

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
DECEMBER 21, 2010

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

Meeting was called to order at 6:07 p.m. by Mayor Seiler on the above date, in City Hall, 100 North Andrews Avenue, 1st floor Chambers.

Roll call showed:

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

Absent: None.

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

Invocation was offered by Chaplain Luke Harrigan, Fort Lauderdale Police Department, followed by the recitation of the pledge by local high school students, Shardae, Tanisha, and Kristina.

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).

Presentations

1. RICK CASE BIKE FOR KIDS DAY – DECEMBER 21, 2010 (PRES-01)

Vice Mayor Rogers presented a proclamation designating December 21, 2010, as Rick Case Bike for Kids Day in the City to Mr. Jack Jackintelle, President and Chief Operations Officer of Rick Case Automotive Group. Mr. Jackintelle thanked the Commission and the community for their bicycle contributions.

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts to approve the minutes of the October 27, 2010 Special Meeting and November 16, 2010 Conference and Regular Meetings. Roll call showed: YEAS: Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

AWARD OF RECOGNITION FOR HEROISM AND BRAVERY**(OB)**

Commissioner Rodstrom presented Richard Barrett, a Northwest Progresso resident, with an award of recognition for his selfless act of heroism and bravery in helping to restrain an armed robber at a local Miami Subs restaurant on October 17, 2010. Mr. Barrett thanked the Commission and shared the highlights of the incident.

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 - FIRST FRIDAYS BLOCK PARTY
CLOSING SW 3 AVENUE****(M-01)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with 3-J Hospitality, LLC for First Fridays, to be held on the following Fridays in 2011: January 7, February 4 and March 3, on SW 3 Avenue adjacent to America's Backyard and Revolution Live - 100 SW 3 Avenue and closing SW 3 Avenue from Broward Boulevard to SW 2 Street.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1818

EVENT AGREEMENT - BEACH BAPTISM**(M-02)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Potential Church, Inc. for Beach Baptism, to be held on December 24, 2010, 12 Noon - 2 PM, at Fort Lauderdale Beach Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1819

**EVENT AGREEMENT - LAS OLAS GOURMET MARKET
CLOSING SE 12 AVENUE****(M-03)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Las Olas Association, Inc. for Las Olas Gourmet Market, to be held on Sundays in 2011 during January, February and March, 8 AM – 4 PM, at 1201 East Las Olas Boulevard and closing SE 12 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1827

**AGREEMENT - RIVERWALK FORT LAUDERDALE, INC.
RIVERWALK - SPECIAL EVENTS ANNUAL APPROVAL****(M-04)****No budgetary impact.**

A motion approving agreement with Riverwalk Fort Lauderdale, Inc. consolidating approval process for special events that will be conducted along the Riverwalk - January 20, 2011 through January 20, 2012.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1830

**FUNDS TRANSFER - COMMUNITY BUS SERVICES - \$19,405.66
DOWNTOWN FORT LAUDERDALE TRANSPORTATION MANAGEMENT
ASSOCIATION****(M-05)****Please see funding information attached to these minutes.**

A motion authorizing transfer of \$19,405.66 from General Fund for operation of fiscal year 2010-2011 community bus routes - Downtown Fort Lauderdale Transportation Management Association.

Exhibit: Commission Agenda Report 10-1810

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

**CHANGE ORDER 3 - GATES BUTZ INSTITUTIONAL CONSTRUCTION, LLC – (M-06)
\$24,998.47 - EXECUTIVE AIRPORT - AVIATION EQUIPMENT AND
SERVICE FACILITY - ADD 15 WORK DAYS**

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute Change Order 3 with GATES Butz Institutional Construction, LLC, in amount of \$24,998.47 - substitution of floor tiles and widening taxiway and the addition of fifteen 15 work days to contract period - Executive Airport Aviation Equipment and Service Facility - Project 11181.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1790

**CHANGE ORDER 1 - LMK PIPE RENEWAL, LLC - CREDIT (\$251,075.00) – (M-07)
ADD 180 DAYS WASTEWATER CONVEYANCE SYSTEM LONG-TERM
REMEDIAION PROJECT 16**

Please see funding information attached to these minutes.

A motion authorizing 1) Change Order 1 with LMK Pipe Renewal, LLC, in net credit amount of (\$251,075) - quantity adjustments, including addition of 4000 linear feet of sewer relining and the addition of 180 non-compensable calendar days to contract period - Wastewater Conveyance System Long-Term Remediation Program Project 16 Sewer Basin D-37 South - Laterals - Project 11444-S and 2) reduce encumbrance by \$251,075.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1809

**AGREEMENT - INLINE CHECK VALVES PILOT COST (M-08)
SHARING PROGRAM - RIVIERA ISLES HOMEOWNERS ASSOCIATION**

No budgetary impact.

A motion authorizing the proper City Officials to execute pilot cost sharing program agreement for installation of inline checkmate valves in certain locations within Riviera Isles neighborhood.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1794

**POLICE COMMUNITY SUPPORT DIVISION OFFICE SPACE - \$114,000- (M-09)
LEASE AGREEMENT - 533 NE 13 STREET - 533 NE 13 ST, LLC**

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute five-year lease agreement with one, five-year renewal option 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 \$114,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1799

**SUPPLEMENTAL PAY - EMPLOYEE RESERVIST CALLED TO ACTIVE- (M-10)
DUTY - \$251,900 - ONGOING MILITARY CONFLICTS –
EXTENSION OF CITY POLICY**

Please see funding information attached to these minutes.

A motion authorizing a one-year extension to City policy that provides supplemental pay to employee reservists called to active duty as a result of ongoing military conflicts that arose due to September 11, 2001 terrorist attacks - extension to December 30, 2011.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1785

CONSENT RESOLUTION

UTILITY ADVISORY COMMITTEE - TREE SUBCOMMITTEE (CR-01)

No budgetary impact.

A resolution extending Utility Advisory Committee term for a one-year period and authorizing the existence of a Tree Subcommittee under the Utility Advisory Committee, both through December 31, 2011.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1759

RESOLUTION NO. 10-354

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION 10-03 WHICH AMENDED RESOLUTION NO. 09-07 WHICH AMENDED RESOLUTION NO. 03-17 WHICH ESTABLISHED THE UTILITY ADVISORY COMMITTEE; EXTENDING THE TERM OF THE UTILITY ADVISORY COMMITTEE TO DECEMBER 31, 2011 AND FURTHER AUTHORIZING THE EXISTENCE OF A TREE SUBCOMMITTEE UNDER THE UTILITY ADVISORY COMMITTEE THROUGH DECEMBER 31, 2011; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR REPEAL OF

CLAUSES IN CONFLICT HEREWITH; AND
PROVIDING FOR EFFECTIVE DATE.

DONATION FROM LOU BACHRODT CHEVROLET - \$500- (CR-02)
JOSEPH C. CARTER PARK FIT KIDZ YOUTH SPORTS SOCCER PROGRAM

Please see funding information attached to these minutes.

A resolution accepting donation of \$500 from Huddle Inc., through Lou Bachrodt Chevrolet Dealership - Joseph C. Carter Park Fit Kidz Youth Sports Soccer Program and amending fiscal year 2010-2011 final operating budget by appropriating the funds to purchase additional soccer equipment.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1820

RESOLUTION NO. 10-355

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF A DONATION IN THE AMOUNT OF \$500 FROM HUDDLE, INC., THROUGH LOU BACHRODT CHEVROLET DEALERSHIP FOR THE JOSEPH C. CARTER PARK FIT KIDZ YOUTH SPORTS SOCCER PROGRAM; AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011, BY ACCEPTING AND APPROPRIATING SUCH DONATION AS SET FORTH IN EXHIBIT A.

DONATION FROM WINN-DIXIE STORES, INC. - \$600- (CR-03)
FIT KIDZ YOUTH ATHLETICS PROGRAM

Please see funding information attached to these minutes.

A resolution amending fiscal year 2010-2011 final operating budget by appropriating \$600 in cash sponsorship from Winn Dixie Stores, Inc. for Fit Kidz Youth Athletics Program.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1824

RESOLUTION NO. 10-366

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING ACCEPTANCE OF A DONATION IN THE AMOUNT OF \$600 FROM WINN-DIXIE STORES, INC., FOR THE FIT KIDZ YOUTH ATHLETICS PROGRAM; AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011, BY ACCEPTING AND APPROPRIATING SUCH DONATION AS SET FORTH IN EXHIBIT A.

AMEND OPERATING BUDGET - APPROPRIATION - \$30,000 (CR-04)
SPONSORSHIP - 2010 CINEMA BY THE SEA

Please see funding information attached to these minutes.

A resolution amending fiscal year 2010-2011 final operating budget by appropriating \$30,000 in cash sponsorship from PNC Financial Group Inc for Cinema By The Sea event.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1822

RESOLUTION NO. 10-357

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.

TASK ORDER 10-05 - HAZEN AND SAWYER, P.C. - \$174,863 (CR-05)
SECOND AVENUE PUMP STATION REHABILITATION – SERVICES DURING CONSTRUCTION

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute Task Order 10-05 with Hazen and Sawyer, P.C., in the amount of \$174,863 - engineering services associated with Second Avenue Pump Station Rehabilitation - services during construction - Project 11405 and adopt a resolution amending the 2010-2011 final operating budget by

appropriating \$174,863 for task order and \$29,726.71 for estimated 17 percent engineering fees.

Recommend: Motion to approve and to adopt resolution.

Exhibit: Commission Agenda Report 10-1724

RESOLUTION NO. 10-358

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

CHANGE ORDERS 2 (FINAL) - SANALIL CONSTRUCTION, INC. - (CR-06)
\$20,000 - MEDIATION SETTLEMENT - HOLIDAY PARK AND
IMPERIAL POINT ACTIVITY CENTERS

Please see funding information attached to these minutes.

Motions authorizing 1) Change Order 2 (final) with Sanalil Construction, Inc., in the amount of \$18,400 - Holiday Park Activity Center - Project 10089 and 2) Change Order 2 (final) with Sanalil Construction, Inc., in the amount of \$1,600 - NCIP Imperial Point - Project 10614, and 3) resolution amending fiscal year 2010-2011 final operating budget by appropriating \$18,400 to Holiday Park Activity Center Project and \$1,600 to Neighborhood Capital Improvement Program Imperial Point project to provide additional funds needed to pay the settlement agreement.

Recommend: Motion to approve and to adopt resolution.

Exhibit: Commission Agenda Report 10-1729

RESOLUTION NO. 10-359

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.

AMEND OPERATING BUDGET - APPROPRIATION - \$70,000 (CR-07)
REPAIR HIGH SERVICE PUMP - FIVEASH WATER TREATMENT PLANT

Please see funding information attached to these minutes.

A resolution amending fiscal year 2010-2011 final operating budget by appropriating \$70,000 to repair high service pump and associated contingency cost at Fiveash Water Treatment Plant.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1769

RESOLUTION NO. 10-360

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.

AMEND OPERATING BUDGET - APPROPRIATION – BACKWASH (CR-08)
STRAINERS - \$131,344 LOHMEYER WASTEWATER TREATMENT PLANT

Please see funding information attached to these minutes.

A resolution amending fiscal year 2010-2011 final operating budget by appropriating \$131,344 to fund purchase of two automatic backwash strainers for Lohmeyer Wastewater Treatment Plant.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1778

RESOLUTION NO. 10-361

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.

CONTRACT AWARD - WRANGLER CONSTRUCTION, INC. - \$17,300 (CR-09)
POINSETTIA HEIGHTS ENTRYWAY - NEIGHBORHOOD CAPITAL IMPROVEMENT PROGRAM

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to award and execute contract with Wrangler Construction, Inc., in the amount of \$17,300 - construction of entryway monuments - Poinsettia Heights Civic Association, Inc. - Neighborhood Capital Improvement Program - Project 11512 and a resolution amending fiscal year 2010-2011 final operating budget by accepting and appropriating Poinsettia Heights Civic Association's contributions to project.

Recommend: Motion to approve and to adopt resolution.

Exhibit: Commission Agenda Report 10-1807

RESOLUTION NO. 10-362

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.

STREET NAME ADDITION - NORMA HALSEY GREENWAY - \$1,000 (CR-10)
SW 9 STREET BETWEEN SW 8 WAY AND SW 8 AVENUE

Please see funding information attached to these minutes.

A resolution adding the name "Norma Halsey Greenway" to portion of SW 9 Street between SW 8 Way and SW 8 Avenue and authorizing funds for greenway sign installation.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1803

RESOLUTION NO. 10-363

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA ADDING THE NAME "NORMA HALSEY GREENWAY" TO THE SECTION OF SW 9TH STREET BETWEEN SW 8TH WAY AND SW 8TH AVENUE.

**PREVIOUSLY GRANTED DOCK WAIVER - 834 NE 20 AVENUE (CR-11)
SIDEYARD SETBACKS - AMENDED AND RESTATED
RESOLUTION 05-209**

No budgetary impact.

A resolution amending and restating Resolution 05-209 that granted a dock waiver for 834 NE 20 Avenue - eliminating requirement that the vessel be berthed within the extension of the side yard setbacks – vessels within Limited Residential Office Zoning District.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1771

RESOLUTION NO. 10-364

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING AND RESTATING RESOLUTION NO. 05-209 WAIVING THE LIMITATIONS OF SECTION 47-19.3.C OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW 834 LOVELL BUILDING, INC., A FLORIDA CORPORATION TO CONSTRUCT AND MAINTAIN SIX (6) SETS OF EXISTING AND TWO (2) SETS OF PROPOSED CLUSTER MOORING PILINGS A MAXIMUM DISTANCE OF 71' INTO THE WATERS OF THE MIDDLE RIVER FROM THE PROPERTY LOCATED AT 834 NORTHEAST 20TH AVENUE, SUCH PROPERTY BEING MORE PARTICULARLY DESCRIBED BELOW; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**PREVIOUSLY GRANTED DOCK WAIVER - 840 NE 20 AVENUE (CR-12)
SIDEYARD SETBACKS - AMENDED AND RESTATED RESOLUTION**

No budgetary impact.

A resolution amending and restating Resolution 05-210 that grant a dock waiver for 840 NE 20 Avenue - eliminating the requirement that the vessel be berthed within the extension of the side yard setbacks - vessels within Limited Residential Office Zoning District.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1772

RESOLUTION NO. 10-365

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING AND RESTATING RESOLUTION NO. 05-210 WAIVING THE LIMITATIONS OF SECTION 47-19.3.C OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW LOVELL, INC., A FLORIDA CORPORATION TO CONSTRUCT AND MAINTAIN FIVE (5) SETS OF EXISTING AND THREE (3) SETS OF PROPOSED CLUSTER MOORING PILINGS A MAXIMUM DISTANCE OF 71' INTO THE WATERS OF THE MIDDLE RIVER FROM THE PROPERTY LOCATED AT 840 NORTHEAST 20TH AVENUE, SUCH PROPERTY BEING MORE PARTICULARLY DESCRIBED BELOW; REPEALING ALL RESOLUTION OR PARTS OF RESOLUTION IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

FIGHT AGAINST CHILDHOOD OBESITY - LET'S MOVE CAMPAIGN (CR-13)

No budgetary impact.

A resolution supporting preventative measures to right obesity as set forth by the First Lady of the United States of America in the Let's Move Campaign and encouraging Broward County and other Broward municipalities to do the same.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1768

RESOLUTION NO. 10-366

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE SUPPORTING PREVENTATIVE MEASURES TO FIGHT OBESITY AS SET FORTH BY THE FIRST LADY OF THE UNITED STATES OF AMERICA IN THE "LET'S MOVE" CAMPAIGN AND ENCOURAGING BROWARD COUNTY AND OTHER BROWARD COUNTY MUNICIPALITIES TO DO THE SAME.

PURCHASING AGENDA

395-10212 - TERMINATION FOR CONVENIENCE (PUR-01)
NEIGHBORHOOD STABILIZATION PROGRAM PROJECT
MANAGER CONTRACT

No budgetary impact.

A motion to terminate for convenience, contract relating to project manager services for Neighborhood Stabilization Program is being presented for approval by Planning and Zoning Department.

Recommend: Motion to approve.

Vendor: Asset Property Disposition, Inc.
Jacksonville, FL 32202

Bids Solicited/Rec'd: 1026/2

Exhibit: Commission Agenda Report 10-1685

The Procurement Services Department has reviewed this item and agrees with termination for convenience of contract with Asset Property Disposition, Inc.

413-10625 - LIQUID CHLORINE - \$416,708 (PUR-02)

Please see funding information attached to these minutes.

One-year contract with three, one-year renewal options for purchase of liquid chlorine, packaged in cylinders, is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Brenntag Mid-South, Inc.
Henderson, KY

Amount: \$416,708.00 (not to exceed)

Bids Solicited/Rec'd: 899/3

Exhibit: Commission Agenda Report 10-1786

The Procurement Services Department has reviewed this item and recommends approval of this Co-Op contract for Chlorine, Liquid in Cylinders.

MECHANICAL ELECTRICAL AND PLUMBING ENGINEERING (PUR-03)
SERVICES – CONTINUING CONTRACT

No budgetary impact. Funding for these services will be derived from individual projects when services are contracted through individual Task Orders.

A motion authorizing the proper City Officials to award and execute a continuing contract with DeRose Design Consultants, Inc. for mechanical, electrical and plumbing engineering services as solicited, selected and negotiated under the Consultants Competitive Negotiations Act.

Recommend: Motion to approve.

Vendor: Derose Design Consultants, Inc.
Pompano Beach, FL

Amount: N/A

Bids Solicited/Rec'd: 509/11

Exhibit: Commission Agenda Report 10-1814

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

MECHANICAL ELECTRICAL AND PLUMBING ENGINEERING SERVICES - CONTINUING CONTRACT (PUR-04)

No budgetary impact. Funding for these services will be derived from individual projects when services are contracted through individual Task Orders.

A motion authorizing the proper City Officials to award and execute a continuing contract with Gartek Engineering Corporation for mechanical, electrical and plumbing engineering services as solicited, selected and negotiated under the Consultants Competitive Negotiations Act.

Recommend: Motion to approve.

Vendor: Gartek Engineering Corporation
Miami, FL.

Amount: N/A

Bids Solicited/Rec'd: 509/11

Exhibit: Commission Agenda Report 10-1815

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

STRUCTURAL ENGINEERING CONSULTANT SERVICES – CONTINUING CONTRACT (PUR-05)

No budgetary impact. Funding for these services will be derived from individual projects when services are contracted through individual Task Orders.

A motion accepting Consultants Competitive Negotiation Act Selection Committee's recommendation of ranking firms - continuing contract for structural engineering consultant services and authorizing proper City Officials to commence negotiations with

top three ranked firms: 1) Bryntesen and Associates, Inc., 2) DeRose Design Consultants, Inc. and 3) Lakdas/Yohalem Engineering, Inc.

Recommend: Motion to approve.
Vendor: Bryntesen and Associates, Inc.dba Bryntesen Structural Engineers,Fort Lauderdale, FL
 DeRose Design Consultants, Inc., Pompano Beach FL
 Lakdas/Yohalem Engineering, Inc., Fort Lauderdale, FL
Bids Solicited/Rec'd: 1708/12
Exhibit: Commission Agenda Report 10-1808
 The Procurement Services Department has reviewed this item and recommends the three highest ranked proposers.

112-10651 - AMMUNITION - \$88,952.24 (PUR-06)

Please see funding information attached to these minutes.

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

Recommend: Motion to approve.
Vendor: Lawmen's and Shooters' Supply, Inc., Vero Beach, FL
 Lou's Police Distributors, Inc., Hialeah, FL
 Florida Bullet Incorporated, Clearwater, FL
Amount: \$88,952.24
Bids Solicited/Rec'd: 504/4
Exhibit: Commission Agenda Report 10-1797

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

**103-10600 - PHOTOGRAPHIC, VIDEO AND AUDIO EQUIPMENT – (PUR-07)
\$141,048.80 POLICE DEPARTMENT DIGITAL EVIDENCE UPGRADE**

Please see funding information attached to these minutes.

Purchase cameras and video and audio recorders - Police Department Digital Evidence Upgrade for Bid Groups 1B, 2, 3, 5 and 6, and reject all bids for Bid Group 4, is being presented for approval by Police Department.

Recommend: Motion to approve purchase for Bid Groups 1B, 2, 3, 5 and 6 and reject all bids for Bid Group 4.
Vendor: B & H Foto & Electronics Corp., New York, NY
 Adorama Inc., New York, NY
Amount: \$141,048.80

Bids Solicited/Rec'd: 1872/15
Exhibit: Commission Agenda Report 10-1789

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

105-10552 - FINANCIAL ADVISORY SERVICES - \$25,000 (PUR-08)

Please see funding information attached to these minutes.

Three-year contract with one, one-year renewal option for financial advisory services is being presented for approval by Finance Department.

Recommend: Motion to approve.
Vendor: Public Financial Management, Inc., Philadelphia, PA
with subcontractor Fidelity Financial Services, L.C.,
Hollywood, FL
Amount: \$25,000 (Annual Not to exceed)
Bids Solicited/Rec'd: 845/4
Exhibit: Commission Agenda Report 10-1796

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

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

512-10648 - TRACTOR REPLACEMENTS - \$379,200 (PUR-09)

Please see funding information attached to these minutes.

Purchase two replacement tractors identified in 2010-2011 Fleet Plan presented for approval by Parking and Fleet Services Department.

Recommend: Motion to approve.
Vendor: Kelly Tractor Co
Miami, FL
Amount: \$379,200.00
Bids Solicited/Rec'd: 234/3
Exhibit: Commission Agenda Report 10-1805

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

**PAINTING SERVICES - DOWNTOWN HELISTOP - \$22,410
CONTRACT ASSIGNMENT AND ONE-YEAR EXTENSION**

(PUR-10)

Please see funding information attached to these minutes.

Assignment of contract and one-year contract extension for painting services at the Downtown Helistop is being presented for approval by Business Enterprises Department.

Recommend: Motion to approve.

Vendor: V.I.P. Painting & Waterproofing, Inc.
Pompano Beach, Fl.

Amount: \$22,410.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1793

The Procurement Services department has reviewed this item and recommends approving the Assignment of Contract and one year contract extension.

**FUNDS TRANSFER - COMMUNITY BUS SERVICES - \$19,405.66
DOWNTOWN FORT LAUDERDALE TRANSPORTATION MANAGEMENT
ASSOCIATION**

(M-05)

Please see funding information attached to these minutes.

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

105-10552 - FINANCIAL ADVISORY SERVICES - \$25,000

(PUR-08)

Please see funding information attached to these minutes.

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

The following items were removed from the Consent Agenda:

Motion made by Commissioner Roberts and seconded by Commissioner DuBose that Consent Agenda Items M-08, M-10, CR-13, and PUR-01 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

AGREEMENT - INLINE CHECK VALVES PILOT COST SHARING PROGRAM RIVIERA ISLES HOMEOWNERS ASSOCIATION**(M-08)**

Joe Holland, 1919 NE 32 Avenue, noted Riviera Isles' efforts to resolve tidal flooding. He thought it is an infrequent occurrence and not a life safety issue. In addition to valve expenses, he claimed this project included a study costing \$75,000. He believed this project will create an annual maintenance liability for the City of approximately \$35,000 to \$50,000. He elaborated upon staff's efforts to mitigate the maintenance costs. If this program fails, he wanted to be certain the City will not be responsible for maintenance. He thought the maintenance issue had been sidestepped by the Commission.

Commissioner Roberts confirmed the maintenance is up to \$50,000 annually. Staff believes this can be incorporated into their current budget and workload. There is a possibility the maintenance costs will rise over time which is why a pilot program is being conducted. Mr. Holland thought there would be no funds for other neighborhoods that may want a similar program. He requested this program be implemented in his neighborhood 15 years ago, but staff told him the costly maintenance precluded it. There is still tidal flooding in his neighborhood. He did not believe the (valve) vendor's claim that the product is improved or that the problem was created by staff. City staff has made great efforts to deal with these issues. Mayor Seiler stressed that something must be done in Riviera Isles because there is a serious flooding issue. This is a pilot project; precedent is not being set. Mr. Holland was willing to concede the project's capital and study expense, but took issue with the maintenance costs. Mayor Seiler explained if the program fails, only regular maintenance will be completed. In response to Mayor Seiler, Albert Carbon, Public Works Director, indicated the maintenance can be accommodated with current staff levels and on regular maintenance rounds. It will require a 2-man crew, every other month, one day at each valve which costs approximately \$53,000 annually. Mr. Holland noted his experience as a professional engineer and questioned the validity that current staff has time for this maintenance. Mr. Holland believed it is only fair the (Riviera Isles) residents should be responsible for the maintenance costs.

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

SUPPLEMENTAL PAY - EMPLOYEE RESERVIST CALLED TO ACTIVE-DUTY \$251,900 ONGOING MILITARY CONFLICTS - EXTENSION OF CITY POLICY**(M-10)**

Dennis Ulmer, 1007 NW 11 Place, commended the City for funding this policy.

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

FIGHT AGAINST CHILDHOOD OBESITY - LET'S MOVE CAMPAIGN (CR-13)

Commissioner DuBose expressed his and the Broward League of Cities' support. He pointed out a grocery store to be included in the Northwest Development Project will meet the program's initiative to provide access to healthy and affordable foods. He emphasized the importance of youth being healthy enough to protect the nation in the future. He urged the public to support this campaign.

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

395-10212 - TERMINATION FOR CONVENIENCE (PUR-01)
NEIGHBORHOOD STABILIZATION PROGRAM PROJECT
MANAGER CONTRACT

In response to Commissioner DuBose, Jonathan Brown, Housing and Community Development Manager, explained this item is for three of the ten percent administrative fee. He explained the NSP (Neighborhood Stabilization Project) project manager position is no longer necessary because he can take over the duties. The seven percent of the administrative fee has always been used for internal staff; this additional three percent will (also) go toward staff. This funding will be used until March, 2013. In response to Mayor Seiler, he indicated these funds will be used for home purchases if they are not absorbed by staff costs. But, the main objective is to use the funds for staff which will help to subsidize all of the NSP salaries. This will be a three percent savings to the City which will occur over the life of the NSP program, through March, 2013.

Because the NSP program has been operating on a seven percent administrative fee, Commissioner Rodstrom wanted to know why the three percent has not been returned to the program to buy more houses. Mr. Brown noted that the three percent can be used to purchase more houses if the need arises. All of the ten percent had to be obligated within a certain timeframe under administration (costs). He further indicated that the corresponding addendum to the agreement with the property manager was not developed. Commissioner Rodstrom asserted the three percent was set aside for the property manager even though there was no agreement. She reiterated her concern about the three percent not being returned to the program. Greg Brewton, Director of Planning and Zoning, explained that when NSP funds were received, it was uncertain whether Mr. Brown and some of his staff's time could be obligated to the NSP. Now that the process is underway, he felt it would be more efficient to have Mr. Brown and his staff oversee the project. He clarified that, after the three-year period, any additional percentages can go toward purchasing homes. This is a new program. He believed the ten percent will be enough to cover a portion of the duties of Mr. Brown and four employees which includes the NSP and other projects. The seven percent was to cover three staff members. The other three percent will now be devoted to Mr. Brown's salary. Commissioner Rodstrom reiterated her belief that the three percent should be returned to the program for home purchases. Mr. Brewton did not disagree, but stressed his desire to be certain that all expenses are covered. If there is an administrative savings it will be put back into the program. In response to Commissioner Rodstrom, he explained Mr. Brown was hired to manage all of the City's Housing and Community Development

projects. Mr. Brown verified that it meets HUD guidelines for him to serve as project manager. In further response, Mr. Brown indicated he is targeting January 19 for an official status report to the Commission. Commissioner DuBose wanted the report provided earlier for more time to review. He preferred an advance Commission memo in addition to the agenda item.

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

MOTIONS

PROPRIETARY - CELLULAR ACCESS - MOBILE INSPECTOR PROGRAM – (MD-01)
\$21,600

Please see funding information attached to these minutes.

Purchase cellular access - Mobile Inspector Program - presented for approval by Building Services Department.

Recommend:	Motion to approve.
Vendor:	Sprint Solutions, Inc. Overland Park, KS
Amount:	\$21,600.00
Bids Solicited/Rec'd:	N/A
Exhibit:	Commission Agenda Report 10-1632

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

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

PROPRIETARY - REPAIR PEERLESS HIGH SERVICE PUMP - \$67,364.94- (MD-02)
FIVEASH WATER TREATMENT PLANT

Please see funding information attached to these minutes.

Repair Peerless high service pump at Fiveash Water Treatment Plant is being presented for approval by Public Works Department.

Recommend:	Motion to approve.
Vendor:	Tom Evans Environmental, Inc.

Lakeland, FL
Amount: \$67,364.94
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 10-1770

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

In response to Mayor Seiler and Commissioner DuBose, Albert Carbon, Director of Public Works, advised that the vendor or local sales representative is from Lakeland, Florida. Kirk Buffington, Director of Procurement Services, clarified proprietary items cannot be bid to the local vendor pool because the City must use an authorized distributor. In some cases, the distributor may not be in Florida depending upon their location in relation to the manufacturers. In this case, the manufacturer is in Georgia, but the representative for the entire state of Florida is in Lakeland.

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

**PROPRIETARY - E.H. WACHS BRAND VALVE OPERATING EQUIPMENT- (MD-03)
 \$13,423.62 - WATER AND SANITARY SEWER DISTRIBUTION
 AND COLLECTION**

Please see funding information attached to these minutes.

Purchase two E.H. Wachs brand truck-mounted valve operators and two ruggedized controller/data loggers - water and sanitary sewer distribution and collection - presented for approval by Public Works Department.

Recommend: Motion to approve.
Vendor: Illinois Tool Works Inc.
 Chicago, IL
Amount: \$13,423.62
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 10-1725

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

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

**PROPRIETARY – R.P. ADAMS AUTOMATIC BACKWASH STRAINERS- (MD-04)
\$131,344 – LOHMEYER WASTEWATER TREATMENT PLANT**

Please see funding information attached to these minutes.

Purchase two R.P. Adams automatic backwash strainers for Lohmeyer Wastewater Treatment Plant is being presented for approval by Public Works Department.

Recommend: Motion to approve.
Vendor: Adams SFC, Inc.
 New York, New York
Amount: \$131,344.00
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 10-1779

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

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

RESOLUTIONS

**VACATE 12 FOOT TURN LANE EASEMENT - MJDC AOA, LLC AND (R-01)
 CITY OF FORT LAUDERDALE - 540 NW 7 AVENUE – SHOPPES ON
ARTS AVENUE – CASE 8-M-10**

No Budgetary Impact.

Applicants: MJDC AOA, LLC and City of Fort Lauderdale
Location: 540 NW 7 Avenue

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 10-1788

Commissioner DuBose introduced the following resolution:

RESOLUTION NO. 10-347

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE RIGHT-OF-WAY EASEMENT ADJACENT TO THE WEST BOUNDARY OF PARCEL "B", "NORTHWEST FORT LAUDERDALE COMMERCIAL PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 148, PAGE 25, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. LOCATED ON THE

EAST SIDE OF NORTHWEST 7TH AVENUE BETWEEN
NORTHWEST 5TH AND NORTHWEST 6TH STREETS,
LYING AND BEING IN THE CITY OF FORT
LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

VACATE 6 FOOT UTILITY EASEMENT- MJDC AOA, LLC AND CITY OF FORT LAUDERDALE - 540 NW 7 AVENUE – SHOPPES ON ARTS AVENUE – CASE 9-M-10 (R-02)

No Budgetary Impact.

Applicant: MJDC AOA, LLC and City of Fort Lauderdale
Location: 540 NW 7 Avenue

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 10-1792

Commissioner DuBose introduced the following resolution:

RESOLUTION NO. 10-348

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THE 6-FOOT UTILITY EASEMENT ALONG THE NORTHERN PORTION OF PARCEL "D", "NORTHWEST FORT LAUDERDALE COMMERCIAL PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 148, PAGE 25, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE SOUTH SIDE OF NORTHWEST 6TH STREET (SISTRUNK BOULEVARD) BETWEEN NORTHWEST 7TH AVENUE AND NORTHWEST 6TH 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 DuBose, Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler.
NAYS: None.

VACATE 12 FOOT TURN LANE EASEMENT - MJDC AOA, LLC AND CITY OF FORT LAUDERDALE - 540 NW 7 AVENUE – SHOPPES ON ARTS AVENUE - CASE 10-M-10 (R-03)

No Budgetary Impact.

Applicant: MJDC AOA, LLC and City of Fort Lauderdale
Location: 540 NW 7 Avenue

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 10-1795

Commissioner DuBose introduced the following resolution:

RESOLUTION NO. 10-349

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THE 12-FOOT RIGHT-OF-WAY EASEMENT ADJACENT TO THE NORTH LINE OF PARCEL "D", "NORTHWEST FORT LAUDERDALE COMMERCIAL PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 148, PAGE 25, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE SOUTH SIDE OF NORTHWEST 6TH STREET (SISTRUNK BOULEVARD) BETWEEN NORTHWEST 7TH AVENUE AND NORTHWEST 6TH 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 DuBose, Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

**FORMER RIVER HOUSE RESTAURANT – PROPOSAL BY
INTER-PACIFIC GROUP**

(R-04)

No budgetary impact.

Exhibit: Commission Agenda Report 10-1825

Former River House Restaurant - proposal from Inter-Pacific Group received in response to RFP 205-10548 - annual lease of full service restaurant in Riverwalk District.

Stephen Scott, Director of Economic Development, indicated that Inter-Pacific Group proposes an initial capital investment of at least \$1.5 million, subject to negotiation of the lease with rent credits to the investors detailed in their response to the City's RFP provided with Commission Agenda Report 10-1825. The Commission serves as the selection committee.

Gary Garoni, founder and CEO of Inter-Pacific Group, advised that he is also a resident of Fort Lauderdale, outlined the concept. In response to Vice Mayor Rogers, Mr. Garoni explained that the initial investment of \$1.5 million is amortized over fifteen years with

respect to the annual rental of \$100,000. This is in accordance with the RFP terms. Inter-Pacific plans to make the entire \$1.5 million investment in restoration of the site before taking occupancy. There would be a rebate for the first two years and a graduated declining scale in future years. Mr. Scott added that the RFP provides for full rent credit during the first two years, and declines in future years up to year ten. At that time, if there is still unrecovered capital investment, Inter-Pacific would recover fifty percent until the initial capital is fully recaptured. In response to Mayor Seiler, Mr. Scott advised that an outside audit will be required with cost assumed by Inter-Pacific. The City Auditor indicated he recommended a process similar to that used for the QTIP (Qualified Targeted Industry Tax Refund Program).

Commissioner Rodstrom noted she has received past concerns about noise. Mayor Seiler did not think this use would cause a noise problem.

In response to Vice Mayor Rogers, Mr. Garoni advised that Q-Corp. Capital Trust Inc. shown on the bank's letter in the RFP response is part of Inter-Pacific. and the address is his residence. Vice Mayor Rogers questioned the name being different than the proposer (in the RFP). Mr. Garoni advised there will be a newly formed Florida corporation on the lease. The RFP did not call for a personal guarantee. Mr. Scott noted the upfront investment. Mr. Garoni indicated there will be another million dollars required in order to open the restaurant.

Commissioner DuBose thought the Commission was to receive a formal presentation. Mr. Scott elaborated upon the process that is governed by Section 8.09 of the Charter. The negotiated lease will come back to the Commission. Commissioner DuBose wanted a formal presentation for the benefit of the public. Commissioner Roberts suggested it be made when the lease is presented, however, Mayor Seiler thought there sufficient information was provided in the backup materials.

Vice Mayor Rogers introduced the following resolution:

RESOLUTION NO. 10-350

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING THE BID OF INTER-PACIFIC GROUP, INC., A FLORIDA CORPORATION, TO LEASE CERTAIN LANDS AND IMPROVEMENTS SITUATED THEREON OWNED BY THE CITY OF FORT LAUDERDALE KNOWN AS HISTORIC BRYAN HOMES; FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO PREPARE A LEASE AGREEMENT EMBODYING THE TERMS AND CONDITIONS OF THE ACCEPTED BID.

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

ABANDON EASEMENT RIGHTS – ACCEPT NEW UTILITY EASEMENT- PLANTATION 441, LTD. – STATE ROAD 7 – NORTH OF PETERS ROAD (R-05)

No budgetary impact.

A resolution authorizing proper City Officials to execute and deliver a quit claim deed abandoning an easement and right-of-way granted to the City for easement rights outside the corporate limits, subject to satisfaction of conditions precedent respecting execution and delivery of a new re-routed utility easement deed from Plantation 441, Ltd., current property owner.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 10-1766

In response to Mayor Seiler, the City Attorney explained the City has utilities outside of its corporate limits which is why it maintains easement rights outside the corporate limits. This is a utility easement that is being relocated.

Commissioner DuBose introduced the following resolution:

RESOLUTION NO. 10-351

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AND DELIVER TO PLANTATION 441, LTD., A FLORIDA LIMITED PARTNERSHIP, UPON CERTAIN TERMS AND CONDITIONS, A QUIT CLAIM DEED VACATING AND ABANDONING A UTILITY AND RIGHT-OF-WAY EASEMENT LYING OUTSIDE THE CORPORATE BOUNDARIES OF THE CITY OF FORT LAUDERDALE AND ACCEPTING, UPON CERTAIN TERMS AND CONDITIONS, A UTILITY EASEMENT DEED FROM PLANTATION 441, LTD., RELOCATING THE ABANDONED UTILITY EASEMENT; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SOLID WASTE DISPOSAL SERVICES – INTERLOCAL AGREEMENT – BROWARD COUNTY- RESOURCE RECOVERY SYSTEM (R-06)

No budgetary impact.

Interlocal Agreement concerning Solid Waste Disposal Services.

Exhibit: Commission Agenda Report 10-1832

In response to Vicki Eckels, 917 SE 14 Street, Mayor Seiler explained this item will be deferred until it is approved by Broward County. Ms. Eckels felt the County should have separated the interlocal agreement (ILA) from the issue of independent and dependent districts. Further, there is concern the City did not get the best disposal rate from Wheelabrator because the ILA plays a key role in the service agreement. She elaborated upon an example showing higher rates outside of the ILA. An ILA will provide the leverage to establish favorable rates and terms. She urged the Commission to express their support of an ILA approach this evening regardless of the County's position. Mayor Seiler elaborated upon issues raised at the County level. He expressed his support of an ILA, and agreed with Ms. Eckels that burning solid waste is the best disposal option. However, it is pointless for the City to vote until the County takes action.

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF FORT LAUDERDALE, FLORIDA,
APPROVING A NEW INTERLOCAL AGREEMENT
WITH BROWARD COUNTY AND PROVIDING FOR
THE RESOURCE RECOVERY SYSTEM WITHIN
BROWARD COUNTY AND THE BROWARD SOLID
WASTE DISPOSAL DISTRICT FOR SOLID WASTE
DISPOSAL SERVICES.

Motion made by Commissioner Rodstrom and seconded by Commissioner DuBose to defer the item until action is taken by Broward County. YEAS: Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

**NORTHWEST COMMERCIAL REDEVELOPMENT PROJECT –
SECOND AMENDMENT TO AGREEMENT**

(R-07)

No budgetary impact.

A resolution authorizing the proper City Officials to execute a second amendment to Northwest Commercial Redevelopment Project Development Agreement - Milton Jones Development Corporation.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 10-1854

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 10-352

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT.

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

BOARD AND COMMITTEE APPOINTMENTS**(R-08)****No budgetary impact.**

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

Beach Redevelopment Board	Ramola Motwani (Vice Mayor Rogers) Aiton J. Yaari (Vice Mayor Rogers)
Cemetery System Board of Trustees	Patricia S. Hayes (Vice Mayor Rogers) John Sykes (Vice Mayor Rogers)
Citizens Police Review Board	Ted Fling (Commissioner Rodstrom) Jim Jordan (Consensus)
Downtown Development Authority	D. Fredrico Fazio (Consensus) Michael C. Weymouth (Consensus)
Education Advisory Board	Catherine A. Cirillo (Commissioner Rodstrom)
Short Term Residential Use Committee	Annette Ross (Commissioner Roberts) Eugenia "Genia" Ellis (Commissioner Rodstrom) Peter Witschen (Commissioner Rodstrom)
Sustainability Advisory Board	Anthony Abbate (Vice Mayor Rogers) Vicki Eckels (Vice Mayor Rogers) William Goetz (Commissioner Roberts) Jaime Castoro (Commissioner Roberts) Alena Alberani (Commissioner Rodstrom) Rebecca Jo Walter (Consensus)

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 10-353

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

PUBLIC HEARINGS

**VACATE PORTION OF RIGHT-OF-WAY - 540 NW 7 AVENUE -
CASE 6-P-10-SHOPPES ON ARTS AVENUE**

(PH-01)

No Budgetary Impacts.

Applicant: City of Fort Lauderdale and MJDC AOA, LLC.
Location: 540 NW 7 Avenue
Zoning: Community Business CB

The City Attorney pointed out a scrivener's error in the third paragraph (clause) of the ordinance; January 24, 2011 should read January 4, 2011. Mayor Seiler clarified that any motion would include that correction.

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

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

Commissioner Roberts was not present for this vote. He left the meeting at approximately 7:38 p.m. and returned at approximately 7:40 p.m.

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

Commissioner DuBose introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-49

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE RIGHT-OF-WAY FOR NW 7TH AVENUE AS SHOWN ON THE PLAT OF "NORTHWEST FORT LAUDERDALE COMMERCIAL PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 148, PAGE 25, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING A 12 FOOT WIDE PORTION OF THE "ADDITIONAL THOROUGHFARE" DEDICATION WEST OF AND ADJACENT TO PARCEL "B" OF SAID PLAT,

LOCATED ON THE EAST SIDE OF NORTHWEST 7TH AVENUE, BETWEEN NORTHWEST 6TH STREET (SISTRUNK BOULEVARD) AND NORTHWEST 5TH STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

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.

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

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

Members of the Commission announced with whom he or she had spoken with and, or site visits made concerning this matter; some members announced the same disclosures indicated on first reading.

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

Commissioner DuBose asked about the status of the previously requested research on the deed. Robert Lochrie, representing the property owner, Housing Authority, indicated that the property was conveyed by six entities to the Housing Authority. The deeds have been provided to the City Attorney. There are no restrictions to the property. About two years later, the property was replatted to Sunnyland Homes No. 2 at which time the property was zoned R-3. It remained R-3 until he believed it was mistakenly rezoned in 1997 to Park. Commissioner DuBose indicated that he did not receive this information. Also the homeowner association president is out of town at a funeral. He did not want to address the item without being able to review the information. The City Attorney advised that the deeds were received today around 4 p.m.; he has not reviewed them. Mayor Seiler was disappointed the documentation was not available for the District III meeting.

Motion made by Commissioner DuBose and seconded by Commissioner Roberts to defer the item to January 4, 2011. YEAS: Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

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.

SOUTH ANDREWS AVENUE MASTER PLAN AND DEVELOPMENT GUIDE - IMPLEMENTATION - ESTABLISH ZONING DISTRICTS AND REZONE PROPERTIES

(PH-03)

No Budgetary Impact.

Applicant: City of Fort Lauderdale

Implementation - South Andrews Avenue Master Plan and Development Guide 1) establishing South Regional Activity Center South Andrews East and West zoning districts and 2) rezoning properties into these districts.

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

Anthony Fajardo, Planning and Zoning, reviewed the proposal detailed in Commission Agenda Report 10-1816 including how the proposal evolved and illustrations of design standards depicted in slides. The illustration slides are attached to these minutes.

Commissioner Rodstrom asked if there are any plans to add to the area. Mr. Fajardo advised that it is possible to extend the boundaries. He provided some details on boundaries. In response to Mayor Seiler, Mr. Fajardo confirmed no changes have been made since this was presented to the Planning and Zoning Board. Mayor Seiler was concerned that property owners who previously asked to be included and he had requested staff to include them but it was not done. Greg Brewton, Director of Planning and Zoning, indicated that those properties in question as to being included would be presented to the Commission as a subsequent item at a later date because areas outside of the study area have not been analyzed or noticed. This item could be delayed so that they could be included which would be March or April. There may be issues with property owners to the east; there could be some thought of encroachment into existing residential. Mayor Seiler was concerned that staff did not followup in contacting these individuals. When it was brought to his attention, he notified Mr. Fajardo. Mr. Brewton apologized, offered to contact them and bring an item forward to the Commission. There

are also property owners to the west who want to be included. He recommended each item be brought back separately.

Mayor Seiler opened the floor for public comment.

Robert Lochrie, representing Broward Health, noted Broward General Medical Center's location in the middle of the RAC, adjacent to the SRAC zoning and Broward Health's corporate offices in the area. He expressed support of the item in its entirety. He chronicled Broward Health's long-term support.

Raymond Dettman, 1900 South Miami Road, indicated he owns four properties in Poinciana Park. He was opposed to the item. He did not agree with the parking reduction. He contended his 2006 photo of a local auto dealership showed that much of the available (on-street) parking was used even then. He questioned staff's claim of a surplus of on-street parking. He wondered where customers will park if more business is developed along Andrews Avenue. He was concerned generally about public notice; no signage is posted. The natural buffer for the neighborhood is being lost and it is not going to the planning and zoning board. In response to Mayor Seiler, Mr. Dettman indicated the issues he raised this evening have been raised at all of the previous meetings, but not addressed. Vice Mayor Rogers clarified that the size of the development dictates the level of review. Mr. Fajardo elaborated upon applicable thresholds in the code. The only planning and zoning board requirements for the districts mentioned by Mr. Dettman would be conditional use approvals. Also, this proposal provides for everything to be subject to call-up by the Commission. Commissioner Rodstrom pointed out that the call-up provision would not afford for any public notice that would ordinarily occur at the planning and zoning board level. Mr. Brewton concurred. However, civic association presidents are notified of development review committee (DRC) meetings for site plan level II. The only difference between planning and zoning board and development review committee meetings would be posting of a sign. He elaborated upon reasons why a (public notice) sign is not posted for projects going before the DRC and that the DRC format is not designed as a public meetings, although it is open to the public. Commissioner Rodstrom thought it would be helpful to do so. Some discussion ensued about public involvement before, during and after DRC meetings.

Vice Mayor Rogers explained the need for addressing the parking requirements in this area. Mr. Brewton concurred. Staff believes the parking reduction could work because of the available on-street parking. Staff believes the issue of a particular business using parking spaces to park their inventory of vehicles is isolated. This ordinance supports the City's desire to promote redevelopment in this area. This is also the Wave's proposed route that should help mitigate the parking needs. Mr. Fajardo indicated that the proposed ordinance requires that on-street parking be placed where none currently exists.

Courtney Crush, representing South RAC, Inc., pointed out this group of property owners have spent approximately one decade working on this master plan and the rezoning initiative. She elaborated upon the effort that has gone into this thus far and strongly encouraged approval. She also elaborated upon her recollection of how the geographic boundaries were selected in 2005. It was always contemplated that this core would evolve into zoning for the entire South Regional Activity Center and other properties would come forward.

Wendy Walker, founding member of SABA (South Andrews Business Association) and South RAC Initiative, noted this has been a long process. The master plan was done initially because all of the residential units were taken in 1996. They succeeded in recapturing the flex units in 2004. She elaborated upon the usefulness of a parking requirement reduction in this area. She commended staff for working to resolve zoning conflicts. Sixteen property owners voted unanimously to accept this proposal. She urged approval of this item.

Janna Lhota, representing United Way of Broward County, pointed out the United Way's corporate offices are central to the study area. She urged approval.

David Crosby, property owner on Andrews Avenue, noted his ownership of this property for ten years. Their main problem has been parking. The building is 18,000 square feet and there are only about thirty-five on-site parking spaces. He expressed support of the ordinance. It is needed to help develop his property.

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

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

Commissioner Roberts thought this is a good example of helping small businesses, addressing some of the old (code) requirements. Mayor Seiler liked the end product, but reiterated his concern about the process and the notice raised by Mr. Dettman. Mr. Brewton reiterated that civic association presidents are given notice. If additional notice is desired, signage could be placed on the property. Mayor Seiler favored the idea of public notice signs. The City Attorney advised that such a posting requirement could be added for second reading. Vice Mayor Rogers agreed, but felt notice to the civic associations is fairly effective. Mayor Seiler pointed out that not all property owners belong to a civic association. Mr. Brewton noted it would apply only to this zoning district.

Vice Mayor Rogers introduced the following ordinances on FIRST reading:

ORDINANCE (1)
Establish Districts

ORDINANCE NO. C-10-50

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-13 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS DOWNTOWN REGIONAL ACTIVITY CENTER DISTRICTS TO CREATE NEW ZONING DISTRICTS KNOWN AS SRAC EAST (SRACe) AND SRAC WEST (SRACw); PROVIDING FOR EACH NEW DISTRICT THE PURPOSE AND INTENT; LIST OF PERMITTED AND

CONDITIONAL USES, DIMENSIONAL REQUIREMENTS, STREETScape REGULATIONS; DEFINITIONS; PARKING, SIGN, LANDSCAPE AND OTHER DEVELOPMENT REQUIREMENTS; ADOPTING DESIGN STANDARDS APPLICABLE TO ALL DEVELOPMENT; PROVIDING SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

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

Vice Mayor Rogers introduced the following ordinances on FIRST reading:

ORDINANCE (2)
SRAC-SAe

ORDINANCE NO. C-10-51

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM CB, RMM-25, ROA AND RO TO SRAC-SAe THAT PROPERTY REFERRED TO AS THE SOUTH ANDREWS AVENUE AREA GENERALLY LOCATED ON BOTH SIDES OF SOUTH ANDREWS AVENUE FROM S.E. 1ST AVENUE TO S.W. 1ST AVENUE SOUTH OF TARPON RIVER AND NORTH OF STATE ROAD 84, 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 DuBose, Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Vice Mayor Rogers introduced the following ordinances on FIRST reading:

ORDINANCE (3)
SRAC-SAw

ORDINANCE NO. C-10-52

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM B-3 TO SRAC-SAw THAT PROPERTY GENERALLY LOCATED BETWEEN S.W. 1ST AVENUE AND THE FEC

RAILROAD, SOUTH OF TARPON RIVER AND NORTH OF STATE ROAD 84, 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 DuBose, Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

ORDINANCES

**FORT LAUDERDALE CENTENNIAL CELEBRATION
PUBLIC PURPOSE SPECIAL EVENT - JANUARY 1 - JUNE 30, 2011**

(O-01)

No Budgetary Impact.

Vice Mayor Rogers introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-10-47

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING JANUARY 1 THROUGH JUNE 30, 2011 AS A PUBLIC PURPOSE SPECIAL EVENT KNOWN AS FORT LAUDERDALE CENTENNIAL CELEBRATION IN THE CITY OF FORT LAUDERDALE; PROVIDING FOR A LIMITED TEMPORARY EXEMPTION FROM SPECIFIC PROVISIONS OF SECTION 47-22 OF THE UNIFIED LAND USE REGULATIONS; ESTABLISHING TIME LIMITATIONS, INSURANCE AND INDEMNIFICATION REQUIREMENTS; APPLICATION PROCEDURES AND SAFETY REQUIREMENTS FOR SIGNAGE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

**CODE AMENDMENT - ARTICLE VII, CHAPTER 2 - SUSTAINABILITY
ADVISORY BOARD****(O-02)****No budgetary impact.**

Commissioner Rodstrom introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-10-48

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENACTING A NEW DIVISION 8 OF ARTICLE VII, ENTITLED "BOARDS, COMMISSIONS, ETC.", OF CHAPTER 2 OF THE CODE OF ORDINANCES, ENTITLED "ADMINISTRATION", TO ESTABLISH A SUSTAINABILITY ADVISORY BOARD; PROVIDING FOR MEMBERSHIP QUALIFICATIONS, LENGTH OF TERM AND THE PURPOSE AND DUTIES OF THE BOARD.

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

AMENDMENT TO PAY PLAN - SCHEDULE I**(O-03)****No current year budgetary impact.**

The City Auditor explained that a charter amendment two years ago categorized all of his staff as non-classified service. As such, new positions must be created within the City's classification scheme. All employees in the original civil service positions were grandfathered in. As new employees come onboard, new positions must be created. The proposed managerial position replaces the audit manager position and serves as the city auditor's right arm. It is already funded in the budget and not eligible for pension. He elaborated upon the duties and requirements. The individual holds a master's degree.

In response to Commissioner DuBose, the City Auditor explained this position will impact the budget next year because the current temporary position pay is less than the proposed permanent one. He believed the pay range for audit manager was previously \$64,000 to \$97,600. The new range is higher because the requirements have been upgraded. The audit manager position was part of the City's Internal Audit Division that he had essentially inherited. It was significantly less in scope and scale. The proposed pay range is equivalent to other senior managerial level positions. The audit manager position was the only one available when he came onboard as City Auditor; it was not what he would have chosen. Averill Dorsett, Director of Human Resources, clarified that the salary range for the temporary position is the same as the permanent one; \$64,200 to \$92,000. In further response to Commissioner DuBose, the City Auditor explained the proposed job description is different than the civil service position previously created. The incumbent employee in the temporary position will fill this position. He intended to offer more pay for the permanent position because it is replacing a classified position that was not at-risk, it was civil service. Commissioner DuBose noted this would be a

higher pay range for the proposed position. Ms. Dorsett elaborated upon the job classification change. The City Auditor confirmed for Commissioner DuBose that the individual is earning toward the high end of the temporary position range. Commissioner DuBose was not opposed to creating a permanent position, but he wanted to know if the duties would change for the permanent position in conjunction with the higher pay because the individual is currently performing the job in the current pay range. The proposal would be several bumps higher. The City Auditor concurred. He chronicled the chain of events leading to his placement of the (incumbent) employee in the temporary position. At that time, the auditor budget could not handle the incumbent who was on extended leave with terminal cancer and a new individual at an appropriate salary. Moreover the appropriate position and pay range were not yet created. The position's quality and stature is being elevated. Commissioner DuBose took issue with the significant increased pay range. He felt that, in these challenging economic times, individuals with doctorate degrees, for example, will work for a lower salary. The supply of people is abundant at this time. There are budgetary constraints to be considered. The City Auditor explained the (incumbent) employee accepted the lower level temporary position with the understanding that an ordinance would be brought forward to obtain the appropriate pay range. Commissioner DuBose felt that was a premature commitment. He maintained that there are ample qualified people available for a lower salary. The City Auditor disagreed that he made a premature commitment. The charter provides for the city auditor to hire the appropriate people at the appropriate compensation. Commissioner DuBose stressed that the City Auditor must answer to the Commission, regardless of the authority granted in the charter. The City Auditor articulated that this position was modeled after comparable positions in the City's other charter offices. He disagreed that there is a large pool of qualified people who could perform these duties and went on to mention the individual's experience. Commissioner DuBose disagreed about the availability of people. He reiterated his concern about the pay increase.

The City Auditor responded to Vice Mayor Rogers' inquiry about comparable figures from other auditing departments, noting Broward and Miami-Dade counties. He added that there are no other cities with an independent auditor. The pay in private sector would be significantly higher. Vice Mayor Rogers questioned the level of expertise necessary for a staff of five. He also felt it is a sign of the times.

In response to Mayor Seiler, the City Auditor explained he attempted to meet with each member of the Commission on this item, but was unable to meet with Commissioner DuBose. Mayor Seiler felt comfortable with the proposed position. He suggested the item be deferred. Commissioner DuBose indicated regardless of whether he meets with the Auditor, his issue will be the same. Mayor Seiler felt it is significant that the position would not impose any pension burden. He asked that the City Auditor respond to the Vice Mayor's questions and bring the item back on January 4.

Motion made by Commissioner Roberts and seconded by Vice Mayor Rogers to defer the item to January 4, 2011. YEAS: Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

ORDINANCE NO. C-10-

AN ORDINANCE OF THE CITY OF FORT
LAUDERDALE, FLORIDA, AMENDING SCHEDULE I

OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING AND ADDING A NEW CLASS, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

AMENDMENT TO PAY PLAN - SCHEDULE I

(O-04)

No budgetary impact.

Commissioner DuBose introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-53

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SCHEDULE I OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING AND ADDING A NEW CLASS AND DELETING A CLASS, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

Note: The City Commission adjourned the regular meeting at 8:53 p.m. and returned to the conference meeting agenda, Commission Reports, from 8:53 p.m. to 9:19 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk