

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
NOVEMBER 2, 2010

Agenda Item	Resolution/Ordinance		Page(s)
		<u>Presentations:</u>	
		1. Florida City Government Week – Poster Presentation	1
		2. Community Appearance Board – WOW Award – District III	2
		3. America Recycles Day – November 12, 2010	2
		4. Alzheimer’s Awareness Month – November, 2010	2
		5. Outstanding City Employees	2
CA		Consent Agenda	3
M-01		Event Agreement – Home For The Holidays	3
M-02		Event Agreement – 2 nd Annual Victoria Park Cause 4 Paws Benefit Walk	3
M-03		Event Agreement – Co-Sponsorship – City Link Beerfest	3
M-04		Event Agreement – Children’s Miracle Network Torch Relay	4
M-05		Event Agreement – Coral Ridge Green Market at Plaza 3000	4
M-06		Event Agreement – Hanukkah Festival	4
M-07		Event Agreement – Helping Hand To Our Community	4
M-08		Event Agreement – Kid Inlet Challenge	4
M-09		Event Agreement – South Florida Scottish Festival and Games	5
M-10		Event Agreement – Sunset Blue Closing NE 33 Street	5, 16
M-11		Event Agreement – Christmas on Las Olas Closing East Las Olas Boulevard	6
M-12		Event Agreement – Navy League Beach Party	2, 6
M-13		Event Agreement - 45 th Annual Fort Lauderdale Billfish Tournament	6
M-14		Event Agreement – Get Downtown- Closing portion of SE 4th Avenue	7
M-15		Second Extension – Agreement with Broward County R.C Race Club, Inc Remote Control Miniature Race Cars – Mills Pond Park	7
M-16		Aqua Angels Swim Team – Fundraisers – Park Property	7
M-17		Agreement – Public Utility Easement – Pump Station D-13-Mola Avenue	5
M-18		Smart Watts Rebate Program - \$313,845 Energy Efficiency Block Grant Funds	8, 16
M-19		Amendment – Engineering Testing Laboratory Contract Nodarse & Associates, Inc. – Charges To Individual Construction Contractors	8
M-20		Contract Award – Allied Builders, Inc.- \$62,744 Dolphin Isles Park – 2125 NE 33 Avenue	8
M-21		Contract Award – Weekly Asphalt Paving, Inc. – \$1,345,211.34 Harborage Isle Bridge Replacement	9
M-22		Agreement – Wake of Fame – Fort Lauderdale Aquatic Complex Red Bull North America, Inc.	9
M-23		Business First Fort Lauderdale – Business Retention and Expansion Program-Greater Fort Lauderdale Chamber of Commerce – \$30,000	9
M-24		Firefighters Annual Holiday Toy Drive	9
M-25		38 th Annual Thanksgiving Food Drive	10
M-26		Lease Agreement – Police Community Support Office Space 533 NE 13 Street – 533 NE 13 St. LLC – \$120,000 Annually	72, 10
CR-01	10-305	Amend Operating Budget – Appropriation - \$19,300 JWC Environmental Channel Monster/Grinder	10

CR-02	10-306	Sidewalk repairs	11, 16
CR-03	10-307	Sunset Memorial Gardens Perimeter Fence - \$100,000	11, 17
CR-04	10-308	Grant Acceptance – Bulletproof Vest Partnership U.S. Department of Justice - \$17,442.45	12
CR-05	10-309	Grant Acceptance – Edward Byrne Memorial Justice Assistance Program Florida Department of Law Enforcement – Operation Last Call IV - \$45,912	12
CR-06	10-310	Broward Center For Performing Arts – Performing Arts Center Authority Tri-Party Agreement – Fiscal Responsibilities And Budget – Fiscal Year 2009 – 2010	13
CR-07	10-311	Fiscal Year 2009 – 2010 Budget Amendment	13
CR-08	10-312	City Manager Search Committee	14, 18
PUR-01		605-10545 – Home Energy Saver Program Services - 253,000 Energy Efficiency and Conservation Block Grant Project – Smart Watts	14, 18
PUR-02		Office Copier Plan - \$70,600	14
PUR-03		703-10566 – Reject All Bids – Printer Services	15
MD-01		Proprietary – Truck Scale Parts And Service – As Needed Basis Lohmeyer Wastewater Treatment Plant	18
MD-02		Proprietary – In – Line Plug Valves, Parts And Service - As Needed Basis Lohmeyer Wastewater Treatment Plant	19
MD-03		Proprietary – Hydac Replacement Parts – As Needed Basis Peele Dixie Water Treatment Plant is being Presented For Approval by Public Works Department.	19
MD-04		Proprietary – Fairbanks Morse Replacement Pumps Parts and Service Sanitary Sewer Pump Stations - As Needed Basis	20
MD-05		Proprietary – Seametrics Flowmeter Replacement Parts - As Needed Basis Prospect and Peele Dixie Wellfields	20
MD-06		Proprietary – Rotork Valves, Actuators, Parts and Service – As Needed Basis Peele Dixie and FiveAsh Water Treatment Plant	21
MD-07		Proprietary – Wallace & Tiernan Replacement Parts – As Needed Basis Fiveash Water Treatment Plant	21
MD-08		Proprietary – Wilo Emu Replacement Parts, Pumps and Service – As Needed Basis Sanitary Sewer Pump Station	22
MD-09		Proprietary – ABS Replacement Pumps, Parts and Service – As needed Basis Sanitary Sewer Pump Station	23
MD-10		Proprietary – Hydromatic & Homa Pumps, Parts and Service – As needed Basis Sanitary Sewer Pump Stations	23
MD-11		Proprietary – EBARA Pumps, Parts and Service - As Needed Basis Sanitary Sewer Pump Stations	24
MD-12		Proprietary – Farmers Replacement Pumps, Parts and Service – As needed Basis Stormwater System	24
MD-13		Proprietary – Ovivo Replacement Parts, Service and Equipment – As needed Basis Lohmeyer Wastewater Treatment Plant	25
MD-14		Proprietary – FLYGT Replacement Pumps, Parts and Service – As needed Basis Sanitary Sewer Pump Stations	25
MD-15		Proprietary – Flowserv Replacement Pumps, Parts And Service – As Needed Basis Water and Sewer System	26
MD-16		Proprietary – Pumps, Parts and Service for Pump Stations – As Needed Basis Allis Chalmers Goulds Morris and Gorman Rupp	26
MD-17		Proprietary – Water Sewer and Stormwater Systems Thompson Pump Replacement Pumps, Parts and Service – As Needed Basis	27

MD-18		Proprietary – Citect Access Points (Tags) And Annual Support – As Needed Basis Sanitary Sewer Pump Stations	28
MD-19		Proprietary – Fluid Flowmeter And Motor Controls, Parts And Service Water, Sewer and Stormwater Systems – As Needed Basis	28
MD-20		Proprietary – Allen Bradley Electrical Supplies – As Needed Basis Sanitary Sewer Pump Stations	29
MD-21		Proprietary – PearPoint Replacement Camera Parts And Service Sanitary Sewer and Stormwater Systems – As Needed Basis	29
MD-22		Proprietary – Official Records of Broward County - Recording Fees - \$20,000	30
MD-23		Proprietary – Xerox Printer Maintenance - \$30,792	30
MD-24		Proprietary – Public Safety Digital Logging Equipment \$63,653.42	31
R-01	10-299	Dedicate Electric Utility Easement – Florida Power And Light Company NW Second Avenue Water Storage Tank – Pump Stations Improvements	31
R-02	10-300	Vacate 10 Foot Utility Easement – Pet Supermarket Inc. 801 East Sunrise Boulevard – Case 6-m-10	32
R-03	10-301	Vacate 7.5 Foot Utility Easement – Pet Supermarket 810 Sunrise Boulevard – Case 5-M-10	32
R-04	10-302	Board And Committee Appointment	33
OB		Acting City Manager – Compensation	34
OB		Amend Operating Budget – Appropriation - \$376.815- Downtown Fort Lauderdale Transportation Management Association	34
CIT-01		Art Seitz – Bahia Mar Park – International Swimming Hall of Fame	35
CIT-02		Marc Dickerman – Lesbian, Gay, Bisexual, Transgender And Questioning – Youth Suicides	35
CIT-03		Robert Walsh – City Employee Issues	35
PH-01	C-10-40	Relief From Parking Requirements For Public Use Dr. Kennedy Homes – 1004 West Broward Boulevard – Case 64-R-10	36
PH-02	C-10-	Rezoning to Residential Low-Rise Multifamily –Medium Density – Case 2-Z-10	18, 39
PH-03		Rezoning to Planned Unit Development – Bahia Mar - Case 3ZPUD-08	40, 49
O-01	C-10-41	Code Amendment – Article V. Division 2 – Bid Protest Procedure	46
O-02	C-10-37	Code Amendment – EMS Transport User Fees Article V. Chapter 13. Section 13-151	46
O-03	C-10-38	Code Amendment – Fire Prevention – Fire Safety Fee Schedule Chapter 9. Article II. Division 2, Section 9-53	47
O-04	C-10-35	Rezoning To Park, Recreation and Open Space - South Middle River Park Case 9-Z-10	48
O-05	C10-36	Relief From Wall Requirements For Public Purpose South Middle River Park – Case 48-R-10	48
O-06	C-10-39	Pay Plan Amendment – Schedule 1 – Police Captains	49

**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
November 2, 2010**

Meeting was called to order at 6:00 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 arrived momentarily.
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 Pastor Dan Tennis, Christian Romany Church, followed by the recitation of the pledge led by veterans in the audience.

Mayor Seiler thanked veterans for their service and encouraged residents to do so as well. He went on to announce upcoming local Veterans Day Events.

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 Roberts and seconded by Vice Mayor Rogers to approve the minutes of the September 21, 2010 Conference Meeting, October 5, 2010 Regular Meeting and October 12, 2010 Special Meeting. Roll call showed: YEAS: Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, and Mayor Seiler. NAYS: None.

Presentations

1. Florida City Government Week – Poster Presentation (PRES-01)

Commissioner Roberts and Kathleen Gunn, Grants and Legislative Affairs, recognized students and the following city staff members who participated in Florida City Government Week activities: Petula Burks, Ginger Wald, Cate McCaffrey, Troy Balint, Detective Kim DiCristofalo, Lisa Thomas, Gina Rivera, Junia Robinson, Amy Aiken, Larry Teich, Ron Tetreault, Vanessa Wright, Jenni Morejon, Karen Reese, Officer Sebastian Uebrig, Todd Stilphen, Kathleen Gunn, Officer Scott Fry, Chiketia Ponder, Randall Robinson, Deanna Bojman, Officer Duval Madrigal, Rodrigo Canaval, Tina

Butler, D'wayne Spence, Lieutenant Lazaro Perez, David Deal, Cheryl Brown, Starretha Ferguson, Chaz Adams, Ted Lawson, Loretta Cronk, Officer Chuck Sierra, and Jon Quinton. Students presented posters depicting the city's past, present, and future.

2. Community Appearance Board – WOW Award – District III (PRES-02)

Commissioner DuBose recognized Altamese and Lonnie Lundy who reside in the Rock Island neighborhood as the recipients of the WOW Award for District III. Mr. Lundy was pleased to receive this award. He thanked the Commission.

3. America Recycles Day – November 12, 2010 (PRES-03)

Commissioner Rodstrom presented a proclamation designating November 12, 2010, as America Recycles Day in the city to Loretta Cronk, Recycling Program Coordinator. Ms. Cronk thanked the Commission. She mentioned a challenge for residents to identify and assist a non-recycling resident to begin recycling.

4. Alzheimer's Awareness Month – November, 2010 (PRES-04)

Vice Mayor Rogers presented a proclamation designating November, 2010, as Alzheimer's Awareness Month in the city to Barbara Grash, Director of Program Services, Alzheimer's Association, Southeast Florida Chapter. Ms. Grash thanked the Commission.

5. Outstanding City Employees (PRES-05)

Albert Carbon, Public Works Director, presented the STAR Award to Arlen Erdmann, Administrative Assistant I, for diligently researching over 200 city properties to provide property insurance underwriters with required building specifications. His research helped to save the city approximately \$157,000 on the renewal policy. Mayor Seiler thanked Mr. Erdmann for his effort.

Event Agreement – Navy League Beach Party (M-12)

No budgetary impact.

This item was removed from the agenda at the request of the Acting City Manager.

**Lease Agreement – Police Community Support Division Office Space (M-26)
533 NE 13 Street – 533 NE 13 St, LLC - \$120,000 Annually**

Please see funding information attached to these minutes.

This item was removed from the agenda at the request of 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 – Home for the Holidays
Closing SE 15 Street and SE 1 Avenue****(M-01)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Ronald McDonald House Charities of South Florida, Inc. for Home for the Holidays, to be held December 4, 2010, 6 PM – 9 PM, at Ronald McDonald House – 15 SE 15 Street and closing SE 15 Street and SE 1 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1503

**Event Agreement –
2nd Annual Victoria Park Cause 4 Paws Benefit Walk****(M-02)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Victoria Park Civic Association, Inc. for 2nd Annual Victoria Park Cause 4 Paws Benefit Walk, to be held December 4, 2010, 9 AM – 1 PM, in Victoria Park and surrounding neighborhood.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1574

Event Agreement and Co-Sponsorship – City Link Beerfest**(M-03)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Forum Publishing Group, Inc. for City Link Beerfest, to be held December 3, 2010, 6 PM – 11 PM, at Huizenga Plaza and co-sponsorship of the event to allow installation of banners, subject to permitting regulations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1577

Event Agreement – Children’s Miracle Network Torch Relay

(M-04)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Torch Relay for Children’s Miracle Network, Inc. for Children’s Miracle Network Torch Relay, to be held November 9, 2010, 8 AM – 10 AM, at Marriott Harbor Beach Resort and Spa, along beach and A-1-A sidewalks.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1578

Event Agreement – Coral Ridge Green Market at Plaza 3000

(M-05)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with ROS Enterprises, Inc. for Coral Ridge Green Market at Plaza 3000, to be held on Saturdays from November 6, 2010 through January 29, 2011, 9 AM – 4 PM, at Plaza 3000 – 3000 North Federal Highway.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1579

Event Agreement – Hanukkah Festival

(M-06)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Hebrew Free Loan Association of South Florida, Inc. for Hanukkah Festival, to be held December 5, 2010, 10 AM – 6 PM, at Fort Lauderdale Stadium festival grounds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1581

Event Agreement – Helping Hand to Our Community

(M-07)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with National Aid Foundation for Unprovided Children, Inc., for Helping Hand to Our Community, to be held November 20, 2010, 10 AM – 3 PM, on foundation property at 1317 NE 4 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1585

Event Agreement – Kid Inlet Challenge

(M-08)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Kids In Distress, Inc. for annual KID Inlet Challenge, to be held December 5, 2010, 6 AM – 2 PM, at Bahia Mar and on A-1-A north to the city limit.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1586

**Event Agreement – South Florida Scottish Festival and Games
Closing NW 55 Street**

(M-09)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Scottish American Society of South Florida, Inc. for South Florida Scottish Festival and Games, to be held January 8, 2011, 8 AM – 8 PM, at Fort Lauderdale Stadium festival grounds and closing NW 55 Street.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1593

**Event Agreement – Sunset Blue
Closing NE 33 Street**

(M-10)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with North Beach Restaurants & Shoppes, Inc. for Sunset Blue, to be held on Sundays from November 14, 2010 through December 19, 2010, 6 PM – 10 PM, in the 3300 block of NE 33 Street and closing NE 33 Street.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1594

Event Agreement – Christmas on Las Olas (M-11)
Closing East Las Olas Boulevard

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Las Olas Association, Inc. for Christmas on Las Olas, to be held November 30, 2010, 5 PM – 10 PM and closing East Las Olas Boulevard.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1595

Event Agreement – Navy League Beach Party (M-12)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Navy League of the United States Fort Lauderdale Council, Inc. for Navy League Beach Party, to be held November 6, 2010, 12 Noon – 4 PM, at Fort Lauderdale Beach Park and waiving requirements of Section 5-3(d)(4)g of the Code of Ordinances with respect to insurance.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1522

This item was removed from the agenda at the request of the Acting City Manager.

Event Agreement – 45th Annual Fort Lauderdale Billfish Tournament (M-13)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Marine Industries Association of South Florida, Inc. for 45th Annual Fort Lauderdale Billfish Tournament, to be held November 20, 2010, 4 PM – 7 PM, at Las Olas Marina and waiving requirements of Section 5-3(d)(4)g of the Code of Ordinances with respect to insurance.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1573

**Event Agreement – Get Downtown
Closing Portion of SE 4 Avenue****(M-14)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Grateful Paws Dog and Cat Rescue, Inc. for Get Downtown, to be held November 12, 2010, 5 PM – 8 PM, at the Plaza – 333 East Las Olas Boulevard and closing a portion of SE 4 Avenue.

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 10-1580

Second Extension – Agreement with Broward County R.C. Race Club, Inc. Remote Control Miniature Race Cars – Mills Pond Park**(M-15)****Please see funding information attached to these minutes.**

A motion authorizing the proper City Officials to execute second extension to agreement with Broward County R.C. Race Club, Inc. – non-exclusive use of a portion of Mills Pond Park to operate remote control miniature race cars – October 1, 2010 to September 30, 2011 – retroactive to October 1, 2010.

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 10-1542

Aqua Angels Swim Team – Fundraisers – Park Property**(M-16)****No budgetary impact.**

A motion authorizing and approving Aqua Angels Parent Club to hold fundraisers on park property – supporting Aqua Angels Swim Team and program enhancement.

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 10-1607

**Agreement – Public Utility Easement – Pump Station D-13 – Mola Avenue
Michael John Asser****(M-17)****No budgetary impact.**

A motion authorizing the proper City Officials to execute agreement with Michal John Asser to obtain a public utility easement on private property adjacent to Pump Station D-

13 418 Mola Avenue – installation of control panel, pump station accessories and other utility items – improvements to Mola Avenue right-of-way – Project 10626.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0576

Smart Watts Rebate Program - \$313,845 (M-18)
Energy Efficiency Block Grant Funds

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to expend Energy Efficiency and Conservation Block Grant funds, in the amount of \$313,845 – implement Smart Watts Rebate Program and distribute rebates.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1399

Amendment – Engineering Testing Laboratory Contract (M-19)
Nodarse & Associates, Inc. – Charges to Individual Construction Contractors

Purchases are made on an as-needed basis and charged to individual project budgets per available funds and in accordance with established pricing.

A motion authorizing the proper City Officials to execute an amendment to annual engineering testing laboratory contract with Nodarse & Associates, Inc. – providing for charges to be borne by individual construction project contractors – inability to schedule construction activities appropriately.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1562

Contract Award – Allied Builders, Inc. - \$62,744 (M-20)
Dolphin Isles Park – 2125 NE 33 Avenue

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to award, approve in substantially the same form as provided in request for bid subject to approval by City Attorney and execute contract with Allied Builders, Inc., in the amount of \$62,744 – Dolphin Isles Park construction – Project 11124.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1560

Contract Award – Weekley Asphalt Paving, Inc. - \$1,345,211.34 (M-21)
Harborage Isle Bridge Replacement

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to award and execute contract with Weekley Asphalt Paving, Inc., in the amount of \$1,345,211.34 – Harborage Isles Bridge No. 865778 Replacement – Project 10742.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1582

Agreement – Wake of Fame – Fort Lauderdale Aquatic Complex (M-22)
Red Bull North America, Inc.

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute agreement with Red Bull North America, Inc., in substantially the form provided, for Wake of Fame event – use of Fort Lauderdale Aquatic Complex – November 30, 2010 through December 4, 2010.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1603

Business F1rst Fort Lauderdale – (M-23)
Business Retention and Expansion Program
Greater Fort Lauderdale Chamber of Commerce - \$30,000

Please see funding information attached to these minutes.

A motion approving agreement with Greater Fort Lauderdale Chamber of Commerce, for business retention and expansion program – Business F1rst Fort Lauderdale Phase II – Business Concierge.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1558

Firefighters Annual Holiday Toy Drive (M-24)

No budgetary impact.

A motion authorizing and approving Firefighters Annual Toy Drive, providing an opportunity for citizens to donate new toys to disadvantaged children in Fort Lauderdale.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1610

38th Annual Thanksgiving Food Drive

(M-25)

No budgetary impact.

A motion authorizing and approving 38th annual Thanksgiving Day Food Drive, providing an opportunity for citizens to donate non-perishable food items to Fort Lauderdale families in need.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1611

**Lease Agreement – Police Community Support Division Office Space
533 NE 13 Street – 533 NE 13 St, LLC - \$120,000 Annually**

(M-26)

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute five-year lease agreement with option to renew for an additional five years with 533 NE 13 St, LLC – Police Community Support Division office space located at 533 NE 13 Street – October 1, 2010 through September 30, 2015 – annual amount of \$120,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1587

This item was removed from the agenda at the request of the Acting City Manager.

CONSENT RESOLUTION

**Amend Operating Budget – Appropriation - \$19,300
JWC Environmental Channel Monster/Grinder**

(CR-01)

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1556

RESOLUTION NO. 10-305

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 THE EXHIBIT ATTACHED AND PROVIDING FOR AN EFFECTIVE DATE.

Sidewalk Repairs**(CR-02)****No budgetary impact.****Recommend:** Adopt resolution.**Exhibit:** Commission Agenda Report 10-1598

RESOLUTION NO. 10-306

A RESOLUTION REQUIRING THE OWNERS OF CERTAIN PARCELS OF REAL PROPERTY TO RECONSTRUCT OR REPAIR SIDEWALKS ABUTTING THEIR PROPERTIES WITHIN SIXTY (60) DAYS AND, IN THE EVENT SUCH OWNERS FAIL TO DO SO, AUTHORIZING CITY WORK CREWS OR CONTRACTORS, OR BOTH, TO RECONSTRUCT OR REPAIR SAID SIDEWALKS WITH THE COST OF PERFORMING SUCH WORK CONSTITUTING A CHARGE AND LIEN AGAINST SAID PROPERTY.

Sunset Memorial Gardens Perimeter Fence - \$100,000**(CR-03)****Please see funding information attached to these minutes.****Recommend:** Adopt resolution.**Exhibit:** Commission Agenda Report 10-1537

RESOLUTION NO. 10-307

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 THE EXHIBIT ATTACHED, AND PROVIDING FOR AN EFFECTIVE DATE.

**Grant Acceptance – Bulletproof Vest Partnership
U.S. Department of Justice - \$17,422.45**

(CR-04)

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1564

RESOLUTION NO. 10-308

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 \$17,422.45 FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE (USDOJ-BJA) FOR THE FY2010 BULLETPROOF VEST PARTNERSHIP GRANT (BVPG), 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.

**Grant Acceptance – Edward Byrne Memorial Justice Assistance Program (CR-05)
Florida Department of Law Enforcement – Operation Last Call IV - \$45,912**

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1569

RESOLUTION NO. 10-309

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 \$45,912 FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE), VIA THE BROWARD COUNTY COMMISSION ON SUBSTANCE ABUSE (BCCSA)

THROUGH THE 2010/2011 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG), 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.

**Broward Center for Performing Arts – Performing Arts Center Authority (CR-06)
Tri-Party Agreement – Fiscal Responsibilities and Budget –
Fiscal Year 2010-2011**

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1557

RESOLUTION NO. 10-310

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE BUDGET OF THE PERFORMING ARTS CENTER AUTHORITY FOR FISCAL YEAR 2010/2011 AND APPROVING A TRI-PARTY GRANT AGREEMENT RELATED TO FUNDING OF THE PERFORMING ARTS CENTER.

Fiscal Year 2009-2010 Budget Amendment (CR-07)

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1612

RESOLUTION NO. 10-311

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY APPROPRIATING FUNDS AS

SET FORTH IN THE ATTACHED EXHIBIT, AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Search Committee

(CR-08)

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1613

RESOLUTION NO. 10-312

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE CITY MANAGER SEARCH COMMITTEE; PROVIDING THE PURPOSE AND DUTIES OF THE COMMITTEE; PROVIDING FOR THE NUMBER OF COMMITTEE MEMBERS; PROVIDING CRITERIA FOR COMMITTEE MEMBERSHIP AND PROVIDING FOR LENGTH OF TERM OF THE COMMITTEE.

PURCHASING AGENDA

605-10545 – Home Energy Saver Program Services - \$253,000 (PUR-01)
Energy Efficiency and Conservation Block Grant Project – Smart Watts

Please see funding information attached to these minutes.

Purchase Home Energy Saver Program Services to implement Smart Watts educational workshops and distribute do-it-yourself energy retrofit toolkits – presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Museum of Discovery and Science, Inc.
Fort Lauderdale, FL

Amount: \$253,000.00

Bids Solicited/Rec'd: 2069/6

Exhibit: Commission Agenda Report 10-1554

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

Office Copier Plan - \$70,600

(PUR-02)

Please see funding information attached to these minutes.

Add and replace leased office copiers during fiscal year 2010-2011 is being presented by Business Enterprises Department.

Recommend: Motion to approve.

Vendor: IKON Office Solutions, Inc.
Malvern, PA
Copyco, Inc. d/b/a Toshiba Business Solutions Florida
Tamarac, FL
Xerox Corporation
Norwalk, CT

Amount: \$70,600.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1571

The Procurement Services Department recommends approval from Miami-Dade County Public Schools and State of Florida contracts.

703-10566 – Reject All Bids – Printer Services

(PUR-03)

No budgetary impact.

Reject all bids for cost-per-page printer services is being presented for approval by Information Technology Services Department.

Recommend: Motion to reject.

Bids Solicited/Rec'd: 536/4

Exhibit: Commission Agenda Report 10-1401

The Procurement Services Department has reviewed this item and recommends rejecting all bids submitted.

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-10, M-18, CR-02, CR-03, and CR-07 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

**Event Agreement – Sunset Blue
Closing NE 33 Street****(M-10)**

Commissioner Roberts recalled this event's prior success. There are occasional issues regarding noise that need attention, but the Galt Ocean Mile residents and business community are supportive. Phil Thornburg, Parks and Recreation Director, confirmed that staff will work with the community regarding any noise complaints.

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

**Smart Watts Rebate Program - \$313,845
Energy Efficiency Block Grant Funds****(M-18)**

In response to Commissioner Roberts, Loretta Cronk, Recycling Program Coordinator, explained there is a pre-approval process which she detailed. Proof of purchase must be provided. All energy efficient items require permits and inspections which will be monitored by the building department. All requirements must be met before the rebate is granted. There is follow-up analysis of electric bills to prove reduced energy usage.

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

Sidewalk Repairs**(CR-02)**

Robert Walsh, 401 East Las Olas Boulevard, thought the Commission would correspond with residents about sidewalk repair, rather than public works or code enforcement. The economy is weak and some residents simply cannot afford sidewalk repair. He also asked about who is ultimately liable.

In response to Mayor Seiler, Albert Carbon, Public Works Director, explained the process. Commissioner Roberts emphasized that the City is liable, not the property owner. In response to Commissioner Rodstrom, Mr. Carbon verified that none of these nine letters have been mailed yet.

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

Sunset Memorial Gardens Perimeter Fence - \$100,000**(CR-03)**

Commissioner DuBose expressed his desire to increase this allocation to up to \$200,000 for replacement of the entire fence. Cate McCaffrey, Director of Business Enterprises, indicated that, as long as the fence project can be done according to code, this item can be brought back to the Cemetery System Board of Trustees on November 18, 2010 to apprise them. Commissioner DuBose wanted the funding increase approved tonight to prevent delay because the ordinance requires both Commission and board approval. In response to Mayor Seiler, Ms. McCaffrey was uncertain why the board did not originally suggest this. She thought the board desired replacement of the portion of fence along NW 19 Street to coordinate with the entranceway improvements. Mayor Seiler suggested Commissioner DuBose's priority be conveyed to the board and verification of the board's agreement on use of the funds be obtained. In response to Mayor Seiler, Ms. McCaffrey indicated that staff has not addressed this issue (whole fence) with the board. She verified that the increased allocation would not conflict with any of the board's funding priorities. In any event, the issue must be brought back to the board for consideration. The City Attorney did not believe the order of approval is important. In response to Vice Mayor Rogers, Ms. McCaffrey explained Carriage Services (Carriage) does not use the Cemetery Perpetual Care Trust Fund for capital improvements. Carriage has its own capital improvement budget. The capital improvement projects done by Carriage are separate from this item which will be funded by the Cemetery Perpetual Care Trust Fund. Vice Mayor Rogers thought this item should be approved by the board first. She confirmed for Commissioner DuBose that the City has a contract with Carriage for the entryway capital improvement with a specific amount separate from the trust fund. The board had to act on the fence portion. The fence project was originally viewed in terms of continuity and appearance, that being installing a new (partial) fence near the new entryways only. He did not think the board would object to his request. Vice Mayor Rogers maintained that his concern lies with the fact that the increased allocation was not first recommended by the board. Commissioner DuBose pointed out that there is more than sufficient funding and not approving this amendment would result in the project's delay. In agreement with Vice Mayor Rogers, Mayor Seiler wanted the amended allocation to, first, be presented as a board recommendation.

In response to Mayor Seiler, Ms. McCaffrey reiterated that the \$100,000 funding is derived from the Perpetual Care Trust Fund which holds approximately \$7.5 million. Carriage did not suggest the new fence, only the entryway as part of their service contract. A bid would be sought for the fence project. The whole fence replacement was not raised by the board. Commissioner DuBose confirmed that he has not addressed this issue with board members. He emphasized that both entities must be in agreement according to procedure set forth in the ordinance. In response to Mayor Seiler, Ms. McCaffrey agreed with Commissioner DuBose's assessment. Julius Delisio, Cemetery Board staff liaison, also agreed that the entire fence needs replacement. He explained that the board previously raised the issue of partial fence replacement to coordinate with the new entryways being done by Carriage. The replacement serves a visual and functional purpose because it provides protection.

Motion made by Commissioner DuBose and seconded by Commissioner Roberts to approve the item as amended to replace all of the fence for an amount not to exceed \$200,000. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Commissioner Roberts, and Mayor Seiler. NAYS: Vice Mayor Rogers.

Fiscal Year 2009-2010 Budget Amendment**(CR-07)**

Commissioner DuBose advised he removed this item from the consent agenda to vote no.

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

City Manager Search Committee**(CR-08)**

There was consensus approval to appoint Maxine Singh, Commission Assistant Coordinator, as staff liaison for the committee.

**Rezoning to Residential Low-Rise Multifamily – Medium Density –
Case 2-Z-10
City of Fort Lauderdale – 1305-1335 NW 9 Street**

(PH-02)

No budgetary impact.

Commissioner DuBose requested deferral because he needs more time to address the issue with residents and staff.

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

MOTIONS

**Proprietary – Truck Scale Parts and Service – As Needed Basis
Lohmeyer Wastewater Treatment Plant**

(MD-01)

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

Purchase Cardinal Scale Manufacturing truck scale parts and service for Lohmeyer Wastewater Treatment Plant is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Cardinal Scale Manufacturing Company
Webb City, MO

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1327

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

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

Proprietary – In-Line Plug Valves, Parts and Service – As Needed Basis (MD-02)
Lohmeyer Wastewater Treatment Plant

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

Purchase Dezurik in-line plug valves, parts and service for Lohmeyer Wastewater Treatment Plant is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Fluid Control Specialties, Inc.
Sanford, FL

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1343

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

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

Proprietary – HYDAC Replacement Parts – As Needed Basis (MD-03)
Peele Dixie Water Treatment Plant

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

Purchase HYDAC replacement parts for sand strainer at the Peele Dixie Water Treatment Plant is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: H.C. Warner Inc.
Jacksonville, FL

Amount: Per Unit Prices
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 10-1367

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

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

Proprietary – Fairbanks Morse Replacement Pumps, Parts and Service (MD-04)
Sanitary Sewer Pump Stations – As Needed Basis

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

Purchase Fairbanks Morse pumps, parts and service for sanitary sewer pump stations is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Sanders Company, Inc.
 Stuart, FL

Amount: Per Unit Prices
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 10-1454

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

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

Proprietary – Seametrics Flowmeter Replacement Parts – (MD-05)
As Needed Basis
Prospect and Peele Dixie Wellfields

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

Purchase Seametrics flowmeters and replacement parts for Prospect and Peele Dixie Wellfields is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Gilson Engineering Sales of Florida, Inc.
Heathrow, FL
Amount: Per Unit Prices
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 10-1374

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

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

Proprietary – Rotork Valves, Actuators, Parts and Service – (MD-06)
As Needed Basis
Peele Dixie and Fiveash Water Treatment Plant

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

Purchase Rotork valves, actuators, parts and service for Peele Dixie and Fiveash Water Treatment Plants is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Fluid Control Specialties, Inc.
Sanford, FL
Amount: Per Unit Prices
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 10-1375

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

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

Proprietary – Wallace & Tiernan Replacement Parts - (MD-07)
As Needed Basis
Fiveash Water Treatment Plant

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

Purchase Wallace & Tiernan replacement parts for Fiveash Water Treatment Plant is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Water Treatment & Controls Company
Pensacola, FL

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1376

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

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

Proprietary – WILO EMU Replacement Parts, Pumps and Service - (MD-08)
As Needed Basis
Sanitary Sewer Pump Stations

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

Purchase WILO EMU brand replacement parts, pumps and service for sanitary sewer pump stations is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Florida Bearings, Inc.
Miami, FL

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1444

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

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

**Proprietary – ABS Replacement Pumps, Parts and Service
As Needed Basis
Sanitary Sewer Pump Stations**

(MD-09)

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

Purchase ABS brand replacement pumps, parts and service for sanitary sewer pump stations is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Hydra Service (S), Inc.
Hayden, AL

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1447

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

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

**Proprietary – Hydromatic & Homa Pumps, Parts and Service
As Needed Basis
Sanitary Sewer Pump Stations**

(MD-10)

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

Purchase Hydromatic and Homa pumps, parts and service for sanitary sewer pump stations is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Barney's Pumps, Inc.
Lakeland, FL

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1451

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

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

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

Proprietary – Ebara Pumps, Parts and Service – As Needed Basis (MD-11)
Sanitary Sewer Pump Stations

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

Purchase Ebara pumps, parts and service for sanitary sewer pump stations is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: F.J. Nugent & Associates, Inc.
Sanford, FL

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1452

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

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

Proprietary – Farmers Replacement Pumps, Parts and Service - (MD-12)
As Needed Basis
Stormwater System

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

Purchase Farmers parts, pumps and service for stormwater system is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: FPI, Inc.
Thomasville, GA

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1453

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

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

Proprietary – Ovivo Replacement Parts, Service and Equipment - (MD-13)
As Needed Basis
Lohmeyer Wastewater Treatment Plant

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

Purchase Ovivo USA, LLC replacement parts, service and equipment for eleven clarifiers at Lohmeyer Wastewater Treatment Plant is being presented for approval by Public Works Department.

Recommend: Motion to approve.
Vendor: Ovivo USA, LLC
 Salt Lake City, UT
Amount: Per Unit Prices
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 10-1331

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

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

Proprietary – Flygt Replacement Pumps, Parts and Service (MD-14)
As Needed Basis
Sanitary Sewer Pump Stations

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

Purchase Flygt replacement pumps, parts and service for sanitary sewer pump stations is being presented for approval by Public Works Department.

Recommend: Motion to approve.
Vendor: ITT Water & Wastewater Florida, LLC
 White Plains, NY
Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 10-1450

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

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

Proprietary – FlowServ Replacement Pumps, Parts and Service - (MD-15)
As Needed Basis
Water and Sewer System

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

Purchase FlowServ replacement pumps, parts and service for water and sewer system is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Carter & VerPlanck, Inc.
Tampa, FL

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1455

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

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

Proprietary – Pumps, Parts and Service for Pump Stations (MD-16)
As Needed Basis
Allis Chalmers, Goulds Morris and Gorman Rupp

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

Purchase Allis Chalmers, Goulds Morris, and Gorman Rupp replacement pumps, parts and service for sanitary sewer pump stations is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Tencarva Machinery Company d/b/a
Hudson Pump & Equipment
Greensboro, NC

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1456

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

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

Proprietary – Water, Sewer and Stormwater Systems (MD-17)
Thompson Pump Replacement Pumps, Parts and Service -
As Needed Basis

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

Purchase Thompson Pump replacement pumps, parts and service for water, sewer and stormwater systems is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Thompson Pump and Manufacturing Company, Inc.
Port Orange, FL

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1458

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

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

Proprietary – Citect Access Points (TAGS) and Annual Support - (MD-18)
As Needed Basis
Sanitary Sewer Pump Stations

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

Purchase Citect access points (tags) and annual support – supervisory control and data acquisition – sanitary sewer pump stations is presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: BCI Technologies, Inc.
Grand Prairie, TX

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1460

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

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

Proprietary – Fluid Flowmeter and Motor Controls, Parts and Service (MD-19)
Water, Sewer and Stormwater Systems -
As Needed Basis

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

Purchase ABB fluid flowmeter and motor controls, parts and service for water, sewer and wastewater systems is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: ABB Inc., a Delaware corporation authorized to transact business in the state of Florida as ABB DE Inc.
Cary, NC

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1366

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

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

Proprietary – Allen Bradley Electrical Supplies – As Needed Basis (MD-20)
Sanitary Sewer Pump Stations

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

Purchase Allen Bradley electrical supplies for sanitary sewer pump stations is being presented by Public Works Department.

Recommend: Motion to approve.

Vendor: Rexel, Inc.
Dallas, TX

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1448

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

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

Proprietary – Pearpoint Replacement Camera Parts and Service (MD-21)
Sanitary Sewer and Stormwater Systems – As Needed Basis

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

Purchase Pearpoint sanitary sewer closed circuit TV replacement camera parts and service is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: SPX Corporation
Charlotte, NC

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1445

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

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

Proprietary – Official Records of Broward County – Recording Fees - (MD-22)
\$22,000

Please see funding information attached to these minutes.

A motion approving annual expenditure of funds – recording documents in official records of Broward County, estimated at \$22,000, to be paid to Broward County – presented for approval by Finance Department.

Recommend: Motion to approve.

Vendor: Broward County, Florida
Amount: \$22,000.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 10-1534

The Procurement Services Department has reviewed this item and agrees with approving the proprietary purchase.

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

Proprietary – Xerox Printer Maintenance - \$30,792 (MD-23)

Please see funding information attached to these minutes.

One-year maintenance contract for two high-speed, high-production Xerox printers in substantially form as provided is being presented for approval by Information Technology Services.

Recommend: Motion to approve.

Vendor: Xerox Corporation
 Norwalk, CT
Amount: \$30,792.00
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 10-1402

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

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

Proprietary – Public Safety Digital Logging Equipment - \$63,653.42 (MD-24)

Please see funding information attached to these minutes.

Purchase communications (911) digital logging equipment for Public Safety Radio and Non (911) Emergency Lines is being presented for approval by Police Department.

Recommend:	Motion to approve.
Vendor:	Replay Systems, Inc. Fort Lauderdale, FL Motorola, Inc. Schaumburg, IL Dell Marketing L.P. Round Rock, TX
Amount:	\$63,653.42
Bids Solicited/Rec'd:	N/A
Exhibit:	Commission Agenda Report 10-1576

The Procurement Services Department has reviewed these items and recommends awarding the proprietary purchases and utilizing the Western States Contracting Alliance (WSCA) Contract.

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

RESOLUTIONS

Dedicate Electric Utility Easement – Florida Power and Light Company (R-01)
NW Second Avenue Water Storage Tank – Pump Station Improvements

Please see funding information attached to these minutes.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-299

A RESOLUTION OF THE CITY COMMISSION OF THE

CITY OF FORT LAUDERDALE, FLORIDA,
AUTHORIZING EXECUTION AND DELIVERY BY THE
PROPER CITY OFFICIALS OF AN ELECTRICAL UTILITY
EASEMENT DEED TO FLORIDA POWER AND LIGHT
COMPANY FOR THE UPGRADE OF ELECTRICAL
SERVICE TO THE NW SECOND AVENUE WATER TANK
– PUMP STATION, LOCATED AT 631 NW 2ND AVENUE
MORE PARTICULARLY DESCRIBED BELOW.

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

Vacate 10 Foot Utility Easement – Pet Supermarket, Inc. (R-02)
801 East Sunrise Boulevard – Case 6-M-10

No budgetary impact.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-300

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE UTILITY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 15269, PAGE 82, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, OVER AND ACROSS THE NORTH 10 FEET OF LOT 25, BLOCK 178, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED ALONG THE NORTH SIDE OF EAST SUNRISE BOULEVARD, BETWEEN NORTHEAST 8TH AND NORTHEAST 9TH AVENUE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

In response to Commissioner Roberts, the City Attorney explained that if the resolution is adopted as proposed, staff conditions would be included.

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

Vacate 7.5 Foot Utility Easement – Pet Supermarket, Inc. (R-03)
801 East Sunrise Boulevard – Case 5-M-10

No budgetary impact.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-301

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE UTILITY EASEMENT RETAINED BY ORDINANCE C-83-40, OVER AND ACROSS THE EAST 7.50 FEET OF THE NORTH 10 FEET OF LOT 25, BLOCK 178, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED ALONG THE NORTH SIDE OF EAST SUNRISE BOULEVARD, BETWEEN NORTHEAST 8TH AND NORTHEAST 9TH 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 Rodstrom, Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

Board and Committee Appointments

(R-04)

No budgetary impact.

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

Budget Advisory Board	Gregory J. Dickinson (Commissioner Rodstrom)
City Manager Search Committee	Keith Cobb (Vice Mayor Rogers) Jack Lokeinsky (Commissioner Roberts) Steve Halmos (Commissioner Rodstrom) Art Kennedy (Commissioner DuBose) Dan Lindblade (Business - Consensus) John Aurelius (Former Elected Official - Consensus) Douglas Sterner (Council of Civic Associations recommendation – Consensus)
Community Services Board	Avery Dial (Commissioner Rodstrom) P.J. Espinal (Commissioner Rodstrom)

Commissioner DuBose introduced the following resolution:

RESOLUTION NO. 10-302

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

Acting City Manager – Compensation

(OB)

Vice Mayor Rogers introduced the following resolution:

RESOLUTION NO. 10-303

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING ALLYSON C. LOVE TO THE POSITION OF ACTING CITY MANAGER OF THE CITY OF FORT LAUDERDALE, ESTABLISHING THE SALARY FOR THE ACTING CITY MANAGER; PROVIDING FOR THE RETURN OF ACTING CITY MANAGER TO THE POSITION PREVIOUSLY HELD, AND PROVIDING FOR AN EFFECTIVE DATE.

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

Amend Operating Budget – Appropriation - \$376,715

(OB)

Downtown Fort Lauderdale Transportation Management Association

In response to Mayor Seiler, the City Auditor explained the resolution was revised to specify exhibit 2 and delete exhibit 3 because it will be brought back at a separate time.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 10-304

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 THE EXHIBIT 2 ATTACHED, AND PROVIDING FOR AN EFFECTIVE DATE.

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

CITIZEN PRESENTATIONS

Marc Dickerman – Lesbian, Gay, Bisexual, Transgender and Questioning - (CIT-02)
Youth Suicides

Mr. Dickerman summarized his written statement on this topic which is attached to these minutes.

Art Seitz – Bahia Mar Park, International Swimming Hall of Fame, (CIT-01)
Conversion of city right-of-way in vicinity of Ireland's Inn and A-1-A Greenway

Mr. Seitz recalled a recent district meeting led by Commissioner Rodstrom. Although there were approximately 15 city staff members present, he claimed attendees were not allowed to question staff. He left the meeting feeling uncertain where funding will be derived for the International Swimming Hall of Fame (ISHOF) aquatics complex redevelopment. He elaborated upon potential funding sources. He claimed Commissioner Rodstrom intended to use \$25 million from the Beach Community Redevelopment Agency (CRA). He took issue with this because he believed the advisory board would like a say in how to expend these funds. He contended that former assistant city engineer, Peter Sheridan, used (CRA) funds in a questionable manner. As a result, the CRA had to refund the city approximately \$80,000. This was discovered by Allyson Love during an audit in her former position. Mr. Seitz pointed out that the RFP for the aquatics complex was released in November, (2009). He believed some contractors did not submit bids because they felt the project was too nebulous which he expanded upon. The company selected had prior questionable dealings with Mr. Sheridan. He elaborated upon periodical and internet sources that support these statements. He thought a full investigation should be conducted and (RDC's) proposal tossed out. He elaborated upon other contractors that could be considered. Mayor Seiler offered to speak with anyone that Mr. Seitz refers to him and indicated that the Commission is aware of this.

Robert Walsh – City Employee Issues (CIT-03)

Mr. Walsh claimed the Budget Advisory Board's recent assertions regarding lack of involvement from the City Manager's office and lengthy wait time for records requests are untrue. He indicated that his numerous records requests are provided in a very timely fashion. He thought employees in the City Manager's office and other city departments handling records requests perform their duties with excellence. He believed the focus should be shifted from budget cuts to increasing revenue. He elaborated upon how the city could use the reserve funds. He thought certain city staff (October 19 Commission regular meeting) are paid sufficiently, though they requested pay raises. He suggested the pay raise issue be addressed with civility at a conference meeting. He believed there is available funding and by and large the employees deserve a raise.

PUBLIC HEARINGS

Relief from Parking Requirements for Public Purpose Use (PH-01)
Dr. Kennedy Homes – 1004 West Broward Boulevard – Case 64-R-10

No budgetary impact.

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

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.

Robert Lochrie, representing Housing Authority of Fort Lauderdale (Housing Authority) and Carlisle Development Group, provided a brief overview of the project. He noted that this request is unrelated to the previously granted historic certificates. It does not modify or affect any other aspect of the project. It will allow for additional landscaping and open space and increase the number of on-site parking spaces from 71 to 149, plus 24 additional parking spaces. He reviewed slides concerning this matter. A copy of the slides is attached to these minutes. He requested all documentation previously submitted to the City be made part of the record. He also submitted two additional resumes (Margi Nothard and Terence O'Connor) to be made part of the record. The Kennedy Homes property is and will continue to be owned by the Housing Authority. If this project moves forward, the property will be leased to provide a public/private partnership which will redevelop the property for affordable housing purposes.

In response to Mayor Seiler, Mr. Lochrie confirmed that Mayor Seiler previously signed a portion of the HUD application.

Mr. Lochrie elaborated upon the transit opportunities available at the site and indicated this is one reason why the full parking complement is not required. The current parking spaces are inconveniently located and do not provide the same emergency vehicle access as the new site plan. If this parking reduction is approved, the site will have 54% landscaped area (4.66 acres) and some 421 trees, more than doubly what currently exists. Two parking studies conducted by the Applicant's consultant and reviewed by the City's consultant and the City Engineer. There are justifications from the Housing Authority and their experts provided describing how this project meets all code criteria for the public purpose approval.

Karl B. Peterson, Jacobs Engineering, representing the Applicant, noted his experience and credentials as a traffic engineer and transportation planner. He prepared a parking evaluation for this project. He continued with review of slides on the matter, specifically pertaining to parking. The on-street parking spaces provided are not included in any of the calculations. He responded to Mayor Seiler and Vice Mayor Rogers as to times of day including weekdays and weekends when parking data was collected from the site and comparable properties (Sunnyreach and Sailboat Bend Apartments) and noted that they worked closely with staff. All of the parking observations at Sunnyreach, Sailboat Bend and Kennedy Homes were done at the same time of peak demand during the evening. Data concerning parking at Dixie Court was added to the analysis when the

project was 96% occupied. He reviewed information on Dixie Court provided in his letter of August 18, 2010, that is attached to these minutes. He noted transit amenities for the project. Additionally, there are numerous bike racks to promote bicycling as well as excellent pedestrian connectivity.

Mayor Seiler requested that Mr. Peterson confirm that Broward County Transit Routes 922 and 81 have not been eliminated due to budget cuts.

Margi Northard, Glavovic Studio, representing the Applicant, noted that she and Terence O'Connor, licensed architects of Glavovic Studio, prepared the architectural plans for this project. She reviewed information in her letter of September 21, 2010, addressed to the City Commission. A copy of this letter is attached to these minutes. Their overall design approach was to provide an enhanced, natural urban, park-like setting with appropriate parking facilities. They have achieved a careful balance between convenience and amenity in an historic district within a vehicular and pedestrian dependent urban sustainable community. All decisions throughout the project to increase the quality of life and green space.

Mr. Lochrie clarified that the letter Mayor Seiler signed approximately one year ago was required to begin the HUD disposition approval process wherein HUD releases certain restrictions on the property in return for new restrictions put in place by the Florida (Housing) Finance Corporation. The \$5 million in federal funds also comes through the Florida (Housing) Finance Corporation to the project. In response to Mayor Seiler, Mr. Peterson delineated route changes essentially eliminating weekends and weekday service after either 10 or 11 p.m. These changes do not alter his opinion. Mr. Lochrie noted that the Housing Authority also provides community bus service along Broward Boulevard at this location.

Mayor Seiler opened the floor for public comment.

Michael Madfis, member of the Citizens Sustainability Green Committee, expressed support in reducing the heat island effect.

Dave Parker, president of Sailboat Bend Civic Association, summarized the association's written statement on this topic which is attached to these minutes. He claimed the disturbance caused by police training at the site on October 5, (2010) had a divisive effect on the neighborhood. He asserted the neighborhood was not alerted, despite an understanding that notice would be given. In response to Commissioner Rodstrom, David Hebert, Assistant City Manager, explained that real guns and bullets were not used. Generally, these training activities are generally pass through the City Attorney's Office; however, the (October 5) activity was scheduled directly with the SWAT team. The property was returned to a safe condition; no demolition occurred. He expressed regret that the neighborhood was not given notice, and he was uncertain why the proper scheduling channels were not followed. He thought possibly the SWAT team members who coordinated the activity were unfamiliar with the process. He was unaware of the activity until (the day it occurred). Commissioner Rodstrom emphasized that this type of activity is disruptive to a neighborhood. She acknowledged receipt of Mr. Hebert's email, but found it unacceptable that no one has informed her of who made the decision to hold the activity or why it was made without following procedure.

Charles Jordan, representing Trust for Historic Sailboat Bend and Mark Kerr, recalled that the police training activity involved explosive sounds that were louder than bullets. He thought the police referred to a (Kennedy Homes) resident in a demeaning fashion in their e-mails. He acknowledged Mr. Hebert's efforts to solve the problem, but he felt the activity should not have occurred at all.

Mr. Jordan contended that Mayor Seiler sent a letter to HUD supporting this project in September, 2009 and, for that reason, he thought Mayor Seiler should have recused himself from all post-mailing hearings, including this one. He claimed Mayor Seiler misrepresented the city with such letter, by saying the project was approved. Mayor Seiler noted his prior explanation. The City Attorney advised that the issue was addressed in a prior hearing and is moot. As long as Mayor Seiler can make an honest decision based upon the facts presented, there is no need for recusal. Mr. Jordan disagreed. It was not discovered until several hearings had taken place.

Mr. Jordan He indicated that tonight's request is for public use on a property that is to be privatized. This exemplifies a national problem of privatizing public housing. He believed the proposed project is not going to serve the same very low income demographic that was moved out of Kennedy Homes. There are civil rights and discrimination issues. He proffered his review of the City's public purpose ordinance showing the criteria has not been met. A copy of the information is attached to these minutes. This property serves a public purpose. As to the parking study, he pointed out that the demographic up to August is different than those people moving into the new project. He encouraged denial.

Robert Walsh (resident) noted that the majority of the project residents favored the project. In response to Robert Walsh, Mr. Jordan confirmed that he is not an attorney in Broward County. He thought Kennedy Homes' residents were simply afraid to go against their landlord's agenda. He thought a private poll of tenants would have provided an accurate response. Commissioner DuBose asserted that Kennedy Homes' tenants have appeared before the Commission. He thought it is unfair to make statements on behalf of them in their absence. The NAACP is aware of and has weighed in on this issue. Commissioner Roberts understood the current tenants who moved out will be given first option to return. Mr. Lochrie concurred. Commissioner Roberts and Mr. Lochrie articulated the success of a similar project at Dixie Court in which tenants who chose not to return did not make any claims of discrimination. In response to Commissioner Roberts, the City Attorney pointed out that Florida statutes authorize the creation of the Housing Authority and determine that providing public housing is a public purpose. It specifically authorizes the Housing Authority to create or participate in a for-profit or not-for-profit corporation in order to develop, acquire, lease, construct, rehabilitate, manage or operate single or multi-family projects. Therefore, he maintained that the public purpose issue has been resolved. In response to Vice Mayor Rogers, Mr. Lochrie confirmed that the Dixie Court demographics are similar to those of Kennedy Homes. The 1.13 space per unit parking ratio is based only on on-site parking spaces. Having the benefit of observing the fully leased Dixie Court project, he is satisfied with the plan.

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

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-40

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AFFORDABLE HOUSING PROJECT AS A PUBLIC PURPOSE USE THAT DOES NOT MEET THE PARKING AND LOADING REQUIREMENTS IN AN RMM-25 ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS (“ULDR”), WHICH SITE IS MORE FULLY DESCRIBED AS ALL OF BLOCK 1, DR. KENNEDY HOMES HOUSING PROJECT ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 70 OF THE PUBLIC RECORDS OF BROWARD COUNTY; LESS AND EXCEPT THAT PORTION TAKEN FOR RIGHT OF WAY FOR BROWARD BOULEVARD; LOCATED ON THE SOUTH SIDE OF WEST BROWARD BOULEVARD BETWEEN SOUTHWEST 9TH AVENUE AND SOUTHWEST 11TH 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, Commissioner Roberts, and Mayor Seiler. NAYS: None.

**Rezoning to Residential Low-Rise Multifamily – Medium Density – (PH-02)
Case 2-Z-10
City of Fort Lauderdale – 1305-1335 NW 9 Street**

No budgetary impact.

Applicant: City of Fort Lauderdale
Location: 1305-1335 NW 9 Street
Current Zoning: Parks, Recreation and Open Space P
Proposed Zoning: Residential Low-Rise Multifamily/Medium Density RM-15
Future Land Use: Medium Residential

ORDINANCE NO. C-10-

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM PARKS, RECREATION AND OPEN SPACE TO RM-15, PARCEL “A”, “SUNNYLAND HOMES NO. 2”, ACCORDING TO THE PLAT THEREOF, RECORDED IN

PLAT BOOK 49, PAGE 37, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT THE NORTHWEST CORNER OF NORTHWEST 13TH AVENUE AND NORTHWEST 9TH STREET, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

This item was deferred to December 7, 2010. See page 18.

Rezoning to Planned Unit Development – Bahia Mar – Case 3-ZPUD-08 (PH-03)

No budgetary impact.

Applicant: BRE/Bahia Mar Development, L.L.C.
Location: 813 Seabreeze Boulevard
Current Zoning: South Beach Marina and Hotel Area District SBMHA
Proposed Zoning: Planned Unit Development PUD
Future Land Use: Central Beach Regional Activity Center

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

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

Peter Henn, LXR Luxury Resorts & Hotels, representing the Applicant, asserted that the Bahia Mar redevelopment project will bring jobs to the city. He went on to review slides concerning this matter. A copy of the slides is attached to these minutes. Option A was approved by the Planning and Zoning Board in September of 2009. Option E is desirable to more residents and representatives of the Fort Lauderdale International Boat Show (boat show) than Option A. In Option E, the two residential towers are removed and the Walford-Astoria is slightly higher. There would be 300 hotel rooms with 30 residential units on the top. The same design at the top of the hotel that was worked out with the Central Beach Alliance could still be added at the City's option. He requested approval of Option E and authorization to work with staff and bring back on January 19, 2011, for second reading, and a new lease and boat show agreement.

B. Scott LaMont, of EDSA, representing the Applicant, noted his experience and credentials and continued review of the slides concerning this matter, specifically Option E amenities.

Charles Siemon, Siemon & Larsen, P.A., representing the Applicant, noted his experience and credentials. A change and understanding has been arrived at by many interests. It is essential to the Applicant that they continue to make progress. He requested approval of the PUD (Planned Unit Development) on first reading tonight, with the condition that it be modified in accordance with Option E. He asked that it then be referred to staff for analysis of the modifications. It should then be taken to the DRC (Development Review Committee) and brought back for second reading on January 19, (2011). He noted the lease amount depends on the project so there is never a starting

point. He believed first reading approval tonight will provide the anchor point to resolve such related issues. He did not think a new application is required because every part of Option E is included in Option A, which has been reviewed and recommended for approval. Although the code does not address this point, a new application process is followed typically, according to staff, if the change is substantial. However, he contended there is no substantial change in potential impacts, analysis, and mitigation. On every quantitative measure, Option E is less than Option A. He outlined the development of regional impact (DRI) rules as to diminution in any quantitative measures. There are strong public policy reasons to move forward. He believed that LXR has balanced the project's desired economic outcome with the residents' interests. He questioned the message it would send if they were forced to go back to the beginning of the process. He has reviewed everything in the regulatory compliance matrix and every document submitted on this project and has concluded the record clearly supports passage of first reading with a condition to conform to Option E. He requested the Commission determine that this is not a substantial change in terms of its potential adverse impact to the public. There are no adverse impacts that have not been evaluated. He asked that the matrix and all documents referenced and submitted be made a part of the record. A photograph of the architectural models displayed at this meeting was also made a part of the record.

In response to Commissioner Rodstrom, Mr. Siemon confirmed that he has been retained by LXR Luxury Resorts & Hotels as an expert.

Mayor Seiler opened the floor for public comment.

Judy Russell, 509 Idlewyld Drive, thanked the Commission for their actions earlier concerning an item addressing the city's infrastructure. She noted that the city's concurrency is not fully satisfied. She suggested an ordinance be established for this project, rather than a PUD. She favored Option E. She was opposed to designating it park because it allows some avoidance of transportation concurrency.

Chuck Hansen, representing Illini Condominium Association, recalled his prior opposition to this project and indicated that Option E is a major improvement. He wanted to know what assurance is that there will never be any residential units built on this site. Also, he wanted to know the height of Option E. Courtney Crush, representing the Applicant, advised that the proposed building will be 279 feet high. Mr. Hansen thought this could be the tallest building in the city. He questioned whether new standards are being set for building heights.

Commissioner Rodstrom asked Greg Brewton, Director of Planning and Zoning, to find out the height of The Palms Condominium and bring back the information later in the meeting.

Robert Walsh, 401 East Las Olas Boulevard, commented on the project's beauty and expressed his belief that it will create jobs in the city. He wanted assurance that high-end hotel staffing needs can be met and that the Waldorf-Astoria will commit their name to the hotel for years to come.

Jimi Batchelor, 5210 NE 17 Terrace, explained that he owns two boat businesses at Bahia Mar. He expressed support of the project. This will strengthen the beach area economy and allow his businesses to grow.

Fred Carlson, president of Central Beach Alliance (CBA), thought the nature of the project has entirely changed. He was uncertain if the boat show incentive has been clearly communicated. The western side of the project is based on the boat show's demands, and he expressed his desire to hear their opinion. He noted the importance of flexibility because it is unreasonable to expect everlasting guarantees. He asked the City to closely examine the project's revenue model as to whether the boat show will replace those portions that will not be built.

Carlos Vidueira, representing Marine Industry Association of South Florida, explained that the boat show represents approximately \$500 million annually. He elaborated upon the economic downturn's negative impact on the marine industry. The goal is to regain marine jobs and expand the industry. He expressed support of Option E because it will allow growth for the boat show. In response to Mayor Seiler, Mr. Vidueira confirmed that the wider promenade will improve the boat show experience. There is the potential for more square footage. There are no fixed structures to prevent expansion.

Ina Lee, 2200 South Ocean Lane, expressed support of Option E. She believed it represents a compromise. It is a marriage of tourism and the marine industry. She regretted this project was not completed in earlier times. She thought the Waldorf-Astoria would be the city's crown jewel in terms of a tourist destination. She urged the Commission to quickly move the project forward.

Skip Zimbalist, president of Show Management, indicated that (Option E) is a significant improvement from an operational perspective. He elaborated upon how the plan will ease boat show operations and improve the overall experience. He urged the Commission to approve the plan.

Colleen Lockwood, representing Florida Sheriffs Youth Ranches, Inc., expressed gratitude to LXR Luxury Resorts & Hotels and Show Management for generously awarding Florida Sheriffs Youth Ranches and other not-for-profit organizations revenue-bearing booths and coverage in the programs during the boat show.

Joe Holland, 1919 NE 32 Avenue, expressed support of Option E. But, he was uncertain how the future phase of the old hotel tower would correlate with this plan. Mr. LaMont explained that this has to do with Phase II or amenities associated with the existing hotel. The Waldorf-Astoria is Phase III. There is no discussion at this time to remove the existing tower on the property.

Miranda Lopez, 3031 NE 21 Street, expressed support of Option E.

Mary Fertig and Anne Hilmer, representing Idlewyld Homeowners Association (HOA). Ms. Fertig chronicled the history of Idlewyld as a neighborhood and its relationship to the nearby Bahia Mar. Ms. Hilmer noted Bahia Mar's historical significance to the city. She pointed out that the Idlewyld HOA and four neighboring buildings closest to Bahia Mar have strongly opposed Option A for several years. She wanted to renew all objections to Option A which were originally entered into the record on September 16, 2009 at the Planning and Zoning Board meeting. Ms. Fertig mentioned that the Bahia Mar has been owned by the city since the 1940's, and has been leased to different entities over the years. There is no comparable parcel in the city. She believed Option A rendered Bahia Mar unrecognizable. Ms. Hilmer and Ms. Fertig elaborated upon the design plan of

Option A. Ms. Fertig noted that those in opposition were told there is excess parking in the area. However, residents monitored parking over several months during the Summer of 2009, excluding holidays, and found that all public parking lots were filled to capacity. Their parking issues were documented at the Planning and Zoning meeting on September 16, 2009. Ms. Hilmer indicated that Option A poses a traffic concern. There is no way to expand A-1-A and Las Olas Boulevard. Option A contemplated using thirty percent of the trips remaining concentrated in one location. Option A also posed environmental concerns. Ms. Fertig maintained that Option A has almost no open space. She elaborated upon the improvements in Option E. She noted that parking can be considered open space, recalling a resolution passed in 1997 to keep a parking lot on A-1-A and Las Olas Boulevard as open space and not allowing development. She elaborated upon other local issues over time that indicate open space is a priority for residents. Ms. Hilmer elaborated upon the design plan of Option E improvements. She hoped this project would include pedestrian and cyclist-friendly promenades which would be a (A-1-A) greenway project start.

Art Seitz, 1905 North Ocean Boulevard, presented a photo of the London Embankment. A copy of the photograph is attached to these minutes. He expressed gratitude to Miranda Lopez for being the first person to draw attention to the (problems with Option A). He went on to recognize a number of individuals for focusing their time and effort on this project. He was delighted with Option E. He elaborated upon the worst elements of Option A. He recalled Mayor Seiler expressing his desire for parking garages (on the beach) and wide walkways throughout the city. He mentioned other Florida cities and their landmarks. He wanted a 30-50 foot wide promenade that encompasses the marina. He elaborated upon amenities that could be included. He believed this project will create jobs. It is the right place to launch the A-1-A greenway. He thought \$5 million could be used from the City's \$49 million contingency fund to get the (greenway) shovel ready. The City could then seek other funding sources to expand the greenway.

Ms. Fertig thought Bahia Mar could be the greenway kick-off for the city. She noted other local cities with greenways. Greenways allow residents and visitors to enjoy the outdoors in a safe and attractive environment. She noted Option E affords a true, ground-level park which is expandable. She emphasized that Option E should be approved with strict conditions. She indicated that Mr. Henn has assured residents that there will not be any effort to build the towers in the future. Ms. Hilmer also expressed support of Option E, but only with strict conditions. Ms. Fertig reviewed a written statement of the proposed conditions which is attached to these minutes. Photographs used during their presentation were made a part of the record. She hoped the developer and city will continue to work with residents. She asked the City to look at the condition of phasing so that the parks and promenades are done quickly wherever possible. This project could be an impetus to create a public place along the beach. It has the potential to be a legacy of truly unique open space.

John Weaver, representing Las Olas Beach Club, pointed out that (Option A) will not coordinate with the boat show. He thought (Option E) should be subject to the lease and boat show agreements. Mayor Seiler confirmed that approval is subject to all of these elements. The developer is aware of his risk because all elements must be tied together (for the project to move forward). Mr. Weaver thought a condition should be included in the (Bahia Mar) lease to provide an opportunity for renegotiation in the event of a sale. He expressed support of Option E.

Tim Davey, representing United States Super Yacht Association (USSA), pointed out that this project will encourage super yacht owners to continue coming to the city. Their revenue is needed. He expressed support of (Option E).

Charles Jordan, resident and representing the Trust for Historic Sailboat Bend, was pleased that the developer worked well with residents. He thought if extraordinary property rights are granted via the (Planned Unit Development) PUD process, the site should be either LEED (Leadership in Energy and Environmental Design) Gold or Platinum design. He believed LEED should be part of the city's vision for future buildings.

Shirley Smith, 1 Las Olas Circle, expressed support of Option E. She did not believe the proposed building would cast a shadow on the beach.

There was no one else wishing to speak.

Mr. Siemon noted that all recently submitted conditions of approval will be attached as an additional condition. The City Attorney pointed out that the purpose of this item is to address Option A which was reviewed by the Planning and Zoning Board. Staff has not reviewed Option E, nor the Applicant's conditions. He expressed concern that the City is being asked to approve a project with conditions, neither of which have been reviewed by staff. The better course of action would be to determine whether Option E is a substantial deviation from that which was already approved by the Planning and Zoning Board. If so, it should go back through the process. If it proves not to be a substantial deviation, it should, at least, go back to DRC (Development Review Committee) because they have not yet reviewed the conditions or Option E. Mr. Siemon confirmed that he discussed this with the City Attorney. He did not believe this is a substantial change in the context of creating potential adverse impacts that were not previously reviewed and approved. He believed the Commission holds lawful authority to approve this project on first reading. It could then be referred to staff for review. The Applicant is not trying to avoid staff's review.

In response to Vice Mayor Rogers, Mr. Siemon indicated that most of the conditions were submitted before today. Vice Mayor Rogers believed the Applicant is asking the City to trust that from their analysis, there is no substantial deviation and staff has not had the time to conduct their analysis. Mr. Siemon conceded that point. In response to Commissioner Roberts, Mr. Siemon reiterated his suggestion is to approve the PUD tonight, subject to a condition of approval that requires modification to reflect Option E. It should then be further evaluated by staff. In this way, everyone can focus on how it will happen and not whether it will happen. Commissioner Roberts agreed. He wanted to move forward with items such as public realm projects. He wanted to eradicate Option A. The City Attorney explained that the current application is Option A which has been reviewed by the Planning and Zoning Board and staff and advertised. It is possible to do this but it is a departure from historical practices. Greg Brewton, Planning and Zoning Director, explained that staff has not had an opportunity to conduct a detailed review of Option E. There are issues that staff would like to digest and they would welcome that opportunity which could occur in the DRC process. Commissioner Roberts wanted the review to be expeditious but did not want to go against the City Attorney's advice. It is essential that staff be provided adequate time for review. Mayor Seiler agreed with Commissioner Roberts to dispense with Option A and move forward with Option E. Mr.

Brewton thought approving Option A tonight subject to the condition of modifying it according to Option E would essentially accomplish that.

Commissioner Rodstrom stressed that Option A is the focus of this agenda item. It has been thoroughly reviewed by staff over the last several years. She thought this agenda item (Option A) should be denied with the condition to bring back Option E. She believed a change is a change. She expressed support of Option E as long as residential units are not included. She elaborated upon her concerns regarding the residential units and how they correlate with lease terms. The residential component is a serious issue that must be examined. She believed more staff approval is necessary. She values their opinion. In response to Commissioner Rodstrom, the City Attorney explained that a substantial change is determined by the Commission. In accord with Mr. Siemon's statement, Section 163, Florida Statutes, a diminution of the project is not considered substantial if its impacts are diminished. This does not mean that a smaller project is not a substantial change. Vice Mayor Rogers questioned who would determine whether a project includes substantial change if Commission approval is not required. From the staff's perspective, the City Attorney indicated that there is a provision in the ULDR (Unified Land Development Regulations) for administrative changes which are specifically defined. This (Option E) does not qualify as an administrative change. Commissioner Rodstrom stressed that staff has not had opportunity to review Option E. The City Attorney articulated that the ULDR is not used to determine substantial or non-substantial change but whether it qualifies as an administrative change for the purpose of staff making the change. The Commission is not fettered by that administrative change. He concurred that the Commission must legally determine whether there is substantial change (to Option E). In further response to Vice Mayor Rogers and Commissioner Rodstrom, the City Attorney noted that Option E is a change. The question is what to do with the change. He recalled the Harborage project where changes were made at the public hearing. The item was referred back to staff and did not go back through the process. It went to DRC and was brought back to the Commission after staff's review of the changes. Other simple changes have been made at the public hearing. It is staff's duty to afford the Commission with as much flexibility as possible. From a procedural standpoint, this would vary greatly from past practice. If the Commission determines the change is not substantial, at the very least, it must go back to DRC to review the changes before approval is granted. Commissioner Roberts wanted to refer it to the DRC to help the project move forward. In response to Vice Mayor Rogers, the City Attorney indicated if that is done, the only exclusion would be the Planning and Zoning Board step. Historically, if it is a non-substantial change, it only goes back to DRC. The threshold question is how the Commission defines substantial change.

In response to Commissioner Rodstrom, Mayor Seiler noted that no member of the Commission has expressed any interest in proceeding with Option A. He felt that most people know that the plan has been changed and substantially reduced in terms of scope. From a transparency standpoint, Commissioner Rodstrom pointed out that Option E of the backup provided to the Commission was not accessible on the City's website. In response to Vice Mayor Rogers, Mr. Brewton estimated a minimum of sixty days for DRC review. Staff would review the proposed changes for compliance with ULDR and to verify that the conditions are being met. It would be sixty days from the time that all information is provided. Commissioner Roberts did not want to start the whole process over; he wanted to proceed to a DRC review. Vice Mayor Rogers agreed, however, it could be deferred until it goes back to DRC as an amended

proposal. He expressed concern about setting a precedent. Mayor Seiler indicated that Option E represents the desires of the citizens based on his review of the Planning and Zoning Board and other meeting minutes.

The item was momentarily deferred to allow staff time to develop a plan of action.

Continued on page 49

ORDINANCES

Code Amendment – Article V, Division 2 – Bid Protest Procedure (O-01)

No budgetary impact.

In response to Vice Mayor Rogers, Kirk Buffington, Director of Procurement Services, confirmed that an attorney's trust account check would likely be acceptable and could be written into the ordinance before the second reading.

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-41

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE,
FLORIDA, CREATING A BID PROTEST PROCEDURE,
AND PROVIDING FOR CODIFICATION, SEVERABILITY,
REPEAL OF CONFLICTING ORDINANCE PROVISIONS,
AND AN EFFECTIVE DATE.

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

Code Amendment – EMS Transport User Fees (O-02)
Article V, Chapter 13, Section 13-151

No budgetary impact.

Commissioner Roberts introduced the following ordinance on SECOND 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 PROVIDING FOR SEVERABILITY
AND AN EFFECTIVE DATE.

Mayor Seiler pointed out that, in 2009, approximately 37 percent of ambulance transports were non-resident, and only about 48 percent of the cost is collected. Fire-Rescue Chief Jeff Justinak explained that the cost for non-resident transports alone is \$1.9 million; the collective cost for EMS transport units, staffing, and apparatus is approximately \$7.4 million. In response to Commissioner Rodstrom, Chief Justinak highlighted information in exhibit seven of Commission Agenda Report 10-1568, showing a breakdown on collections. Commissioner Rodstrom did not want residents to incur an increase. Chief Justinak indicated that the city has absorbed unpaid transport costs since 1999. The proposed fee increase will hopefully provide the city a larger share from insurance companies which will relieve the taxpayer burden. This fee increase will apply to all users, including residents. In response to Mayor Seiler, Chief Justinak estimated only seven to ten percent of the transports are city residents. Mayor Seiler indicated that approximately 90 percent of residents are subsidizing the users. In response to Commissioner Rodstrom, Chief Justinak noted that if this increase is not approved, the difference will continue to be supplemented by taxpayers.

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

Code Amendment – Fire Prevention – Fire Safety Fee Schedule (O-03)
Chapter 9, Article II, Division 2, Section 9-53

No budgetary impact.

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

Rezoning to Park, Recreation and Open Space – South Middle River Park (O-04)

Case 9-Z-10**No budgetary impact.**

The Commission announced the disclosures were the same as those indicated on first reading, with some additional communications and or site visits announced by Mayor Seiler and Commissioner Rodstrom.

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

**Relief from Wall Requirements for Public Purpose Use
South Middle River Park – Case 48-R-10****(O-05)****No budgetary impact.**

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

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

Pay Plan Amendment – Schedule I – Police Captains

(O-06)

Please see funding information attached to these minutes.

Commissioner Roberts introduced the following ordinance on SECOND 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.

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

Note: The City Commission recessed at 10:20 p.m. and returned to the conference meeting agenda, Commission Reports, from 10:20 p.m. to 10:37 p.m. and then returned to the regular meeting agenda, item PH-03, at 10:37 p.m., in the Chambers on the first floor of City Hall.

Rezoning to Planned Unit Development – Bahia Mar – Case 3-ZPUD-08

(PH-03)

Continued from page 46

The City Attorney advised that it was not possible to come to total unanimity of thought, but staff's recommendation is to accept the changes to the application to conform it to Option E as a non-substantial change and refer the application to staff for review and recommendation on the application as amended. They will try to provide a status report

at the first meeting in January. Mayor Seiler wanted to assure that conditions suggested by residents, including those of Idlewyld. He mentioned widening of the promenade.

Commissioner Rodstrom thought Option E was much better than Option A. She was uncomfortable not having anything in writing. She asked when it would be appropriate to raise questions about the conditions. The City Attorney confirmed that the Commission is not binding the City to anything at this point. The conditions of approval are those presented by staff when the item is brought back which may vary from what has been presented by the developer and the residents. Commissioner Rodstrom referred to Condition 6 in the commission agenda report with respect to B-1 zoning and other uses that are not included in the current zoning. She noted other areas in the city that have experienced problems with this zoning. There are certain uses expected of a five-star city-owned property on the barrier island. The SBMHA zoning uses seem appropriate.

Mayor Seiler opened the floor again for public comment.

Ms. Fertig asked when the item comes back to the Commission it not be combined with the lease topic. She was pleased with the action being taken, but wanted to be involved in the discussions.

Mr. Seitz emphasized a promenade width of 30-50 feet. Commissioner Rodstrom asked Mr. Seitz to look at previous PUD approvals on the beach and comment on anything that went wrong.

Mr. Henn thanked the Commission for the progress made and looked forward to working with staff.

There being no other 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: Commissioners Rodstrom and DuBose, Vice Mayor Rogers, Commissioner Roberts and Mayor Seiler; NAYS: None.

Vice Mayor Rogers asked about a performance or completion bond and whether it would be part of the PUD or lease approvals. The City Attorney advised that it will probably be discussed in both the lease and development order.

A **motion** was made by Commissioner Roberts and seconded by Commissioner Rodstrom to accept changes to the application to conform the application to Option E and find that those changes are not substantial, and refer the application to staff for review and recommendation of the application as amended.

In response to Commissioner Rodstrom, the City Attorney explained that the changes are incorporated in the entire application discussion of the Applicant this evening. The conditions will be reviewed by staff. A whole set of new conditions will be presented. Two readings will be required.

Although she has entirely too many questions, Commissioner Rodstrom believed that Option E is the correct course and she wanted to see it move forward with staff.

Vice Mayor Rogers reiterated his concern about precedent and thought whether it would be prudent to define non-substantial. The City Attorney indicated that in each instance,

they will be taken on a case by case basis and in either case, the Commission may make the determination by stating the fact or state with some specificity what is found to be non-substantial. He did not think it needs to be defined.

Commissioner Rodstrom wanted the item to be brought back in a form that she could vote yes.

Vice Mayor Rogers indicated that although the non-substantial issue is not clear, he understood it needs to be more definitively and the only way to do so is for staff to review it.

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

There being no other matters to come before the Commission, the meeting was adjourned at 10:53 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk