

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
JANUARY 4, 2011

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
January 4, 2011**

Meeting was called to order at 6:08 p.m. by Mayor Seiler on the above date, in City Hall, 100 North Andrews Avenue, 1st floor Chambers.

Roll call showed:

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

Absent: None.

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

Invocation was offered by Kappa Alpha Psi Fraternity member, Pastor Cal Hopkins, Williams Memorial CME Church, followed by the recitation of the pledge by Arthur Kennedy.

NOTE: All items were presented by Mayor Seiler unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

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

EXPRESSION OF SYMPATHY

(OB)

Mayor Seiler and the City Commission offered a moment of silence in memory of Gerry Cooper, former member of the Sign Advisory Committee; Code Enforcement Board; Planning and Zoning Board; Board of Adjustment; and Marine Advisory Board. Mr. Cooper also held membership in the Rotary Club and served as Vice President of Greater Fort Lauderdale Sister Cities International.

Presentations**1. KAPPA ALPHA PSI FRATERNITY CENTENNIAL – (PRES-01)**
JANUARY 5, 2011

Commissioner DuBose presented a proclamation to Kappa Alpha Psi Fraternity in recognition of their centennial on January 5, 2011. Anthony Henderson, Polemarch, Fort Lauderdale Alumni Chapter, thanked the Commission. He reflected on the founders and their reasons for establishing the fraternity. He pointed out the growth of membership over time. Mayor Seiler offered congratulations and thanked the fraternity members for their service to the community.

FORT LAUDERDALE WOMAN'S CLUB CENTENNIAL - (OB)
JANUARY 11, 2011

Vice Mayor Rogers presented a proclamation to the Fort Lauderdale Woman's Club in recognition of their centennial on January 11, 2011. Joann Smith, President, thanked the Commission. Ms. Smith and Susan McClellan reflected on the history of the club and the City. Mayor Seiler thanked the club members.

Winner of United Way Children's Drawing Contest (OB)

Mayor Seiler announced Kenny Cross, son of Renee Cross, as the winner of the United Way children's drawing contest for children and grandchildren of City employees.

2. OUTSTANDING CITY EMPLOYEES (PRES-02)

On behalf of Police Chief Frank Adderley, Major Russell Hanstein presented the Officer of the Month Award to Officer George Brandner for his exemplary evaluation of evidence which led to the arrest of three prolific burglars within a two-week period.

Albert Carbon, Public Works Director, presented the STAR Award to Denise Greenstein, Clerk III, in recognition of her initiative in developing comprehensive training seminars for public works employees on the new utility billing system.

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 - 5K FOR A BETTER DAY
CLOSING CITY STREETS ALONG ROUTE****(M-01)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Greater Fort Lauderdale Road Runners Club, Inc. for 5K For A Better Day, to be held February 26, 2011, 7:30 AM - 9:30 AM, at Broward General Medical Center and closing city streets along route.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1817

EVENT AGREEMENT - TRAWLER FEST FORT LAUDERDALE 2011**(M-02)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Dominion Enterprises Group, LLC for Trawler Fest Ft. Lauderdale 2011, to be held January 27-29, 2011, 10 AM - 5 PM, at Bahia Mar Beach Resort.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1828

EVENT AGREEMENT - 33311 WALK OF HOPE**(M-03)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Mount Bethel Human Services Corporation, Inc. for 33311 Walk of Hope, to be held January 22, 2011, 9 AM - 3 PM, at Joseph C. Carter Park and along neighborhood sidewalks.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1869

EVENT AGREEMENT - LILLIAN S. WELLS WOMEN'S HEALTH CENTER (M-04)
GRAND OPENING

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Broward Health/North Broward Hospital District for Lillian S. Wells Women's Health Center Grand Opening, to be held January 13 and 15, 2011, on Broward General Medical Center property at 1600 South Andrews Avenue, contingent upon City Attorney receiving and approving a validly executed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1870

EVENT AGREEMENT - ST. DEMETRIOS GREEK FESTIVAL (M-05)
ST. DEMETRIOS GREEK FESTIVAL

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with St. Demetrios Greek Orthodox Community of Broward County, Inc. for St. Demetrios Greek Festival, to be held February 11-13, 2011, on church grounds at 815 NE 15 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1871

EVENT AGREEMENT - FORT LAUDERDALE WOMAN'S CLUB BUBBLE Q (M-06)
FORT LAUDERDALE WOMAN'S CLUB BUBBLE Q

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Fort Lauderdale Woman's Club, Inc. for Fort Lauderdale Woman's Club Birthday Party Bubble Q, to be held January 15, 2011, 6 PM – 11 PM, at Stranahan Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1876

TASK ORDER 1 - KEITH AND SCHNARS, P.A. - \$2,600 (M-07)
**UNDERGROUNDING UTILITY LINES - RIVIERA ISLES –
SPECIAL ASSESSMENT PROGRAM**

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute Task Order 1 with Keith and Schnars, P.A., in the amount of \$2,600 - plus an additional \$1,000 for associated printing

and certified mailing costs – civil engineering utility design, construction management, appraisal and community outreach consultant services for undergrounding utility lines - Project 11632 Riviera Isles and appropriating \$2,600 for task order and an additional \$1,000 for associated printing and certified mailing costs.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0001

CONSTRUCTION AGREEMENT - FLORIDA DEPARTMENT OF TRANSPORTATION COMMERCIAL BOULEVARD RIGHT-OF-WAY IMPROVEMENTS - FIRE STATION 35 (M-08)

No budgetary impact.

A motion authorizing the proper City Officials to enter into a construction agreement with Florida Department of Transportation for improvements in the Commercial Boulevard right-of-way - Fire Station 35.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0016

REVOCABLE LICENSE - HOUSING AUTHORITY – NORTHWEST GARDENS III TEMPORARY ROAD CLOSURES - NW 14 TERRACE AND NW 14 AVENUE (M-09)

No budgetary impact.

A motion authorizing the proper City Officials to execute a Revocable License with Housing Authority for temporary closure of NW 14 Terrace and NW 14 Avenue rights-of-way between NW 8 Street and NW 9 Street - Northwest Gardens III.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0026

CHANGE ORDER 3 - THUNDER DEMOLITION, INC. - \$17,146.14 - ADD 11 WORK DAYS HOLIDAY PARK MAINTENANCE AND STORAGE BUILDING (M-10)

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute Change Order 3 with Thunder Demolition, Inc., in the amount of \$17,146.14 and the addition of eleven work days to contract period - Holiday Park Maintenance and Storage Building - Project 11074.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1867

AGREEMENT - COMMUNITY REDEVELOPMENT AGENCY – (M-11)
OFFICE RELOCATION 101 BUILDING - NE 3 AVENUE - \$2,500 MONTHLY*

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to enter into agreement with City's Community Redevelopment Agency (beach area) - office space - 101 Building on NE 3 Avenue - monthly cost of \$2,500.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1864

*The Funds Appropriation/Transfer section (Exhibit 7) of this Commission Agenda Report (10-1864) was revised. A copy of the exhibit is attached to these minutes.

GRANT EXTENSION - HAZARD MITIGATION GRANT PROGRAM – (M-12)
\$1,306,171 SUBGRANT AGREEMENT MODIFICATION –
FLORIDA DIVISION OF EMERGENCY MANAGEMENT

No budgetary impact.

A motion authorizing: 1) extension of Hazard Mitigation Grant Program subgrant agreement to June 30, 2011 and 2) proper City officials to execute all necessary documents to finalize extension, including the corresponding modification to subgrant agreement with Florida Division of Emergency Management.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1851

CONTRACT RENEWALS - APRIL, MAY AND JUNE 2011 (M-13)

Please see funding information attached to these minutes.

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

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1823

CONSENT RESOLUTION

CHANGE ORDER 1 - MOLLOY BROS. INC. - \$12,860.67 (CR-01)
ANNUAL UTILITIES REPAIR CONTRACT

Please see funding information attached to these minutes.

A motion authorizing Change Order 1 with Molloy Bros. Inc., in the amount of \$12,860.67 - additional work - 2010-2011 Annual Utilities Repair Contract - Project 11612 and a resolution amending fiscal year 2010-2011 final operating budget by appropriating \$12,860.67 for the contract and \$2,186.32 for 17 percent engineering.

Recommend: Motion to approve and to adopt resolution.

Exhibit: Commission Agenda Report 10-1879

RESOLUTION NO. 11-03

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011 BY TRANSFERRING AND APPROPRIATING FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED, AND PROVIDING FOR AN EFFECTIVE DATE.

AMEND OPERATING BUDGET - APPROPRIATION - \$75,491 (CR-02)
REPAIR AND REBUILD AERATOR/MIXERS

Please see funding information attached to these minutes.

A resolution amending fiscal year 2010-2011 final operating budget by appropriating \$75,491 to repair and rebuild mechanical aerator/mixers at Lohmeyer Wastewater Treatment Plant.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1845

RESOLUTION NO. 11-04

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 - \$26,100 (CR-03)
CLEARWELL AND AERATION BASIN INSPECTION AND CLEANING –
WATER TREATMENT PLANTS

Please see funding information attached to these minutes.

A resolution amending fiscal year 2010-2011 final operating budget by appropriating \$26,100 to inspect and clean seven clearwells and one aeration basin at Fiveash Water Treatment Plant and one clearwell at Peele Dixie Water Treatment Plant.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1847

RESOLUTION NO. 11-05

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.

MAINTENANCE MEMORANDUM OF AGREEMENT - (CR-04)
FLORIDA DEPARTMENT OF TRANSPORTATION
PAVER BLOCK MEDIAN ISLAND - NE 26 STREET AND COMMERCIA BOULEVARD

No budgetary impact.

A resolution authorizing the proper City Officials to execute a landscape maintenance memorandum of agreement with Florida Department of Transportation for City maintenance of a paver block median island in the intersection of Commercial Boulevard and NE 26 Avenue to be constructed by Florida Department of Transportation.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1848

RESOLUTION NO. 11-06

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

EXECUTE A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF A PAVER BLOCK MEDIAN ISLAND AT THE INTERSECTION OF COMMERCIAL BOULEVARD AND NE 26 AVENUE.

AMEND OPERATING BUDGET - APPROPRIATION - \$20,000 (CR-05)
ANALYSIS UPDATES - LOHMEYER WASTEWATER TREATMENT PLANT

Please see funding information attached to these minutes.

A resolution amending fiscal year 2010-2011 operating budget by appropriating \$20,000 for 2011 annual updates to Capacity Analysis Report and Large Users Replacement and Renewal Analysis at Lohmeyer Wastewater Treatment Plant.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1862

RESOLUTION NO. 11-07

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.

AMENDMENT ONE - MAINTENANCE MEMORANDUM OF AGREEMENT (CR-06)
STATE ROAD A-1-A - MEDIAN AND SIDEWALK - FLORIDA DEPARTMENT OF TRANSPORTATION

No budgetary impact.

A resolution authorizing the proper City Officials to execute amendment one to Maintenance Memorandum of Agreement with Florida Department of Transportation - State Road A-1-A between East Oakland Park Boulevard and Flamingo Avenue.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1873

RESOLUTION NO. 11-08

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT TO THE MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR LANDSCAPING IMPROVEMENTS TO STATE ROAD AIA.

AMEND OPERATING BUDGET - APPROPRIATION - \$67,500 (CR-07)
COMMUNITY BUS SERVICES - HOUSING AUTHORITY

Please see funding information attached to these minutes.

A resolution amending fiscal year 2010-2011 final operating budget by appropriating Broward County funds to be authorized to pay for 2010-2011 community bus services provided by the Housing Authority.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1874

RESOLUTION NO. 11-09

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 - REV. DR. MOSES MONROE, SR. STREET (CR-08)
NW 22 STREET BETWEEN NW 29 AVENUE AND NW 21 AVENUE

No budgetary impact.

A resolution adding the name "Rev. Dr. Moses Monroe, Sr. Street" to section of NW 22 Street between NW 29 Avenue and NW 21 Avenue.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1877

RESOLUTION NO. 11-10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA ADDING THE NAME "REV. DR. MOSES MONROE, SR." TO THE SECTION OF NW 22ND STREET BETWEEN NW 29TH AVENUE AND NW 21ST AVENUE.

GRANT APPLICATION - ENHANCED MARINE LAW ENFORCEMENT (CR-09)
GRANT PROGRAM - BROWARD COUNTY - \$160,062 –
BOATING SAFETY INITIATIVES

No current year budgetary impact. The EMLEG Program does not require a cash match.

A resolution authorizing the proper City Officials to apply for Enhanced Marine Law Enforcement Grant Program in support of boating safety initiatives, in the amount of \$160,062, from Broward County.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1860

RESOLUTION NO. 11-11

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A 2011-2012 ENHANCED MARINE LAW ENFORCEMENT GRANT (EMLEG) PROGRAM FROM THE BROWARD COUNTY MARINE ADVISORY COMMITTEE IN THE AMOUNT OF \$160,062.00.

RESCHEDULING JANUARY 18, 2011 CITY COMMISSION MEETINGS (CR-10)

No budgetary impact.

A resolution rescheduling January 18, 2011 City Commission regular and conference meetings to January 19, 2011 due to Martin Luther King, Jr. holiday.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1764

RESOLUTION NO. 11-12

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA,

RESCHEDULING THE JANUARY 18, 2011, REGULAR
AND CONFERENCE MEETINGS OF THE CITY
COMMISSION TO JANUARY 19, 2011.

PURCHASING AGENDA

105-10552 - FINANCIAL ADVISORY SERVICES - \$25,000**(PUR-01)**

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

Bids Solicited/Rec'd: 845/4

Exhibit: Commission Agenda Report 11-0025

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

606-10451 - CAMP DRESSER & MCKEE INC. - \$149,466**(PUR-02)****EXECUTIVE AIRPORT - MASTER DRAINAGE STUDY AND PLAN**

Please see funding information attached to these minutes.

Contract with Camp Dresser & McKee Inc., in the amount of \$149,466 - engineering services – Executive Airport (FXE) Master Drainage Study and Plan and transfer funds to FXE Master Drainage Study and Plan - Project 11583.

Recommend: Motion to approve.

Vendor: Camp Dresser & McKee Inc.
Cambridge, MA
A Massachusetts corporation with offices in Fort
Lauderdale, FL

Amount: \$149,466.00

Bids Solicited/Rec'd: 643/11

Exhibit: Commission Agenda Report 10-1791

The Procurement Services Department has reviewed this item and recommends approval of the Agreement with Camp Dresser & McKee Inc.

**412-10660 - CLEARWELLS AND AERATION BASIN –
INSPECTION AND CLEANING - \$26,100
FIVEASH AND PEELE DIXIE WATER TREATMENT PLANTS**

(PUR-03)

Please see funding information attached to these minutes.

Inspection and cleaning of clearwells and aeration basin at Fiveash and Peele Dixie Water Treatment Plants is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Underwater Solutions, Inc. of Massachusetts
Mattapoisett, MA

Amount: \$26,100.00

Bids Solicited/Rec'd: 1524/3

Exhibit: Commission Agenda Report 10-1840

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

**CONTRACT EXTENSION - RECYCLING COLLECTION SERVICES -
\$379,227**

(PUR-04)

Please see funding information attached to these minutes.

Ninety day extension to recycling collection services contract is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Choice Environmental, Inc.
Miami, FL.

Amount: \$379,227.00 3 month total

Exhibit: Commission Agenda Report 10-1878

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

513-10641 - SPECIAL EVENT CLEAN-UP SERVICES - \$70,979.50

(PUR-05)

Please see funding information attached to these minutes.

One-year contract with three, one-year renewal options for special event clean-up services is being presented for approval by Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: Weed-A-Way, Inc.

Hollywood, FL
Amount: \$70,979.50 (estimated)
Bids Solicited/Rec'd: 1409/7
Exhibit: Commission Agenda Report 10-1868

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

715-10620 EMPLOYEE ASSISTANCE PROGRAM (PUR-06)
(NOT TO EXCEED \$32,771.50)

Please see funding information attached to these minutes.

Contract to purchase employee assistance program services from EAP of South Florida, LLC, is being presented by the Human Resources Department for approval.

Recommend: Motion to approve.
Vendor: EAP of South Florida, LLC
 Fort Lauderdale, FL
Amount: \$32,771.50 (not to exceed)
Bids Solicited/Rec'd: 490/3
Exhibit: Commission Agenda Report 10-1865

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

The following items were removed from the Consent Agenda:

Motion made by Commissioner Roberts and seconded by Vice Mayor Rogers that Consent Agenda Items CR-10, PUR-01, and PUR-05 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

The City Clerk drew attention to a funding correction for item M-11 that was provided to the Commission. See page 6 (M-11 in consent agenda).

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

RESCHEDULING JANUARY 18, 2011 CITY COMMISSION MEETINGS (CR-10)

In response to Vice Mayor Rogers, Mayor Seiler explained the purpose of the rescheduling is to allow staff adequate time to prepare the agenda in light of the Martin Luther King, Jr. holiday.

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

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

(PUR-01)

Commissioner Rodstrom removed this item from the consent agenda.

Kirk Buffington, Director of Procurement Services, explained this item was going to be presented on December 21, 2010 with a recommendation to award to Public Financial Management, Inc. (PFM). However, some miscalculations (in the bid tabulation) were found. He elaborated upon the miscalculations. However, the raw scores of the first and second-ranked proposers, PFM and First Southwest Company, respectively, were unchanged by the recalculations.

Commissioner Rodstrom questioned how to proceed regarding possible false statements made by a representative from Fidelity Financial Services, L.C. (FFS), a subcontractor of PFM. In response to Mayor Seiler, Mr. Buffington explained the City ultimately chooses the subcontractors. The City Attorney advised that the contract is based on a proposal that reflects the subcontractor. If the City chooses not to approve the subcontractor, it is best to defer approval of the bid. Mr. Buffington explained the current extension with (FFS) expires on January 15. In response to Commissioner Rodstrom, Lynda Flynn, Interim Director of Finance, noted upcoming financing items, but felt that two days without a financial advisor would not be detrimental (if this item is deferred to January 19). Mayor Seiler thought (the FFS representative) should be heard before the Commission's decision is made. Commissioner Rodstrom agreed.

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts to defer the item to January 19, 2011.

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

513-10641 - SPECIAL EVENT CLEAN-UP SERVICES - \$70,979.50

(PUR-05)

Robert Walsh, 401 East Las Olas Boulevard, thought the City could save money by using inmate clean-up crews instead of a contractor. Phil Thornburg, Parks and Recreation Director, explained that community service workers are used quite frequently, but not inmates. It was further explained that the goal is for cleanup of night events before morning. The New Year's event clean-up, for example, began at approximately 3 a.m. and there would be a cost associated with supervision.

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

MOTIONS

**NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT (MD-01)
RENEWAL - \$17,284**

Please see funding information attached to these minutes.

A motion authorizing payment, in the amount of \$17,284, to Florida Department of Environmental Protection - National Pollution Discharge Elimination System annual permit renewal fee.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1855

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

**PROPRIETARY - LIFEPAK 15 CARDIAC MONITOR/DEFIBRILLATORS- (MD-02)
\$1,067,861**

Please see funding information attached to these minutes.

Purchase forty-three replacement LifePak 15 Cardiac Monitor/Defibrillators is being presented for approval by Fire-Rescue Department.

Recommend: Motion to approve.

Vendor: Physio-Control, Inc.
Redmond, WA

Amount: \$1,067,861.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1741

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

Vice Mayor Rogers raised the issue that the LifePak 15 defibrillators had been recalled. Jeff Justinak, Fire Rescue Chief, confirmed there was an FDA recall on the defibrillators manufactured between March 26 – December 15, 2009, and the malfunction was corrected. This will not impact these defibrillators as they were manufactured subsequent (to the recall). (The recall) was satisfied as of August 4, 2010.

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, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

RESOLUTIONS

LOT CLEARING AND CLEANING – SPECIAL ASSESSMENT LIENS FOR ASSOCIATED COST (R-01)

No Budgetary Impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-0002

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-01

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, MADE PURSUANT TO CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE REPORT ATTACHED HERETO THE COST AND EXPENSE OF LOT CLEARING AND IMPOSING A SPECIAL ASSESSMENT LIEN AGAINST EACH PROPERTY FOR THE ASSESSED AMOUNT, AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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

BOARD AND COMMITTEE APPOINTMENTS (R-02)

No budgetary impact.

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

- | | |
|---------------------------------------|--|
| Affordable Housing Advisory Committee | Edwin P. Parke (Consensus)
Bradley Deckelbaum (Commissioner Rodstrom) |
| Audit Advisory Board | John J. Zullo (Vice Mayor Rogers) |
| Beach Redevelopment Board | Chuck Malkus (Mayor Seiler) |

- Jordana L. Jarjura (Commissioner Roberts)
- Melissa Milroy (Commissioner Roberts)
- Mel Rubinstein (Commissioner Rodstrom)
- Judith Scher (Commissioner Rodstrom)
- Bradley Deckelbaum (Commissioner DuBose)
- Tim Schiavone (Commissioner DuBose)

- Cemetery System Board of Trustees
 - Larry M. Ott (Mayor Seiler)
 - Jonathan Pearson (Mayor Seiler)
 - Damon R. Adams (Commissioner Roberts)
 - Susan Telli (Commissioner Rodstrom)
 - Delores Sallette (Commissioner DuBose)

- Code Enforcement Board
 - Joan Hinton (Consensus)
 - Joshua D. Miron (Consensus/Alternate)
 - Janice J. Sheppard (Consensus)
 - Chad Thilborger (Consensus)

- Community Appearance Board
 - Kelvin D. Curtis (Mayor Seiler)
 - Kenneth Green (Commissioner DuBose)

- Economic Development Advisory Board
 - Cary Goldberg (Mayor Seiler)
 - Alfred C. Calloway (Vice Mayor Rogers)

- Historic Preservation Board
 - Gretchen Gettemy Thompson (Mayor Seiler)

- Nuisance Abatement Board
 - Louise Dowdy (Consensus)
 - Sal Gatano (Consensus)
 - D. Ryan Saunders (Consensus)
 - Matthew H. Scott (Consensus)
 - Tom Wolf (Consensus)
 - Richard P. Schulze (Consensus/Alternate)

- Sustainability Advisory Board
 - Jon Albee (Mayor Seiler)
 - Donna Guthrie (Commissioner DuBose)

- Utility Advisory Committee
 - Maria Canady (Commissioner DuBose)

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-02

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

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

CITIZEN PRESENTATIONS

ROBERT WALSH – RESIDENTS MEETING WITH CITY STAFF**(CIT-01)**

Mr. Walsh claimed there was a recent problem related to a resident demanding a meeting with the City Attorney. He believed City staff should be accessible to the public; but, for security reasons, he thought visitors should register with the security desk. He noted the security measures taken at certain Broward County government offices. He recalled the recent shooting at a Panama City school board meeting.

**ART SEITZ – LIFEGUARDS, PARKING, PORTABLE BOARDWALK,
IRELAND’S INN, A-1-A GREENWAY – SCENIC HIGHWAY GRANT
APPLICATION, INTERNATIONAL SWIMMING HALL OF FAME****(CIT-02)**

Mr. Seitz suggested a City park be named after Gerry Cooper, in similar fashion to Peter Feldman park.

He claimed riptides caused three drownings in one month before lifeguards were placed on duty. A north ocean rescue station and beach patrol facilities are needed north of 18th Street, up to East Oakland Park Boulevard. He elaborated upon past plans by Ireland’s Inn for beach patrol facilities. He contended more lifeguards are placed in tourist areas than others. He elaborated upon possible funding sources.

He claimed the Centennial Celebration Committee endorsed the “gator bridge” project a year ago. He recalled Mayor Seiler offering to followup on it. Mayor Seiler clarified why he did not pursue this project, noting the committee did not give it top ranking. Also, the bridge is being considered for replacement in the near future. If the committee changes their position, he offered to follow up.

He wanted the Citizen Presentations to be scheduled earlier in the meeting because he felt a possible long wait discourages elderly residents from participating.

He claimed the minutes of the joint meeting of the Beach Redevelopment Advisory Board and the Community Redevelopment Agency are still not posted on the website. Mayor Seiler indicated the minutes have been completed and offered to provide Mr. Seitz a copy. Mr. Seitz stressed the minutes should be public record and close to verbatim. The City Clerk offered to help Mr. Seitz locate the minutes posting.

Over a year ago, Mr. Seitz claimed the Beach Redevelopment Advisory Board raised the idea of signage at the city’s entrances, similar to what was approved for War Memorial Auditorium at the request of the Performing Arts Center; but he felt the request was ignored. However, he claimed these signs exist in other parts of the city. He thought the signs would generate more interest in city events. Diana Alarcon, Director of Parking and Fleet Services, explained these signs are not legal based on the City’s current ordinance. Mayor Seiler explained special ordinances were adopted to place them at War Memorial Auditorium and the Performing Arts Center. Mr. Seitz claimed a sign is also at the front entrance of Dillard High School.

Commissioner Rodstrom clarified that she voted for a lifeguard stand, not beach cleaning equipment, when the Ireland's Inn project came before the prior Commission.

PUBLIC HEARINGS

REZONING TO PARK, RECREATION AND OPEN SPACE- (PH-01)
CORAL RIDGE PARK - CITY OF FORT LAUDERDALE - CASE 11-Z-10

No budgetary impacts.

Applicant: City of Fort Lauderdale
Location: 2401 NE 27 Avenue
Current Zoning: Residential Single-Family/Low Density District RS 4.4
Proposed Zoning: Park, Recreation, and Open Space P
Future Land Use: Park and Open Space

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

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

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

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-01

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM "RS-4.4" TO "P"; LOT 10, BLOCK 4, "CORAL RIDGE GALT ADDITION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 27, PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT THE NORTHWEST INTERSECTION OF NORTHEAST 24TH STREET, NORTHEAST 27TH TERRACE AND BAYVIEW DRIVE, 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: Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, 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

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; and 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 Vice Mayor Rogers to close the public hearing. Roll call showed: YEAS: Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: Commissioner DuBose

Commissioner DuBose questioned the rush and pointed out that there is contention in District III regarding this which he is trying to work through. He indicated his receipt of a letter, dated December 17, 2010, from Ben Williams of the School Board. A copy of the letter was made a part of the record. He requested deferral to March 1 to allow him more time for due diligence. He noted Mr. Williams was to speak to their district staff during the first week of January regarding this property. He was uncertain of the school board's position.

Greg Brewton, Director of Planning and Zoning, pointed out the letter from Mr. Williams is the only official document received from the school board. He agreed with Mayor Seiler that Mr. Williams does not state a position. He noted the City's acknowledgement that the property zoning is incorrectly reflected. The City has no record of a commitment to reserve this property for the school board's use. In response to Commissioner Roberts, he believed the issue regarding title to the property has been resolved. Historical records indicate this property was zoned and used as residential property from day one; but Mickey Hinton, who grew up in the area, strongly believes the property was meant to be used as a park. The City does not object, but has no evidence of it. Commissioner DuBose indicated that a number of people agree with Mr. Hinton.

Tam English, Executive Director, Housing Authority, pointed out this is the sixth request in seven months for this case to be heard. The request is to correct a (zoning) error made in approximately 1997. From 1957 to present, the Housing Authority has operated multi-family housing on this property. In 1997, the zoning was mistakenly changed to park. He chronicled the chain of events that led to their request to restore zoning to residential multi-family. The Housing Authority is satisfied with the current request of 15 units per acre (RM-15), rather than 25 (RMM-25). He referred to information in Commission Agenda Report 11-0008. He indicated that title issues are not relevant to the zoning; but the property is owned free and clear, and copies of the deeds have been

provided in the backup. He requested zoning be restored to allow the Housing Authority to continue operating the existing (residential) units; other issues can be considered before second reading. The school board has not expressed interest in the property. He recalled Ben Williams told him the school board is not purchasing property because of budget constraints. Further, the (nearby) school is under-enrolled by 50 percent so no additional property is needed.

In response to Mayor Seiler, Mr. English explained applications for next year's funding cycle must be submitted by March 1, and he needs to know what property can be included in the application. He stressed time is of the essence because the application takes approximately four weeks to complete. In response to Commissioner Rodstrom, he confirmed the property is not being used as a park; people are living there. He referred to the map in the backup. The overall site was developed before the school and the park. He must be certain the property is zoned properly before the application is submitted.

In response to Vice Mayor Rogers, Mr. English explained this parcel represents about ten units of a larger property, 125 to 150 units, to be submitted for funding. However, the zoning was not changed in time last year, so the property was separated. In terms of comparability to the original multi-family zoning, Mr. English reviewed the history of the zoning categories and elaborated upon zoning for similar nearby developments. The Housing Authority has accepted the lower density. Architectural designs are not made until funding is received, but the project will likely include two buildings with five townhouses. He confirmed that only the proposed parcel is to be redeveloped.

The City Attorney explained that the advertising for second reading is no longer fresh, due to the number of deferrals. He did not believe it could be scheduled for second reading on January 19. Therefore, he suggested the item be approved tonight, with the second reading scheduled for February 1 which will allow adequate time for advertising and for Commissioner DuBose to complete his due diligence.

If the school board is uninterested, Commissioner DuBose thought it was contradictory that Mr. Williams would have just sent a letter about the property. He reiterated that there seems to be a rush on this item. In response to Commissioner DuBose, Mr. English maintained that the application was originally due in January, but was deferred to March. Commissioner DuBose thought the deadline was later. Mr. English questioned why the City would not simply correct the zoning designation error. Mayor Seiler stressed there has been some documentation consistent with this property remaining residential; but there has been no evidence proving a mistake. He believed it is unfair to make the claim of an error.

Commissioner Rodstrom thought there should be some documentation for any zoning or rezoning. Mr. Brewton confirmed that staff is unaware of what occurred in 1997. Mayor Seiler indicated it is possible this was not a mistake and done intentionally. In response to Commissioner Rodstrom, Mr. Brewton maintained that the 1957 zoning shows it as residential. But, in 1983 and 1997 the land use and zoning; the line shifted. In response to Mayor Seiler, Mr. Brewton advised that former District III Commissioner Carlton Moore had not been consulted. Mr. English explained that Broward County made the land use change in 1983. Some discussion ensued whether that land use change was brought before the City Commission. Mr. Brewton explained this was part of the City's overall zoning change that occurred in 1997, including the ULDR (Unified Land Development

Regulations) re-write. Mr. English reasoned that the City would have likely sought to acquire the land if it intended to use it as a park. The zoning is not correct for school use either. Mayor Seiler reiterated it is clearly implied the land was intended to remain residential because nothing was done to make it a park. But there is no documentation to provide certainty.

Robert Lochrie, representing the Applicant, drew attention to Exhibit 7 of the commission agenda report. A copy is attached to these minutes. He noted staff found the existing property designation to be educational in 1987. But, it was not educational; there were residential buildings on the property. He claimed this was a mistake. Subsequently, the land use was designated park; and then the zoning as well. But, people were living in the same residential buildings that are there today. He contended that errors were made between 1983 and 1987 when the City developed the existing land use map. At that time, the map was hand-drawn with markers. He thought the zoning error resulted in the marker simply being carried down too far on the map. In response to Mayor Seiler, Mr. Brewton confirmed that the 1955 zoning map on page 4, Exhibit 7, depicts multi-family zoning (R-3) which is now categorized as RMM-25. Mr. Lochrie noted that the proposed RM-15 zoning is more restrictive than the former R-3 classification.

Former Commissioner John Aurelius recalled the ULDR re-write was a massive project in which staff made some errors. Each commissioner did their best to review each parcel of land. However, for eighteen months after the re-write, most agendas included a rezoning item to correct the errors made in 1997. He noted errors were also made in the land use done prior to 1997. He thought the City originally made the mistake.

Mr. Brewton thought that the neighborhood believes that between 1955 and 1997, there was a commitment made to preserve this area for future park use; although staff does not have any supporting evidence. This is the issue, not that the zoning should probably go back to residential.

Motion made by Commissioner DuBose and seconded by Commissioner Rodstrom to defer the item to March 1, 2011 was later changed to February 15, 2011.

Vice Mayor Rogers mentioned that the school board would have no say in the matter if the promise of park was made. Commissioner DuBose explained in such case, he questioned why the school board sent the letter. In response to Mayor Seiler, the City Auditor clarified that the application deadline is early April, not March. Mayor Seiler suggested the item be deferred to February 15, 2011. In light of the number of prior deferrals, Commissioner Rodstrom did not want the item to be deferred beyond this point.

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

Mayor Seiler requested Mr. Brewton consult former District III Commissioner, Carlton Moore, to determine whether the zoning change was intended.

ORDINANCE NO. C-11-

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.

ORDINANCES

SOUTH ANDREWS AVENUE MASTER PLAN AND DEVELOPMENT GUIDE – IMPLEMENTATION- ESTABLISH ZONING DISTRICTS AND REZONE PROPERTIES	(O-01)
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No Budgetary Impacts.

Applicant: City of Fort Lauderdale

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; some members announced the same disclosures indicated on first reading.

Mayor Seiler opened the floor for public comment.

Susan McClellan, chair of the Historic Preservation Board, read her e-mail to the Commission dated, January 4, 2011, requesting deferral, with an additional quote from the president of the Woman's Club on opening day of the club. A copy of the email is attached to these minutes. Two letters from the Woman's Club, dated January 23, 1916 and March 13, 1916, concerning the Woman's Club building site, were made a part of the record.

Alysa Plummer, president of Sailboat Bend Civic Association, read her written statement on this item requesting deferral. The statement is attached to these minutes.

Sasha Parker, 2000 South Andrews Avenue, indicated that she owns property at this address. The business is called Transform Age Management Vitality Institute. It took four years to renovate the building. With the proposed zoning, she would not have had to go through this. She read her written statement supporting this item which is attached to these minutes.

Wendy Walker, founding member of SABA (South Andrews Business Association) and South RAC (Regional Activity Center) Initiative, indicated that she represents the twenty

property owners who participated in the South RAC rezoning. She expressed support of this item. She believed it will revitalize the area. She clarified that they participated in the Main Street Program with the hope of funding for a coordinator to assist the area, not for preservation.

Howard Steinholz, 1424 South Andrews Avenue, indicated that he owns property at this address. He has conducted his business in this building for twenty years. There are a number of deteriorated buildings in this area. He expressed support of this item. He thought improvement and redevelopment is critical, and it can meet preservation issues, if there are any. .

Judge Kathleen Ireland, 114 SE 13 Street, noted she has come to regard much of this project as positive. She expressed concern about the connection between historical designations and the proposed zoning. She considered historical zoning to be a taking, unless requested by the property owner. Such a designation limits what can be done with the property. Her home was built in 1939. She noted that four of the six residents on her block agree with her, and one opposes. In response to Mayor Seiler, she confirmed that she and some of her neighbors want to be included in this zoning and are currently not within the boundaries. She wanted to see this move forward. Until the designation of the properties is clear, no one will have an interest in purchasing any properties. She felt the boundary should extend to 3rd. In response to the request to delay to allow for historical input, she contended that historical designation and zoning do not belong together.

Orlando Sharpe, Sharpe Project Developments, Inc., 1212 South Andrews Avenue, noted their properties. He commended the Historic Preservation Board for their review of this plan but explained this is about a rezoning approval process and not any particular buildings or property. Unlike other parts of the city, he claimed it is troublesome and costly to get approval for development on Andrews Avenue. He believed this item will streamline and facilitate the process for this area. He expressed support of the item.

John Phillips, 1401 South Andrews Avenue, noted his property ownership in the area over the past thirty years. Over time, activity in the area has declined. At one time, he wanted to convert his property into a deli, but the zoning requirements were too costly. He believed the deli conversion could have been accomplished if this ordinance was in place then. He felt the idea of historical designation is disingenuous at this late stage. If this item is placed on hold for historic purposes, the Andrews Avenue area will continue to decline. He urged the Commission to move forward with this item.

Former Commissioner John Aurelius, indicated that he represents land owners of Brownie's Bar and the Stone family, who own area properties totaling 4-5 acres. Mr. Stone was told that two properties of his concern, especially 99 SW 14 Street, were included in the district. For properties on the west of SW 1 Street, light industrial zoning is allowed that would be compatible to the Stone family's other tenants. This one block between 13th and 14th is different with respect to permitted uses and he would like this rectified without having to go through a rezoning process. Otherwise, he supports this item. With respect to historical designations, he did not think apples and pears should be mixed.

In response to Commissioner Rodstrom, Mr. Aurelius explained he has never checked the museum's (Fort Lauderdale Antique Car Museum) zoning but indicated the property is dedicated to the public. He thought the museum would be helped by this ordinance because of the parking requirements. Greg Brewton, Director of Planning and Zoning, indicated that the museum's zoning will not be changed.

Courtney Crush, representing South RAC, Inc., expressed support of this item that will maintain the area's character while allowing it to redevelop in a consistent, desirable manner. She noted the City's plans to conduct an assessment with respect to historical designations. She did not see a connection between this plan and such an assessment.

David Crosby, 1918 South Andrews Avenue, indicated he owns property at this address. He elaborated upon difficulty in renting and utilizing this building for the last ten years because of parking restrictions. He thought historic designation should be separate from this plan.

Janna Lhota, representing United Way of Broward County, expressed support of this item. She thought historic preservation and rezoning of this area should not be intermingled. She believed the ULDR (Unified Land Development Regulations) has provisions to address historic preservation issues. She pointed out the United Way currently has two zonings with their property. The proposed ordinance will serve to unify the property. She urged approval of this item.

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

In response to Mayor Seiler, Mr. Brewton advised that from a planning perspective, the proposed zoning change would not impact any possible historic preservation. Historically they have been treated as two separate issues. However, if the project's direction is changed now and lots are rezoned to a historic classification, it might be necessary to start over. The City Attorney explained that normally historic preservation would be considered in the area of land use planning. Zoning is done in conformity with the land use plan. There are two approaches to historic preservation. One is a zoning approach where the property is zoned at H-1 and the other is a historic district. Unless a specific piece of property is being considered for rezoning to H-1 or creating a special district, it is not appropriate to consider it, other than as a land use element, when doing a rezoning. In response to Commissioner Rodstrom, Mr. Brewton advised a fifteen story or 150 feet height would require Commission approval; a height of 110 feet is permissible. The current zoning allows fifteen stories. Consideration of neighborhood compatibility is contained in the plan. Also, any new project in this plan is subject to call-up by the Commission. Commissioner Rodstrom expressed support of redeveloping the area, but was concerned about aesthetics, specifically in terms of building height. Some discussion ensued about existing examples of building heights in this district.

In response to Mayor Seiler, Anthony Fajardo, Planning and Zoning, elaborated upon discussion at yesterday's Historic Preservation Board's (board) meeting. From a staff perspective, he informed the board that this rezoning and historic preservation are two separate issues; the historic preservation ordinance would still apply. He added that Carrie Sarver, the presiding Assistant City Attorney, agreed with his statement to the

board. Mayor Seiler noted this issue has been ongoing for eight years. He questioned why a historic preservation issue surfaces now. Mr. Fajardo advised that it was a unanimous vote of six members with two members recusing themselves and other absences. He elaborated upon the discussion. Mr. Brewton clarified that staff is not insensitive to historic preservation, but they believe it is covered. The proposed plan includes a written statement covering historic preservation, but the current zoning has no provisions for it.

In response to Commissioner Rodstrom, Ms. McClellan clarified that, although she does not want to thwart positive change, some of the area's buildings should be recognized with a historic designation. The City should have a current survey that correlates with this ordinance. It does not mean that all of the buildings will be preserved. She referred to other cities with historic elements that have been able to make a viable downtown and make changes. She indicated that a historic designation is not a taking of a property. The board is working to strengthen the language in the historic preservation ordinance so that all elements can work. Commissioner Rodstrom pointed out the historic preservation work could be done after this rezoning is approved. Ms. McClellan reiterated there is no historic survey of the area which is her primary request. She suggested an amendment assuring that a survey is done.

In response to Mayor Seiler, Mr. Brewton explained that, in general, historic surveys are not included in master plans. Commissioner Rodstrom thought that might be attributable to the thinking of the previously seated Commission. Mr. Fajardo indicated that a survey was included in the beach master plan, and in May-June of 2003 for this master plan. Copies have not yet been provided to the Historic Preservation Board. Mayor Seiler that information be provided to the Commission.

The following information was provided in response to questions raised by Mayor Seiler. In terms of the light industrial zoning issue raised by former Commissioner Aurelius, Mr. Brewton explained that staff's recommendation is based on existing zoning. The current zoning is CB (community business), not industrial. Mr. Fajardo reviewed the slide of the proposed zoning districts. A copy of the slide (Exhibit 6) is attached to these minutes. The delineating zoning lines were drawn in 1996 and exist today. Mayor Seiler agreed that Mr. Aurelius' client's property and Judge Ireland's property should be incorporated in the boundaries. Mr. Brewton agreed to present those properties who wish to be considered after an analysis and proper notice are completed. He could not confirm whether there was a miscommunication with the Stone family, but staff wants to be certain proper protocol is followed for the zoning change.

In response to Mayor Seiler's question about reference to historic preservation in the master plan and development guide, Mr. Fajardo drew attention to Exhibit 4, Chapter II, page 5 of the commission agenda report. He offered to provide copies of the photographic inventory or survey completed in 2003. Mayor Seiler stressed the importance of not losing sight of this area's historical buildings. Mr. Fajardo mentioned that the historical aspect has been acknowledged throughout the entire process. He went on to point them out. The master plan and development guide accompanies the ordinance to explain what is suitable for the area to developers. The City Attorney clarified that the ordinance does not cross-reference the master plan. The cross-reference is the fact that the ordinance is implementing the master plan. The implementation of the master plan is the ordinance. The design standards are incorporated in the ordinance by reference.

Vice Mayor Rogers felt the Commission is mindful of historic preservation. He elaborated upon preservation issues they have addressed. If the survey is incomplete, he wanted to direct the Acting City Manager to ensure its completeness. He noted that there are a significant number of historical sites outside of this district. This project has been underway for ten years; it has not been rushed. It is not a cure-all, but will help the area. The potential economic impact is needed, and it is time to move forward. He also wanted to move forward with a historic preservation ordinance because there is no current protection.

Commissioner Roberts agreed with Vice Mayor Rogers. He thought this exemplifies the Commission's desire to review the zoning ordinances in terms of facilitating business improvement. He asked staff to continue fine tuning the east/west (boundaries) of the proposed plan.

Mayor Seiler expressed concern about Judge Ireland's and other nearby properties being excluded, despite his request to include them. He reiterated his belief that Mr. Aurelius' point is valid. He stressed the importance of using good reasoning in developing this plan. There must be a clear explanation why a property is, either, included or excluded. He wanted the issues regarding Judge Ireland's property and Mr. Aurelius' clients to be rectified as soon as possible. In terms of historic preservation, the past cannot be overlooked, but the issues of historic preservation and rezoning are separate. Historic preservation references should not be omitted, and deserving properties should receive historic designations.

Vice Mayor Rogers introduced the following ordinance on SECOND 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 (SRAC_e) AND SRAC WEST (SRAC_w); 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: Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

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

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

**VACATE PORTION OF RIGHT-OF-WAY – 540 NW 7 AVENUE-
CASE 6-P-10 – SHOPPES ON ARTS AVENUE****(O-02)****No Budgetary Impacts.**

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

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

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

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

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

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

**CODE AMENDMENT – SECTIONS 23-111 AND 8-73 –
NEWSPAPER VENDOR EXEMPTION**

(O-04)

No budgetary impact.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, CHAPTER 23, ARTICLE IV, MOBILE VENDORS, DIVISION 2, LICENSE, SECTION 23-111, TO DELETE THE EXEMPTION FOR NEWSPAPER VENDORS; AND CHAPTER 8, ARTICLE III, PUBLIC BEACHES, DIVISION 2, REGULATION, SECTION 8-73, OFFENSES, TO DELETE THE EXEMPTION FOR NEWSPAPER SALES; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

**CODE AMENDMENT- SECTION 2-216 – ADVISORY BOARDS –
MEMBERSHIP REQUIREMENTS**

(O-05)

No budgetary impact.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-03

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 2-216, GENERAL POWER TO CREATE ADVISORY BOARDS, AND PROVIDING FOR CODIFICATION, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

Mayor Seiler opened the floor for public comment.

Robert Walsh, 401 East Las Olas Boulevard, thought that advisory board members should be required to live within the city. Mayor Seiler agreed. Commissioner Rodstrom clarified that appointment of residents is top priority. But, this ordinance allows flexibility to appoint someone who either works in or owns property within the city if a resident is not available.

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

AMENDMENT TO PAY PLAN - SCHEDULE I**(O-06)****No current year budgetary impact.**

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

In response to Mayor Seiler, the City Auditor confirmed the pay classification has been revised to a lower scale. Commissioner DuBose was not concerned about making this a permanent position, but took issue with the pay scale. It appears to be an allowance for a raise in the future. In response to Commissioner DuBose, the City Auditor did not recall the reason why it was suggested this item be removed from the December 15, 2009 agenda. Commissioner DuBose questioned the change in the request from December 15, 2009, in terms of management category and pay range, allowing for more vacation days and an increased car allowance. The City Auditor explained he initially addressed human resources to determine where to place this position. But, upon further reflection, he thought the original pay scale was inappropriate so it was revised to coincide with other positions that report directly to the Commission. He matched the management category to a recently approved deputy director position. As for management category and pay scale changes that took place between December 15, 2009 and December 21, 2010, he subsequently decided the original category and pay scale were too low, based on an in-depth review of the position and its responsibilities. It is essentially a deputy director position. Commissioner DuBose thought it appears the City Auditor altered the job classification to fulfill commitments he made to the individual while working in a temporary capacity. He reiterated his thought that this is a backdoor way of giving a raise to an employee. He has no issue with making the position permanent. The person working in the temporary position was performing the duties for less pay.

Vice Mayor Rogers indicated this is a middle management accounting position. He felt the proposed position is necessary and should be created. The City Auditor must operate within his office budget which the Commission approved and he did not believe the Commission should step in. The position is a new hire that will not be in the pension plan. Commissioner DuBose found it difficult to believe there is no budgetary impact. He noted his intent to remain consistent with these types of issues. In response to Commissioner Roberts, the City Auditor explained that the current employee has been in place for approximately nine months. The individual formerly in the position was on sick leave so there was no vacancy. That is why this individual was in a temporary capacity. Commissioner Roberts shared Commissioner DuBose's concern about consistency but pointed out that this is essentially a reclassification. He did not see a problem with recruiting someone with the promise to bring that forward subject to the Commission's approval. The individual was brought onboard with the understanding that the position would be upgraded to reflect appropriate compensation based on the task's complexity. Mayor Seiler had discussed the matter with the City Auditor and understood how this unfolded although he appreciated this discussion.

ORDINANCE NO. C-11-04

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.

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

The City Clerk requested deferral of the second reading because it was advertised for tonight.

Motion made by Vice Mayor Rogers and seconded by Commissioner Roberts to defer second reading of Ordinance No. C-11-04, to January 19, 2011. Roll call showed: YEAS: Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

Greg Brewton, Director of Planning, provided some information on upcoming Dillard High School games concerning plans to recognize Coach Marcia Pinder, Dillard High School Girls Basketball Coach.

Note: There being no other matters to come before the Commission, the meeting was adjourned at 9:40 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk