

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
JANUARY 19, 2011

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
January 19, 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 Mike Sierkierski

Invocation was offered by Pastor James Thompkins, The Love of Jesus Resurrection and Deliverance Fellowship Church, followed by the recitation of the pledge by the City Auditor.

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

Presentations

1. EXPRESSION OF SYMPATHY – FAMILY OF JOHN DARGIS (PRES-02)

Mayor Seiler and the City Commission offered a moment of silence in memory of John Dargis, former Labor Relations Director, and an expression of sympathy was extended to his wife, Donna Dargis, and family.

2. EXPRESSION OF SYMPATHY – FAMILY OF KEITH HENDEE (PRES-01)

Mayor Seiler and the City Commission offered a moment of silence in memory of Keith Hendee, former volunteer and supporter of the Fort Lauderdale Historical Society, and an expression of sympathy was extended to his family.

EXPRESSION OF SYMPATHY (OB)

Mayor Seiler and the City Commission offered a moment of silence in memory of Dr. Thomas Tufts, former local radiologist and Dr. Carroll Lee Moody, former local cardiologist, and an expression of sympathy was extended to their families.

3. CARDINAL GIBBONS HIGH SCHOOL GIRLS VOLLEYBALL TEAM DAY – JANUARY 19, 2011 (PRES-05)

Commissioner Roberts presented a proclamation designating January 19, 2011, as Cardinal Gibbons High School Girls Volleyball Team Day in the city to Kathryn Farland, Head Coach and team members. Ms. Farland thanked the Commission and the team. Mayor Seiler congratulated team member, Jessica Wynn, for being named the State's player of the year.

4. MILLS POND PARK REBEL WOMEN'S SOFTBALL TEAM DAY- JANUARY 19, 2011 (PRES-06)

Commissioner DuBose presented a proclamation designating January 19, 2011, as The Rebels Women's Softball Team Day in the city to team members. Lee Glickman, team member, thanked the Commission and the team's sponsor.

5. COMMUNITY APPEARANCE BOARD – WOW AWARD – DISTRICT I (PRES-03)

Commissioner Roberts recognized Michele and Ben Benavente who reside in Coral Ridge as the recipients of the WOW Award for District I. Mr. Benavente thanked the Commission.

6. 2010 CENSUS (PRES-04)

On behalf of the Commission, Commissioner DuBose accepted a plaque of appreciation from George Grandy, Jr., Atlanta Regional Director, United States Census Bureau, for the City's partnership and participation in the 2010 census. Mayor Seiler acknowledged the efforts of Chaz Adams, Public Information Specialist, and Petula Burks, Public Information Office.

THANKS TO CITY FOR HELP TO HAITI**(OB)**

Reverend Harrigan, Eglise Baptiste De LaGrace, thanked all of the City's residents and employees for their help in response to the earthquake in Haiti last year.

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 - RIVERWALK BLUES FESTIVAL
CLOSING SOUTH NEW RIVER DRIVE EAST****(M-01)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with It's Only Zero's, Inc. for Riverwalk Blues Festival, to be held February 12 and 13, 2011, at Huizenga Plaza and the Downtowner and closing South New River Drive East.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0040

**EVENT AGREEMENT - RIVERWALK RUN
CLOSING CITY STREETS ALONG ROUTE****(M-02)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Junior League of Greater Fort Lauderdale, Inc. for Riverwalk Run, to be held March 27, 2011, at Huizenga Plaza and closing city streets along route.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0042

EVENT AGREEMENT - MAXIM PARTY (M-03)
CLOSING WESTBOUND CURB LANE OF EAST LAS OLAS BOULEVARD

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with YOLO Music Las Olas, LLC for Maxim Party, to be held February 4, 2011, at the Plaza, 333 East Las Olas Boulevard and closing westbound curb lane of East Las Olas Boulevard from SE 3 Avenue to SE 4 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0043

EVENT AGREEMENT - A-1-A MARATHON (M-04)
CLOSING CITY STREETS ALONG ROUTE

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Exclusive Sports Marketing, Inc. of Florida for A-1-A Marathon, to be held February 20, 2011, 5:30 AM - 12 Noon, beginning at Esplanade and ending at Fort Lauderdale Beach Park and closing city streets along the route.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0067

EVENT AGREEMENT - ROTARY 5K RUN/WALK (M-05)
CLOSING CITY STREETS ALONG ROUTE

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Rotary Club of Fort Lauderdale, Florida, Inc. for Rotary 5K Run/Walk, to be held February 5, 2011, 6 AM - 9:30 AM, at Huizenga Plaza and area streets and closing city streets along route.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0066

EVENT AGREEMENT - DOMINO'S PIZZA GRAND OPENING CELEBRATION (M-06)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Domino's Pizza LLC for Domino's Pizza Grand Opening Celebration, to be held January 21 and

22, 2011, at Domino's Pizza, located at 900 South Federal Highway, contingent upon City Attorney receiving and approving a validly executed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0069

BROWARD CULTURAL TOURISM GRANT APPLICATION - \$20,000 (M-07)
2012 MEMORIAL WEEKEND BEACH ACTIVITIES

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to apply for Broward County Cultural Tourism grant funding from Broward County Cultural Division, in the amount of \$20,000 - 2012 Memorial Weekend Beach Activities.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0085

CHANGE ORDER 5 - STRAIGHTLINE ENGINEERING GROUP, LLC - \$22,465 (M-08)
CURBING AND DRAINAGE IMPROVEMENTS - MOLA AVENUE

Please see funding information attached to these minutes.

A motion authorizing Change Order 5 with Straightline Engineering Group, LLC, in the amount of \$22,465 - curbing and drainage improvements along Mola Avenue in vicinity of Pump Station D-13 - fiscal year 2010-2011 annual stamped asphalt and paving stone repairs - Project 11535.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1798

CONTRACT AWARD - HOMESTEAD CONCRETE & DRAINAGE, INC. - \$130,291 - SIDEWALK - SE 10 AVENUE - HARBORDALE ELEMENTARY SCHOOL (M-09)

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to award and execute contract with Homestead Concrete & Drainage, Inc., in the amount of \$130,291 plus 17 percent engineering fees and 10 percent contingencies - sidewalk on SE 10 Avenue - Harbordale Elementary School - Project 11597 - Safe Route to School grant program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1806

**AMENDMENT 1 TO TEMPORARY SANITARY SEWER AGREEMENT (M-10)
WASTEWATER SERVICE TO MAPEI CORPORATION - 1851 NW 22 STREET**

No budgetary impact.

A motion authorizing the proper City Officials to execute Amendment 1 to Temporary Sanitary Sewer Agreement with King of Fans, Inc. - provide wastewater service to MAPEI Corporation - 1851 NW 22 Street.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0047

**SMART WATTS REVOLVING LOAN FUND ADMINISTRATION PLAN (M-11)
ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT**

No budgetary impact.

A motion approving Smart Watts Revolving Loan Fund Administration Plan for single-family and condominium homeowners - reduced electricity costs through installation of energy efficient retrofits.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0037

**INTERLOCAL AGREEMENT - FIRE ASSESSMENT - TAX ROLL (M-12)
AND NOTICE - BROWARD COUNTY PROPERTY APPRAISER**

No Budgetary Impact.

A motion authorizing proper City Officials to execute interlocal agreement with Broward County Property Appraiser to prepare and maintain annual fire assessment tax roll and provide taxpayers with notice of proposed non-ad valorem assessment in annual Truth in Millage (TRIM) notices.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0077

PROCUREMENT OF PROPERTY INSURANCE QUOTES (M-13)

No budgetary impact.

A motion authorizing procurement of property insurance premium quotes through negotiation method.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0075

UTILITY LINE UNDERGROUNDING - COMCAST - \$77,244.27 (M-14)
NE 6TH STREET/SISTRUNK BOULEVARD STREETScape
AND ENHANCEMENT

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to issue a purchase order to Comcast, in the amount of \$77,244.27 - conversion of overhead utility facilities to underground service - NE 6th Street/Sistrunk Boulevard Streetscape and Enhancement -Project 10448

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0091

UTILITY LINE UNDERGROUNDING - AT&T - \$23,721.22 (M-15)
NE 6TH STREET/SISTRUNK BOULEVARD STREETScape
AND ENHANCEMENT

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to issue a purchase order, in the amount of \$23,721.22, to AT&T - conversion of overhead utility facilities to underground service - NE 6th Street/Sistrunk Boulevard Streetscape and Enhancement -Project 10448.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0092

NE 6TH STREET/SISTRUNK BOULEVARD STREETScape AND (M-16)
ENHANCEMENT - \$762,132 - UTILITY LINE UNDERGROUNDING –
FLORIDA POWER AND LIGHT COMPANY

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute an agreement with Florida Power and Light Company, in the amount of \$762,132 - conversion of overhead electric utility lines to underground service - NE 6th Street/Sistrunk Boulevard Streetscape and Enhancement - Project 10448.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0037

CONSENT RESOLUTION

**AMENDMENT TWO - MAINTENANCE MEMORANDUM OF AGREEMENT (CR-01)
STATE ROAD A-1-A MEDIAN - FLORIDA DEPARTMENT
OF TRANSPORTATION**

No budgetary impact.

A resolution authorizing the proper City Officials to execute Amendment Two to Maintenance Memorandum of Agreement with Florida Department of Transportation - State Road A-1-A between Cordova Road and Eisenhower Boulevard.

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0088

RESOLUTION NO. 11-17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR CITY MAINTENANCE OF LANDSCAPING IMPROVEMENTS ON STATE ROAD A1A BETWEEN CORDOVA ROAD AND EISENHOWER BOULEVARD.

**AMENDMENT 1 - WORK AUTHORIZATION - KEITH & SCHNARS - \$17,130 (CR-02)
FLAGLER DRIVE GREENWAY AND BICYCLE FACILITY**

Please see funding information attached to these minutes.

A motion authorizing Amendment 1 to Work Authorization 16724.K3 with Keith & Schnars, Inc, in the amount of \$17,130 - Flagler Drive Greenway and Bicycle Facility - Project 11193 and a resolution amending fiscal year 2010-2011 final operating budget by appropriating \$17,130 to fund the amendment.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1650

RESOLUTION NO. 11-18

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 - \$30,800
SUNRISE BOULEVARD STREETScape

(CR-03)

Please see funding information attached to these minutes.

A resolution amending 2010-2011 fiscal year final operating budget by appropriating \$30,800 – engineering and contingency costs - construct stamped asphalt on pedestrian crossings, new median landscape and repair ADA ramps on the intersections of Sunrise Boulevard between I-95 and NW 9 Avenue – Project 11194.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1849

RESOLUTION NO. 11-19

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 –
COMMUNITY BUS SERVICE ROUTES DOWNTOWN FORT
LAUDERDALE TRANSPORTATION MANAGEMENT ASSOCIATION - \$19,405.66

(CR-04)

Please see funding information attached to these minutes.

A resolution amending fiscal year 2010-2011 final operating budget by appropriating \$19,405.66 - 2010-2011 operation of community bus routes - Downtown Fort Lauderdale Transportation Management Association.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0044

RESOLUTION NO. 11-20

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

**GRANT APPLICATION - FLORIDA INLAND NAVIGATION DISTRICT – (CR-05)
\$1,108,605 DREDGING/CONSTRUCTION - INTRACOASTAL AT
LAS OLAS MARINA AND AQUATIC COMPLEX**

No budgetary impact until FY 2011-2012.

A resolution authorizing the proper City Officials to 1)apply for 2011-2012 Waterways Assistance Program Grant funds, in the amount of \$1,108,605, from Florida Inland Navigation District - dredging/construction of Intracoastal Waterway at Las Olas Marina and Fort Lauderdale Aquatic Complex (Phase II) and 2)execute all necessary documents to receive and disburse funds - matching funds and mitigation costs - \$695,495.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0038

RESOLUTION NO. 11-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A GRANT FROM THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM IN THE AMOUNT OF \$1,108,605 FOR PHASE II, DREDGING AND CONSTRUCTION COSTS FOR THE INTRACOASTAL WATERWAY IN THE VICINITY OF LAS OLAS MARINA AND THE FORT LAUDERDALE AQUATIC COMPLEX; FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY OR INCIDENTAL TO THE APPLICATION FOR THE GRANT, GRANT AGREEMENT, GRANT ACCEPTANCE, RECEIPT AND DISBURSEMENT OF GRANT FUNDS PURSUANT THERETO.

**GRANT APPLICATION - FLORIDA INLAND NAVIGATION DISTRICT (CR-06)
- \$1,443,375 DREDGING/CONSTRUCTION - INTRACOASTAL AT
BAHIA MAR YACHTING CENTER**

No budgetary impact until FY2011-2012.

A resolution authorizing the proper City Officials to 1) apply for 2011-2012 Waterways Assistance Program Grant funds, in the amount of \$1,443,375, from Florida Inland Navigation District - dredging/construction of Intracoastal Waterway at Bahia Mar Yachting Center (Phase II) and 2) execute all necessary documents to receive and disburse funds - matching funds and mitigation costs - \$797,125.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0039

RESOLUTION NO. 11-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A GRANT FROM THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM IN THE AMOUNT OF \$1,443,375 FOR PHASE II, DREDGING AND CONSTRUCTION COSTS FOR THE INTRACOASTAL WATERWAY IN THE VICINITY OF THE BAHIA MAR YACHTING CENTER; FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY OR INCIDENTAL TO THE APPLICATION FOR THE GRANT, GRANT AGREEMENT, GRANT ACCEPTANCE, RECEIPT AND DISBURSEMENT OF GRANT FUNDS PURSUANT THERETO.

**AMEND OPERATING BUDGET – APPROPRIATION – (CR-07)
BAHIA MAR YACHTING CENTER DREDGING
GRANT FUNDS OF \$144,337.50 AND MATCH FUNDS OF \$63,112.50T**

Please see funding information attached to these minutes.

A resolution 1)amending fiscal year 2010-2011 final operating budget by appropriating \$144,337.50 in grant funds from Florida Inland Navigation District for design, engineering and permitting - Bahia Mar Yachting Center Intracoastal Waterway Dredging Project Phase I - Project 11670 and 2) appropriate \$63,112.50 in match funds required by grant.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1731

RESOLUTION NO. 11-23

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 - LAS OLAS MARINA & AQUATIC COMPLEX DREDGING APPROPRIATION - GRANT FUNDS OF \$110,860.50 AND MATCH FUNDS OF \$62,149.50 (CR-08)

Please see funding information attached to these minutes.

A resolution 1)amending fiscal year 2010-2011 final operating budget by appropriating \$110,860.50 in grant funds from Florida Inland Navigation District for design, engineering and permitting - Las Olas Marina and Aquatic Complex Intracoastal Waterway Dredging Project Phase I - Project 11671 and 2) appropriate \$62,149.50 in match funds required by the grant.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1877

RESOLUTION NO. 11-24

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

GRANT ACCEPTANCE - COMMUNITY EMERGENCY RESPONSE TEAM PROGRAM - FLORIDA DIVISION OF EMERGENCY MANAGEMENT - \$6,750 (CR-09)

Please see funding information attached to these minutes.

A resolution authorizing the proper City Officials to 1) accept grant funds, in the amount of \$6,750, from Florida Division of Emergency Management - 2010 Community

Emergency Response Team Program, 2) execute all necessary documents to receive and disburse the funds and 3) amend fiscal year 2010-2011 final operating budget by appropriating the funds.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0071

RESOLUTION NO. 11-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$6,750 FROM THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF EMERGENCY MANAGEMENT - COMMUNITY EMERGENCY RESPONSE TEAM PROGRAM, EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN SUCH GRANT FUNDING AND AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011, BY APPROPRIATING SUCH GRANT FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT.

**GRANT ACCEPTANCE - CITIZEN CORPS PROGRAM
FLORIDA DIVISION OF EMERGENCY MANAGEMENT - \$6,750**

(CR-10)

Please see funding information attached to these minutes.

A resolution authorizing the proper City Officials to 1) accept grant funds, in the amount of \$6,750, from Florida Division of Emergency Management - Citizen Corps Program, 2) execute all necessary documents to receive and disburse the funds and 3) amend fiscal year 2010-2011 final operating budget by appropriating the funds.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0073

RESOLUTION NO. 11-26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$6,750 FROM THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF EMERGENCY MANAGEMENT - CITIZEN CORPS PROGRAM, EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN SUCH GRANT

FUNDING AND AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011, BY APPROPRIATING SUCH GRANT FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT.

PURCHASING AGENDA

STRUCTURAL ENGINEERING CONSULTANT SERVICES – (PUR-01)
CONTINUING CONTRACT - DEROSE DESIGN CONSULTANTS, INC.

Please see funding information attached to these minutes.

Continuing contract with DeRose Design Consultants, Inc. for structural engineering consultant services as solicited, selected and negotiated under Consultants Competitive Negotiation Act.

Recommend: Motion to approve.

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

Bids Solicited/Rec'd: 1708/12

Exhibit: Commission Agenda Report 11-0052

The Procurement Services Department has reviewed this item and recommends award and execution of a contract Agreement with DeRose Design Consultants, Inc.

STRUCTURAL COLLAPSE TECHNICIAN TRAINING – (PUR-02)
FIRE RESCUE – \$42,060

Purchases are made on as-needed basis derived from task orders and charged to individual projects per available budget, in accordance with established pricing.

Purchase structural collapse technician training - presented for approval by Fire Rescue Department.

Recommend: Motion to approve.

Vendor: The School Board of Broward County Florida
Fort Lauderdale, FL.

Amount: \$42,060.00 Base class plus 5 additional students

Bids Solicited/Rec'd: 1364/1

Exhibit: Commission Agenda Report 11-0054

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

105-10552 - FINANCIAL ADVISORY SERVICES - \$25,000**(PUR-03)****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 11-0060

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

CITY-WIDE HIGH-SPEED WIRELESS DATA SERVICES - \$193,888.46***(PUR-04)****Please see funding information attached to these minutes.**

Purchase city-wide high-speed wireless data services - presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Verizon Wireless Personal Communications LP
Basking Ridge, NJ

Amount: \$193,888.46 (not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 11-0055

The Procurement Services Department has reviewed this item and agrees with awarding from the State of Florida Data contract.

*The Background/Detail section (Exhibit 1) of this Commission Agenda Report (11-0055) was revised to reflect the correct contract extension date of June 27, 2011.

The following items were removed from the Consent Agenda:

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom that Consent Agenda Item PUR-03 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. 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-03)**

Commissioners Rodstrom and Roberts removed this item from the consent agenda.

In response to Mayor Seiler, Kirk Buffington, Director of Procurement Services, chronicled recent actions taken by the Commission regarding this item. He went on to highlight information in Commission Agenda Report 11-0060. He recalled there were some miscalculations in the cost evaluation points. But, the recalculations did not change the rankings; PFM (Public Financial Management, Inc.) remains the first-ranked proposer and is recommended by staff and the evaluation committee.

In response to Mayor Seiler, the City Auditor recalled a request to investigate concerns expressed by one of the proposers. The proposer was concerned about the following: the scoring method was changed to exclude out-of-pocket expenses; the selection committee included people listed as references by the winning proposer; and a particularly low-score from one committee member. He elaborated upon the measures he took to examine these issues. He found that most of the references, including those on the selection committee, were not contacted by PFM prior to their inclusion in the submittal. As for the scoring mechanism change, he felt the change was not inappropriate because the RFP did not include the out-of-pocket category of expenses which was (removed). The RFP states the cost comparison will be based on the cost to issue two bonds, plus the annual retainer. Regarding the low score, he found that scoring proposals is largely subjective. Although he is not necessarily in agreement with the scores, he cannot dispute the judgment they are based on. He elaborated upon the committee member's reasoning for the score.

Mayor Seiler was concerned that the proposer's references were listed on the selection committee poses a significant public appearance problem. The City Auditor agreed, despite the members' unawareness of being listed as references. In a situation like this, if the member does not recuse himself, the fairness and transparency of the process is called into question. In response to Mayor Seiler, Mr. Buffington explained the selection committee is formed before proposals are received so there is no prior knowledge of whom, if any members, will be listed as references. The committee's meeting dates were already established when the proposals were received, which is why the members listed as references were not used as such. The individuals were not used as references because they were on the selection committee. Mayor Seiler questioned if those listed as references were asked to leave the committee. Mr. Buffington noted the difficulty of locating people from outside the city with finance experience and a willingness to serve on the committee. If these members were removed, it would have been necessary to reform the committee. He assumed responsibility for the decision; but believed there was no conflict created at that point because the members were not used as references.

Mayor Seiler asked if those listed as references ranked the listing proposer higher than the others. The City Auditor noted that one ranked the listing proposer incrementally higher; the other ranked significantly lower. Commissioner Roberts expressed concern that a member listed as a reference had a significant influence. Although he did not attribute deceitfulness to it, he took issue with the process and its transparency. He suggested the item be re-bid.

Commissioner Rodstrom thought the RFP should be rescored. She observed the selection committee process because of her interest in finance. She recalled members

listed as references were concerned whether there would be conflicts; but, there were no remedies put into place. She recalled that, because she was only an observer, she did not offer input. She expressed concern that two of the five committee members had conflicts and that staff could not find a sufficient number of people without bias. She also felt the scoring results were unusual. Also, she took issue with comments made by several committee members, indicating that it was advantageous for PFM to have Frank Hall of Fidelity Financial Services, L.C. (FFS) because of his experience with the City.

Mayor Seiler opened the floor for public comment.

Sergio Masvidal, Public Financial Management, Inc. (PFM), was unaware that PFM had listed committee members as references. PFM does not know who will be on the committee before the references are listed. He noted the company's credentials and elaborated upon PFM's reference selection process. He offered to provide more references. PFM did not seek permission from the members to list them as references. It is routine for PFM not to contact references. Mayor Seiler believed PFM is an outstanding company; but, reiterated his concern about the appearance of impropriety.

There was no one else wishing to speak.

In response to Vice Mayor Rogers, Mr. Buffington recalled this type of issue occurred only one other time, a number of years ago. The then city attorney did not believe there was an ethical violation or a technical conflict of interest. As for the current issue, he reiterated that the committee member references were not used. He assured that committee members listed as references will be removed in the future. All of the members signed a conflict of interest disclosure at their first meeting; but he understood there is still an appearance issue. Both of the members listed as references are public employees. He elaborated upon their current and former places of employment. In response to Commissioner Rodstrom, Mr. Buffington was uncertain if the City's former treasurer who served on the committee and was a reference had a relationship with FFS. Commissioner DuBose questioned if there were safeguards in place such as throwing out the high and low score to prevent significant scoring discrepancies. Mr. Buffington indicated scoring discrepancies happen on occasion. In this case, he disagreed with the City Auditor that the discrepancy was significant as he believed there were only ten points between the two rankings. He recommended that direction be given to him to write a procedure that would allow him to examine scoring discrepancies. Vice Mayor Rogers agreed with Commissioner DuBose that a mechanism like throwing out the high and low score should be in place to prevent scoring discrepancies. Mayor Seiler did not want to micro-manage staff. However, he wanted to re-bid the contract. Commissioner DuBose agreed, and reiterated his desire that measures be taken to prevent scoring discrepancies. Vice Mayor Rogers recalled the Commission has reviewed other contracts with scoring discrepancies. He thought Mr. Buffington should be able to use his discretion to remedy them.

Motion made by Commissioner Roberts and seconded by Vice Mayor Rogers to reject all bids and authorize re-bidding.

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

Mr. Buffington provided the following answers in response to questions raised by Mayor Seiler, Commissioner Rodstrom, and Vice Mayor Rogers. Mr. Buffington thought the bid could be brought presented by March 1, 2011. The only changes to the RFP will be including the amendments addressed at today's conference meeting. As for special assessments, Lynda Flynn, Interim Director of Finance, indicated that the one-year parameter was used, and all but one of the proposers who responded qualified. In terms of these types of consultant contracts, Mr. Buffington explained it is difficult to compare expenses of local firms with those from out of the area. Hence, the administrative pass-through costs are left out of the RFP. There are some instances when a (spending) cap is included. But, the norm is not to include administrative pass-through costs.

Commissioner Rodstrom posed the following questions as noted:

Edward Marquez, First Southwest Company, was asked if written price comparisons are given in recommendations to clients and he explained that, as a rule, they are provided. She questioned if he gets price comparison quotes from someone who can bind the bank. He explained that, in terms of bank loans, an RFP is sent out, and the bank is requested to provide the rates and terms. She asked if the client's identity is divulged in this process. He noted that this has never been an issue because of the sunshine law. She questioned if he reads the backup documentation when asked to make a presentation at a meeting. He answered in the affirmative.

Mr. Masvidal indicated an affirmative response to all of the questions previously presented to Mr. Marquez. As to whether bids are always taken in writing, typically an RFP process is followed. However, he only speaks for himself, not for all members of PFM. Each situation is unique; but in general, these are the standard procedures.

Commissioner Rodstrom noted her reason for these inquiries is to provide the Commission a comparison of methodologies used.

Frank Hall of Fidelity Financial Services, thought it was unfair for Commissioner Rodstrom to ask these questions to individuals unfamiliar with the entire situation. He was certain that, in some instances, Mr. Marquez and Mr. Masvidal have adopted a similar or identical approach to his. He believed Commissioner Rodstrom wants to discredit him and Fidelity Financial Services. Commissioner Rodstrom pointed out that Mr. Hall's attorney clearly conveyed this message to her at today's conference meeting.

In response to Commissioner Roberts, Mr. Buffington explained the City neither prohibits nor requires a subcontractor. However, if a subcontractor is included in a proposal, the City has the right to review and accept that subcontractor.

Note: The City Commission recessed at 7:10 p.m. and returned to the conference meeting agenda, item III-A, from 7:10 p.m. to 7:54 p.m., and then returned to the regular meeting agenda, item MD-01, at 7:54 p.m., in the Chambers on the first floor of City Hall.

MOTIONS

**APPEAL - HISTORIC PRESERVATION BOARD - CASE 2-H-10-
DEMOLITION - SAILBOAT BEND HISTORIC DISTRICT –
201 SW 11 AVENUE**

(MD-01)**No budgetary impact.**

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

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

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

Exhibit: Commission Agenda Report 10-1821

Greg Brewton, Director of Planning and Zoning, provided an overview of the history on this item as reflected in Commission Agenda Report 10-1821.

Mayor Seiler opened the floor for public comment.

Susan McClellan, chair of the Historic Preservation Board, summarized her letter to the Commission, dated January 19, 2011, which is attached to these minutes.

Alysa Plummer, president of Sailboat Bend Civic Association, requested the Historic Preservation Board decision be upheld. No criteria (Unified Land Development Regulations) have been met. The building is a contributing structure and has been dated by three preservation professionals to be built around the 1920's. She went on to describe architectural features. It has the mass and scale of about 86 percent of the contributing buildings. It is significant as it is located on a main thoroughfare of historic Sailboat Bend. She noted she called the previous attorney representing the applicant, but never received a response. She wanted the opportunity to talk directly with the Applicant.

Andre Parke, representing the Applicant, believed the significant issue is whether this property contributes to the district's historic designation. He disagreed with the two previous speakers. The only evidence presented at the hearing was from the Applicant that the structure was built in 1943 according to Broward County Property Appraiser which was outside of the time period of significance. The denial was only based upon the architect's opinion who was a consultant for the board. He requested a de novo hearing. He outlined that the Applicant purchased the property sight unseen through a

foreclosure hearing and chronicled steps they have taken with respect to lot clearance and their plans.

Ms. Plummer pointed out that her property is listed by the property appraiser as 1943 or 1947, but many times these dates indicate when an addition was made to the structure. In fact her property was built in 1925. The information she presented was vetted by three preservation professionals. Mr. Park indicated that he has not seen any of these studies. The record only shows that no empirical evidence was provided to contradict the property appraiser's records.

There was no one else wishing to speak.

Motion made by Vice Mayor Rogers and seconded by Commissioner Rodstrom to uphold the Historic Preservation Board decision. Roll call showed: YEAS: Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

PROPRIETARY - ALERTING SYSTEM - FIRE STATIONS 35 AND 46 - (MD-02)
\$224,386.40 - 1841 EAST COMMERCIAL BOULEVARD AND
1121 NW 9 AVENUE

Please see funding information attached to these minutes.

Contracts to purchase Zetron Fire-Rescue Alerting Systems for Fire Stations 35 and Fire Station 46 in substantially the forms provided - response to fire, medical and mutual aide calls - being presented for approval by Fire-Rescue Department.

Recommend:	Motion to approve.
Vendor:	Motorola Solutions, Inc. Schaumburg, Il.
Amount:	\$224,386.40 Total for two stations
Bids Solicited/Rec'd:	N/A
Exhibit:	Commission Agenda Report 10-1800

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

The City Clerk announced this item was removed from the agenda at the request of the City Manager.

PROPRIETARY PURCHASE - VEHICLE REPLACEMENT- \$365,339 (MD-03)

Please see funding information attached to these minutes.

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

Recommend: Motion to approve.

Vendor: Lenco Industries, Inc.
Pittsfield, MA

Amount: \$365,339.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 11-0050

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

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom 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

DECLARATION OF OFFICIAL INTENT TO ISSUE SPECIAL OBLIGATION BONDS OR NOTES - NOT TO EXCEED \$8 MILLION

(R-01)

No Budgetary Impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-0015

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-13

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING THE OFFICIAL INTENT OF THE CITY OF FORT LAUDERDALE TO ISSUE SPECIAL OBLIGATION BONDS OR NOTES IN ORDER TO, AMONG OTHER THINGS, REIMBURSE ITSELF FROM THE PROCEEDS OF SUCH BONDS OR NOTES FOR FUNDS ADVANCED BY THE CITY FOR CERTAIN EXPENSES INCURRED WITH RESPECT TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS WITHIN THE CITY OF FORT LAUDERDALE; AND AUTHORIZING CERTAIN INCIDENTAL ACTIONS.

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.

LOT CLEARING AND CLEANING – SPECIAL ASSESSMENT LIENS FOR ASSOCIATED COST (R-02)

No Budgetary Impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-0024

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-14

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.

DISPOSITION OF CITY OWNED PROPERTY – PROGRESSO (R-03)

No budgetary impact.

Recommend: Introduce resolution rescinding Resolution 10-161 and authorizing re-bidding.

Exhibit: Commission Agenda Report 11-0021

Commissioner Roberts introduced the following resolution rescinding Resolution 10-161 and authorizing re-bidding:

RESOLUTION NO. 11-15

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING CERTAIN PROPERTY, DESCRIBED

BELOW, NOT NEEDED FOR PUBLIC USE PURSUANT TO CITY CHARTER SECTION 8.04 AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY THAT SUCH PROPERTY BE OFFERED FOR SALE FOR A MINIMUM BID OF \$3,881.00, WITH BIDS TO BE SUBMITTED BY FEBRUARY 9, 2011 AND SCHEDULING FOR FURTHER PROCEEDINGS BEFORE THE CITY COMMISSION ON MARCH 1, 2011 TO CONSIDER A RESOLUTION ACCEPTING THE BEST OFFER AND AUTHORIZING CONVEYANCE OR REJECTING ANY AND ALL OFFERS; RESCINDING AND REPEALING RESOLUTION NO. 10-161; AND REQUIRING THE CITY CLERK TO PUBLISH THIS RESOLUTION IN ONE ISSUE OF THE OFFICIAL NEWSPAPER OF THE CITY WITHIN SEVEN (7) DAYS OF THE ADOPTION HEREOF.

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

BOARD AND COMMITTEE APPOINTMENTS

(R-04)

No budgetary impact.

The City Clerk called attention to vacancies that have just occurred on the Audit Advisory Board. In response to questions raised, Lynda Flynn, Interim Director of Finance, advised that although the board meets quarterly, they review the City's audit at this time of the year, however a quorum was not met at the last meeting. Mayor Seiler asked members of the Commission with vacancies submit nominees on February 1.

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

Audit Advisory Board	Roger Ally (Commissioner Rodstrom)
Aviation Advisory Board	Avery A. Dial (Commissioner Rodstrom)
Beach Redevelopment Board	Daniel S. Matchette (Mayor Seiler)
Budget Advisory Board	Sam Monroe (Commissioner DuBose)
Centennial Celebration Committee	Dennis West (Commissioner Rodstrom)
Education Advisory Board	Francesco "Franco" Evan Ripple (Commissioner Rodstrom)

- Fire-Rescue Facilities Bond Issue Sam Monroe (Commissioner DuBose)
Blue Ribbon Committee
- Northwest Progresso-Flagler Heights Michael Ferber (Commissioner Rodstrom)
Redevelopment Board
- Nuisance Abatement Board Cindy Smith (Consensus/Alternate)
- Sustainability Advisory Board Alexandra Anagnostis-Irons (Mayor Seiler)

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-16

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.

PUBLIC HEARINGS

**COMMUNITY BUS SERVICE - LAS OLAS BEACH AND CONVENTION (PH-01)
CONNECTION DOWNTOWN FORT LAUDERDALE TRANSPORTATION
MANAGEMENT ASSOCIATION**

No budgetary action is being taken with this item, as it does not propose a City of Fort Lauderdale funding change.

Community Bus Service - Downtown Fort Lauderdale Transportation Management Association – adjust operating hours of Las Olas Beach and Convention Connection routes and Convention Connection route.

Recommend: Open hearing, close hearing, motion to approve.

Exhibit: Commission Agenda Report 11-0045

Motion made by Commissioner Roberts 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.

**PERMANENT STREET CLOSURE - NE 55 COURT -
EAST OF FEDERAL HIGHWAY - NORTH GOLF ESTATES****(PH-02)**

Please see funding information attached to these minutes.

Installation of permanent road closure on NE 55 Court approximately 180 feet east of Federal Highway - North Golf Estates.

Recommend: Open hearing, close hearing, consider alternatives.

Exhibit: Commission Agenda Report 11-0046

Mayor Seiler opened the public hearing.

Andrew Weiser, 2840 NE 60 Street, indicated that he has seen trash floating in the canal near his home which is close to the new Burger King as well as an increase of trash in the neighborhood. He believed that Burger King is trying very hard, but unfortunately it is about the customers. This is why the closure is requested. He claimed that Burger King customers are using the Landings Harborage parking spaces. If he is not able to maintain his tenant at Landings Harborage, he may not be able to stay current with maintenance and tax obligations. As to emergency and hospital routes, there are multiple access points. He believed that people are using the neighborhood as a cut-through late at night.

Mike Pritchard, 5521 NE 26 Avenue, noted at the corner of 26 Avenue and 55 Street, there is a right-turn only and 90 percent of the motorists using 26 Avenue as a cut-through to Bayview Drive disregard it. Due to the new Burger King, he claimed there has been a significant traffic increase. He supported the street closure.

Nicole Hurley, 5571 NE 26 Avenue, supported the street closure. She was concerned about speeding motorists and safety.

Dominic Reeder, 5533 NE 26 Avenue, supported the street closure. He agreed with the comments made thus far. He was concerned about safety and the element that Burger King attracts late in the night as it is open 24-hours.

Eric Edelson, 5555 NE 26 Avenue, supported the street closure and agreed with the comments made thus far.

Adriana Tuerk, 5560 NE 26 Avenue, supported the street closure and agreed with the comments made thus far. People are constantly driving through the neighborhood and they throw out trash.

Michele Hawkins, 5550 NE 26 Avenue, indicated she is the director of social work at Florida Atlantic University and has years of experience working with conduct disorder youth. She believed that juvenile delinquents congregate at 24-hour establishments and her street will be used as a drive-through. The restaurant itself is closed late at night, with the drive-through only open. She was concerned about property values and potential thefts. She supported the street closure.

George Urciuoli, 2591 NE 55 Court, indicated he resides in the Landings Harborage Condominium closest to the Burger King parking lot. He described the traffic patterns that will be changed as a result of the street closure. He believed a hazardous situation will be created. He believed that access to Burger King should be limited to U.S. 1. He commented about the noise and littering from Burger King customers. The restaurant itself is closed late at night, with drive-through only open. At one time, it was proposed for 55 Court being one-way and he was opposed to this. He was opposed to the street closure.

Hugh Gardiner, 5570 NE 26 Avenue, indicated he resides about thirty yards from the proposed street closure. He believed that most of the residents along 26 Avenue support a barrier, but not a brick wall. He thought most people are thinking in terms of a gate or moveable flower pot; essentially a way to limit traffic, but not a total lock-out. He was concerned about egress in the event of an emergency such as a fallen electrical line. He was concerned about timely police and fire accessibility. He preferred a gate or something that is not a complete blockage.

Grace Gardiner, 5570 NE 26 Avenue, favored a gate concept that would not be a complete blockage. She was also concerned about egress in the event of an emergency and service from police and fire responders. A permanent barrier would create for other neighborhoods what her neighborhood does not want, that is, more traffic. She added that although she has noticed trash in her neighborhood from Burger King but not more traffic.

In response to Mayor Seiler, Dennis Girisgen, Engineering Permits Division of Public Works, advised that the consultant for Burger King's traffic impact statement showed an estimate of 903 daily trips. The peak hour was 36 trips per hour between 4 and 6 p.m. The city code does not require a formalized traffic study or mitigation for situations under a thousand trips per day. Mayor Seiler asked if staff looked at traffic mitigation. Mr. Girisgen advised that staff has explored several alternatives to mitigate the neighborhood cut-through. In October, staff met with residents wherein representatives of the neighborhood felt a permanent road closure was more appropriate.

Commissioner Roberts indicated he has been working with the neighborhood on this matter for some time. He explained some history about the site and that there is cut-through traffic primarily from Commercial Boulevard. Burger King was willing to contribute up to \$3,000 for speed humps instead of a street closure. Seventy-eight percent of the neighborhood support a permanent closure. Albert Carbon, Director of Public Works, displayed a rendering of the closure design that was reviewed by Broward County Transportation and the neighborhood.

Mayor Seiler was concerned about emergency vehicle access. He posed the idea of allowing entrance to the neighborhood, but not exiting. Commissioner Roberts advised this was examined, but partial closures still inhibit those types of vehicles. The traffic signal primarily regulates 56 Street and Federal Highway, not so much 55th. Mr. Carbon responded to Mayor Seiler's question of how people leaving the neighborhood could proceed south. Discussion ensued concerning various traffic patterns relating to the proposal. Mayor Seiler was concerned that people in this neighborhood are essentially prevented from going south. Mr. Carbon explained that the neighborhood requested this proposal be presented. He also clarified that Burger King's certificate of occupancy is not contingent upon the street closure. Commissioner Roberts noted steps taken by

Burger King to ameliorate impacts to the neighborhood. He drew attention to street closures one block from the business corridor in other parts of the city and especially Sunrise Boulevard.

Commissioner Rodstrom elaborated upon some points of aesthetics with existing street closures. In response to Commissioner Rodstrom, Mr. Carbon noted Exhibit 6 to Commissioner Agenda Reports 11-0046 shows the neighborhood survey area. In response to Mayor Seiler, Mr. Girisgen advised that a public hearing notice went out. Commissioner Roberts noted that his office notified association presidents of The Landings, Imperial Pointe, North Lake Estates and Knoll Ridge of this hearing.

Discussion returned to various traffic patterns relating to the proposal. During this time, Ms. Hurley expressed the opinion that emergency vehicles would be able to respond to calls.

Mr. Carbon responded to Vice Mayor Rogers' inquiry about Alternative 2 – install raised concrete diverter on the southbound lane of NE 26 Avenue at NE 55 Court. He indicated it was presented to the neighborhood, but they did not like this alternative.

In response to Mayor Seiler, Mr. Urciuoli indicated there was no formal vote of Landings Harborage Condominium, only a polling of the owners. Commissioner Roberts noted the signatures in favor of the closure that he thought the Commission received via email. In response to Vice Mayor Rogers, Mr. Girisgen indicated he received applications (for the closure) from the Landings Harborage Condominium and (North) Golf Estates. In reviewing the signatures, it was clarified that there are thirteen of eighteen condominium owners in favor and twelve of fourteen NE 26 Avenue neighborhood property owners which were made a part of the record.

Mayor Seiler noted that George Urciuoli spoke this evening against the closure, yet he signed the petition in favor of it. Mr. Urciuoli claimed he did not sign the petition in favor. He went on to confirm his signature; but contended the petition was not supposed to be in favor of a closure. Even if some individuals misunderstood the petition, Commissioner Roberts stressed that the vast majority of neighborhood residents support the closure. He suggested moving forward; it has been a long process. Mayor Seiler agreed that something must be done, but other closures have not been on streets with traffic lights used for access. He reiterated his concern about emergency vehicles. The closure applications are dated before the Burger King opened, and the reasons indicate it is a neighborhood issue which is not related to the restaurant. He emphasized that the Commission must have full input from the neighborhood to make their decision. He asked if police and fire-rescue staff were asked to review this issue. Mr. Girisgen advised that fire-rescue does not support the closure. Both Mr. Carbon and Commissioner Roberts clarified that (fire-rescue) does not support any road closures.

Vice Mayor Rogers asked if there are more attractive closure alternatives. Some discussion ensued regarding alternative closures. Commissioner Roberts elaborated upon existing emergency access routes.

In response to Mayor Seiler, Mr. Urciuoli clarified he did not carefully review the petition before signing. He felt if the driveway from Burger King to 55 Court was closed, it would eliminate traffic.

For evaluation purposes, Mayor Seiler thought the petitions should have been provided. Mr. Carbon explained the statistical percentage information was included. Mayor Seiler suggested a temporary six-month trial period.

Mr. Girisgen noted the City's cost of \$5,000. In response to Mayor Seiler, Mr. Carbon explained that Burger King was willing to complete a traffic study with the street open to determine the impact, before sharing the cost. With this closure, it will not be possible to measure the impact. Nonetheless, Mayor Seiler requested that staff contact Burger King about possible cost sharing.

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom, to approve a temporary 6-month closure for a cost not to exceed \$5,000.

RESOLUTION NO. 11-27*

A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF FORT LAUDERDALE, FLORIDA,
SUPPORTING THE TEMPORARY CLOSURE OF
NE 55 COURT APPROXIMATELY 180 FEET EAST
OF FEDERAL HIGHWAY.

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

*Resolution was revised.

ORDINANCES

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

No budgetary impacts.

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

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

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

Commissioner Roberts introduced the following ordinance on SECOND 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.

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

(O-02)

No budgetary impact.

Vice Mayor Rogers expressed concern about the breadth and scope of this. He wanted to limit this change and incorporate language as to preference or city residents. The Commission can look outside of the resident pool if there are none available. In the case of the Education Advisory Board, the reasoning is sound to appoint educators that may not live in the city, but he was concerned about unintended consequences from a broadened scope. Commissioners Roberts and Rodstrom agreed that residents should have priority. Commissioner Roberts elaborated upon other advisory boards he has had difficulty filling. He wanted the non-resident latitude. Vice Mayor Rogers preferred naming the specific boards. Commissioner DuBose thought flexibility is necessary to maintain functioning boards. Commissioner Rodstrom agreed with Commissioner Roberts that the ordinance should reflect a first preference for city residents. Mayor Seiler believed there is no way to enforce a resident preference. He thought there should be limited exceptions for non-resident appointments. Commissioner DuBose noted that ultimately each member of the Commission is accountable for his or her appointments. There may be need for expertise from an individual who is not a resident.

Commissioner Rodstrom introduced the following ordinance on SECOND 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.

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

**CODE AMENDMENT – SECTIONS 23-111 AND 8-73 –
NEWSPAPER VENDOR EXEMPTION****(O-03)**

No budgetary impact.

Commissioner Rodstrom introduced the following ordinance on SECOND 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.

AMENDMENT TO PAY PLAN - SCHEDULE I**(O-04)**

No current year budgetary impact.

Commissioner Rodstrom introduced the following ordinance on SECOND reading:

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.

Commissioner DuBose indicated he views this as a promotion or a raise. He disagreed that there is no budgetary impact because the job class change resulted in a pay range increase from \$64,000 - \$92,000 to \$84,000 - \$128,000. He elaborated upon additional increases, including a car allowance, management vacation days that can be cashed in, FICA and the pension defined contribution. The City Auditor's Office having the available funds is not reason enough to extend the budget. He raised the issue of setting precedent, and thought it is possible other departments may act similarly. He stressed that, before the job class was changed, the individual was performing the job for a lower pay range.

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

Commissioner DuBose pointed out the potential budgetary impact is approximately \$43,000.

Note: The City Commission adjourned the regular meeting at 9:33 p.m. and returned to the conference meeting agenda, item I-E, from 9:33 p.m. to 10:00 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk