

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
OCTOBER 19, 2010

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
October 19, 2010**

Meeting was called to order at 6:10 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 C. 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 Reverend Suzette Thompkins, The Love of Jesus Resurrection and Deliverance Fellowship Church, followed by the recitation of the pledge by Roosevelt Walters.

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).

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts to approve the minutes of the September 7, 2010 Conference and Regular Meetings, and September 21, 2010 Regular Meeting. Roll call showed: YEAS: Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, and Mayor Seiler. NAYS: None.

Presentations

1. **United Way of Broward County - 19th Annual Day of Caring - (OB)
October 29, 2010**

Commissioner DuBose presented a proclamation declaring October 29, 2010, as the United Way of Broward County Day of Caring Day to Jennifer O'Flannery Anderson, President and CEO. Ms. Anderson thanked the Commission. She announced that approximately 700 volunteers will work to improve facilities at Sunland Park Elementary School on the Day of Caring. She expressed gratitude to city staff for their contributions.

502-10596 – Tractor Replacement - \$70,229.04**(PUR-13)**

This item was removed from the agenda by the Acting City Manager.

Consent Agenda**(CA)**

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement – Kids Ecology Corps 5K Walk and Run**(M-01)**

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Partners In Action, Inc. for the Kids Ecology Corps 5K Walk and Run, to be held November 21, 2010, 8 AM – 10 AM, at Snyder Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1387

Event Agreement – Coral Ridge Association Holiday Party**(M-02)**

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Coral Ridge Association, Inc. for Coral Ridge Association Holiday party, to be held December 18, 2010, 2 PM – 4 PM, at George English Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1483

**Event Agreement – CCA 5K
Closing City Streets Along Route****(M-03)**

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Calvary Chapel Church, Inc. for CCA 5K, to be held November 6, 2010, 7:30 AM – 9:30 AM, on church property and area streets and closing city streets along route.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1485

Event Agreement – (M-04)
Traditional Day of the Dead Skeleton Sidewalk Processional

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Puppet Guild of South Florida, Inc. for Traditional Day of the Dead Skeleton Sidewalk Processional, to be held October 30, 2010, 5 PM – 6 PM, on downtown area sidewalks.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1480

Event Agreement – Cranberry Jam (M-05)
Closing Sunrise Lane

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Covenant House Florida, Inc. for Cranberry Jam, to be held November 24, 2010, 6 PM – 12 AM, at the Parrot Lounge and closing Sunrise Lane.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1481

Event Agreement – Healthy Lifestyle Longer Life Health Fair (M-06)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Florida Conference Association of Seventh Day Adventists on behalf of its affiliate Fort Lauderdale Seventh Day Adventist Church, for Healthy Lifestyle Longer Life Health Fair to be held November 6, 2010, 3 PM – 5 PM and November 7, 2010, 12 Noon – 5 PM, at the church, Stranahan Park and on sidewalks along Davie Boulevard and Andrews Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1501

Event Agreement – Pumpkin Palooza (M-07)
Closing SE 9 Street

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Evangelical Foundation for Christian Service, Inc. for Pumpkin Palooza to be held October 23, 2010, 4 PM – 7 PM, at Rio Vista Community Church and closing SE 9 Street from Federal Highway east to the end of church property, 12 Noon – 8 PM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1502

Event Agreement – St. Jerome Fall Festival (M-08)
St. Jerome Fall Festival

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Archdiocese of Miami, Inc. on behalf of its parish of St. Jerome Catholic Church, for St. Jerome Fall Festival to be held November 17-21, 2010, on church property – 2601 SW 9 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1504

Grant Application – Development of Six Parks - \$75,000 Each (M-09)
Broward County Land Stewardship Program – Parks for People

Please see funding information attached to these minutes for proposed matching funding sources.

A motion authorizing and approving the proper City Officials to apply for Land Stewardship Program Parks for People grant from Broward County Environmental Protection and Growth Management Department, in the amount of \$75,000 for each park: Harbordale Park, Gore Betz Park, Lewis Landing Park, South Middle River Park, Hott Park and Peter Feldman Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1510

Change Order 11 – Cardinal Contractors, Inc. - \$39,206 (M-10)
Lohmeyer Wastewater Treatment Plant Improvements – Add 170 Days

Please see funding information attached to these minutes.

A motion authorizing 1) Change Order 11 with Cardinal Contractors, Inc. doing business as Widell, Inc. formerly doing business as Widell Associates, Inc., formerly known as Widell, Inc., in the amount of \$39,206 – delay of work requiring bypass of all influent flow to Lohmeyer Wastewater Treatment Plant until after hurricane season, and the addition of 170 non-compensable calendar days to contract period – Project 10541B – Lohmeyer Wastewater Treatment Plant Improvements and 2) transfer \$39,206 to fund this change order and \$4,704.72 for 12 percent WaterWorks fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1318

Change Order 2 – Weekley Asphalt Paving, Inc. - \$17,713.04 (M-11)
Asphaltic Concrete Pavement Surfacing – SW 28 Terrace and SW 28 Way

Please see funding information attached to these minutes.

A motion authorizing 1) Change Order 2 to Weekley Asphalt Paving, Inc., in the amount of \$17,713.04 – additional work – portion of SW 28 Terrace and SW 28 Way – fiscal year 2010-2011 annual asphaltic concrete pavement surfacing – Project 11524 and 2) transfer funds to fund the change order and engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1472

Change Order 1 – Gonzalez Pavement Equipments, Inc. (M-12)
Annual Storm Drainage Contract – Inline Check Valves – Riviera Isles*

Please see funding information attached to these minutes.

A motion authorizing Change Order 1 to Gonzalez Pavement Equipments, Inc. – 2010-2011 Annual Storm Drainage Contract – inline check valves for Riviera Isles Neighborhood – pilot cost-sharing program – Project 11613.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1524

*This item (Commission Agenda Report 10-1524) was revised in accordance with Memorandum No. 10-289. See discussion on page 20 and revised title on page 22.

Task Order 9 – Kimley-Horn and Associates, Inc. - \$274,636.50 (M-13)
Executive Airport – Taxiways C and D Pavement Rehabilitation

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute Task Order 9 with Kimley-Horn and Associates, Inc., in the amount of \$274,636.50 – Taxiways Charlie and Delta Pavement Rehabilitation – Project 10882.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1470

Contract Award – D.W. Recreation Services, Inc. - \$46,951 (M-14)
Floyd Hull Stadium Complex – Playground Equipment

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to award and execute contract with D.W. Recreation Services, Inc., in the amount of \$46,951 – supply and install playground equipment at Floyd Hull Stadium complex – Project 11559.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1489

Contract Award – MBR Construction, Inc. - \$3,615,686.57 (M-15)
Fort Lauderdale Beach Park Wall Replacement and ADA Improvements

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to award and execute contract with MBR Construction Inc., in the amount of \$3,090,330.40 – Fort Lauderdale Beach Park Wall Replacement and ADA Improvements plus 10 percent contingencies and 7 percent engineering fees for a total of \$3,615,686.57 – Project 11264, 2) transfer \$91,293.14 from Project 11282.461 South Beach ADA and 3) appropriate \$1,205,228.68 contingent upon Community Redevelopment Agency Board appropriating funding for the project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1490

Fort Lauderdale Beach Park Utility Line Undergrounding - \$149,667 (M-16)
Agreement – Florida Power and Light Company

Funding of this agreement is included in the Contract Award for P11264. Please see funding information attached to these minutes.

A motion authorizing proper City Officials to execute agreement with Florida Power and Light Company for conversion of overhead electric facilities to underground service as part of Fort Lauderdale Beach Park Wall Replacement and ADA Improvements – Project 11264.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1491

Agreement – Florida Department of Transportation - (M-17)
Right of Way Improvements
Fort Lauderdale Beach Park Wall Replacement and ADA Improvements

No budgetary impact.

A motion authorizing the proper City Officials to execute agreement with Florida Department of Transportation – improvements in right-of-way as part of Fort Lauderdale Beach Park Wall Replacement and ADA Improvements – Project 11264.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1494

Applicant – Installed Facilities Agreement – (M-18)
Florida Power and Light Company
Fort Lauderdale Beach Park Wall Replacement and ADA Improvements

No budgetary impact.

A motion authorizing the proper City Officials to execute applicant-installed facilities agreement with Florida Power and Light Company for utility line undergrounding as part of Fort Lauderdale Beach Park Wall Replacement and ADA Improvements – Project 11264.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1497

Contract Award – D.W. Recreation Services, Inc. - \$46,951 (M-19)
Harbordale Park Playground Equipment

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to 1) award and approve, in substantially same form as provided in request for bid, subject to approval by City Attorney and 2) execute contract with D.W. Recreation Services, Inc., in the amount of \$46,951 – supply and install playground equipment for Harbordale Park – Project 11182.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1484

Qualified Target Industry Program – Home Diagnostics, Inc. - \$7,875 (M-20)
Florida Office of Tourism, Trade and Economic Development

Please see funding information attached to these minutes.

A motion authorizing the City's portion of payment to Florida Office of Tourism, Trade, and Economic Development – Qualified Target Industry Program – Home Diagnostics, Inc. - \$7,875.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1488

Disbursement of Funds/Joint Investigation/O.R. 07-36229 - \$3,419.37 (M-21)
Law Enforcement Trust Fund

Please see funding information attached to these minutes.

A motion authorizing the equitable disbursement of \$44,451.87 with each of the twelve participating law enforcement agencies to receive \$3,419.37 and Sunrise Police Department to receive \$6,838.74 due to additional assigned agent.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1349

Grant Agreement Modification – Hazard Mitigation Grant Program (M-22)
Police Headquarters Retrofit

No budgetary impact.

A motion authorizing 1) modification to agreement with Florida Division of Emergency Management for Hazard Mitigation Grant Program – Police Headquarters retrofit – scope of work change and 2) proper City Officials to execute all necessary documents.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1513

Change Order 1 – Palm Beach Marine Construction, Inc. - \$56,837 (M-23)
New River – Floating Docks for Small Boats

Please see funding information attached to these minutes.

A motion authorizing Change Order 1 with Palm Beach Marine Construction, Inc., in the amount of \$56,837 – additional work – construction of concrete floating docks on New River for small boats – Project 11000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1517

NW 6 Street – Sistrunk Boulevard (M-24)
Road Transfer Agreement – Broward County

No budgetary impact.

A motion authorizing the proper City Officials to execute an agreement with Broward County – road transfer to City – NW 6 Street – Sistrunk Boulevard – NW 19 Avenue to NW 24 Avenue (city limit).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1507

Contract Award – Tomasiou Enterprises, Inc. - \$185,200 (M-25)
Eula Johnson House Renovation and Reuse

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to award and execute contract with Tomasiou Enterprises, Inc., in the amount of \$185,200 – Eula Johnson House renovation and reuse – Project 11521.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1530

CONSENT RESOLUTION

**Supplemental Maintenance Agreement – Florida Department of Transportation
Maintenance of Landscape Improvements – Commercial Boulevard** **(CR-01)**

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1499

RESOLUTION NO. 10-293

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUPPLEMENTAL MAINTENANCE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR CITY MAINTENANCE OF LANDSCAPING IMPROVEMENTS TO STATE ROAD 870 (COMMERCIAL BOULEVARD) FROM NE 19TH AVENUE TO THE INTRACOASTAL WATERWAY.

**Contract Award – Green Construction Technologies, Inc. - \$113,981
Coral Ridge Park Phase II** **(CR-02)**

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1417

RESOLUTION NO. 10-294

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT WITH GREEN CONSTRUCTION TECHNOLOGIES, INC. IN THE AMOUNT OF \$113,981 FOR THE CONSTRUCTION OF CORAL RIDGE PARK PHASE II AND AMEND 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 TRANSFERRING FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED AND PROVIDING FOR AN EFFECTIVE DATE.

**Former River House Restaurant
Reject Bids and Re-Bid for Lease – 301 SW 3 Avenue**

(CR-03)

No budgetary impact.

Recommend: Motion to reject all bids and adopt resolution authorizing re-bidding.

Exhibit: Commission Agenda Report 10-1457

RESOLUTION NO. 10-295

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING THAT CERTAIN LAND AND IMPROVEMENTS SITUATED THEREON, OWNED BY THE CITY OF FORT LAUDERDALE, ARE NOT NEEDED FOR GOVERNMENTAL PURPOSES, AND DECLARING THE INTENTION OF THE CITY COMMISSION TO LEASE SUCH LAND AND IMPROVEMENTS PURSUANT TO SECTION 8.09 OF THE CITY CHARTER, LOCATED AT 301 SOUTHWEST 3RD AVENUE, KNOWN AS HISTORIC BRYAN HOMES, LOCATED ON LAND LEGALLY DESCRIBED AS ALL OF PARCEL "B", "THE BAREFOOT MAILMAN" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 152, PAGE 32 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; LESS THAT PORTION SUBJECT TO THE RIVERWALK LINEAR PARK AND UTILITY EASEMENT, LOCATED IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

**Grant Acceptance – Urban Area Security Initiative – Special Projects
Interlocal Agreement – City of Miramar - \$85,000**

(CR-04)

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1529

RESOLUTION NO. 10-296

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 \$85,000 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, 2010 AND ENDING SEPTEMBER 30, 2011, BY APPROPRIATING SUCH GRANT FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT.

NW 6 Street – Sistrunk Boulevard – Aesthetic Improvements - \$794,207 (CR-05)
Joint Participating Agreement – Reimbursement by Broward County

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1506

RESOLUTION NO. 10-297

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT WITH BROWARD COUNTY FOR AESTHETIC IMPROVEMENTS TO SISTRUNK BOULEVARD FROM NW 19TH AVENUE TO NW 24TH AVENUE AND AMENDING THE FINAL BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011 BY APPROPRIATING SUCH FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED HERETO AND INCORPORATED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

PURCHASING AGENDA

606-10466 – General Water Consultant (PUR-01)
Professional Architectural – Engineering Services

No budgetary impact.

A motion 1) approving Consultants Competitive Negotiations Act Selection Committee's recommendation of ranking firms – General Water Consultant Professional Architectural – Engineering Services and 2) authorizing the proper City Officials to commence negotiations with highest ranked firm – Hazen and Sawyer, P.C.

Recommend: Motion to approve.

Vendor: Hazen and Sawyer, P.C.
Hollywood, FL

Bids Solicited/Rec'd: 760-5

Exhibit: Commission Agenda Report 10-1030

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

606-10482 – General Wastewater Consultant (PUR-02)
Professional Architectural – Engineering Services

No budgetary impact.

A motion 1) approving Consultants Competitive Negotiations Act Selection Committee's recommendation of ranking firms – General Wastewater Consultant Professional Architectural – Engineering Services and 2) authorizing proper City Officials to commence negotiations with highest ranked firm – Camp Dresser & McKee, Inc.

Recommend: Motion to approve.

Vendor: Camp Dresser & McKee Inc.
Cambridge, MA

Bids Solicited/Rec'd: 779/5

Exhibit: Commission Agenda Report 10-1054

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

403-10613 – Cartridge Filters - \$52,644 (PUR-03)
Peele Dixie Water Treatment Plant

Please see funding information attached to these minutes.

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

Recommend: Motion to approve.

Vendor: Waco Associates, Inc.
Jacksonville, FL

Amount: \$52,644.00 (Not to Exceed)

Bids Solicited/Rec'd: 707/2

Exhibit: Commission Agenda Report 10-1365

The Procurement Services Department has reviewed this item and recommends an award to the low bidder, Waco Associates, Inc.

Pre-Qualification of Vendors – Water Distribution System Pipe - \$500,000 (PUR-04)

Please see funding information attached to these minutes.

Prequalify five vendors for purchase of water distribution system pipe is being presented by Public Works Department.

Recommend: Motion to approve.

Vendor: A&B Pipe and Supply, Inc., Miami, FL
Corcel Corp., Miami, FL
Ferguson Enterprises, Inc., Newport News, VA
HD Supply Waterworks, LTD., Atlanta, GA
Lehman Pipe and Plumbing Supply Inc., Miami, FL

Amount: \$500,000.00 (Not to Exceed)

Bids Solicited/Rec'd: 342/5

Exhibit: Commission Agenda Report 10-1370

The Procurement Services Department has reviewed this item and recommends approving purchases from this pre-qualified list.

Contract Renewal – Public Rights-of-Way - \$250,000 (PUR-05)
Repair and Replacement Services – Utility Maintenance

Purchases are made on an as-needed basis and charged to the individual operating budgets per available funds (attached to these minutes) and in accordance with established pricing.

Renewal of one-year contract for repairs and replacements in public rights-of-way relating to utility maintenance is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Three H Learning Center, Inc. d/b/a
Florida Youth Conservation Corps (FYCC)
Dade City, FL

Amount: \$250,000. (Not to Exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1469

The Procurement Services Department has reviewed this item and recommends approving these services per Florida State Statute Section 255.60.

402-10585 – Air Conditioning Units – (PUR-06)
Lohmeyer Wastewater Treatment Plant - \$90,444

Please see funding information attached to these minutes.

Purchase and installation services for replacement of air conditioning units at Lohmeyer Wastewater Treatment Plant and transfer funds to complete the funding is being presented for approval by Public Works Department.

Recommend: Motion to approve.
Vendor: Koldaire, Inc.
 Sunrise, FL
Amount: \$90,444.00
Bids Solicited/Rec'd: 1293/7
Exhibit: Commission Agenda Report 10-1482

The Procurement Services Department has reviewed this item and recommends an award to the low bidder, Koldaire, Inc.

Contract Award – Craven, Thompson & Associates, Inc. - \$1,268,722 (PUR-07)
Sistrunk Boulevard – Construction Management and Inspection Services

Please see funding information attached to these minutes.

A request authorizing the proper City Officials to award and execute contract with Craven, Thompson & Associates, Inc., in an amount not to exceed \$1,268,722 – construction management and inspection services – NE/NW 6 Street (Sistrunk Boulevard) Streetscape and Enhancement – Project 10448.

Recommend: Motion to approve.
Vendor: Craven, Thompson & Associates, Inc.
 Fort Lauderdale, FL
Amount: \$1,268,722.00 Not-to-Exceed Amount
Bids Solicited/Rec'd: 2126/17
Exhibit: Commission Agenda Report 10-1476

The Procurement Services Department has reviewed this item and recommends awarding of contract to Craven, Thompson & Associates, Inc.

175-9817 – Financial Advisory Services - \$5,000 (PUR-08)

Please see funding information attached to these minutes.

Contract extension for financial advisory services on month-to-month basis (not to exceed 90 days) is being presented for approval by Finance Department.

Recommend: Motion to approve.

Vendor: Davenport & Company LLC, Richmond, VA
Fidelity Financial Services, L.C., Hollywood, FL
Jointly and Severally

Amount: \$5,000.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1459

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

552-9100 – Banking and Investment Services - \$7,500 (PUR-09)

Please see funding information attached to these minutes.

Contract extension for banking and investment services to June 30, 2011 is being presented for approval by Finance Department.

Recommend: Motion to approve.

Vendor: Wachovia Financial Services, Inc.,
a Wells Fargo Company
Charlotte, NC

Amount: \$7,500.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1463

The Procurement Services Department has reviewed this item and agrees with the request to extend the current contract.

105-10461 – Group DHMO DPPO Dental Plan Benefits - \$2,901,432 (PUR-10)

Please see funding information attached to these minutes.

Three-year contract for Group DHMO and DPPO Dental Plan Benefits for 1,428 active and retired participants (Teamsters, Federation and Management/Confidential) is being presented for approval by Finance Department.

Recommend: Motion to approve.

Vendor: HumanaDental Insurance Company
Louisville, KY

Amount: \$2,901,432 Three-year rate guarantee

Bids Solicited/Rec'd: 654/13

Exhibit: Commission Agenda Report 10-1498

The Procurement Services Department has reviewed this item and recommends awarding to the first ranked proposer for the DHMO and DPPO plans.

Symantec Software Maintenance and Support - \$33,045.17

(PUR-11)

Please see funding information attached to these minutes.

Annual software maintenance and support for Symantec software products is being presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Symantec Corporation
Mountain View, CA

Amount: \$33,045.17

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1478

The Procurement Services Department has reviewed this item and recommends awarding from the Government Services Administration (GSA) Schedule 70 contract.

712-10628 – IBM Informix Database Software Support - \$53,557.98

(PUR-12)

Please see funding information attached to these minutes.

Annual renewal of IBM Informix Database Management System software support and licenses is being presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Vendor: En Pointe Technologies Sales, Inc.
Gardena, CA

Amount: \$53,557.98

Bids Solicited/Rec'd: 2017/6

Exhibit: Commission Agenda Report 10-1496

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

502-10596 – Tractor Replacement - \$70,229.04

(PUR-13)

Please see funding information attached to these minutes.

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

Recommend: Motion to approve.

Vendor: Everglades Farm Equipment Co., Inc.
Belle Glade, FL

Amount: \$70,229.04

Bids Solicited/Rec'd: 342/1

Exhibit: Commission Agenda Report 10-1500

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

202-10621 – Holiday and Centennial Decorations - \$109,466 (PUR-14)

Please see funding information attached to these minutes.

One-year contract for holiday and centennial decorations on Fort Lauderdale Beach for 2010-2011 holiday season and centennial celebration is being presented for approval by Economic Development Department, contingent upon Community Redevelopment Agency Board funding approval.

Recommend: Motion to approve.

Vendor: Brandano Displays, Inc.
Margate, FL

Amount: \$109,466.00 (base bid and centennial sign option)

Bids Solicited/Rec'd: 634/3

Exhibit: Commission Agenda Report 10-1505

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

912-10604 – Lot Maintenance Services - \$35,000 (PUR-15)

Please see funding information attached to these minutes.

One-year contract for lot maintenance and debris removal services on City owned parcels is being presented for approval by Planning and Zoning Department.

Recommend: Motion to approve.

Vendor: K.C.D. Lawn Service LLC
North Miami, FL

Amount: \$35,000.00 (estimated)

Bids Solicited/Rec'd: 47/17

Exhibit: Commission Agenda Report 10-1475

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

505-10379 – Cart Concession – Riverwalk - \$1,200 (Revenue) (PUR-16)
Non-Alcoholic Beverages and Food

Please see funding information attached to these minutes.

One-year contract for mobile cart concession of food and non-alcoholic beverages at Riverwalk area is being presented for approval by Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: Tropical Slings Inc.
Fort Lauderdale, FL

Amount: \$1,200.00 (revenue)

Bids Solicited/Rec'd: 630/3

Exhibit: Commission Agenda Report 10-1509

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

605-10556 – Energy Manager Program Services - \$99,425 (PUR-17)

Please see funding information attached to these minutes.

Purchase energy manager program services to manage the projects of the Energy Efficiency Conservation Strategy and Sustainability Action Plan.

Recommend: Motion to approve.

Vendor: Carbon Solutions America LLC
New Orleans, LA (Deerfield Beach, FL local office)

Amount: \$99,425.00

Bids Solicited/Rec'd: 2388/4

Exhibit: Commission Agenda Report 10-1512

The Procurement Services Department has reviewed this item and recommends awarding to the highest ranked proposer.

The following items were removed from the Consent Agenda:

Motion made by Commissioner Roberts and seconded by Vice Mayor Rogers that Consent Agenda Items M-12, M-14, M-15, PUR-02, PUR-08, PUR-10, and PUR-14 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 Roberts, Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, and Mayor Seiler. NAYS: None.

Change Order 1 – Gonzalez Pavement Equipments, Inc. (M-12)
Annual Storm Drainage Contract – Inline Check Valves – Riviera Isles*

Albert Carbon, Public Works Director, reviewed the Commission's previous direction also outlined in Commission Agenda Report 10-1524. Seven valves for Solar Isle is recommended. *This item is being changed to a resolution (see Memorandum 10-289). The change order is contingent upon the neighborhood contributing fifty percent of the cost. He asked the City Attorney to review whether the neighborhood could be reimbursed in 2014-2015 when the project was originally scheduled.

In response to Commissioner Rodstrom, Mr. Carbon estimated research on the stormwater project list will likely come back with the level of service analysis in December.

Tamara Tennant, president of Riviera Isles Homeowners Association, understood from the meeting that one street was not enough. If the residents paid for the remaining valves and they worked, the residents would be reimbursed in 2014-2015. The neighborhood raised \$113,735 for valves on Flamingo Drive, Solar Plaza Drive, and Solar Isle Drive. Riviera Isle Drive would like to install the valves at a later date if they prove effective. They understood the City would provide three valves. She suggested one valve on Flamingo, one on Solar and one on Riviera at either catch basin 2 or 5. An agreement is needed. They understood the City would maintain the valves.

In response to Commissioner Rodstrom, Mr. Carbon explained that the existing storm drains would be plugged on the two streets where valves are not intended to be installed. Existing catch basins would be used for a percolation area. The neighborhood did not agree with this recommendation. In further response to Commissioner Rodstrom, he clarified that Commission direction was to address one street. Mayor Seiler recalled the City would install three valves (with the neighborhood matching 50 percent of the cost) and the project could be expanded. The City would repay (the neighborhood) in 2014-2015. He thought there was available funding equivalent to 50 percent of the cost of three valves. Mr. Carbon indicated there is \$19,000 in the Riviera Isles account and \$17,000 in this year's stormwater account. With their contribution, one street could be completed with three valves. The agenda item was drafted without knowing exactly how much the neighborhood was going to raise. He recommended approving this change order so the contractor could get started and additional valves could be brought back on November 2, 2010. There is a ten-week lead time necessary to obtain the valves. In further response to Mayor Seiler, he maintained that, if this change order is approved tonight, the contractor will be able to move forward after the first of the year. The contractor is committed to purchase the valves and start the project after January 1 regardless of the number of valves decided upon.

Ms. Tennant advised that the contributing homeowners want a written commitment from the City before releasing the funds. In response to Mayor Seiler, the City Attorney was uncertain how this (homeowner funding) could be done until a stormwater management plan is adopted and a level of service is approved in order to identify the cost to provide that level of service and the source of the funds. Once this is accomplished, the City could likely borrow the funds if the funding source does not include ad valorem tax dollars. In response to Commissioner Rodstrom, the City Attorney explained that the City must have some idea of the cost for the level of service being provided, which is the public purpose. Mr. Carbon recalled the prior directive to provide a cost analysis on the

different levels of service which will be brought to the Commission at their first meeting in December. The Commission has not yet determined which level of service to fund. The City Attorney clarified that the neighborhood is not providing a true match because they desire reimbursement. The City Attorney explained the cost based on the level of service to be provided this year must be determined. If the reimbursement time is moved from 2014-2015, it should be determined how much more of the level of service will this provide. If it provides more than the level of service, then the amount the City would owe to the neighborhood would be less.

In further response to Commissioner Rodstrom, Mr. Carbon confirmed the City is obligated to maintain the valves. Maintenance of each valve will require one day, one crew every other month. Staff will present the various levels of service. Commissioner Rodstrom indicated that the neighborhood would desire funding reimbursement in 2014-2015 if a decision is made to address this on a citywide basis. He confirmed that it would be unnecessary to put holes in the catch basins if more streets are included. This component was not part of the cost estimate; it was intended to be done as an operational item.

Mayor Seiler expressed concern that legal issues related to this item have not been addressed. He wanted to move forward with something this evening to determine whether the valves will be effective. Ms. Tennant indicated that she has raised money to pay for eleven valves: Solar Plaza, Solar Isle and Flamingo. Mayor Seiler concluded that the issue is whether the City can enter into a repayment agreement. In response to Commissioner Rodstrom, Mr. Carbon reiterated the recommendation is to approve this change order with direction to obtain a second change order for the additional valves to be brought back on November 2. The contractor could then begin purchasing the valves which takes ten weeks. If authorized to proceed, the valves could be on-site for installation to be directly after the holidays. In response to Mayor Seiler, the City Attorney explained that the level of service needs to be identified in order to know the reimbursement amount. If the level of service is twice the amount of the funds provided by the neighborhood, then the City would not owe anything. Mayor Seiler requested an agreement be drafted pending the inclusion of a level of service.

The City Auditor noted that the agenda item must be changed because it reflects a neighborhood contribution rather than a loan.

In response to Mayor Seiler, Mr. Carbon reiterated that this change order must be approved in order to begin the project in January, 2011. In December, the Commission will determine a level of service depends upon citywide funding availability. If the valves meet that level of service, the neighborhood would expect 100 percent reimbursement in 2014-2015. However, if the valves exceed the level of service that the Commission is willing to fund the entire city, the reimbursement would be reduced. Mayor Seiler suggested the reimbursement be subject to the level of service. In response to Commissioner Rodstrom, Mr. Carbon explained that residents in different parts of the city pay the same sewage charge, despite varying distances in relation to the treatment plant. He went on to explain why residents without flood issues still pay for items related to drainage. Commissioner Roberts wanted to be certain the homeowners association understands that if this project is completed pending the agreement and level of service, full reimbursement may not occur. The City Attorney added that the neighborhood should not be reimbursed at all if the valves are ineffective. Commissioner Rodstrom and Mayor Seiler concurred.

Scott Davis, member of Rivera Isles Homeowners Association board of directors, noted his explanation to the residents that there will be no reimbursement if the valves are ineffective.

Some dialogue ensued as to whether the agreement would be with the homeowners association or each individual who contributed. The City Attorney believed this type of contract is unprecedented. He offered to bring it back on November 16, 2010. Mayor Seiler expressed the Commission's intent is to have the valves installed. If the neighborhood provides funding, there will be reimbursement in 2014-2015 if the valves are effective, based on the level of service. If the valves prove ineffective not as a result of the City's maintenance, the neighborhood will not be reimbursed. Mr. Carbon summarized that this evening's action is to approve the change order with Riviera Isles residents providing 50 percent funding. The next change order and agreement reflecting how the City will reimburse residents will be brought back on November 16, 2010. The City Auditor advised that the resolution must indicate the budget is being amended and appropriating a loan from the residents in the amount of \$36,970.

In response to Commissioner DuBose, Mayor Seiler indicated the reimbursement will be subject to the determined level of service.

Motion made by Commissioner Rodstrom and seconded by Commissioner DuBose to introduce the following resolution and authorizing Change Order 1 with Gonzalez Pavement Equipments, Inc. (pilot cost-sharing program) with Riviera Isles to share 50 percent of the cost and reimbursement to be made in 2014-2015 based on level of service and provided the pilot program is successful. Roll call showed: YEAS: Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, and Mayor Seiler. NAYS: None.

*RESOLUTION NO. 10-298

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 TRANSFERRING AND APPROPRIATING FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Seiler asked the Director of Public Works to keep the Commission informed in the next couple weeks as this progresses.

Contract Award – D.W. Recreation Services, Inc. - \$46,951
Floyd Hull Stadium Complex – Playground Equipment

(M-14)

In response to Commissioner DuBose, Phil Thornburg, Parks and Recreation Director, explained that the (\$46,951) funding for this item was derived from last year's CIP (Capital Improvement Program). The (\$46,951) funding for Harbordale Park (item M-19)

is from Broward County. The total grant amount was \$75,000, so there are additional funds. But, these funds must be used in and for Harbordale Park because the County grant funds are site specific. He elaborated upon how the remaining funds will be utilized in Harbordale.

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

Contract Award – MBR Construction, Inc. - \$3,615,686.57 (M-15)
Fort Lauderdale Beach Park Wall Replacement and ADA Improvements

Robert Walsh, 401 East Las Olas Boulevard, questioned whether Broward County could help pay for this project. Don Morris, Beach CRA (Community Redevelopment Agency) Director, was unaware of any county funds applicable to this project. There was a prior attempt to obtain state grant funding, but it was unsuccessful. He noted the funding that will be used and highlighted the scope. It is a total renovation of the parking lot. Mayor Seiler pointed out the City's obligation to complete these improvements by August of 2009. Mr. Morris noted that requirement was met with some temporary improvements; but the proposed are permanent and will resolve any future issues. Commissioner Rodstrom pointed out the delay was caused by an effort to schedule the project around local events and tourist season. Mr. Morris explained another reason for the delay was obtaining state permission for the width of the sidewalk increase.

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

606-10482 – General Wastewater Consultant (PUR-02)
Professional Architectural – Engineering Services

Commissioner Rodstrom noted the historical knowledge of CH2MHill with the WaterWorks 2011 and their close ranking. In response to Commissioner Rodstrom, Albert Carbon, Director of Public Works, noted that he would not have any problem working with the first and second ranked firms, Camp, Dresser & McKee (CDM) and CH2MHill. Both firms were successful in delivering the WaterWorks 2011 project. He supported staff's recommendation of CDM. Kirk Buffington, Director of Procurement Services, responded to Mayor Seiler's question as to the third ranked firm, noting the closeness in the ranking. He added that the selection committee was aware of the option of awarding to multiple firms. In further response to Commissioner Rodstrom, Mr. Buffington detailed the scoring of the first and second ranked proposers in Commission Agenda Report 10-1054. In response to Vice Mayor Rogers, Mr. Buffington explained that the selection committee was reconvened to consider statements made by CH2MHill in their letter (August 25, 2010) which was provided in the backup. The selection committee reaffirmed its recommendation to award to CDM.

In response to Mayor Seiler, Albert Carbon, Public Works Director, explained the initial contract is five years with two, two-year extensions. The average wastewater contract amount for the first five years in the current Capital Improvement Program is estimated at \$200,000 to \$500,000. Mayor Seiler thought competition among vendors is good. He questioned whether this contract is sizeable enough to split. Mr. Carbon reiterated his support of staff's recommendation of one contractor. He elaborated upon the many other current contracts. In response to Commissioner DuBose, he explained that, although it is possible to split this contract, he would not support doing so. He expanded on his reasoning. In response to Commissioner Rodstrom's question about language of a multiple award option in the RFQ, Mr. Buffington explained that generally all bid documents include as much flexibility as possible for the City to award what is in the best interests of the City. In further response, Mr. Buffington advised that both firms were present at the reconvened selection committee meeting, but both declined. Commissioner Rodstrom questioned why neither of the firms took the opportunity to speak at the reconvened selection committee.

Matt Alvarez, representing CH2MHill, Inc., confirmed his CH2MHill's presence at the selection committee meeting. However, they chose to remain silent because the committee seemingly had no intent to address the concerns.

In response to Mayor Seiler, Mr. Buffington advised that the CH2MHill letter was provided to the committee before their meeting. There was no discussion on it. Commissioner Roberts thought it seemed odd that the questions were not resolved. Mr. Buffington explained that the individual who CH2MHill alleged to have made certain statements as discussed in the letter is a member of the committee. He provided some insight into how staff goes about equitably dividing work amongst multiple contractors in a multiple award scenario. In response to Vice Mayor Rogers, Mr. Buffington indicated that he was not present at the meeting; Procurement Services was represented by another staff member. As to the comment of a possible bias, he was not able to make an assessment of the statements shown in the letter are misstatements which is why it went back to the committee and the purpose of the committee. He could not make determinations from a technical perspective. Mayor Seiler was concerned if the only reason for reconvening the committee was the letter that the committee then did not address the allegations. Mr. Buffington confirmed that the committee read the letter and all of them stated it made no difference in their recommendation.

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts to approve the item as amended to authorize the proper City Officials to commence negotiations with the two highest ranked firms, Camp Dresser & McKee, Inc. and CH2MHill, Inc. Roll call showed: YEAS: Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, and Mayor Seiler. NAYS: None

175-9817 – Financial Advisory Services - \$5,000

(PUR-08)

Commissioner Rodstrom felt the RFP was late. It appears as if a month to month is being presented in order to keep the current financial advisor in place while other items on the agenda are addressed. In response to her question, Lynda Flynn, Interim Director of Finance, advised that representatives of Davenport & Company are not present because staff did not want to incur that expense. Commissioner Rodstrom expressed

her disappointment in having to go on a month to month basis. In the future she asked that a month to month not occur.

In response to Commissioner Rodstrom, Ms. Flynn advised that Davenport was a part of the (previous) water and sewer bond issue. Commissioner Rodstrom requested copies of expense receipts for Fidelity Financial Services.

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

105-10461 – Group DHMO DPPO Dental Plan Benefits - \$2,901,432 (PUR-10)

Robert Walsh, 401 East Las Olas Boulevard, thought a one-year contract might help in negotiations. Dennis Stone, Benefits Coordinator, clarified the yearly amount and noted the cost has actually decreased which is why staff wanted a three-year contract commitment.

In response to Commissioner DuBose, Mr. Stone noted a minor change to the PPO of a slight deductible if ones goes out of network. Most of everything is much the same.

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

202-10621 – Holiday and Centennial Decorations - \$109,466 (PUR-14)

Robert Walsh, 401 East Las Olas Boulevard, opposed to this expense. He suggested a contribution be sought from Wayne Huizenga. Donald Morris, Beach Community Redevelopment Agency Director, clarified the funding sources.

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

The applicant has requested this item be deferred to November 2, 2010.

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

Mayor Seiler opened the floor for public comment.

Charles Jordan, representing Trust for Historic Sailboat Bend and Mark Kerr, believed this item is being deferred with regard to a Planning and Zoning Board hearing held previously and tomorrow evening the same hearing will be held. With that hearing occurring tomorrow evening, he did not think that the Commission could set a hearing by the Commission because it refers to a process being abandoned. The new process will start tomorrow evening. Essentially this is premature. In response to Mayor Seiler, the City Attorney believed there is sufficient continuity with the original application to continue it. The continuance is to allow time for the applicant to go back to the Planning and Zoning Board to address a question about the notice. This meeting was noticed. To make sure that all of the notices are consistent and there is continuity in the application, he believed this could be deferred. When it comes back to the Commission, it will have a recommendation from the board. The point of order is not well taken.

Mr. Jordan believed that continuing the meeting this evening causes a problem with continuity. A presumption is being made this evening that a specific action will be taken tomorrow evening. In order for there to be continuity, the prior board meeting issue stops now. It should not be handled as a continuance.

Motion made by Commissioner Roberts and seconded by Commissioner DuBose to defer this item to November 2, 2010 (request of applicant). YEAS: Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, and Mayor Seiler. NAYS: None.

MOTIONS

Proprietary – PC-1850T Antiscalant – Peele Dixie Water Treatment Plant (MD-01)

Please see funding information attached to these minutes.

Purchase PC-1850T Antiscalant for Peele Dixie Water Treatment Plant is being presented for approval by Public Works Department.

Recommend:	Motion to approve.	
Vendor:	Nalco Company Naperville, IL	
Amount:	\$123,286.00	(Not-to-Exceed)
Bids Solicited/Rec'd:	N/A	
Exhibit:	Commission Agenda Report 10-1368	

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

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

**Proprietary – Caterpillar Brand Parts and Service
Sanitary Sewer Pump Stations**

(MD-02)

Purchases are made on an as-needed basis and charged to the individual operating budgets within Public Works which are attached to these minutes.

Purchase Caterpillar brand parts and service for sanitary sewer pump stations is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Pantropic Power, Inc.
Miami, FL

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1462

The Procurement Services Department has reviewed this item and recommends awarding these proprietary purchases.

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

RESOLUTIONS

**Downtown Development Authority
Levy of Ad Valorem Taxes – Fiscal Year 2010-2011**

(R-01)

No budgetary impact.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-286

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, LEVYING AN AD VALOREM TAX FOR FISCAL YEAR 2010/2011 ON BEHALF OF THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO CHAPTER 2005-346, LAWS OF FLORIDA.

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

**Refunding 2008A and 2008B Special Obligation Bonds
Not to Exceed \$27.0 Million****(R-02)**

Please see funding information attached to these minutes.

Vice Mayor Rogers introduced the following resolution:

RESOLUTION NO. 10-287

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE ISSUANCE AND SALE OF SPECIAL OBLIGATION REFUNDING BONDS, SERIES 2010, IN ONE OR MORE SERIES, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$27,000,000 TO BRANCH BANKING AND TRUST COMPANY ("BB&T") FOR THE PURPOSE OF, TOGETHER WITH OTHER AVAILABLE FUNDS, (i) REFINANCING ON A CURRENT BASIS THE CITY'S \$15,462,881 ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF SPECIAL OBLIGATION REFUNDING BOND, SERIES 2008A ("SERIES 2008A BOND") AND ITS \$10,051,200 ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF SPECIAL OBLIGATION NOTE, SERIES 2008B ("SERIES 2008B NOTE") AND (ii) PAYING THE COST OF ISSUANCE OF SUCH BONDS; MAKING FINDINGS AND DETERMINATIONS AS TO SAID BONDS; ACCEPTING THE PROPOSALS OF BB&T; PROVIDING FOR THE METHOD OF EXECUTION OF SUCH BONDS; AUTHORIZING THE EXPENDITURE OF THE PROCEEDS OF SUCH BONDS AND PROVIDING FOR THE PREPAYMENT OF THE SERIES 2008A BOND AND THE PAYMENT AND REFINANCING OF THE SERIES 2008B NOTE; APPROVING THE FORM OF A LOAN AGREEMENT WITH BB&T IN CONNECTION WITH SUCH BONDS AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH LOAN AGREEMENT AND BONDS; AUTHORIZING OTHER REQUIRED ACTIONS IN CONNECTION HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Rodstrom was concerned that the Commission must make a decision this evening; that staff made a policy decision without a public process with respect to Series 2008A. She felt negotiated sales should be done in a competitive, public process fashion. She has serious concerns with these issues not being done using a competitive process. She asked about bifurcating the two in order to follow a competitive process for 2008A. Lynda Flynn, Interim Director of Finance, was concerned that the rate may change during the time necessary to go through an RFP process and indicated that she has not seen rates at this low of a level. The City will save \$3.5 million. Commissioner Rodstrom believed that rates will continue to go down. The City will never know whether a better rate could have been obtained. It looks like BB&T (Branch Banking and Trust

Company) is getting magic wanded into the deal and it appears the RFP for the financial advisor was delayed so that the current financial advisor could get compensated for these deals. Ms. Flynn advised that there are two, one-year renewals for the financial advisor contract. Based on conversations, she decided to go forward with an RFP on the financial advisor. Commissioner Rodstrom pointed out that the Commission has not had an opportunity to get a new contract or reaffirm the existing contract for the financial advisor. Ms. Flynn explained that most of the work for both issues was done prior to the financial advisor's contract expiration. In further response to Commissioner Rodstrom, Ms. Flynn advised that Davenport was not involved and therefore will not be compensated. Commissioner Rodstrom pointed out that at the beginning of the process Davenport was to be the major player and Fidelity Financial was to be the minority component. Now Fidelity has done several deals without Davenport while the Commission voted for Davenport with Fidelity to be the co(advisor). Ms. Flynn advised that there is no differentiation between the two firms. The contract provides for the finance director to decide upon which firm and in what capacity. Davenport did not take part in the initial 2008 water and sewer bond issue because they were just coming onboard. This is the only other issue where Fidelity has been the sole financial advisor. Commissioner Rodstrom reiterated her belief that BB&T was magic wanded into place and the (financial advisor) RFP was not issued in time and the current financial advisor was allowed to get the fees. She felt the City is the laughing stock of the financial world. She was not blaming Ms. Flynn, but rather the entire system. The City needed to have a better process in place. Dialogue amongst the bank, financial advisor, bond counsel, city manager and city auditor constituted a policy decision. The Commission is now voting on that decision without a public process. The Commission does not know the City is getting the best possible rate except on the word of the Interim Finance Director. There is nothing in the backup concerning the banks that were consulted.

In response to Mayor Seiler, the City Auditor did not see this as staff making a policy decision. There was an offer made by the bank that would save the City a lot of money. The policy decision is before the Commission this evening as to whether that offer should be accepted. If the Commission wishes, bids could be solicited. Perhaps it should have come back as a conference item. Commissioner Rodstrom agreed it would have been better to place the matter on a conference agenda a couple months ago, considering that the Commission had decided to issue an RFP for a financial advisor. In further response to Mayor Seiler, the City Auditor believed this is a good deal, however it is possible that there is a better one. Based on his conversations with people in the industry, he felt it is a good rate, although it may get better as time goes on. He felt that this rate has been offered because the firm is very familiar with the City and consequently does not have to do as much analysis as would be found with another firm. Mayor Seiler asked if the City has incurred expenses if it chooses not to go forward. The City Attorney indicated the City only has a moral obligation. Bond counsel is paid if the deal goes through.

Ms. Flynn provided some history around contemplating bidding on 2008B for Vice Mayor Rogers. In further response, she advised that the interest rate (for 2008A) is 2.43%; expenses to the bank is \$6,000 total for the series. The expenses for 2008B are the same, \$6,000. Expenses for the financial advisor and bond counsel are based on their contracts, that being \$20,000 per issue and \$33,800 respectively. Total expenses for both deals is \$86,000. She confirmed for Mayor Seiler that savings to the City is \$2.1 million and \$1.45 million for 2008A and 2008B respectively. In further response to Vice Mayor Rogers, Albert del Castillo, Bond Counsel, clarified that bond counsel fees are

\$15,000 to \$16,000 per issue that are not due unless the deal goes through. The issues are pre-payable upon ten days notice and a one percent premium. It is important to compare the rates with those of the current rates on these obligations. One obligation comes due at the end of this month. In the course of discussions with the bank on the issue coming due, the bank offered a rate that everyone believed to be very attractive; 270 bases points over a ten year period or more on the refinancing. He believed the rates are very attractive.

Commissioner Rodstrom noted that on the federal level, actions are being taken that indicate the possibility of rates going lower. She asked Mr. del Castillo's opinion on this point. Mr. del Castillo did not think anyone knows exactly what will happen. It is correct that the City will not know what would happen in a competitive process. However, it would mean bifurcating the two financings which would double the financing costs. If one thought that rates could be that much lower than those presented, the added issuance cost might be worth the gamble. In response to Mayor Seiler, Frank Hall, Co-Financial Advisor, elaborated upon rates he was quoted when checking with two other lending institutions, those considered to be the most aggressive at this point in time. He believed the best rates have been offered. For example, SunTrust was at close to 3% versus 2.43% by BB&T. There was a similar spread for ten, twelve and fourteen year scenarios. BB&T's rates beat the other two by a long shot. There was no question what to recommend to the City. The other lender consulted was Bank of America. Commissioner Rodstrom questioned why this information was not supplied in the backup and reiterated her concern about the process.

In response to Commissioner Rodstrom, Ms. Flynn advised that the financial advisor will receive \$40,000 for both issues.

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

Disposition of City Owned Property – Hill Mont Heights
Approximate Address – 2030 NW 14 Avenue

(R-03)

No budgetary impact.

RESOLUTION NO. 10-288*

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING CERTAIN PROPERTY, DESCRIBED BELOW, NOT NEEDED FOR PUBLIC USE PURSUANT TO CITY CHARTER SECTION 8.04; DETERMINING THAT THE APPRAISED VALUE OF THE PROPERTY IS \$3,162.50; AND FURTHER DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY THAT SUCH PROPERTY BE OFFERED FOR SALE TO THE PUBLIC FOR A MINIMUM BID OF \$3,162.50, WITH BIDS TO BE SUBMITTED BY NOVEMBER 18, 2010 AND SCHEDULING FOR FURTHER PROCEEDINGS BEFORE THE CITY

COMMISSION ON DECEMBER 7, 2010 TO CONSIDER A RESOLUTION ACCEPTING THE BEST OFFER AND AUTHORIZING CONVEYANCE; AND REQUIRING THE CITY CLERK TO PUBLISH THIS RESOLUTION IN ONE ISSUE OF THE OFFICIAL NEWSPAPER OF THE CITY WITHIN SEVEN (7) DAYS OF THE ADOPTION HEREOF.

*Resolution was revised. See discussion and revised title below.

Kotelin Walker, 2029 NW 14 Avenue, advised that she has resided adjacent to this project since 1981. She thought this property was part of her lot and maintained it for twenty-nine years. She asked if she could be allowed to purchase it for a lower amount. It looks as if it is one lot. The property only accommodates parking of one car. Mayor Seiler noted that the City took title to the property in 2002 by tax deed. Ms. Walker did not think anyone else would be interested in it. Commissioner DuBose agreed that it appears as if the property is part of Ms. Walker's yard and that no one else could do anything with it. Commissioner Rodstrom agreed with Commissioner DuBose. Stephen Scott, Director of Economic Development, confirmed for Commissioner Rodstrom that this property is not reflected on the City's list of surplus property because it is only a little over 2,000 square feet. After some questions raised, Victor Volpi, Real Estate Division, believed the property was a piece of right of way years ago; by request of the property owner to the north, Broward County vacated part of it and it was homesteaded; now Ms. Walker, who is the property owner to the south, has not paid the taxes on her portion because she may not have even owned the property, and it has reverted to the City as fee simple property. He provided some history on another parcel for Commissioner Rodstrom. After some discussion as to how the property assessment and minimum bid amount were calculated and instruction from the City Attorney as to procedure, Vice Mayor Rogers pointed out it is not worth anything to anyone except Ms. Walker who would pay taxes on it and Mayor Seiler suggested adjusting the buildability value an additional 25%. Mr. Volpi believed it is twenty feet in width and confirmed it is not buildable.

Motion was made by Commissioner DuBose and seconded by Commissioner Rodstrom to introduce the resolution as amended, adjusting the minimum bid to \$1,631.25 based upon a 75% reduction for buildability value.

Commissioner DuBose introduced the following resolution:

RESOLUTION NO. 10-288

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING CERTAIN PROPERTY, DESCRIBED BELOW, NOT NEEDED FOR PUBLIC USE PURSUANT TO CITY CHARTER SECTION 8.04; DETERMINING THAT THE APPRAISED VALUE OF THE PROPERTY IS \$1,631.25; AND FURTHER DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY THAT SUCH PROPERTY BE OFFERED FOR SALE TO THE PUBLIC FOR A MINIMUM BID OF \$1,631.25 WITH BIDS TO BE SUBMITTED BY

NOVEMBER 18, 2010 AND SCHEDULING FOR FURTHER PROCEEDINGS BEFORE THE CITY COMMISSION ON DECEMBER 7, 2010 TO CONSIDER A RESOLUTION ACCEPTING THE BEST OFFER AND AUTHORIZING CONVEYANCE; AND REQUIRING THE CITY CLERK TO PUBLISH THIS RESOLUTION IN ONE ISSUE OF THE OFFICIAL NEWSPAPER OF THE CITY WITHIN SEVEN (7) DAYS OF THE ADOPTION HEREOF.

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

**Vacate 81 Foot Utility and Storm Drain Easement – Case 3-M-10
Causeway Lumber Company, Inc. – 2401 South Andrews Avenue**

(R-04)

No budgetary impact.

Vice Mayor Rogers introduced the following resolution:

RESOLUTION NO. 10-289

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THAT CERTAIN UTILITY AND STORM DRAINAGE EASEMENT RETAINED OVER THAT PORTION OF THE VACATED RIGHT OF WAY FOR SOUTHWEST 25 STREET, (PLATTED AS PORVENIR AVENUE) AS SHOWN ON THE PLAT OF "BLOCKS 1 AND 6, MIDWAY SECTION OF CROISSANT PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 12, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, RETAINED BY ORDINANCE C-85-85 AND RECORDED IN OFFICIAL RECORD BOOK 12886, PAGE 764, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED EAST OF THE FEC RIGHT OF WAY AND WEST OF SOUTH ANDREWS AVENUE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

Vacate 10 Foot Utility Easement – Causeway Lumber Company, Inc. (R-05)
2401 South Andrews Avenue – Case 4-M-10

No budgetary impact.

Applicant: Causeway Lumber Company, Inc.
Location: 2401 South Andrews Avenue

Vice Mayor Rogers introduced the following resolution:

RESOLUTION NO. 10-290

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THAT CERTAIN UTILITY EASEMENT RETAINED OVER THAT PORTION OF THE VACATED ALLEY LYING WEST OF AND ADJACENT TO BLOCK 1 OF THE PLAT OF "BLOCKS 1 AND 6, MIDWAY SECTION OF CROISSANT PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 12, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, RETAINED BY ORDINANCE C-81-92 AND RECORDED IN OFFICIAL RECORD BOOK 9916, PAGE 315, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED EAST OF THE FEC RIGHT OF WAY AND WEST OF SOUTH ANDREWS AVENUE, SOUTH OF STATE ROAD 84 AND NORTH OF SOUTHWEST 25 STREET, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

Dedicate 10 Foot Utility Easement – Florida Power and Light Company (R-06)
Fort Lauderdale Beach Park Utility Line Undergrounding

No budgetary impact.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-291

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DEDICATING CERTAIN LANDS DESCRIBED BELOW AS AN ELECTRICAL AND TELECOMMUNICATIONS PUBLIC UTILITY EASEMENT FOR THE CONVERSION OF OVERHEAD PUBLIC ELECTRICAL AND PUBLIC

TELECOMMUNICATIONS FACILITIES TO
 UNDERGROUND ELECTRICAL AND
 TELECOMMUNICATIONS PUBLIC UTILITY FACILITIES
 WITH CERTAIN APPURTENANT ABOVE-GRADE
 FACILITIES INCIDENTAL THERETO; ACCEPTING SUCH
 DEDICATION; AND PROVIDING FOR AN EFFECTIVE
 DATE.

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

Board and Committee Appointments

(R-07)

No budgetary impact.

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

- | | |
|---|--|
| Beach Business Improvement District
Advisory Committee | Dale Reed (Consensus)
William R. Stanton (Consensus)
Amauary J. Piedra (Consensus)
Alfred A. Rosenthal (Consensus)
Jim Oliver (Consensus)
Paul Motta (Consensus)
Bill Cunningham (Consensus) |
| Education Advisory Board | Maureen Persi (Mayor Seiler) |
| Insurance Advisory Board | Jonathan Macy (Consensus) |
| Parks, Recreation, and Beaches Board | Tommy Knapp (Mayor Seiler) |

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-292

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

PUBLIC HEARINGS

Community Bus Service – Galt Ocean Mile – Expand Route (PH-01)
Downtown Fort Lauderdale Transportation Management Association

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

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

Rezoning to Park, Recreation and Open Space – South Middle River (PH-02)
City of Fort Lauderdale – Case 9-Z-10

No budgetary impact.

Applicant: City of Fort Lauderdale
Location: 1718 NW 6 Avenue
Current Zoning: Residential Single Family Medium Density RDs-15
Proposed Zoning: Park, Recreation and Open Space P
Future Land Use: Medium

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

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

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

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-35

AN ORDINANCE CHANGING THE UNIFIED LAND
 DEVELOPMENT REGULATIONS OF THE CITY OF FORT
 LAUDERDALE, FLORIDA, SO AS TO REZONE FROM

“RDs-15” TO “P”, THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 49 SOUTH, RANGE 42 EAST, LYING SOUTH OF THE WESTERLY EXTENSION OF NORTHWEST 17 COURT, ON THE EAST SIDE OF NORTHWEST 6 AVENUE AND NORTH OF LANDS AT 501 NORTHWEST 17 STREET, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE “A” ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

**Relief from Wall Requirements for Public Purpose Use
South Middle River Park – Case 48-R-10**

(PH-03)

No budgetary impact.

Applicant: City of Fort Lauderdale
Location: 1718 NW 6 Avenue
Zoning: Parks, Recreation and Open Space P, effective November 12, 2010
Land Use: Medium Residential

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

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

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-36

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 WALL REQUIREMENTS IN A “P” ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS (“ULDR”), WHICH SITE IS MORE FULLY DESCRIBED AS THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 49 SOUTH, RANGE 42 EAST, LYING SOUTH OF THE WESTERLY EXTENSION OF NORTHWEST 17 COURT, ON THE EAST SIDE OF

NORTHWEST 6 AVENUE AND NORTH OF LANDS AT 501 NORTHWEST 17 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: Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, 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.

Applicant: Housing Authority of the City of Fort Lauderdale
Location: 1004 West Broward Boulevard
Zoning: Residential Multifamily Mid Rise Medium High Density RMM-25

This item was deferred to November 2, 2010.

ORDINANCES

Relief from Zoning Requirements for Public Purpose Use (O-01)
Fire Station 35 – 1969 East Commercial Boulevard – Case 33-R-09

No budgetary impact.

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

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

Commissioner Roberts introduced the following ordinance on SECOND 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 Roberts, Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, and Mayor Seiler. NAYS: None.

Code Amendment – Chapter 26 – Traffic – Schedules of Fines (O-02)
Increase Parking Fines and School Crossing Guard Program Surcharge

Please see funding information attached to these minutes.

Commissioner Roberts introduced the following ordinance on SECOND 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: Commissioners Roberts and Rodstrom, Vice Mayor Rogers and Mayor Seiler. NAYS: Commissioner DuBose.

Code Amendment – Chapter 4 – Alarm Systems (O-03)
Residential User Service Fees

No budgetary impact.

Commissioner Roberts introduced the following ordinance on SECOND 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: Commissioner Roberts, Vice Mayor Rogers and Mayor Seiler. NAYS: Commissioners Rodstrom and DuBose.

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

(O-04)

No budgetary impact.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-37

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.

The City Attorney clarified why the title shows removal of the charge for oxygen, although the charge was actually retained.

In response to Mayor Seiler, Jeff Justinak, Fire Rescue Chief, explained that the City's rate was one of the lowest in the county and Fort Lauderdale is at the top in terms of responses. With this amendment, the City's rates are now toward the top 5% to 6% range. Some discussion ensued as to rates of other cities and the recovery percentage rate. Chief Justinak confirmed for Mayor Seiler that a substantial percentage of calls are for non-residents and essentially residents are subsidizing services for non-residents. Commissioner DuBose pointed out that the rate will increase for residents as well as non-residents. Chief Justinak concurred and noted that 37% are from outside of the city as of 2009.

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

Code Amendment – Fire Prevention – Fire Safety Fee Schedule (O-05)
Chapter 9, Article II, Division 2, Section 9-53

No budgetary impact.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-38

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.

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

Pay Plan Amendment – Schedule I – Police Captains (O-06)

Please see funding information attached to these minutes.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-39

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SCHEDULE I OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY RETROACTIVELY CHANGING THE PAY RANGE OF POSITIONS IN THE CLASS OF POLICE CAPTAIN, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

Mayor Seiler opened the floor for public comment.

Lee Bucci, Public Works, indicated he has been a City employee for almost twenty years. He appreciated those members of the Commission that supported the City in ratifying employee contracts. Their vote supported the effective and efficient operation of

this government. There are a group of 240 employees that have not been treated fairly. The proposed ordinance only addresses two of some 240 employees who are similarly situated. All of these employees, including these two police captains, are in a group that is not eligible to be represented by a collective bargaining agreement. All employees, except this group and including part-time employees, received a pay adjustment effective October 4, 2009. Funding for a pay adjustment for all employees was included in the 2009-2010 budget. The money for the 240 employees was never disbursed. Not all of the 240 are in the general fund. The employees became PERC exempt as their positions were deemed too sensitive to the efficient and effective operation to be represented by a union. There are twelve employees in his job class. Six of them are represented by a union and six are PERC exempt. The union employees have a higher salary which is not right. He asked that all 240 be included in this ordinance. Since October 4, 2009, he has supervised a union employee who is in a higher pay range. There are other similar situations. He asked the Commission's assistance so that these employees do not have to seek external assistance to achieve equality in the workplace. He asked that all PERC exempt employees be included in this ordinance.

Darlene Pfeiffer, Parking and Fleet, supported the proposed ordinance because no PERC exempt employees should be penalized for being part of this group. She felt this is about fair play for the responsibility and equity in the workplace. She has been employed by the City for ten years and has found revenue sources or ways to cut expenses to cover her salary. For the last eight years, her salary and benefits have not cost the taxpayers anything and in fact Parking and Fleet Services gives the general fund about \$1.5 million each year. Her pay comes from user fees and much of those fees come from tourists and other visitors. Being topped out in her pay range, she has not been eligible for a merit increase even with outstanding ratings. This is true for many of these employees. In 2004 when there was a budget crunch, both union and PERC exempt employees gave up six days pay. She asked that now as union employees have received a 5% increase, the PERC exempt employees should receive the same. The union agreed to closing the pension plan in exchange for the three, five percent increases. The plan was closed for non-bargaining employees as well, even though they had no say in it. She felt it is only equitable to include these employees in the increases as well. Many managers and supervisors in the union received those increases. Not all of the people in this group are the highest paid. She asked the Commission to include all PERC exempt employees in this ordinance. The money for these increases was budgeted. The City is saving the differential between the two pension plans and will continue to do so for years to come. She asked that these employees receive the same consideration for that savings as the others have received. This group is the most likely to take up the slack for positions that are cut and unfilled vacancies and they give the City countless three hours of work each year. These employees suffer the same economy problems that residents suffer. She hoped they will not be penalized for holding sensitive positions.

Rufus James, Business Enterprises, indicated that he earns less than the employees he supervises. He went on to quote scriptures from the Bible on the topic of fairness. He asked the Commission to include all PERC exempt employees be included in this ordinance and receive the raise granted other employees October 4, 2009.

Debra Donato, Business Enterprises, indicated she has worked for the City for eighteen years. She is a PERC exempt administrative assistant at the executive airport. She has received fifteen outstanding performance reviews during her tenure. There are other

employees with the same job title who received a raise while she has not. She supported this ordinance for the police captains, but asked that the Commission consider all PERC exempt employees.

Tony Irvine, Public Works, indicated he has worked for the City for eighteen years. He supported this ordinance for the police captains. He felt it should include all exempt employees. The police captains earn over \$113,000 annually. He asked about the clerk earning \$35,000, commission assistants or managers earning less than his subordinates. These inequities make a mockery of the pay plan.

Mike Nekolny, Engineering, believed that management and the Commission both want what is best for the city. Since a divided team cannot achieve the same results as a united one, it is in the best interests of everyone to work this situation out somehow. He noted the work of employees in becoming the best city of its size by 1994. As the Commission develops its goals, he asked that the Commission to help the employees to help the Commission achieve the goals by providing a foundation of trust and compassion. The Commission should require performance that every professional should deliver so that the City continues to strive to be the best city of its size.

Fred Carlson, 625 Orton Avenue, felt everyone should be treated fairly. It is a moral obligation.

Robert Walsh, 401 East Las Olas Boulevard, supported the ordinance and felt it is fair. He recommended the issue raised this evening be discussed at a conference meeting.

Jack Lokeinsky, president of Fraternal Order of Police, Lodge 31, indicated that he stands with the employees who have banded together to bring forward an issue that they feel is an inequity. He provided the history around these two positions, beginning with when the police captains became a bargaining unit in 2004. They receive no confidential pay because they are on a rotating basis at the whim of the police chief. They are forced into these positions. He noted benefits they have forfeited which the other captains forfeited. If the ordinance is not approved, he asked that these captains be treated as other confidential employees.

There was no one else wishing to speak.

Vice Mayor Rogers thanked the employees for coming forward. He gave assurance that the Commission listens. The matter needs to be looked at from all angles. He emphasized the need for pension reform. In return for pension reform, he was willing to discuss more pay with the police.

Commissioner Roberts thanked the employees for coming forward. He understood about the compression issues. He emphasized that it was never intended for these two positions to not be able to participate in the same benefits that the others received through the negotiating process. During the recent negotiations, the Commission said they would address this issue along with off-duty police employment details. A year ago he asked these captains be removed because they are not the same with the understanding that there would be an ordinance for the 5 percent. However, the administration refused to do it then. He was concerned about the animosity created amongst employees. He believed the Commission will do what it can to resolve it, but the police captains issue should be kept separate.

Mayor Seiler thanked the employees for their service. The Commission has made the commitment to try to keep every employee. Sometimes such a commitment means sacrifice in different areas. It is a difficult situation. He agreed that these positions are a different issue, but he believed employees have every right to come forward to speak. He understands the inequity but is not sure about the resolution. He felt it needs to be looked at moving forward. He commended Mr. Bucci as an excellent advocate.

Commissioner DuBose indicated he was moved by the employees who came forward this evening and that they are valued.

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

Note: The City Commission adjourned the regular meeting at 9:21 p.m. and returned to the conference meeting beginning with Agenda Item I-H and Agenda Item 6 of the Community Redevelopment Agency meeting, from 9:24 p.m. to 10:46 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk