNDS IN THE AMOUNT OF \$200,000 FOR THE SOUTH MIDDLE RIVER PARK.

Grant Acceptance – River Oaks Stormwater Park - \$800,000 (CR-04)
Florida Department of Environmental Protection

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1057

RESOLUTION NO. 10-270

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, 2010, AND ENDING SEPTEMBER 30, 2011, BY APPROPRIATING FUNDS AS SET FORTH IN EXHIBIT ATTACHED HERETO, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE UNDERLYING DOCUMENT(S) AND PROVIDING FOR AN EFFECTIVE DATE.

Amend Operating Budget – Appropriation – (CR-05)
Transportation Enhancement - \$30,000
Return Funds to Capital Improvement Program

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1301

RESOLUTION NO. 10-271

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO

AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY APPROPRIATING FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT.

Contract Award – MBR Construction, Inc. – Bill Keith Preserve - \$300,000 (CR-06)

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1317

RESOLUTION NO. 10-272

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY APPROPRIATING FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT.

South Florida East Coast Corridor Study

(CR-07)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1292

RESOLUTION NO. 10-273

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPRESSING SUPPORT FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION'S SOUTH FLORIDA EAST COAST CORRIDOR (SFECC) STUDY PROJECT (FROM JUPITER TO MIAMI) AND ITS AFFILIATED REGIONAL AND COUNTY TRANSPORTATION AGENCIES; ACKNOWLEDGING POTENTIAL STATION LOCATIONS; AND ACKNOWLEDGING THE CITY'S COMMITMENT TO THE PROJECT TO ENHANCE MOBILITY IN THE SOUTHEAST FLORIDA REGION.

Grant Acceptance – Body Transmitter for Organized Retail Crime Prevention (CR-08)
Target Stores – Target Law Enforcement Grant Program - \$2,500

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1304

RESOLUTION NO. 10-274

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY ACCEPTING AND APPROPRIATING GRANT FUNDS AWARDED TO THE CITY FROM TARGET IN THE AMOUNT OF \$2,500 FOR ORGANIZED RETAIL CRIME PREVENTION AS SET FORTH IN THE ATTACHED EXHIBIT, AND PROVIDING FOR AN EFFECTIVE DATE.

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| PURCHASING AGENDA |
|--------------------------|

502-10572 – Reject Bids and Re-Bid – Parking Permit Decals and Hangtags (PUR-01)

No budgetary impact.

Reject all bids for parking permit decals and hangtags and authorize re-bidding is being presented for approval by Parking and Fleet Services Department.

Recommend: Motion to reject and authorize re-bidding.

Bids Solicited/Rec'd: 747/2

Exhibit: Commission Agenda Report 10-1298

The Procurement Services Department has reviewed this item and recommends rejecting all bids and re-bidding.

502-10595 – Beach Cleaner Replacement (PUR-02)

Please see funding information attached to these minutes.

Purchase replacement beach cleaner identified in 2009-2010 Fleet Plan is being presented for approval by Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Kelly Tractor Co
Miami, FL

Amount: \$51,000.00

Bids Solicited/Rec'd: 228/4

Exhibit: Commission Agenda Report 10-1300

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

332-8871 – Increase Expenditure – Fleet Management and Maintenance (PUR-03)

Please see funding information attached to these minutes.

Increase expenditure for fleet management and maintenance services is being presented for approval by Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: First Vehicle Services, Inc.
Cincinnati, OH

Amount: \$124,064

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1275

The Procurement Services Department has reviewed this item and recommends approval of increased expenditure.

**715-10580 – Maintenance of Audio, Visual, Public Address Systems (PUR-04)
City Commission, Boards and Committees**

Please see funding information attached to these minutes.

One-year contract for audio, visual, public address systems maintenance – City Commission, boards and committees is being presented for approval by City Clerk's Office subject to approval and appropriation of 2010-2011 budget.

Recommend: Motion to approve.

Vendor: Business Information Systems, Inc.
Ft. Lauderdale, FL

Amount: \$23,726.00 (estimated)

Bids Solicited/Rec'd: 1491/1

Exhibit: Commission Agenda Report 10-1252

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

**773-9676 – Increase Expenditure –
Board and Committee Minutes Services**

(PUR-05)

\$79,499 in respective Department/Division user budgets based on actual meeting hour usage. Please see funding information attached to these minutes for annual cost departmental breakdown.

Increase expenditure for board and committee minutes services is presented for approval by City Clerk's Office subject to approval and appropriation of 2010-2011 budget.

Recommend: Motion to approve.

Vendor: Prototype, Inc. Margaret Muhl Transcription
Davie, FL Tipp City, OH

Amount: \$25,649.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1299

The Procurement Services Department has reviewed this item and recommends increasing contract expenditure.

B-10-85 – Co-Op Contract for Fertilizers

(PUR-06)

Please see funding information attached to these minutes.

One-year contract with one, one-year renewal for purchase of fertilizers is being presented for approval by Parks and Recreation Department subject to approval and appropriation of 2010-2011 budget.

Recommend: Motion to approve.

Vendor: Various Vendors (see attached)

Amount: \$60,000.00 (estimated)

Bids Solicited/Rec'd: 26/6

Exhibit: Commission Agenda Report 10-1183

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

502-10588 – BigBelly Solar Powered Trash Compactors

(PUR-07)

Please see funding information attached to these minutes.

Purchase twelve solar powered trash compactors for five parks is being presented for approval by Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: BigBelly Solar, Inc.
Needham, MA

Amount: \$62,590.92

Bids Solicited/Rec'd: 619/1

Exhibit: Commission Agenda Report 10-1190

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

The following items were removed from the Consent Agenda:

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom that Consent Agenda Items M-11, CR-01, CR-03, CR-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: Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

SE – SW 2 Street Utility Line Undergrounding - \$81,396 (M-11)
Agreement – Florida Power and Light Company

Commissioner DuBose advised he removed this item from the consent agenda to vote no. It is a significant item that has been pending for some time. Albert Carbon, Public Works Director, chronicled the history of this item. The original project with the DDA (Downtown Development Authority) was completed in 2005. Due to hurricane damage, the undergrounding on this block was not completed by Florida Power & Light Company (FPL). The cost for completion is within the original budgeted amount and committed for expenditure in the City's agreement with the DDA. The DDA is concerned that oak trees will reach the power lines in a couple of years and that is the reason for the project. Commissioner DuBose maintained that the timing is poor and he thought postponement is in order. Mayor Seiler inquired about the DDA's expectation. Mr. Carbon noted the DDA is tracking the project and has requested the project move forward. Vice Mayor Rogers could not find a deadline in the contract, but wanted to keep any promise made. Mayor Seiler stressed the importance of determining whether this project is discretionary or mandatory. Mr. Carbon requested deferral to October, 2011. If the DDA expresses concern, he will bring the item back.

Motion made by Commissioner DuBose and seconded by Commissioner Roberts to defer the item to fiscal year 2011-2012 budget cycle. Roll call showed: YEAS: Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

Amend Operating Budget – Appropriation and Transfer - \$120,000 (CR-01)
Playground Replacements – Guthrie-Blake and Bryant Peney Parks

In light of these available funds in the Parks and Recreation operating budget, Commissioner DuBose questioned why there was not enough funding in March, (2009) to complete the Osswald Park playground project. Phil Thornburg, Parks and Recreation Director, explained that, at that time, budget projections did not show there would be available funds at the end of the fiscal year. However, there are some remaining funds in the operating budget. The plan is to use the funds to replace these playgrounds. He elaborated upon the funding source for this item.

Commissioner DuBose was concerned about the short-funding of the Osswald Park playground. Mr. Thornburg believed the proposed playgrounds have more of a need. Commissioner DuBose wanted to revisit this because it appears the funding was shifted to another project. Mr. Thornburg did not think it would be possible to re-bid work for Osswald Park in time for this year's funds to still be available. Commissioner DuBose was concerned that in March \$60,000 was taken from Osswald because there were insufficient funds to do the work and now there is \$120,000 to do work elsewhere. Mr. Thornburg noted the locations of the parks in this item for Commissioner Rodstrom. He clarified that when Osswald was delayed, staff did not forecast that these funds would be available. Commissioner DuBose indicated when looking at the amenities in District III parks in comparison with other areas, it raises concern. Commissioner Rodstrom recognized Commissioner DuBose's point. Albert Carbon, Director of Public Works, advised that the contract for Osswald Park is complete. He would recommend rebidding. As another example to demonstrate his concern, Commissioner DuBose pointed out some \$250,000 is budgeted in parks and recreation for new programming at Southside School.

Terry Rynard, Assistant Director of Parks and Recreation, believed there is \$75,000 to \$80,000 remaining in Osswald Park.

Discussion was postponed.

Continued on page 38

Grant Application – South Middle River Park – \$200,000 (CR-03)
Florida Department of Environmental Protection

In response to Commissioner DuBose, Phil Thornburg, Director of Parks and Recreation, corrected the commission agenda report (10-1313) to refer to the parcel value, not partial.

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.

South Florida East Coast Corridor Study**(CR-07)**

Vice Mayor Rogers emphasized the critical importance of this corridor for overall transit needs. He felt that discussions should begin now to educate the public. Commissioner Rodstrom indicated that she had discussed using the WAVE as a temporary connector. She felt perhaps it should be scheduled on a conference agenda with a resolution of support to follow. Vice Mayor Rogers agreed. Mayor Seiler felt there needs to be a meeting with the marine industry, and the Downtown Development Authority. He asked a resolution of support be scheduled and discussion at the October 19, 2010 conference meeting.

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.

MOTIONS**Proprietary – BuySpeed Procurement Software****(MD-01)**

Please see funding information attached to these minutes.

Purchase annual support – BuySpeed procurement software is being presented for approval by Information Technology Services Department subject to approval and appropriation of 2010-2011 budget.

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| Recommend: | Motion to approve. | |
| Vendor: | Periscope Holdings, Inc. Austin, TX | |
| Amount: | \$23,579.00 | (not to exceed) |
| Bids Solicited/Rec'd: | N/A | |
| Exhibit: | Commission Agenda Report 10-1302 | |

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

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.

Proprietary – Community Plus Software Support**(MD-02)**

Please see funding information attached to these minutes.

Purchase annual support – Community Plus Software – alarm billing, business licensing, code enforcement, fire safety inspections, building permits, special assessments and

planning and zoning – presented for approval by Information Technology Services Department subject to approval and appropriation of 2010-2011 budget.

Recommend: Motion to approve.

Vendor: Four J's Development Tools, Inc.
San Jose, CA

Amount: \$10,560.00 (not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1305

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

Motion made by Commissioner DuBose 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.

Proprietary – Financial Management and Budget Software Support (MD-03)

Please see funding information attached to these minutes.

Purchase annual maintenance for Financial Management and Budget Preparation Software (FAMIS/BPREP) is being presented for approval by Information Technology Services Department subject to approval and appropriation of 2010-2011 budget.

Recommend: Motion to approve.

Vendor: COGSDALE HOLDINGS LTD. INC.
CHARLOTTETOWN PE C1E 2-A1 CA

Amount: \$182,085.00 (not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1303

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

Vice Mayor Rogers questioned the possibility of using a U.S. vendor. Tim Edkin, Director of Information Technology Services, advised that this software has been used by the City since 1992. Kirk Buffington, Director of Procurement Services, provided the corporate history, noting twenty years ago it was a U.S. company, KPMG. In response to Commissioner Rodstrom, Mr. Buffington indicated it would be several million dollars to replace the City's financial management system. This is the only vendor who can support the maintenance. Mr. Edkin indicated the invoice would be for \$182,000.

Motion made by Vice Mayor Rogers 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.

Proprietary – Community Plus Software Maintenance and Support (MD-04)

Please see funding information attached to these minutes.

Purchase annual maintenance and support for Community Plus Software – code enforcement, occupational licensing, permitting, alarm billing and fire safety inspections – presented for approval by Information Technology Services Department subject to approval and appropriation of 2010-2011 budget.

Recommend: Motion to approve.

Vendor: SUNGARD PUBLIC SECTOR INC.
LAKE MARY, FL

Amount: \$78,903.00 (not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1307

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

Motion made by Commissioner DuBose 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.

Proprietary – Public Safety Computer System – Finger Printing (MD-05)
Annual Maintenance Renewal

Please see funding information attached to these minutes.

Renewal of public safety computer system annual maintenance contract – finger printing, upon approval and appropriation of 2010-2011 budget – presented for approval by Police Department subject to approval and appropriation of 2010-2011 budget.

Recommend: Motion to approve.

Vendor: Morpho Trak, Inc.
Alexandria, VA

Amount: \$19,379.43

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1194

The Procurement Services Department and Police Department recommends approving the renewal of the annual public safety proprietary maintenance contract.

Motion made by Commissioner Roberts 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.

Proprietary – Multi-Space Parking Meters (MD-06)
Replacement Parts – Components, Supplies and Parkfolio Services

Please see funding information attached to these minutes.

Purchase multi-space meter replacement parts-components and supplies on as-needed basis and monthly Parkfolio service through September 30, 2011 for 103 Parkeon meters – presented for approval by Parking and Fleet Services Department subject to approval and appropriation of 2010-2011 budget.

Recommend: Motion to approve.

Vendor: Parkeon, Inc.
Moorestown, NJ

Amount: \$226,200.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1164

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

In response to Vice Mayor Rogers, Diana Alarcon, Director of Parking and Fleet Services, explained the purpose of this item. Items are purchased as needed. It will be for next budget year.

Motion made by Commissioner DuBose 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.

Proprietary – Digital Multi-Space Parking Meters (MD-07)
Replacement Parts, Components, Supplies and EMS Credit Card Service

Please see funding information attached to these minutes.

Purchase multi-space meter replacement parts-components and supplies on an as-needed basis and monthly “EMS” credit card service through September 30, 2011 for 66 Digital meters – presented for approval by Parking and Fleet Services Department subject to approval and appropriation of 2010-2011 budget.

Recommend: Motion to approve.

Vendor: Digital Payment Technologies Corp.
Burnaby, BC

Amount: \$93,390.00 (estimated)

Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 10-1175

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

Motion made by Commissioner DuBose 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.

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| RESOLUTIONS |
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Site Plan with Allocation of Post 2003 Dwelling Units (R-01)
Alexan Solmar Fort Lauderdale – Case 60-R-10

No budgetary impact.

Applicant: Flagler Fort Lauderdale Development, LLC
Location: 408 NE 6 Street
Zoning: Regional Activity Center – City Center RAC-CC
Future Land Use: Downtown Regional Activity Center

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

The Commission announced with whom he or she had spoken with and/or site visits made concerning this matter.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 10-262

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT PLAN INCLUDING ALLOCATION OF POST 2003 DWELLING UNITS TO DEVELOP MULTI-FAMILY RESIDENTIAL UNITS AND PARKING STRUCTURE LOCATED AT 408 N.E. 6TH STREET, FORT LAUDERDALE, FLORIDA IN A RAC-CC ZONING DISTRICT.

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

**Vacate Portion of Non-Vehicular Access Line Easements
Shoppes on Arts Avenue – 540 NW 7 Avenue – Case 2-P-10A**

(R-02)

No budgetary impact.

Commissioner DuBose introduced the following resolution:

RESOLUTION NO. 10-263

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING PORTIONS OF CERTAIN NON-VEHICULAR ACCESS LINE EASEMENTS ON THE PERIMETERS OF PARCELS "B" AND "D", "NORTHWEST FORT LAUDERDALE COMMERCIAL PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 148, PAGE 25, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED IN THE BLOCK BOUNDED BY NORTHWEST 6TH STREET ON THE NORTH, NORTHWEST 6TH AVENUE ON THE EAST, NORTHWEST 5TH STREET ON THE SOUTH, AND NORTHWEST 7TH AVENUE ON THE WEST, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

**Rezoning to Planned Unit Development – 1224 East Las Olas Boulevard
Planning and Zoning Fee Schedule**

(R-04)

No budgetary impact.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-265

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REPEALING RESOLUTION NO. 97-111 WHICH ADOPTED THE UNIFIED LAND DEVELOPMENT REGULATIONS FEE SCHEDULE AND ADOPTING A NEW PLANNING AND ZONING FEE SCHEDULE.

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

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| PUBLIC HEARINGS |
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Central Wastewater Region Large User Rate – Fiscal Year 2010-2011 (PH-03)

No budgetary impact.

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

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 10-266

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO SET A RATE OF \$1.21 PER 1,000 GALLONS, DURING FISCAL YEAR 2010/2011, FOR ALL LARGE USER WASTEWATER CUSTOMERS OF THE CENTRAL WASTEWATER REGION AND AN EFFECTIVE DATE.

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

Relief from Parking Requirements for Public Purpose Use (PH-04)
Dr. Kennedy Homes – 1004 West Broward Boulevard – Case 64-R-10

No budgetary impact.

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

The Commission announced with whom he or she had spoken with and/or site visits made concerning this matter.

Mayor Seiler opened the floor for public comment.

Charles Jordan, representing the Trust for Historic Sailboat Bend and Mark Kerr, claimed that the notification procedures in Section 47-27, Unified Land Development Regulations, were not followed. He requested the hearing be deferred until proper notice is accomplished. Greg Brewton, Director of Planning and Zoning, believed there was proper notice and the applicant has provided notification above the requirements. Mr. Jordan displayed a photograph taken today showing notice for October 5, having to do with vacating an easement. There is no notification on the site. In response to Mr.

Jordan, Mayor Seiler advised that the City applies its procedures uniformly to all properties. Mr. Brewton advised that notice for this item is newspaper ten days in advance. Mr. Jordan contended it is confusing to use signage for the Planning and Zoning Board hearing but not for the ordinance reading. Mayor Seiler noted receiving a copy of an email from David Parker to Robert Lochrie (representing the applicant), dated August 10, 2010, indicating there was no expressed concern by the Sailboat Bend Civic Association Board. As to notice, the City Attorney advised if the date on the sign has not been changed, proper notice has not been given. Mr. Brewton believed the problem occurred when the applicant posted the sign which was not required.

Robert Lochrie, representing the applicant, advised that the sign is for an easement vacation application and is in compliance with the regulations. The City Attorney confirmed that there are varying notice requirements for each type of application. He disagreed with the Planning Director as to the type. He believed this is a Type 3 which would require the notice. However, Section 47-27.2.A.7 provides that failure to give notice shall not invalidate the hearing. Mr. Lochrie referred to the public purpose use provision for Type 4, quoted the language and contended that proper notice was provided. Mr. Jordan was in attendance at the Planning and Zoning Board meeting and it is known that the item would come from that board to the Commission. He also informed the president of the civic association that this petition would be coming forward. He understood the association met yesterday and discussed the item. Because it is being changed to a public purpose use, it is a Type 3. Mr. Lochrie pointed out that Type 3 only requires ten-day newspaper notice according to Section 47-27.5, thus there is no difference.

Discussion was postponed.

The City Attorney explained the differences between types 3 and 4 rezonings and the corresponding notice requirements provided in the Unified Land Development Regulations (ULDR), including language addressing public purpose uses. The sign posted for the Planning and Zoning Board meeting should have remained on the site and been changed to announce the next meeting. Mr. Lochrie believed the signage needs to be posted at least fifteen days in advance, therefore he offered to post the signage tomorrow for the second meeting in October.

There being no other individuals wishing to speak on this matter, a **Motion** made by Commissioner Rodstrom and seconded by Commissioner Roberts to defer the item to October 19, 2010. Roll call showed: YEAS: Vice Mayor Rogers, Commissioners Roberts, Rodstrom and DuBose and Mayor Seiler. NAYS: None.

ORDINANCE NO. C-10-

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AFFORDABLE HOUSING PROJECT AS A PUBLIC PURPOSE USE THAT DOES NOT MEET THE PARKING AND LOADING REQUIREMENTS IN AN RMM-25 ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), WHICH

SITE IS MORE FULLY DESCRIBED AS ALL OF BLOCK 1, DR. KENNEDY HOMES HOUSING PROJECT ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 70 OF THE PUBLIC RECORDS OF BROWARD COUNTY; LESS AND EXCEPT THAT PORTION TAKEN FOR RIGHT OF WAY FOR BROWARD BOULEVARD; LOCATED ON THE SOUTH SIDE OF WEST BROWARD BOULEVARD BETWEEN SOUTHWEST 9 AVENUE AND SOUTHWEST 11 AVENUE AND GRANTING RELIEF FROM THE ULDR REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE ULDR OF THE CITY OF FORT LAUDERDALE, FLORIDA.

Board and Committee Appointments

(R-03)

No budgetary impact.

In response to Vice Mayor Rogers, Mayor Seiler did not believe there is a prohibition of an elected official serving on a board or committee. He intended to pursue getting Maureen Dinnen of the School Board to serve as a liaison to the Centennial Celebration Committee, however, it would be acceptable to serve as a member and liaison.

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

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| Affordable Housing Advisory Committee | Margie Alexander (Commissioner DuBose) |
| Budget Advisory Board | Ronald J. Goff (Mayor Seiler) Mark Snead (Vice Mayor Rogers) |
| Centennial Celebration Committee | Nuccia McCormick (Mayor Seiler) Maureen S. Dinnen (Vice Mayor Rogers) |
| Community Appearance Board | Kenneth Green (Commissioner DuBose) |
| Community Services Board | Earl Bosworth (Commissioner Rodstrom) |
| Parks, Recreation, and Beaches Board | Curtiss Berry (Mayor Seiler) |

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-264

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

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

Community Bus Service – Galt Ocean Mile – Expand Route (PH-05)
Downtown Fort Lauderdale Transportation Management Association

No budgetary impact.

This item was deferred to October 19, 2010.

Rezoning to Planned Unit Development – 1224 East Las Olas Boulevard (PH-06)
First Presbyterian Church of Fort Lauderdale – Case 4-ZPUD-08

No budgetary impact.

Applicant: First Presbyterian Church of Fort Lauderdale
Location: 1224 East Las Olas Boulevard
Current Zoning: Boulevard Business B-1, Residential Single Family/
Low Medium Density RS-8, Limited Residential Office ROA,
Community Facility: House of Worship and School CF-HS
Proposed Zoning: Planned Unit Development PUD
Future Land Use: Commercial, Low Medium Residential

This item was deferred to November 16, 2010.

Relief from Zoning Requirements for Public Purpose Use (PH-07)
Fire Station 35 – 1969 East Commercial Boulevard – Case 33-R-09

No budgetary impact.

Applicant: City of Fort Lauderdale
Location: 1969 East Commercial Boulevard
Zoning: Community Business CB

This item was deferred to October 5, 2010.

Amend Operating Budget – Appropriation and Transfer - \$120,000 (CR-01)
Playground Replacements – Guthrie-Blake and Bryant Peney Parks

Continued from page 27

Phil Thornburg, Director of Parks and Recreation, advised at the end of the Osswald Park project, the City was short about \$100,000 and the items not completed were the water spray playground area and poured in-place surfacing. Changes were made and the other surfacing was done. The project has been closed, but only \$35,000 of the \$100,000 contingency was used. If the costs for these items are still good, staff could accomplish all of it with the \$120,000 and \$65,000. It would go out to bid. Terry Rynard, Assistant Director of Parks and Recreation, chronicled the history of Osswald Park project funding, including four change orders. The bids will probably be a little higher to compensate for mobilization. Commissioner DuBose asked what happened to the original transfer of approximately \$60,000 that occurred in March when the agenda item indicated there was insufficient funding. Together with the remaining \$65,000 at the end of the project, there is \$125,000 for Osswald. Ms. Rynard believed the original project award used operating funds and the request was to return that funding to operating. Since then, there has been attrition and the City has not had to make their payment to the Airport on U.S. 1 maintenance. This would explain the \$120,000 availability. In further response to Commissioner DuBose, Ms. Rynard advised that the aquatic portion bid was \$155,000. She did not know the final cost for the existing playground. The aquatic portion was broke out because staff was never certain it would be affordable. The playground portion was left in the contract. She estimated it to be about \$40,000. She went on to note the change order credit for the poured in-place surface of approximately \$24,000.

Commissioner DuBose wanted what was initially intended for the playground to be done.

Motion made by Commissioner DuBose and seconded by Commissioner Rodstrom to change the funding to Account P11306.331 (for Osswald Park) as follows:

RESOLUTION NO. 10-267

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 AND TRANSFERRING \$120,000 FOR NEW SPRAY WATER PLAYGROUND AND ASSOCIATED PLAYGROUND SURFACING AT OSSWALD PARK AS SET FORTH IN THE ATTACHED EXHIBIT.

In response to Commissioner Rodstrom, Ms. Rynard advised there would be a balance of about \$1,200 assuming that the poured in-place surfacing is included along with the playground. It is necessary for a water playground. In response to Vice Mayor Rogers, Mr. Thornburg indicated that adjustments will be made to the extent possible to Guthrie-Blake and Bryant Peney playground equipment. Parts are not always available. The City is not in violation of the law in terms of ADA requirements. He could not guarantee the

equipment will last for the coming year. They are safe. These playgrounds are on the top of staff's replacement schedule and will stay on the top unless something occurs in terms of vandalism or play value. The schedule is compiled by a certified playground inspector on staff. Standards indicate a life cycle of ten to fifteen years, depending upon amount of play, surfacing. The City has not received a lot of complaints. In further response, Mr. Thornburg elaborated upon some of the thinking that was the basis for the decision about Osswald and the playgrounds.

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

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| ORDINANCES |
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Code Amendment – Chapter 9 – Buildings and Construction
Permits and Inspections

(O-01)

No budgetary impact.

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-10-30

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, CHAPTER 9, BUILDINGS AND CONSTRUCTION, ARTICLE II, PERMITS AND INSPECTIONS, PROVIDING FOR COMPLIANCE WITH CURRENT STATE LAW; AN INCREASE IN COST OF CLEANUP BOND; INCREASES IN AND MODIFICATION TO GENERAL, ELECTRICAL, PLUMBING AND MECHANICAL, LANDSCAPE AND TREE REMOVAL AND SIGN PERMIT FEES; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

In response to Commissioner Roberts, Valerie Bohlander, Director of Building Services, advised that various indexes will be examined to determine what would be the most suitable for a provision on fee increases. She estimated it would require three to four months to accomplish this.

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

Relief from Parking and Wall Requirements for Public Purpose Use (O-02)
Dolphin Isles Park – Case 47-R-10

No budgetary impact.

Applicant: City of Fort Lauderdale
Location: 2125 NE 33 Avenue
Zoning: Residential Single Family – Duplex – Low Medium Density RD-15

The Commission announced the disclosures were the same as those indicated on first reading, with one additional site visit made by Mayor Seiler.

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

Commissioner Rodstrom introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-10-26

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A PARK AS A PUBLIC PURPOSE USE THAT DOES NOT MEET THE PARKING AND BUFFERYARD WALL REQUIREMENTS IN AN RD-15 ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS (“ULDR”), WHICH SITE IS MORE FULLY DESCRIBED AS LOT 6, BLOCK 10, “LAUDERDALE BEACH EXTENSION”, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 27, PAGE 48, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE WEST SIDE OF NORTHEAST 33 AVENUE BETWEEN NORTHEAST 21 STREET AND NORTHEAST 23 STREET; 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.

Relief from Zoning Requirements for Public Purpose Use (O-03)
Sailboat Bend Preserve – Parking Requirements – Case 24-R-10

No budgetary impact.

Applicant: City of Fort Lauderdale

Location: 1401 SW 2 Court
Zoning: Parks, Recreation and Open Space P

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

The Commission announced the disclosures were the same as those indicated on first reading, with one additional communication announced by Mayor Seiler.

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-10-24

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 REQUIREMENTS IN A PARKS, RECREATION AND OPEN SPACE ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS (“ULDR”), WHICH SITE IS MORE FULLY DESCRIBED AS LOTS 1 THROUGH 10, BLOCK 4 AND LOTS 1 THROUGH 7, BLOCK 3, “RIVER HIGHLANDS”, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 3, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; TOGETHER WITH PORTIONS OF THE ADJOINING VACATED RIGHTS OF WAY OF SOUTHWEST 2ND COURT AND SOUTHWEST 14TH WAY, LOCATED WEST OF SOUTHWEST 14TH AVENUE AT THE ARGYL CANAL; 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.

Relief from Zoning Requirements for Public Purpose Use (O-04)
Harbordale Park – 1817 South Miami Road – Case 43-R-10

No budgetary impact.

Applicant: City of Fort Lauderdale
Location: 1817 South Miami Road
Zoning: Parks, Recreation and Open Space P

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

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

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-10-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A PARK AS A PUBLIC PURPOSE USE THAT DOES NOT MEET THE BUFFERYARD AND PARKING AND LOADING ZONE REQUIREMENTS IN A "P" ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), WHICH PROPERTY IS MORE FULLY DESCRIBED AS LOTS 3 THROUGH 6, BLOCK 19, "EVERGLADE LAND SALES COMPANY'S FIRST ADDITION TO LAUDERDALE, FLORIDA", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 15, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED ON THE WEST SIDE OF MIAMI ROAD, BETWEEN SOUTHEAST 18 COURT AND SOUTHEAST 18 STREET; 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.

Development of Regional Impact – Development Order Rescission (O-05)
Broward County Judicial Complex – Case 35-R-10

No budgetary impact.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-31

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCINDING ORDINANCE NO. C-89-95, AS AMENDED, WHICH ORDINANCE ADOPTED A DEVELOPMENT OF

REGIONAL IMPACT (DRI) DEVELOPMENT ORDER FOR THE BROWARD COUNTY JUDICIAL COMPLEX, WHICH CONSISTS OF APPROXIMATELY 411,359 SQUARE FEET FOR OFFICE AND COURTROOM USE AND A 2,300 CAR PARKING GARAGE LOCATED ON THE NORTH SIDE OF SOUTHEAST 6TH STREET BETWEEN SOUTHEAST 1ST AVENUE AND SOUTHEAST 5TH AVENUE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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 4 – Alarm Systems -
Residential User Service Fees**

(O-06)

No budgetary impact.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-32

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, CHAPTER 4, ALARM SYSTEMS, SEC. 4-9, SERVICE FEE, PROVIDING FOR AN INCREASE FOR POLICE AND FIRE SERVICE FEES FOR ALARM RESPONSES, PROVIDING FOR A SERVICE FEE CHARGE FOR FIRE DEPARTMENT RESPONSE FOR RESIDENTIAL ALARM USERS, AND PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

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.

Note: The City Commission adjourned the regular meeting at 11:01 p.m. The Commission convened as the Community Redevelopment Agency Board of Directors from 11:01 p.m. to 11:39 p.m. The Commission then returned to the conference meeting agenda, item III-A, from 11:39 p.m. to 12:04 a.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk