

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING**  
**OCTOBER 05, 2010**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE  
October 5, 2010**

Meeting was called to order at 6:05 p.m. by Mayor Seiler on the above date, in City Hall, 100 North Andrews Avenue, 1<sup>st</sup> floor Chambers.

Roll call showed:

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

Absent: Commissioner Bruce G. Roberts

Also Present: Acting City Manager Allyson C. Love  
City Auditor John Herbst  
City Clerk Jonda K. Joseph  
City Attorney Harry A. Stewart  
Sergeant At Arms Sergeant Joyce Fleming

Invocation was offered by Pastor Tom Hackett, Trinity Lutheran Church, followed by the recitation of the pledge by Jordan Gonzalez.

**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).**

Commissioner Rodstrom wished to defer approval of the minutes until Commissioner Roberts' return to allow him adequate time for review. **Motion** made by Commissioner Rodstrom and seconded by Commissioner DuBose to defer approval of the September 7, 2010 Regular Meeting minutes to October 19, 2010. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, and Mayor Seiler. NAYS: None.

**Motion** made by Commissioner Rodstrom and seconded by Commissioner DuBose to approve the October 5, 2010 Regular Meeting agenda. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, and Mayor Seiler. NAYS: None.

**Presentations**

**1. Recognition of City Commission and City Staff (PRES-07)**

Frank Attkisson, Managing Director, Mavericks in Education Florida, LLC, explained that Mavericks High Schools provide computer-based education to at-risk students. He recognized the Commission and building services staff for their assistance in facilitating

the opening of their central Broward campus. Pierre LeMieux, a Mavericks High School student, expressed his gratitude for the opportunity to attend this school.

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**2. Lights On Afterschool – October 21, 2010 (PRES-01)**

Commissioner DuBose presented a proclamation designating October 21, 2010, as Lights On Afterschool Day in the city to Meg Wallace, Children's Services Council of Broward County and Nanci Sodikoff, After School Programs, Inc. Ms. Wallace thanked the Commission for supporting quality after school programs and community-based providers.

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**3. National Arts and Humanities Month – October, 2010 (PRES-03)**

Vice Mayor Rogers presented a proclamation designating October, 2010, as National Arts and Humanities Month in the city to Tracy Roloff, Director of Development of Fort Lauderdale Children's Theatre and Deborah Kerr, Vice Chair of Broward Cultural Council. Ms. Kerr thanked the Commission for supporting the arts. Ms. Roloff thanked the Commission and extended an invitation to the Fort Lauderdale Children's Theatre.

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**4. Florida City Government Week – October 17-23, 2010 (PRES-04)**

Commissioner Rodstrom presented a proclamation designating October 17-23, 2010, as Florida City Government Week in the city to Averill Dorsett, Director of Human Resources. Ms. Dorsett pointed out that over 2,300 City employees deliver excellent services to the community. She has asked for volunteers to discuss the City's centennial celebration and sustainability efforts with children in after school programs. She thanked the Commission.

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**5. Customer Service Week – October 4-8, 2010 (PRES-05)**

Vice Mayor Rogers presented a proclamation designating October 4-8, 2010, as Customer Service Week in the city to Linda Gee, Customer Operations Manager, Public Works Department. Ms. Gee thanked the Commission and recognized the following customer service staff members for their contributions: Debbie Smith, Jeanette Johnson, Tasha Williams, Mary Crance, Kim Sisler, Guliel Gonzalez, Debra Conyers, and Linda Romeo.

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**6. Recognition – Parking and Fleet Services Department (PRES-06)**

Mary Griffin, Food for the Poor, recognized the Parking and Fleet Services Department for holding a fundraising walk that raised enough money to build a house for a needy family in Haiti. Diana Alarcon, Director of Parking and Fleet Services, recognized Kim Sisler and Mary Crance for organizing the fundraiser. She noted the department's goal to raise funds to build another home in Haiti. She thanked the department and Mayor Seiler for participating in the fundraising walk.

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**7. Outstanding City Employees (PRES-08)**

Kathleen Gunn, Grants and Legislative Affairs, recognized Kim Tuohy, Information Technology Web Engineer, for her outstanding work with the grants and legislative affairs department to develop the city-wide electronic grants management tracking system. Ms. Tuohy has gone on to make numerous user-friendly improvements to the tracking system.

Kirk Buffington, Director of Procurement Services, recognized Stephanie Gordon, Procurement Receptionist, for her work on documentation for the Achievement of Excellence in Procurement Award. Ms. Gordon was instrumental in completing a lengthy proposal package without any impact on her regular duties.

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**8. Glam-A-Thon Day – October 16, 2010 (PRES-02)**

Commissioner Rodstrom presented a proclamation designating October 16, 2010, as Glam-A-Thon Day in the city to Tammy Gail, Executive Director, and Genia Ellis, board member. Ms. Gail thanked participants and the Commission for their support. Mayor Seiler thanked the City's firefighters for their fundraising efforts for breast cancer awareness.

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**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.

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**Event Agreement – Fright Night (M-01)**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with the Boys and Girls Clubs of Broward County, Inc. for Fright Night on Las Olas, to be held on October 23, 2010, on the Riverside Hotel lawn, from 6 PM to 11 PM.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1257

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**Event Agreement – Light the Night****(M-02)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with the Leukemia & Lymphoma Society, Inc. for Light the Night, to be held November 13, 2010, 4 PM – 8 PM, at Huizenga Plaza.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1260

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**Event Agreement – Our Lady Queen of Martyrs Fall Festival Closing SW 11 Court****(M-03)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Our Lady Queen of Martyrs Church, a parish of the Archdiocese of Miami, Inc., for Our Lady Queen of Martyrs Fall Festival, to be held November 4-7, 2010 and closing SW 11 Court (Happy Hoyer Street).

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1261

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**Event Agreement – Trick or Treat on 2<sup>nd</sup> Street Closing SW 2 Street****(M-04)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with the Downtown Himmarshee Village Association, Inc. for Trick or Treat on 2<sup>nd</sup> Street to be held October 30, 2010, 7 PM – 12 Midnight and closing SW 2 Street.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1385

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**Event Agreement – Halloween Rod Run****(M-05)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with KP Performance, Inc. for the Halloween Rod Run to be held October 30, 2010, 11 AM – 6 PM, at Huizenga Plaza.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1386

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**Event Agreement – November Fest 2010** (M-06)  
**Closing NW 7 Street**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Youth For Christ Outreach Ministry, Inc. for November Fest 2010, to be held November 13, 2010, 12 Noon – 3 PM, at 675 NW 22 Road and closing NW 7 Street.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1388

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**Event Agreement – New Hope Baptist Fest** (M-07)

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with New Hope Baptist Church of Fort Lauderdale, Inc. for New Hope Baptist Fest, to be held November 13, 2010, 9 AM – 5 PM, at 1321 NW 6 Street.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1391

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**Event Agreement – YOLO's Halloween Masquerade Party** (M-08)

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with YOLO Las Olas, LLC for YOLO's Halloween Masquerade Party, to be held October 30, 2010, 7 PM – 11 PM, at the Plaza – 333 East Las Olas Boulevard.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1393

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**Event Agreement – Winterfest Boat Parade** (M-09)  
**Closing Sagamore Road**

**No budgetary impact.**



A motion authorizing and approving execution of an Event Agreement with Winterfest, Inc. for the Winterfest Boat Parade, to be held December 11, 2010, 3 PM – 10 PM, on the New River and Intracoastal Waterway, closing Sagamore Road, and approving co-sponsorship to allow banners at specified locations, subject to permitting regulations.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1394

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**Event Agreement – Village of Horrors**

**(M-10)**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with AEG Live SE, LLC for the Village of Horrors, to be held on the following days in October 2010: 8 and 9, 14 through 16, 21 through 23, and 27 through 31, at War Memorial Auditorium and in the north parking lot.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1427

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**Event Agreement – Las Olas Gourmet Market  
Closing SE 12 Avenue**

**(M-11)**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with the Las Olas Association, Inc. for the Las Olas Gourmet Markets, to be held on Sundays in October, November and December of 2010, 9 AM – 4 PM, at 1201 East Las Olas Boulevard and closing SE 12 Avenue.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1449

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**Pizza By The Slice – Firekidpublishing, LLC – City Park Mall  
Applications for Sale of Beer and Wine**

**(M-12)**

**No budgetary impact.**

A motion authorizing Director of Economic Development to sign applications on City's behalf as Landlord for its Tenant, Firekid Publishing, LLC (d/b/a Pizza By The Slice) to 1) Board of Adjustment for a special exception and 2) Florida Department of Business Regulation – sale of beer and wine at Pizza By The Slice located in City Park Mall.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1283

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**United Nations Refugee Agency – Co-Sponsorship (M-13)**  
**Invisible in the City: The Lives of Urban Refugees Photo Exhibit**

**No budgetary impact.**

A motion approving co-sponsorship of United Nations Refugee Agency photo exhibit, Invisible in the City: The Lives of Urban Refugees, to be held January 10-14, 2011 at ArtServe and use of City logo to assist in promoting the exhibit.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1411

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**Official Centennial Celebration Poster (M-14)**

**No budgetary impact.**

A motion approving artwork provided by Charles Fazzino as the final official poster of City's Centennial Celebration.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1421

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**174-9613 – Second Amendment to Contract – (M-15)**  
**Mobile Video Camera Systems**  
**Coban Research and Technologies, Inc. – Warranty Periods**

**No budgetary impact.**

A motion approving second amendment to contract with Coban Research and Technologies, Inc. in substantially the form attached to adjust staggered warranty periods for mobile video camera systems and back office infrastructure.

**Recommend:** Motion to approve.

**Vendor:** Coban Research and Technologies, Inc.  
Stafford, TX

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 10-1371

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The Procurement Services Department has reviewed this item and recommends approval of second amendment to adjust staggered warranty periods for mobile video camera systems.

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**Contract Renewals – January, February and March 2011** (M-16)

**Please see funding information attached to these minutes.**

A motion authorizing extension of listed contracts that expire during January through March, 2011 and authorizing proper City Officials to execute all necessary documents, contingent upon each respective vendor agreeing to extension.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1352

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**Change Order 1 – Weekley Asphalt Paving, Inc. - \$112,978.44** (M-17)  
**Asphaltic Concrete Pavement Surfacing**

**Please see funding information attached to these minutes.**

A motion authorizing 1) Change Order 1 to Weekley Asphalt Paving, Inc., in the amount of \$112,978.44 – additional work – Fiscal Year 2010-2011 annual asphaltic concrete pavement surfacing – Project P11524 and 2) the transfer of funds to fund change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1294

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**Change Order 3 – Straightline Engineering Group, LLC - \$25,255** (M-18)  
**Annual Concrete Stamped Asphalt and Paving Stones Repair**

**Please see funding information attached to these minutes.**

A motion authorizing 1) Change Order with Straightline Engineering Group, LLC, in the amount of \$25,255 – additional work – Fiscal Year 2010-2011 annual stamped asphalt and paving stone repairs – Project 11535 and 2) transfer of funds to fund the change order and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1295

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**Change Order 3 – Burke Construction Group, Inc. - \$16,320.12** (M-19)  
**Tunnel Top Park South Improvements**

**Please see funding information attached to these minutes.**

A motion authorizing Change Order 3 to contract with Burke Construction Group, Inc. in the amount of \$16,320.12 – compensate for increased scope of work – Tunnel Top Park South Improvements – Project 10966.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1403

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**Community Bus Services – Public Transportation Services Agreement (M-20)**  
**Fort Lauderdale Housing Authority Operations Funding - \$67,500**

**No budgetary impact.**

A motion authorizing the proper City Officials to 1) execute Public Transportation Services Agreement with Housing Authority of the City of Fort Lauderdale for community bus services from October 1, 2010 to September 30, 2012, with two, one-year extension options through September 30, 2014 and 2) authorize contribution in not-to-exceed amount of \$67,500 for Fiscal Year 2010-2011 Housing Authority community bus operations.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1265

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**Community Bus Service Funding - \$487,685.56 (M-21)**  
**Downtown Fort Lauderdale Transportation Management Association\***

**Please see funding information attached to these minutes.**

A motion authorizing contribution to Downtown Fort Lauderdale Transportation Management Association in the not-to-exceed amount of \$487,685.56 for Fiscal Year 2010-2011 operation of Sun Trolley routes.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1384

\*The Background/Detail section of this Commission Agenda Report (10-1384); was revised in accordance with Memorandum No. 10-267, which is attached to these minutes.

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**Contract for Purchase and Sale – Replacement Fire Station 35 (M-22)**  
**Bellagio of Fort Lauderdale Condominium Association, Inc.**

**Please see funding information attached to these minutes.**

A motion authorizing the proper City Officials to execute contract for sale and purchase of real property from Bellagio of Fort Lauderdale Condominium Association, Inc., to be utilized in the development of replacement Fire Station 35 - \$50,000 in cash and construction of improvements in NE 51 Street right of way and abutting landscape strip estimated at \$40,000.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1314

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**Contract Extension – F.R. Aleman and Associates, Inc. - \$95,300 (M-23)**  
**Annual Point Excavation (Potholing) and Utility Designation Services**

**No additional funds appropriation is required. Purchases are made on an as-needed basis and charged to individual capital improvement project budgets within available funds and in accordance with established pricing. Funds for these projects are budgeted in the various Capital Improvement Program funds.**

A motion authorizing the proper City Officials to execute third and final one-year contract extension with F.R. Aleman and Associates, Inc., in the amount of \$95,300 – annual point excavation (potholing) and utility designation services – Project 11167C.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1418

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**Contract Award – All Green Nursery, Inc. - \$141,495 (M-24)**  
**Commercial Boulevard Landscape Improvements**

**Please see funding information attached to these minutes.**

A motion authorizing the proper City Officials to 1) award and execute contract with All Green Nursery, Inc., in the amount of \$141,495 – Commercial Boulevard landscape improvements – Project 11331 and 2) transfer funds necessary to complete funding of the contract and engineering fees.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1436

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**Transfer Funds Between Stormwater Projects - \$15,000 (M-25)**  
**Storm Pump Station Demolition – SE 8 Avenue and SE 2 Street – Other Costs**

**Please see funding information attached to these minutes.**

A motion authorizing transfer of funds between storm water projects, in the amount of \$15,000 – other costs, including 17 percent engineering fees (\$3,600) based on previously approved demolition costs (\$10,000) combined with other currently requested costs, totaling \$21,400 – Storm Pump Station Demolition – SE 8 Avenue and SE 2 Street – Project 11620.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1406

**Revocable License – Nova Southeastern University, Inc. (M-26)**  
**Decorative Improvements in Rights-Of-Way – Museum of Art**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute a Revocable License with Nova Southeastern University, Inc. for the installation of decorative paving, lighting, and landscaping within public sidewalk areas and rights-of-way on East Las Olas Boulevard and SE 1 Avenue.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 10-1409

<b>CONSENT RESOLUTION</b>
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**Grant Extension – Cooley’s Landing Boat Launch Replacement (CR-01)**  
**Florida Inland Navigation District**

**No budgetary impact to extend the grant agreement.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 10-1372

RESOLUTION NO. 10-279

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A ONE YEAR EXTENSION TO THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM GRANT WHICH SUCH GRANT APPLICATION WAS PREVIOUSLY APPROVED MAY 6, 2009 IN THE AMOUNT OF TWO HUNDRED EIGHTEEN THOUSAND FIVE HUNDRED FORTY-FIVE AND NO/100 DOLLARS (\$218,545.00); TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY OR INCIDENTAL TO THE

APPLICATION FOR EXTENSION OF SAID GRANT,  
GRANT AGREEMENT AND RECEIPT AND  
DISBURSEMENT OF GRANT FUNDS PURSUANT  
THERE TO.

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**Executive Airport – Lots 4 and 5 and Adjacent 0.183 Acre Strip of Land (CR-02)**  
**Consent to Assignment of Lease Agreements – Cabot III –**  
**FL2W04&W05, LLC**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 10-1420

RESOLUTION NO. 10-280

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONSENT TO ASSIGNMENT OF THE LEASE AGREEMENT FOR LOTS 4 AND 5 AND THE LEASE AGREEMENT FOR A 0.183 ACRE ADJACENT TO LOTS 4 AND 5 AT THE FORT LAUDERDALE INDUSTRIAL AIRPARK AT THE EXECUTIVE AIRPORT.

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**Grant Application – Intracoastal Waterway Dredging - \$255,198 (CR-03)**  
**Florida Inland Navigation District – Design and Permitting Costs**

**Please see funding information attached to these minutes.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 10-1423

RESOLUTION NO. 10-281

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A GRANT FROM THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM FOR PHASE I, DESIGN, ENGINEERING AND PERMITTING FUNDS FOR THE PROJECTS LISTED BELOW IN THE GRANT AMOUNTS LISTED BELOW AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY OR INCIDENTAL TO THE GRANT APPLICATION,

GRANT AWARD, GRANT AGREEMENT, GRANT ACCEPTANCE, RECEIPT AND DISBURSEMENT OF GRANT FUNDS, SUBJECT TO THE APPROPRIATION OF FUNDS.

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**Former River House Restaurant – Amend Resolution 10-160  
Request for Proposals for Lease**

**(CR-04)**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 10-1461

RESOLUTION NO. 10-282

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 10-160 WHICH DECLARED CERTAIN LAND AND IMPROVEMENTS SITUATED THEREON ARE NOT NEEDED FOR GOVERNMENTAL PURPOSES AND THE INTENTION OF THE CITY COMMISSION TO LEASE SUCH LAND KNOWN AS HISTORIC BRYAN HOMES TO CHANGE THE DATE WHEN THE CITY COMMISSION WILL MEET TO REVIEW AND TAKE ACTION ON BIDS SUBMITTED.

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**Grant Acceptance – Urban Area Security Initiative  
Interlocal Agreement – City of Miramar - \$419,721**

**(CR-05)**

**Please see funding information attached to these minutes.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 10-1308

RESOLUTION NO. 10-283

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$419,721 FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY THROUGH THE FY2009 URBAN AREA SECURITY INITIATIVE GRANT PROGRAM VIA THE CITY OF MIRAMAR, EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN SUCH GRANT FUNDING AND 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 SUCH GRANT FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT.

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**Waiver – Conflict of Interest – Short Term Residential Committee Member (CR-06)**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 10-1434

RESOLUTION NO. 10-284

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, WAIVING A CONFLICT OF INTEREST OF H. COLLINS FORMAN JR. AS A MEMBER OF THE SHORT TERM RESIDENTIAL USE COMMITTEE.

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**Change Order 1 – Close Construction, Inc. - \$56,329 – Add 30 Days (CR-07)  
Lohmeyer Wastewater Treatment Plant**

**Please see funding information attached to these minutes.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 10-1410

RESOLUTION NO. 10-285

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 "A," AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE UNDERLYING DOCUMENT(S) AND PROVIDING FOR AN EFFECTIVE DATE.

<b>PURCHASING AGENDA</b>
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**503-10536 – Turf Grass Maintenance Services – Various City Facilities** (PUR-01)

**Please see funding information attached to these minutes.**

One-year contract with three, one-year renewal options for turf grass maintenance services at various city facilities is being presented for approval by Parks and Recreation Department.

**Recommend:** Motion to approve.

**Vendor:** Lawn Wizard USA, Inc.  
Oakland Park, FL

**Amount:** \$54,260.80 (estimated)

**Bids Solicited/Rec'd:** 754/17

**Exhibit:** Commission Agenda Report 10-1382

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

**505-10555 – Boxing Instruction Services – Joseph C. Carter Park** (PUR-02)

**Please see funding information attached to these minutes.**

One-year contract with four, one-year renewal options for boxing instruction services at Joseph C. Carter Park is being presented for approval by Parks and Recreation Department.

**Recommend:** Motion to approve.

**Vendor:** Contenders Boxing, LLC  
Fort Lauderdale, FL

**Amount:** \$2400.00 (revenue)

**Bids Solicited/Rec'd:** 388/1

**Exhibit:** Commission Agenda Report 10-1389

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

**502-10590 – Trees and Palms Citywide** (PUR-03)

**Please see funding information attached to these minutes.**

One-year contract with three, one-year renewal options – purchase of trees and palms for placement at locations throughout the city is being presented for approval by Parks and Recreation Department.

**Recommend:** Motion to approve.

**Vendor:** Arazoza Brothers Corporation, Miami, FL  
Gardening Angel Nursery, Inc., Parkland, FL  
Green Construction Technologies Inc., Wilton Manors, FL  
Vila and Son Landscaping Corp., Miami, FL

**Amount:** \$70,000.00 (estimated)

**Bids Solicited/Rec'd:** 216/6

**Exhibit:** Commission Agenda Report 10-1390

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

**Police Training**

**(PUR-04)**

**Please see funding information attached to these minutes.**

Police 2010-2011 recruit training and mandatory retraining classes are being presented for approval by Police Department.

**Recommend:** Motion to approve.

**Vendor:** The District Board of Trustees of Broward College, Florida  
Fort Lauderdale, FL

**Amount:** \$83,555.00 (not to exceed)

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 10-1415

The Procurement Services Department has reviewed this item and recommends awarding purchase order to a local educational agency.

Commissioner Rodstrom requested the following items related to Commissioner Roberts' district be pulled for deferral: M-16, M-22, and M-24.

The following items were removed from the Consent Agenda:

**Motion** made by Vice Mayor Rogers and seconded by Commissioner DuBose that Consent Agenda Items M-16, M-20, M-21, M-22, M-24, and CR-06 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, and Mayor Seiler. NAYS: None.

**Contract Renewals – January, February and March 2011**

**(M-16)**

In response to Mayor Seiler, Kirk Buffington, Director of Procurement Services, indicated that Commissioner Roberts did not request a meeting to discuss contract renewals. Commissioner Rodstrom thought the item should be deferred until Commissioner

Roberts' return. Mayor Seiler noted he had requested an e-mail be sent to allow Commissioner Roberts an opportunity to address contract renewals before departing.

Vice Mayor Rogers referred to Contracts 6 (503-10406) and 7 (503-10351) in Commission Agenda Report 10-1352, and questioned whether they should be re-bid. Mr. Buffington indicated these bids are quite extensive and were obtained only one year ago with good competition. He recommended the contracts not be re-bid at this time. Dennis Stone, Employee Benefits Coordinator, explained there is one remaining year for Contract 25 (175-9699). Of the total \$252,000, \$242,000 is supplemental insurance paid by employees; the City is only responsible for \$10,000. The cost is competitive in the current marketplace. Bids will be sought when the contract expires.

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

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**Community Bus Services – Public Transportation Services Agreement (M-20)**  
**Fort Lauderdale Housing Authority Operations Funding - \$67,500**

**Community Bus Service Funding - \$487,685.56 (M-21)**  
**Downtown Fort Lauderdale Transportation Management Association**

The City Auditor pointed out that part of the funding for these items is contingent upon the County's approval. Therefore, he recommended these items be approved subject to approval by Broward County and this Commission appropriating the funding (on October 19, 2010).

**Motion** made by Vice Mayor Rogers and seconded by Commissioner DuBose to approve item M-20 subject to Broward County funding approval and City appropriation of the funds. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, and Mayor Seiler. NAYS: None.

**Motion** made by Vice Mayor Rogers and seconded by Commissioner DuBose to approve item M-21 subject to Broward County funding approval and City appropriation of the funds. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, and Mayor Seiler. NAYS: None.

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**Contract for Purchase and Sale – Replacement Fire Station 35 (M-22)**  
**Bellagio of Fort Lauderdale Condominium Association, Inc.**

Commissioner Rodstrom requested deferral pending Commissioner Roberts' return. Albert Carbon, Public Works Director, pointed out Commissioner Roberts' awareness of and support for this item.

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

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**Contract Award – All Green Nursery, Inc. - \$141,495**  
**Commercial Boulevard Landscape Improvements****(M-24)**

Commissioner Rodstrom requested deferral pending Commissioner Roberts' return. Albert Carbon, Public Works Director, explained that Commissioner Roberts supported the grant in April, 2010; this is the award of the project. Commissioner Roberts is fully aware of the project's components and it is well within the project funds.

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

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**Waiver – Conflict of Interest – Short Term Residential Committee Member** (CR-06)

Commissioner Rodstrom thought all commissioners should be present for this vote.. In response to Vice Mayor Rogers, the applicant, H. Collins Forman, Jr., expressed his desire to move forward. The City Attorney provided an overview of this matter as detailed in Commission Agenda Report 10-1434. Actions taken by the Short Term Residential Use Committee (STRU) will not impact Mr. Forman's pending case. Mayor Seiler understood it is a conflict of an appearance because, although Mr. Forman is a member, the STRU cannot determine the outcome of the court case. In response to Vice Mayor Rogers, the City Attorney maintained that this is not a conflict of interest in terms of a gain or loss; rather, the issue pertains to the code of professional conduct as it relates to serving on an advisory board and representing a client against the appointing body. He believes a waiver is required in order to avoid a problem. He elaborated upon other boards' conflicts of interest wherein a waiver was required. As for advisory boards, the appointing body can provide for the waiver. Vice Mayor Rogers was confused as to why there is reference to private gain or loss in the backup when there is no import to it. The City Attorney was unable to respond. In response to Commissioner Rodstrom, the City Attorney explained that, unless it is made a condition of the waiver of conflict, advisory boards are not required to follow the same conflict of interest procedure as the Commission. Mayor Seiler and the City Attorney clarified that this waiver only applies to this client. Mayor Seiler and the City Attorney reiterated that this waiver procedure is specific to the client addressed in this item. In response to Commissioner Rodstrom, the City Attorney verified that, until the court case is overturned, the use of the client's property was found to be in violation of the ULDR (Unified Land Development Regulations). Commissioner Rodstrom felt unprepared to make what she believed is a philosophical determination.

Mayor Seiler noted that this issue involves an advisory board which cannot bind the City. The board members should have different mindsets. He believes a board member's direct involvement in a given issue can be beneficial because of their resulting background brought into the debate. Like Vice Mayor Rogers, he did not believe there is any public or private gain or loss for this attorney (applicant). He failed to see a conflict because the (applicant) cannot affect the outcome of the case. Commissioner Rodstrom felt personally conflicted because the client has violated the ULDR and it is currently in litigation. Mayor Seiler reiterated that the applicant is not capable to retroactively impact the case. Vice Mayor Rogers thought lawyers and other professionals should be encouraged to share their expertise by participating on boards. In agreement with Mayor

Seiler and Vice Mayor Rogers, Commissioner DuBose thought presenting different perspectives is beneficial. Ultimately, it is a recommendation that is not binding.

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

**Acceptance of One Statue as Gift from 13<sup>th</sup> Street Alliance – (OB)**  
**Business Capital Improvement Grant Program (BCIGP)**

In response to Vice Mayor Rogers, Albert Carbon, Public Works Director, confirmed that there is no expense to the City. He explained that the photos in Memorandum 10-269 depict three sides of the same statue.

Mayor Seiler opened the floor for public comment.

Art Seitz, 1905 North Atlantic Boulevard, expressed his support of art in public places. The statues enhance 13<sup>th</sup> Street, but they should be repositioned to present the art work from the best angle. Mayor Seiler believed the statues were turned sideways because of traffic engineering issues related to the width. This issue was addressed at a previous meeting.

**Motion** made by Commissioner Rodstrom and seconded by Commissioner DuBose to accept ownership of the replacement statue from 13<sup>th</sup> Street Alliance for installation in the median of NE 13 Street with all installation costs to be the responsibility of 13<sup>th</sup> Street Alliance, Inc. (Business Capital Improvement Grant Program) in accordance with Memorandum 10-269. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, and Mayor Seiler. NAYS: None.

<b>MOTIONS</b>
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**Insurance Policy Renewal (MD-01)**  
**Public Officials and Employment Practices Liability**

**Please see funding information attached to these minutes.**

Annual renewal of public officials and employment practices liability insurance through negotiation method is being presented for approval by Finance Department.

<b>Recommend:</b>	Motion to approve.
<b>Vendor:</b>	National Union Insurance Company of Pittsburgh, PA via City's Broker of Record, Risk Management Associates, Inc., d/b/a Public Risk Insurance Agency Lake Mary, FL
<b>Amount:</b>	\$192,417.00
<b>Bids Solicited/Rec'd:</b>	N/A
<b>Exhibit:</b>	Commission Agenda Report 10-1350

The Procurement Services Department has reviewed this item and recommends insurance policy renewal.

In response to Commissioner DuBose, Guy Hine, Risk Manager, explained that there is a scrivener's error in Commission Agenda Report 10-1350; the two insurance companies referenced are the same company. Mr. Hine confirmed the new premium was negotiated which is considered favorable because the cost has continuously gone down over the last few years. Commissioner DuBose questioned whether the cost is competitive in the current market. He wanted to know if the decrease is truly reflective of the market and not a change in the deductible for example. Mr. Hine believed this bid was marketed two years ago, and this company offered the lowest cost. It is not advisable for the City to market insurance each year. The Insurance Advisory Board found the premium favorable based on the current market. The yearly premium decrease will likely slow down. Commissioner DuBose pointed out that the backup shows a fluctuation in the premium both up and down over the years. He reiterated his request for more supporting information regarding the premium being favorable.

In response to Vice Mayor Rogers, Mr. Hine explained that the yearly premium decline is partially because a claim has not been filed in approximately five years. This policy covers the Commission and advisory boards. In response to Mayor Seiler, Mr. Hine explained the Insurance Advisory Board did not discuss this issue at length before their 6-0 vote in favor. Commissioner DuBose noted that the Insurance Advisory Board minutes are not included in the backup. Mr. Hine elaborated upon the revisions made to the policy. Despite the City's increase in limits, the premium went down 6 percent. This company is considered the best for this policy type. He noted the deductibles which do not include attorney fees. There is a non-monetary limit of \$1 million to cover outside costs. Commissioner DuBose believed the Insurance Advisory Board is proficient, but reiterated his belief that the backup lacked adequate information. In further response to Commissioner DuBose, Mr. Hine explained that the ordinance provides that the policy can be renewed for two years; the Commission decides whether it is renewed with the same carrier or marketed.

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

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**Proprietary – EMS Computer Aided Dispatch Software Maintenance - (MD-02)  
\$17,968.50**

**\$17,968.50 is budgeted in FIR010101.3401 (Computer Maintenance), Fund 001, Subfund 01. Funding has been approved in FY 2010-2011 Adopted Budget.**

One year extension for emergency medical services computer aided dispatch software maintenance from November 1, 2010 through October 31, 2011 – presented for approval by Fire-Rescue Department.

**Recommend:** Motion to approve.

**Vendor:** Deccan International, a California corporation doing business in Florida as Deccan International Corporation

San Diego, CA  
**Amount:** \$17,968.50  
**Exhibit:** Commission Agenda Report 10-1380

The Procurement Services Department has reviewed this item and recommends approving the Proprietary Purchase.

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

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**Appeal – Historic Preservation Board – Case 2-H-10** (MD-03)  
**Demolition – Sailboat Bend Historic District – 201 SW 11 Avenue**

**No budgetary impact.**

**Applicant:** PHD Development, LLC  
**Location:** 201 SW 11 Avenue  
**Zoning:** Residential Multifamily Mid Rise/Medium High Density RMM-25

Appeal of Historic Preservation Board decision to deny a certificate of appropriateness for demolition of a single family home.

**Recommend:** 1) Motion upholding Historic Preservation Board decision, OR 2) motion to hold de novo hearing immediately, OR 3) introduce resolution setting de novo hearing within sixty days.

**Exhibit:** Commission Agenda Report 10-1412

John Stevens, representing PHD Development, LLC, requested the item be deferred for at least sixty days.

**Motion** made by Commissioner DuBose and seconded by Commissioner Rodstrom to defer the item to December 7, 2010. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, and Mayor Seiler. NAYS: None.

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**Proprietary – GPS Airtime Mobile Building and Code Inspections** (MD-04)

**Funding has been approved in the FY 2010-2011 adopted budget. Please see funding information attached to these minutes.**

Purchase GPS AIRTIME – Mobile Building and Code Inspection Program from October 1, 2010 through September 30, 2011 is being presented for approval by Building Services Department.

**Recommend:** Motion to approve.



**Vendor:** Ituran USA, Inc.  
Fort Lauderdale, FL  
**Amount:** \$18,000.00  
**Exhibit:** Commission Agenda Report 10-1405

The Procurement Services Department has reviewed this item and recommends approving the Proprietary Purchase.

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

<b>RESOLUTIONS</b>
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**Vacate and Rededicate Portion of Non-Vehicular Access Line Easements (R-01)**  
**Fire Station 46 – 1515 NW 19 Street – Case 3-P-10A**

**No budgetary impact.**

**Applicant:** City of Fort Lauderdale  
**Location:** 1515 NW 19 Street

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-275

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THE NON-VEHICULAR ACCESS LINE ON THE PERIMETER OF TRACT "A", "LAKE LAUDERDALE RECREATION AREA", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 134, PAGE 38, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTHWEST 19 STREET AND NORTHWEST 15 AVENUE, ALONG THE SOUTHERLY BOUNDARIES OF MILLS POND PARK, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

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**Vacate 20 Foot Utility Easement – Housing Authority of Fort Lauderdale (R-02)**  
**1004 West Broward Boulevard – Case 7-M-10**

**No budgetary impact.**

**Applicant:** City of Fort Lauderdale Housing Authority  
**Location:** 1004 West Broward Boulevard

Mayor Seiler opened the floor for public comment.

Robert Lochrie, representing the Housing Authority of Fort Lauderdale, indicated this easement was granted in 2001 as part of the WaterWorks project. The easement is no longer needed for a public purpose because it only serves the Kennedy Homes property. All area utilities will be relocated based on a relocation plan; all utility companies with rights have consented. He agreed with the staff recommendations presented in Commission Agenda Report 10-1425. In response to Commissioner Rodstrom, Mr. Lochrie confirmed the applicant will ensure the easement property is returned to the same or better condition (after the utilities are removed). He advised that a condition of the resolution is the vacation will not take effect until all utilities are removed. He also agreed to ensure the areas where the utilities are relocated will be maintained or improved.

Charles Jordan, representing the Trust for Historic Sailboat Bend and Mark Kerr, a Sailboat Bend property owner, claimed this vacation presupposes the appeal process will favor demolition of the Kennedy Homes. There is a (public meeting) scheduled for (December 7, 2010). He believes this vacation is premature. The easement should not be released until the appeal process is complete. The easement will be needed if Kennedy Homes are not demolished.

Donna Isaacs, 1532 Argyle Drive, thought affordable housing and historic preservation must be maintained. Public easements should remain public for future use. This vacation of easement is premature. She claimed Kennedy Homes is eligible for the National Register of Historic Places. She thought the City should protect this site. She urged the Commission to halt this easement vacation until state and national level litigation is completed.

In response to Mayor Seiler, Ms. Isaacs claimed Kennedy Homes has existed since at least 1940, according to City documents. The property is in the process of being placed on the National Register of Historic Places which she claimed was halted by the Housing Authority. The first movement to register Kennedy Homes as historic was made over a year ago. She contended Sailboat Bend was recognized as a historic district in 1992. She confirmed for Mayor Seiler that there was no action prior to last year to place the development on the National Register. Mayor Seiler understood the easement is to hold a lift station. Ms. Isaacs thought the easement is intended to serve Kennedy Homes. The easement will be necessary if Kennedy Homes is not demolished. She believed this easement has no impact beyond the Kennedy Homes property.

Alyssa Plummer, representing Sailboat Bend Civic Association, indicated the association's support for saving Kennedy Homes. She claimed the Kennedy Homes site has been listed as a contributing structure in the Florida State Master Site File for several years and identified as a contributing resource to the Sailboat Bend Historic

District. She believed the property's protection is based on its historic identification at the state level and within the historic district. The fact that it may be considered to inclusion on the National Register of Historic Place is almost irrelevant. In response to Mayor Seiler, she understood the easement is for a lift station.

Robert Walsh, 401 East Las Olas Boulevard, emphasized that the majority of residents want Kennedy Homes demolished. He questioned the appropriateness of Kennedy Homes being designated historic. He encouraged forward movement of progress. He felt this opposers could discourage people from wanting to develop in Fort Lauderdale.

Mr. Lochrie advised that this release of easement is unrelated to any current litigation. According to the code, if the easement is no longer needed for public purpose, it should be returned to the property owner. The easement is no longer necessary. The Kennedy Homes residents have been relocated.

In response to Mayor Seiler, Greg Brewton, Director of Planning and Zoning, verified information in the commission agenda report. This easement is for utilities and unrelated to the property's historical aspects. In response to Commissioner Rodstrom, Mr. Lochrie reiterated his understanding that when utilities were relocated, the easement was intended only to serve Kennedy Homes. It does not serve any other part of the city. The new plan will include these (utility) services but in a different location on site. Mayor Seiler clarified that, regardless of the litigation's outcome, a new lift station will be included on site. This has no impact on the litigation. Mr. Brewton concurred.

Mr. Jordan reiterated the necessity of utilities in their current placement if Kennedy Homes is not demolished. The easement should not be vacated until the project is viable. Mr. Brewton confirmed that the lift station is intended for the current development as it exists today. He believed the lift station will remain even if the appeal is granted. The lift station cannot be removed until something is done to the project.

In response to Commissioner Rodstrom, the City Attorney advised that the proposal is only a vacation of easement. Mr. Lochrie noted that the vacation is contingent upon removal of the utilities. The easement stays in place until the utilities are removed. Discussion ensued between Mayor Seiler and Mr. Jordan regarding the required conditions for the vacation. In response to Mr. Jordan, the City Attorney advised that the applicant could obtain a permit to remove the lift station and execute this vacation of easement before the appeals process is exhausted; however, it would be done at the applicant's own risk. The applicant could possibly have to replace the lift station if residents are returned to the development.

Commissioner Rodstrom introduced the following resolution:

#### RESOLUTION NO. 10-276

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THAT CERTAIN ACCESS AND UTILITY EASEMENT AS RECORDED IN OFFICIAL RECORD BOOK 43984, PAGE 1986, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BEING A PORTION OF BLOCK 1, "DR. KENNEDY HOMES HOUSING PROJECT",

ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 15, PAGE 70, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED BETWEEN SOUTHWEST 9 AVENUE AND SOUTHWEST 11 AVENUE, SOUTH OF WEST BROWARD BOULEVARD; LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

**Board and Committee Appointments**

**(R-03)**

**No budgetary impact.**

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

Community Appearance Board                      Karen J. Doyle (Vice Mayor Rogers)

Economic Development Advisory Board      Jason Hughes (Commissioner Rodstrom)

Vice Mayor Rogers introduced the following resolution:

RESOLUTION NO. 10-277

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

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

<b>CITIZEN PRESENTATIONS</b>
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**Virgil E. Niederriter – Parks**

**(CIT-01)**

Mr. Niederriter was not present.

**Art Seitz – Funding Bicycle and Pedestrian Enhancements, ISHOF RFP, Fort Lauderdale Beach Pier, Bahia Mar Park, and District 2 Commissioner**

**(CIT-02)**

Mr. Seitz recalled pedestrian walkways being addressed by the Commission, with certain members expressing approval. He claimed the Intracoastal area in Deerfield Beach will be renovated. He elaborated upon their planned renovations. He noted local cities with pleasing pedestrian promenades. Concerning plans for Bahia Mar Park, he

has provided an alternative design that does not include the two condominium towers and the garage. He agreed with Deerfield's plan to include a restaurant village in their renovation. He believes restaurants will attract people. He felt the City is hesitant to include a restaurant village because of the possible noise impact to Idlewyld residents. As for Bahia Mar Park and the International Swimming Hall of Fame (ISHOF), he believed large, multi-level restaurants that make good use of the roof space should be included. He emphasized this asset be renegotiated and the proposed amendments be given due consideration. Mayor Seiler agreed to give due consideration to the alternative design.

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**Robert Walsh – Budget Issues Relating to City Commission**

**(CIT-03)**

Mr. Walsh claimed the City is over-budget with its advisory board minutes contractor, Prototype. He provided information on this topic which is attached to these minutes. He requested the Visioning Committee and all boards be encouraged to shorten their meetings and be conscientious of the budget. He also provided and highlighted written information on the City's closed captioning costs. He asked the Commission to be conscientious of the fees associated with meetings.

<b>PUBLIC HEARINGS</b>
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**Dock Waiver Application – Distance Limitations**  
**Donald and Rhonda Ross – 3124 NE 42 Court**

**(PH-01)**

**No budgetary impact.**

**Applicant:** Donald and Rhonda Ross

**Location:** 3124 NE 42 Court

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

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

Commissioner DuBose introduced the following resolution:

RESOLUTION NO. 10-278

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3.B OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW DONALD AND RHONDA ROSS, AS CO-TRUSTEES OF THE RHONDA ROSS LIVING TRUST DATED APRIL 24, 2006 TO CONSTRUCT AND MAINTAIN A NEW BOATLIFT TO

EXTEND INTO THE RIO LE MARNE CANAL APPROXIMATELY 21'9" INTO THE CANAL, 10'3" BEYOND THE 11'6" PERMITTED DISTANCE FROM THE PROPERTY LINE, SUCH DISTANCES AND PROPERTY AS BEING MORE PARTICULARLY DESCRIBED BELOW.

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

**Relief from Zoning Requirements for Public Purpose Use (PH-02)**  
**Fire Station 35 – 1969 East Commercial Boulevard – Case 33-R-09**

**No budgetary impact.**

**Applicant:** Shepherd of the Coast Lutheran Church, Inc. and City of Fort Lauderdale  
**Location:** 1969 East Commercial Boulevard  
**Zoning:** Community Business (CB)  
**Land Use:** Commercial

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

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

Commissioner DuBose introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-33

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A FIRE STATION AS A PUBLIC PURPOSE USE THAT DOES NOT MEET THE PARKING AND LANDSCAPING REQUIREMENTS IN A CB ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), WHICH SITE IS MORE FULLY DESCRIBED AS LOTS 12 AND 13 AND A PORTION OF LOT 11, BLOCK 7, "CORAL RIDGE ADDITION A", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 41, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED BETWEEN COMMERCIAL BOULEVARD AND NORTHEAST 51 STREET, EAST OF NORTHEAST 19 AVENUE AND WEST OF NORTHEAST 20 AVENUE; 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: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, and Mayor Seiler. NAYS: None.

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

**(PH-03)**

**No budgetary impact.**

**Applicant:** City of Fort Lauderdale  
**Parks:** Hortt, South Middle, River, and Gore

This is a public hearing for an ordinance to adopt a proposed amendment to the City of Fort Lauderdale Comprehensive Plan, Land Use Plan Map as required by State Law, as included in Planning and Zoning Case 2-T-10. Mayor Seiler announced that any citizen wishing to receive a personal notice from the Florida Department of Community Affairs of the state's intentions with respect to this amendment may provide their contact information with the Assistant City Clerk.

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

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

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

Commissioner Rodstrom introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-10-16

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

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

<b>ORDINANCES</b>
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**Development of Regional Impact-Development Order Rescission (O-01)**  
**Broward County Judicial Complex – Case 35-R-10**

**No budgetary impact.**

Vice Mayor Rogers introduced the following ordinance on SECOND 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 6<sup>TH</sup> STREET BETWEEN SOUTHEAST 1<sup>ST</sup> AVENUE AND SOUTHEAST 5<sup>TH</sup> AVENUE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

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**Code Amendment – Chapter 4 – Alarm Systems – (O-02)**  
**Residential User Service Fees**

**No budgetary impact.**

ORDINANCE NO. C-10-

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.

Commissioner Rodstrom believed that the fees are considered to be a tax. Many of her constituents believe the City's cost recovery methods were not clearly explained. She has requested Fire-Rescue Chief Jeff Justinak provide her a summary to present to them. She will vote no on this and the following ordinance until she can provide that clarification. Commissioner DuBose expressed shared concern. He recalled his previous opposition to certain fees. He also views them as a tax.

Mayor Seiler thought the item should be brought back, allowing time for Commissioner Roberts' return and staff to provide the requested information. Chief Justinak explained that this item has been delayed for almost a year. In response to Mayor Seiler, the City Attorney advised the budget indicates this revenue being anticipated; but, it is likely a better option to defer to the next meeting.

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

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**Code Amendment – EMS Transport User Fees**  
**Article V, Chapter 13, Section 13-151**

**(O-03)**

**No budgetary impact.**

Vice Mayor Rogers recalled the City's consultant Advanced Data Processing, Inc. (ADPI) suggested including an annual increase based on the Consumer Price Index (CPI) but was not included in the proposed ordinance. The City Attorney explained because the ordinance will be codified it is not possible to include a CPI. In order to make that change, it must be adopted by resolution. For those adopted by resolution, the appropriate CPI index must be found. The fee must have a rational nexus to the cost of providing the service. The decision was made to move forward with this ordinance; look for the appropriate CPI indicator and at the next go-around, remove it from the code and adopt it as a resolution.

Vice Mayor Rogers asked about the oxygen charge being deleted. Paul Vanden Berge, Fire-Rescue Budget Coordinator, explained that the oxygen cost will be a straight across-the-board fee. The oxygen is only given as necessary. It is not provided to all transports. It could be added. Mayor Seiler requested that Mr. Vanden Berge meet with the Commission individually before the item comes back. He elaborated upon the fees noted in the backup in terms of their comparison to the county average. He agreed with Vice Mayor Rogers, pointing out that cities with higher fees charge for oxygen. Unless it becomes inefficient, it is sensible to charge for such a provided service. The City is not effectively recovering expenses. He expressed support for this proposal, and reiterated that an oxygen charge should be included.

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

ORDINANCE NO. C-10-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, CHAPTER 13, FIRE PREVENTION AND PROTECTION, ARTICLE V. EMERGENCY MEDICAL TRANSPORT SERVICES, SECTION 13-151, AMBULANCE TRANSPORT USER FEES, PROVIDING FOR AN INCREASE IN AMBULANCE TRANSPORT USER FEES AND REMOVAL OF THE CHARGE FOR OXYGEN; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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**Code Amendment – Fire Prevention – Fire Safety Fee Schedule  
Chapter 9, Article II, Division 2, Section 9-53**

**(O-04)**

**No budgetary impact.**

ORDINANCE NO. C-10-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, CHAPTER 9, BUILDINGS AND CONSTRUCTION, ARTICLE II, PERMITS AND INSPECTIONS, DIVISION 2, FEES, SECTION 9-53, FIRE SAFETY FEE SCHEDULE, PROVIDING FOR INCREASES AND MODIFICATIONS TO FIRE SAFETY FEES; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Vice Mayor Rogers thought the analysis shown in the backup indicates the City is attempting to recover half of a 50 percent loss (25 percent). He believed the same analysis should be done for this item that was completed for the alarm systems fees (Agenda Item O-02). Mayor Seiler asked that the Fire-Rescue Chief Jeff Justinak meet with the Commission individually on this item.

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

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**Code Amendment – Chapter 26 – Traffic – Schedules of Fines (O-05)  
Increase Parking Fines and School Crossing Guard Program Surcharge**

**Please see funding information attached to these minutes.**

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

**ORDINANCE NO. C-10-34**

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE RELATING TO PARKING; AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "TRAFFIC" BY AMENDING SECTION 26-91 "SCHEDULE OF FINES" TO PROVIDE FOR AN INCREASE IN PENALTIES FOR CERTAIN PARKING VIOLATIONS, AND TO INCREASE THE SURCHARGE IMPOSED TO FUND THE SCHOOL CROSSING GUARD PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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**Police Training (PUR-04)**

Commissioner Rodstrom inquired if funding from the law enforcement trust fund could be used for this training rather than the general fund. The City Attorney believed not, but offered to verify.

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Note: The City Commission adjourned the regular meeting at 8:31 p.m. and returned to the conference meeting agenda, Commission Reports, from 8:31 p.m. to 8:49 p.m.

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John P. "Jack" Seiler  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk