

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING**  
**MARCH 1, 2011**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE  
March 1, 2011**

Meeting was called to order at 6:06 p.m. by Mayor Seiler on the above date, in City Hall, 100 North Andrews Avenue, 1<sup>st</sup> 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 Jerry Williams

Invocation was offered by Reverend Michael "Happy" Hoyer, Our Lady Queen of Martyrs Parish, followed by the recitation of the pledge by Jay Alexander.

**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).**

Commissioner Roberts pointed out a possible error in the January 19, 2011 conference meeting, on page 13 at the end of the first paragraph. He believed the wording attributed to him and Mayor Seiler should be reversed. The City Clerk agreed to review it, make any necessary changes and resubmit these minutes on March 15, 2011. .

**Motion** made by Commissioner Roberts and seconded by Commissioner DuBose to approve the minutes of the February 1, 2011 Conference Meeting and February 1, 2011 Regular Meeting. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

**Presentations**

**1.        MULTIPLE SCLEROSIS EDUCATION AND AWARENESS                   (PRES-01)  
          MONTH - MARCH, 2011**

Vice Mayor Rogers presented a proclamation designating March, 2011 as National Multiple Sclerosis Education and Awareness Month in the City to Jules Kuperberg, Executive Director, Multiple Sclerosis Foundation of Fort Lauderdale. Mr. Kuperberg

thanked the Commission. He noted this organization's national headquarters is located here in the city, and invited the public to visit.

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**EXPRESSIONS OF SYMPATHY – MOMENT OF SILENCE**

**(OB)**

Commissioner Roberts and the City Commission offered a moment of silence in memory of Don Bastedo, recognized for his community involvement and service to the city. An expression of sympathy was extended to his wife.

Vice Mayor Rogers and the City Commission offered a moment of silence in memory of Lester Moody Jr., recognized for his service to the city. An expression of sympathy was extended to his family.

Mayor Seiler and the City Commission offered a moment of silence in memory of Don Taft, recognized for his community involvement and philanthropy, and Daryl Jolly, recognized for his service to the city.

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**2. OUTSTANDING CITY EMPLOYEES**

**(PRES-02)**

Phil Thornburg, Parks and Recreation Director, recognized Park Ranger Roberta Jones-Liggins for her vigilance and quick thinking that possibly saved a critically injured woman's life.

He recognized Park Ranger Neal Shefferman for his alertness and follow-through in deterring a vehicle driven by an individual in diabetic shock from colliding with other vehicles on a busy street.

He recognized Park Ranger Bryan Greene for his skillful observance which led to two arrests of an individual who committed lewd and lascivious exhibition at a City park.

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**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.

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**EVENT AGREEMENT – 2011 MULTIPLE SCLEROSIS WALK**

**(M-01)**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with National Multiple Sclerosis Society for 2011 Multiple Sclerosis Walk, to be held March 6, 2011, 7:30 AM - 2 PM, at Birch State Park and beach area sidewalks.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0199

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**EVENT AGREEMENT - PEOPLE AND PLANET FAIR** (M-02)  
**CLOSING SW 2 STREET**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Partners In Action, Inc. for People and Planet Fair, to be held April 2, 2011, 10 AM - 3 PM, at Esplanade and along Riverwalk and closing SW 2 Street.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0286

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**EVENT AGREEMENT - MARDI GRAS** (M-03)

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Shuck N Dive, Inc., for Mardi Gras to be held March 8, 2011, 1 PM – 10 PM at Shuck N Dive – 650 North Federal Highway.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0196

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**EVENT AGREEMENT - GREAT STRIDES** (M-04)

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Cystic Fibrosis Foundation for Great Strides, to be held April 2, 2011, 8 AM - 12 Noon, at Birch State Park and beach area sidewalks.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0287

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**EVENT AGREEMENT - RED BULL CANDOLA  
CO-SPONSORSHIP BANNERS****(M-05)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Red Bull North America, Inc. for Red Bull Candola, to be held April 9, 2011, 11 AM - 5 PM, at Huizenga Plaza, Riverwalk, Esplanade and the New River and allowing installation of banners at specified locations, subject to permitting regulations, all contingent upon City Attorney receiving and approving a validly executed agreement.

**Recommend:** Motion to approve.**Exhibit:** Commission Agenda Report 11-0293

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**SECOND EXTENSION TO AGREEMENT WITH  
GOLD COAST SKI CLUB, INC –  
\$5,400 USE OF LAKE AT MILLS POND PARK****(M-06)****Please see funding details attached to these minutes.**

A motion authorizing the proper City Officials to execute a second extension to Agreement with Gold Coast Ski Club, Inc. for use of lake at Mills Pond Park for water skiing activities beginning April 3, 2011 and ending April 2, 2012.

**Recommend:** Motion to approve**Exhibit:** Commission Agenda Report 11-0241

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**AGREEMENT - SCHOOL BOARD OF BROWARD COUNTY - \$10,000  
USE OF SCHOOL BUSES FOR CITY RECREATIONAL PROGRAMS AND EVENTS\*****(M-07)****Please see funding details attached to these minutes.**

A motion authorizing the proper city Officials to execute an agreement with School Board of Broward County - use of school buses for city recreational programs and events - May 17, 2011 through May 16, 2012.

**Recommend:** Motion to approve.**Exhibit:** Commission Agenda Report 11-0243

\*This item (Commission Agenda Report 11-0243) was changed to a Motion for Discussion (MD).

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**OPERATION OF SOUTHSIDE SCHOOL –  
NOVA SOUTHEASTERN UNIVERSITY, INC.****(M-08)****No budgetary impact.**

A motion authorizing the proper City Officials to execute an agreement with Nova Southeastern University, Inc for operation of Southside School in substantially the form provided and subject to review and approval of City Attorney and contingent upon approval of Broward County and Florida Communities Trust.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0289

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**REVOCABLE LICENSE - ARCHDIOCESE OF MIAMI, INC. –  
ST. ANTHONY'S CHURCH TRAFFIC CALMING FEATURES AND TEMPORARY  
ROAD CLOSURE - NE 9 AVENUE****(M-09)****No budgetary impact.**

A motion authorizing the proper City Officials to execute a Revocable License with the Archdiocese of Miami, Inc. - installation of speed humps, landscape islands, stamped asphalt cross walks, signage and pavement markings within NE 9 Avenue right-of-way, between NE 2 Street and NE 3 Street, and temporary closure of NE 9 Avenue right-of-way within the same limits.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0219

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**CONTRACT AWARD - OSSWALD PARK AQUATIC PLAYGROUND –  
\$165,860 - JEFFREY ARTHUR JONES CORP. D/B/A AQUAMARINE SWIMMING  
POOL COMPANY****(M-10)****Please see funding details attached to these minutes.**

A motion authorizing the proper City Officials to 1) transfer funds necessary to complete contract funding and engineering fees and 2) award and execute contract with Jeffrey Arthur Jones Corp., d/b/a Aquamarine Swimming Pool Company, Special Projects Division, in the amount of \$165,860 – Osswald Park Aquatic Playground - Project 111306A.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0242

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**CONTRACT AWARD - HORIZON CONTRACTORS, INC. - \$1,478,025 (M-11)**  
**SE 15 STREET BOAT LAUNCH AND MARINE COMPLEX IMPROVEMENTS**

**Please see funding details attached to these minutes.**

A motion authorizing the proper City Officials to 1) award and execute contract with Horizon Contractors, Inc. of Hialeah, Florida, in the amount of \$1,478,025 - SE 15 Street Boat Launch and Marine Complex Improvements - Project 11422 and 2) transfer funds to complete funding.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0263

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**CHANGE ORDER 1 - WEST CONSTRUCTION, INC. - SOUTHSIDE SCHOOL – (M-12)**  
**CREDIT (\$8,000)\***

**Please see funding details attached to these minutes.**

A motion authorizing Change Order 1 to West Construction, Inc., in credit amount of (\$8,000) – additions and deletions to construction of Southside School Rehabilitation and Hardy Park Redevelopment – Bid Package 3, Project 10777D.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0323

\*This Commission Agenda Report (11-0323) was revised in accordance with Memorandum 11-048, which is attached to these minutes.

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**AGREEMENT - SCHOOL RESOURCE OFFICER PROGRAM (M-13)**  
**THE SCHOOL BOARD OF BROWARD COUNTY**

**NO BUDGETARY IMPACT.**

A motion authorizing the proper City Officials to execute agreement with The School Board of Broward County - School Resource Officer Program - renewal for August 23, 2010 through June 9, 2011.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0247

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**GREATER FORT LAUDERDALE SISTER CITIES INTERNATIONAL, INC. (M-14)**  
**AGREEMENT - ANNUAL FUNDING ALLOCATION - \$19,000**

**Please see funding details attached to these minutes.**



A motion authorizing the proper City Officials to execute an agreement with Greater Fort Lauderdale Sister Cities International, Inc. - fiscal year 2010-2011 funding allocation of \$19,000.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0217

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**NEW CLASS - BUSINESS ASSISTANCE COORDINATOR – (M-15)  
BUSINESSFIRST PROGRAM FEDERATION OF PUBLIC EMPLOYEES  
(PROFESSIONAL UNIT) BARGAINING AGREEMENT**

**No budgetary impact.**

A motion authorizing the addition of a new class to Federation of Public Employees (Professional Unit) Bargaining Agreement - Business Assistance Coordinator - BusinessFirst Program.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0302

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**URBAN OASIS PROJECT PERMIT FEES - \$1,241.28 (M-16)  
REIMBURSEMENT TO DOWNTOWN DEVELOPMENT AUTHORITY**

**Please see funding details attached to these minutes.**

A motion authorizing reimbursement to Downtown Development Authority for Urban Oasis project permit fees in the amount of \$1,241.28.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0280

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**THIRD ANNUAL OLD FLORIDA FISH-FRY - CENTENNIAL CELEBRATION (M-17)  
PARTNERSHIP WITH FORT LAUDERDALE HISTORICAL SOCIETY  
AND TAKE STOCK IN CHILDREN**

**No budgetary impact.**

A motion authorizing City's partnership with Fort Lauderdale Historical Society and Take Stock in Children - Third Annual Old Florida Fish-Fry on May 7, 2011 - part of centennial celebration.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0239

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**OCEAN RESCUE HEADQUARTERS - LEASE AGREEMENT –  
ANNUAL COST - \$12 - RELOCATION TO INTERNATIONAL  
SWIMMING HALL OF FAME**

**(M-18)**

**Please see funding details attached to these minutes.**

A motion authorizing the proper City Officials to execute lease agreement with International Swimming Hall of Fame, Inc. - Ocean Rescue Headquarters to occupy space at International Swimming Hall of Fame - \$1 per month.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0204

<p><b>CONSENT RESOLUTION</b></p>
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**GRANT ACCEPTANCE - LEWIS LANDING PARK (TARPON BEND PARK) – (CR-01)  
\$200,000 - FLORIDA LAND AND WATER CONSERVATION FUND**

**Please see funding details attached to these minutes.**

A resolution authorizing the proper City Officials to 1) accept Land and Water Conservation grant funds, in the amount of \$200,000, from Florida Department of Environmental Protection for Lewis Landing Park (formerly referred to as Tarpon Bend Park), 2) amend fiscal year 2010-2011 operating budget by appropriating funds to project and 3) execute all necessary documents to obtain funding.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-0226

**RESOLUTION NO. 11-58**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT LAND AND WATER CONSERVATION GRANT FUNDS IN THE AMOUNT OF \$200,000 FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR LEWIS LANDING PARK (FORMERLY KNOWN AS TARPON BEND PARK), EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN SUCH 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 FUNDS AS SET FORTH IN ATTACHED EXHIBIT.

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**SALTWATER INTRUSION MODELING STUDY - \$75,000****(CR-02)**

**Please see funding details attached to these minutes.**

A resolution 1) authorizing payment of \$75,000 for first six quarters cost of participation in cooperative saltwater intrusion modeling study between U.S. Geological Survey and Broward County and 2) amending fiscal year 2010-2011 final operating budget by appropriating \$75,000 to fund this cost.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-0291

**RESOLUTION NO. 11-59**

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.

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**CHANGE ORDER 2 - SOLUTION CONSTRUCTION, INC. - \$43,880.50**  
**SOUTH ANDREWS AVENUE WATER MAIN IMPROVEMENTS****(CR-03)**

**Please see funding details attached to these minutes.**

A motion authorizing 1) Change Order 2 with Solution Construction, Inc., in the amount of \$43,880.50 - additional work - South Andrews Avenue Water Main Improvements - Project 10815 and 2) a resolution amending fiscal year 2010-2011 final operating budget by appropriating \$43,880.50 to fund change order and \$5,265.66 to fund 12 percent estimated engineering fees.

**Recommend:** Motion to approve and adopt resolution.

**Exhibit:** Commission Agenda Report 11-0258

**RESOLUTION NO. 11-60**

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

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

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**AMEND OPERATING BUDGET - APPROPRIATION - \$30,000  
DONATION TO ONIKUSU JUDO CLUB**

**(CR-04)**

**Please see funding details attached to these minutes.**

A resolution amending fiscal year 2010-2011 final operating budget by appropriating \$30,000 from State Law Enforcement Trust Fund - donation to Onikusu Judo Club.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-0290

RESOLUTION NO. 11-61

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO 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 FUNDS IN THE AMOUNT OF \$30,000.00 FROM THE STATE LAW ENFORCEMENT TRUST FUND FOR THE ONIKUSU JUDO CLUB AS SET FORTH IN EXHIBIT A.

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**PALAZZO LAS OLAS GROUP, LLC v. CITY OF FORT LAUDERDALE,  
ET AL- SETTLEMENT - \$475,000**

**(CR-05)**

**Please see funding details attached to these minutes.**

A resolution authorizing settlement of Palazzo Las Olas Group, LLC v. City of Fort Lauderdale, et al. - Case 03-21333(02) pending in 17th Judicial Circuit Court in and for Broward County.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-0294

RESOLUTION NO. 11-62

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING GENERAL RELEASE OF ALL CLAIMS AND STIPULATION OF DISMISSAL WHEREIN THE CITY AGREES TO PAY PALAZZO LAS OLAS GROUP, LLC,

THE SUM OF \$475,000 AS SET FORTH IN THE ATTACHED EXHIBITS AS SETTLEMENT OF ALL CLAIMS-AND AUTHORIZES THE CITY ATTORNEY TO EXECUTE ALL DOCUMENTS NECESSARY TO FORMALIZE SETTLEMENT.

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**GRANT ACCEPTANCE –**  
**SHIPBOARD FIREFIGHTING TRAINING PROGRAM - \$200,000**  
**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**(CR-06)**

**Please see funding details attached to these minutes.**

A resolution authorizing the proper City Officials to 1) accept grant funds, in the amount of \$200,000 with \$49,999 local match, from U.S. Department of Homeland Security, Federal Emergency Management Agency - 2010 Assistance to Firefighters Grant Program - Shipboard Firefighting Training 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 11-0292

RESOLUTION NO. 11-63

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 \$200,000 FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY THROUGH THE 2010 ASSISTANCE TO FIREFIGHTERS GRANT 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.

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**AMEND OPERATING BUDGET - APPROPRIATION - \$5,000**  
**SPONSORSHIP - CENTENNIAL CELEBRATION**

**(CR-07)**

**Please see funding details attached to these minutes.**

A resolution amending fiscal year 2010-2011 final operating budget, by accepting and appropriating \$5,000 in cash sponsorship received from Comcast Cable

Communications for a one-year sponsorship of the Centennial Celebration and \$650 to pay Jan Beth Idelman, Inc., event fundraiser.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-0276

RESOLUTION NO. 11-64

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.

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**AMEND OPERATING BUDGET – (CR-08)**  
**TRANSFER FUNDS AND VACANT POSITION - \$47,937.64**  
**BUSINESS ASSISTANCE COORDINATOR - BUSINESSF1RST PROGRAM**

**Please see funding details attached to these minutes.**

A resolution amending fiscal year 2010-2011 final operating budget by transferring \$47,937.64 and transferring vacant Personnel Assistant position from Human Resources Department to Economic Development Department to fund and create Business Assistance Coordinator position - BusinessF1rst Program.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-0304

RESOLUTION NO. 11-65

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 FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT AND TRANSFERRING A VACANT PERSONNEL ASSISTANT POSITION FROM THE HUMAN RESOURCES DEPARTMENT TO THE ECONOMIC DEVELOPMENT DEPARTMENT TO CREATE A BUSINESS ASSISTANCE COORDINATOR POSITION, AND PROVIDING FOR AN EFFECTIVE DATE.

<b>PURCHASING AGENDA</b>
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**513-10640 - BASS PARK POOL RESURFACING - \$28,900****(PUR-01)****Please see funding details attached to these minutes.**

Contract to resurface Bass Park pool is being presented by Parks and Recreation Department.

**Recommend:** Motion to approve.

**Vendor:** Southern Blue Pools, Inc.  
Coral Gables, FL

**Amount:** \$28,900.00

**Bids Solicited/Rec'd:** 927/4

**Exhibit:** Commission Agenda Report 11-0183

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

**512-10690 - VEHICLE REPLACEMENTS - \$215,275.04****(PUR-02)****Please see funding details attached to these minutes.**

Purchase eleven replacement vehicles identified in 2010-2011 Fleet Plan is being presented for approval by Parking and Fleet Services Department.

**Recommend:** Motion to approve.

**Vendor:** Maroone Ford, LLC  
Fort Lauderdale, FL

**Amount:** \$215,275.04

**Bids Solicited/Rec'd:** 228/5

**Exhibit:** Commission Agenda Report 11-0206

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

**103-10427- 4 - POLICE AND PARKING ENFORCEMENT UNIFORMS –  
CONTRACT TERMINATION****(PUR-03)****NO BUDGETARY IMPACT.**

Terminate contract for cause - uniforms - duty shorts for Parking Enforcement and Police Bike Unit - presented for approval by Police Department.

**Recommend:** Motion to approve.

**Vendor:** Harrison Uniform Company  
Cincinnati, OH

**Bids Solicited/Rec'd:** 973-13

**Exhibit:** Commission Agenda Report 11-0259

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

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**215-10676 - PUBLIC ADDRESS – (PUR-04)**  
**SAFETY ALERTING SYSTEM FOR BEACH AREA - \$67,548.80**

**Please see funding details attached to these minutes.**

Purchase public address - safety alerting system and annual maintenance for beach area - presented by Fire-Rescue Department.

**Recommend:** Motion to approve.

**Vendor:** Econo-comm, Inc. d/b/a/ Mobile Communications  
Lauderhill, FL

**Amount:** \$67,548.80 Base system and 3 yrs. maint.

**Bids Solicited/Rec'd:** 1291/3

**Exhibit:** Commission Agenda Report 11-0266

The Procurement Services Department has reviewed this item and recommends award to the 1st ranked proposer.

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**815-10670 - EMERGENCY PLAN REVIEW SERVICES - AS NEEDED BASIS (PUR-05)**

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

One-year contracts to purchase plan review services for emergency use only, is being presented for approval by Building Services Department.

**Recommend:** Motion to approve.

**Vendor:** C.A.P. Government, Inc. Doral, FL  
Calvin, Giordano & Associates, Inc. Fort Lauderdale, FL

**Amount:** per unit prices

**Bids Solicited/Rec'd:** 806/2

**Exhibit:** Commission Agenda Report 11-0282



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

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**Motion** made by Commissioner Roberts and seconded by Commissioner Rodstrom, that Consent Agenda Items M-05, M-07, M-08, M-12, M-18, CR-05, PUR-02, and PUR-04 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

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**EVENT AGREEMENT - RED BULL CANDOLA (M-05)**  
**CO-SPONSORSHIP BANNERS**

This item was removed from the consent agenda by Art Seitz, 1905 North Atlantic Boulevard; but he was not present to address it.

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

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**AGREEMENT - SCHOOL BOARD OF BROWARD COUNTY - \$10,000 (M-07)**  
**USE OF SCHOOL BUSES FOR CITY RECREATIONAL PROGRAMS AND EVENTS**

This item was removed from the consent agenda at the request of staff for clarification. It should have been listed as a proprietary item and considered as a motion for discussion (MD). (Note: This item was mistakenly voted as a resolution and corrected later in the meeting; see Page 20\*

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**OPERATION OF SOUTHSIDE SCHOOL – (M-08)**  
**NOVA SOUTHEASTERN UNIVERSITY, INC.**

Mayor Seiler opened the floor for public comment.

John Wilkes, chair of the Friends of South Side, Inc., outlined the history of this endeavor of preservation dating back to 2003. He was concerned about the Commission taking this step without meeting minimum legal requirements for public notice and opportunity for bidding. He stressed that the Friends have kept the discussions positive in hopes of working with Nova in the future. He referred to his letter, dated February 28, 2011, regarding this being a purchase versus a long-term lease. A copy of the letter is attached to these minutes. Also, this matter was not presented to the Parks, Recreation and Beaches Advisory Board for their input. He urged the Friends' highlights of issues be incorporated (presented at the conference meeting). A copy of the highlights is attached to these minutes. He urged the Commission to consider these items and otherwise he recommended the Commission not move forward this evening.

In response to Vice Mayor Rogers, Mr. Wilkes referred to the City Attorney's Memorandum 10-0590, dated October 15, 2010, wherein he advised that if this is a lease, rather than an agreement to operate, the proper procedure for entering into a lease with a civic or charitable organization is set forth in Section 8.13 of the City Charter and must also be followed. He thought this agreement is essentially a lease, and, therefore, has different criteria which includes public notice and a public hearing. There are restrictive covenants imposed on this land, and obligations that preclude leasing this facility. If the proposed agreement does not have sufficient restraints, he felt the City would be violating its code and the restrictive covenants. Vice Mayor Rogers requested the City Attorney respond. The City Attorney advised that, if this was a lease, a different procedure would have to be followed. To avoid the problem, both the Friends and Vice Mayor Rogers suggested it be an operating agreement. The City agreed that an operating agreement did not transfer any interest in the land itself or did not have to go through the same process as a lease. Vice Mayor Rogers agreed that an operating agreement was more appropriate. Vice Mayor Rogers questioned how purchasing of services might have to do with this process. The City Attorney was not certain what it had to do with it either. Mr. Wilkes noted that the recitals of the agreement speaks of City Code, Section 2-189, under the purchasing division. Acquisitions under this are generally for shorter periods of time (3-5 years), and tied into services that are reviewed continually. He claimed the Friends' proposal included a review every five years. He emphasized the importance of preserving the City's rights and activities in sharing the operation. This facility should be accessible to the community as promised which is why there should be monitoring in the agreement.

In response to Vice Mayor Rogers, the City Attorney noted that an annual report of fees could be included in the operating agreement. He recommended the agreement be approved in substantially the form it is in, and advise staff of any desired changes. Staff will make the changes and have the agreement executed. In further response, he agreed that an annual report of fees is appropriate.

In response to Vice Mayor Rogers, Mr. Wilkes noted the Parks and Recreation Department originally projected a year-one cost to the City of approximately \$334,000; a shortfall or gross expenses less fees generated by the facility. The Friends' projections were in agreement. On this type of facility, only 50 percent of expenses are recovered by operation. The remainder is derived from fundraising, charitable donations, and/or subsidies. As for the proposed agreement, he believed the projected \$350,000 is a gross number. He believed it will cost almost double. He believed the \$350,000 is a net obligation to assure that the fees are not excessive and in violation of the governmental purpose which is imposed by the deed restrictions. It is essentially a substitution of rent. It can be reduced by efficiency. He thought the \$350,000 should be changed to net. If Nova is successful, that amount could be reduced; but they should establish a capital improvement fund. Mayor Seiler pointed out that, under this agreement, Nova is already responsible for maintenance and replacement. Mr. Wilkes thought replacement is another issue. He contended there is a legal distinction between maintenance and replacement. He thought a capital fund would be to Nova's advantage.

Pamela Wilkes, member of Friends of South Side, Inc., looked back on some of the history of the building. She urged the Commission to continue reviewing the details of the proposed agreement. The arts should be accessible to the community because they are important.

Yasmin Wasserman, member of Friends of South Side, Inc., clarified that the Friends have consistently asked for the same use percentage in their negotiations (with Nova), but accepted a lesser amount. She claimed Nova's verbal offers do not coincide with the written document. Although Nova has offered 25 percent of the non-specified classrooms, they require these classes to be taught by Nova employees. She felt this further limits public access. She contended that Nova does not offer any need-based scholarships because merit qualifications are imposed. She wanted Nova to offer more scholarship funds.

Kathleen Ginestra, a member of the Friends of South Side, Inc., hoped Nova is successful. She would support an operating agreement for a five-year term with an option to renew for another five years.

David Rose, member of the Friends of South Side, Inc., believed Nova has positive things to offer the community; but, some points of clarification to the agreement are necessary. He referred to his suggested clarification points in his comments at today's conference meeting. There was some dialogue between Mr. Rose and Mayor Seiler as to the original members of the Friends' board and a discrepancy Mayor Seiler found on the Friends' website in that regard.

Chelsea Wilkes, member of Friends of South Side, Inc., believed Nova should not be given primary control of Southside. This community center should be given to the people, not a private entity. She was concerned that the arts is being stricken from the schools and community. There is no low income support or haven for young people. She reasoned that some control should be given to the Friends or another organization that would do what the Friends projected to do.

Filiz Bakir, 900 Coconut Drive, claimed residents were not made aware of this issue. It seems this has been a behind-closed-doors deal. She agreed with Chelsea Wilkes; Southside should be for the community and the community should be aware of its services. She urged the Commission to re-think the proposed agreement. Mayor Seiler pointed out that this issue has been addressed at approximately five (recent) public hearings, and the prior Commission also spent time on it. He has received a tremendous number of e-mails. A majority supports a partnership with Nova. He elaborated upon the positive impact brought about by the City's fiscal conservatism. The City has managed to maintain its millage rate and is the second lowest out of the twenty largest cities in Florida. The fiscal impact of this facility was never budgeted or planned. Vice Mayor Rogers has worked diligently to make the best deal that allows public access and fiscally protect the City. Since Nova took over the operation of the Museum of Art, it has been a successful operation. The City anticipates another successful partnership. Ms. Bakir wanted increased transparency for greater community involvement and accessibility. Mayor Seiler advised that a minimum of 3,000 hours will be dedicated to the public. Discussion ensued between Mayor Seiler and Ms. Bakir regarding public access to Southside and the procedure that a non-Nova educator would follow to teach a class at this facility. Mayor Seiler indicated that the Nova payroll issue (raised by Ms. Wasserman) could be addressed.

Anthony Lauro, representing the Museum of Art, clarified that Nova provides both need-based and merit scholarships. He elaborated upon the total scholarship funds granted by Nova this year and their future commitment. He pointed out that some scholarship

recipients qualify as both need and merit based. He elaborated upon Nova's hiring procedure and the types of classes they offer. He claimed Nova is in touch with its young students and is welcoming to the community. Their costs are reasonable.

George Hanbury, president of Nova Southeastern University, indicated that he is also a resident, taxpayer and registered voter of Fort Lauderdale. He is also concerned things are done appropriately, above-board and young people can see opportunities for involvement. Nova wanted to expand the Studio School because the arts are important. City staff has vetted this project and offered a recommendation. Nova supports the recommendation and urges approval. Nova wishes to resolve any of the community's concerns. The 48 events provided are for all civic activities with no limitation on their length. Nova is aware that the public purpose must be met. This is an operating agreement, not a lease.

There was no one else wishing to speak.

In response to Mayor Seiler, Peter Witschen, representing Nova Southeastern University, clarified that there is a 25 percent threshold and the 48 civic meetings are within it; the Tarpon River Civic Association meetings are not. The language needs to be corrected. Dr. Hanbury indicated there would be no charge unless something extraordinary like a banquet was held.

In response to Commissioner Roberts, Dr. Hanbury verified that Nova will complete an annual report. Commissioner Roberts thought an annual report would benefit all involved parties. Mr. Witschen explained that Nova has agreed to provide a programmatic report each semester. In response to Vice Mayor Rogers, he verified that the gap between operations and income will be fulfilled by fundraising and donations. Southside will be part of the Museum of Art cost center, wherein the university provides contributions to keep the community asset in place. Vice Mayor Rogers wanted certainty that Nova will have a replacement fund and continue to maintain Southside over time. Aside from their hope for significant citizen and corporate benefactors, Mr. Witschen explained that Southside would be covered in Nova's current renewal and replacement fund which is funded every year. He remarked that Southside is an important facility, but compared to the size and scope of their current facilities, it does not pose an onerous responsibility for Nova. Southside will be maintained in the same manner as Nova's newer facilities. Vice Mayor Rogers understood that Nova is responsible and has a good balance sheet today; but he expressed concern about the future. He thought a portion of the funds that the City would otherwise put aside as a replacement fund should also be put aside in this operating agreement. Mr. Witschen thought this type of financial control would be burdensome. Even if Southside was not covered in Nova's replacement fund, he reiterated his belief that donations will be made specifically for Southside. Vice Mayor Rogers drew attention to Paragraph 14 that, if there is a fire or other casualty, resulting in a material uninsured damage, Nova is not obligated to occupy or be responsible. Mr. Witschen indicated that a review of that language may be necessary. Nova is capable of extensively insuring this facility, and will be certain to resolve this issue if direction is given to City staff.

Vice Mayor Rogers emphasized that Southside is a prime resource to the City, and must be well cared for now and in the future. He wanted a 10-year, rather than 20-year term; a replacement fund; and an annual report.

Vice Mayor Rogers reiterated the inconsistency between paragraphs 14 and 17 in the agreement as shown in the commission agenda report. The City Attorney explained that, although paragraph 14 allows for early termination, paragraph 17 states that, for early termination, Nova must provide a certification of what needs to be done to restore the building to the same condition it was in when they took occupancy; Nova would have to rebuild it. Nonetheless, Vice Mayor Rogers maintained that the agreement allows Nova a unilateral right to terminate. If Nova has to provide adequate insurance, it is not plausible that inadequate coverage would cause them to terminate. The City Attorney advised the insurance coverage will have to be set at an amount that would be necessary to rebuild the building in the case of catastrophic loss. He agreed that there is inconsistency between paragraphs 14 and 17, but he believed paragraph 17 would prevail. In agreement with Vice Mayor Rogers and Commissioner Roberts, Mayor Seiler requested the City Attorney's office clarify paragraph 14.

**Motion** made by Commissioner Rodstrom and seconded by Commissioner DuBose to authorize the proposed agreement in substantially the form provided and subject to review and approval by City Attorney and contingent upon approval of Broward County and Florida Communities Trust, as well as language revision to provide for Tarpon River Civic Association meetings not going toward the 25 percent operating hours; Nova completing an annual report and a semester reports; and clarification of Paragraph 14.

During discussion of the motion, the City Attorney responded to Vice Mayor Rogers' question about Paragraph 14 and noted that Paragraph 17 would ensure that Nova would have to restore the building. Commissioner Roberts thought the City Attorney could be directed to make that clarification.

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

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**CHANGE ORDER 1- WEST CONSTRUCTION, INC. –  
SOUTH SIDE SCHOOL – CREDIT (\$8,000)**

**(M-12)**

Albert Carbon, Public Works Director, explained that Memorandum 11-048 reflects changes made to this item as a result of negotiations with West Construction, Inc. (West). The change order amount is revised to an amount not to exceed \$37,337 and the timeline reduced by 14 working days, for a scheduled completion date of June 1, 2011. The item also needs to be include a consent resolution, amending the budget by appropriating the \$37,337 contribution from the Museum of Art.

In response to Vice Mayor Rogers, Mr. Carbon explained that Phase II construction is not related to this change order. Peter Witschen, representing Nova Southeastern University, explained that the operating agreement does not cover any part of Phase II. He noted the contractor's substantial reductions in this change order, and hoped for even greater reductions in the future. Nova is committed to fund this change order.

RESOLUTION NO. 11-66

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.

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

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**AGREEMENT - SCHOOL BOARD OF BROWARD COUNTY - \$10,000 (M-07)**  
**USE OF SCHOOL BUSES FOR CITY RECREATIONAL PROGRAMS AND EVENTS**

Continued from Page 15\*

Mayor Seiler and the City Clerk requested an error made earlier in the meeting be corrected; this item should be reflected as proprietary, not a resolution.

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

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**OCEAN RESCUE HEADQUARTERS - LEASE AGREEMENT – (M-18)**  
**ANNUAL COST - \$12 - RELOCATION TO INTERNATIONAL**  
**SWIMMING HALL OF FAME**

Commissioner Rodstrom advised that the International Swimming Hall of Fame supports this item.

Art Seitz, 1905 North Atlantic Boulevard, claimed there is a high number of riptide drownings in the city. There is no lifeguard post north of approximately 16<sup>th</sup> Street. Residents in this area do not want the public there, but the public has a right to the area. He elaborated upon unfulfilled promises he claimed former Ireland's Inn owner, Andy Mitchell, made. According to the developer's agreement, the portal is on 22<sup>nd</sup> Street, but it may do some good on 23<sup>rd</sup> Street. He believed the City is not getting its fair share of bed tax funds. Beach area residents pay the most in taxes, but receive the least benefit. This lifeguard post should be moved farther north.

Mayor Seiler pointed out this item is to approve the Ocean Rescue Headquarters lease agreement. Relocation will be addressed by the Community Redevelopment Agency (CRA) at a later date. Commissioner Rodstrom requested the Acting City Manager have staff review the possibility of adding a lifeguard post to the north end of the beach.

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

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

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**PALAZZO LAS OLAS GROUP, LLC v. CITY OF FORT LAUDERDALE, (CR-05)  
ET AL- SETTLEMENT - \$475,000**

Art Seitz, 1905 North Atlantic Boulevard, expressed support of this settlement. He elaborated upon how he believes such circumstances come about.

Robert Walsh, 401 East Las Olas Boulevard, expressed support of this settlement. In response to Mr. Walsh, the City Attorney explained that when this case was first brought forward in 2003, the City set aside \$500,000 in reserves in the insurance fund; the settlement will be paid from that source.

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

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**512-10690 - VEHICLE REPLACEMENTS - \$215,275.04 (PUR-02)**

In response to Vice Mayor Rogers, Diana Alarcon, Director of Parking and Fleet Services, noted the City Clerk's e-mail explaining that Exhibit 3 for this item was mistakenly attached to item PUR-01. In response to Mayor Seiler, Ms. Alarcon indicated there would be no problem with a deferral.

**Motion** made by Commissioner Rodstrom and seconded by Commissioner Roberts to defer the item to March 15, 2011. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler.  
NAYS: None.

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**215-10676 - PUBLIC ADDRESS – (PUR-04)  
SAFETY ALERTING SYSTEM FOR BEACH AREA - \$67,548.80**

Art Seitz, 1905 North Atlantic Boulevard, expressed support of the item; but LEED (Leadership in Energy and Environmental Design) monument-type signs which was suggested by the Beach Redevelopment Board sometime ago in a communication to the Commission would be more effective. The signage could be funded by the CRA (Community Redevelopment Agency). He elaborated upon the usefulness of LEED signs for marketing and public announcements. Mayor Seiler explained that parts of the sign ordinance were opened based on location on public property for public facilities.

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

<b>MOTIONS</b>
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**PROPRIETARY - REPAIR SPX BRAND AERATOR MIXER - \$47,656- (MD-01)**  
**LOHMEYER WASTEWATER TREATMENT PLANT**

**Please see funding details attached to these minutes.**

Repair one SPX Flow Technology Systems brand mechanical surface aerator mixer used to remove sludge at Lohmeyer Wastewater Treatment Plant is being presented for approval by Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Arroyo Process Equipment Inc.  
Clearwater, FL

**Amount:** \$47,656.00

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 11-0269

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

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

**PROPRIETARY - MOTOROLA PORTABLE RADIO EQUIPMENT – (MD-02)**  
**\$171,698.40 - PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM**

**Please see funding details attached to these minutes.**

Purchase Motorola portable radios and accessories - Public Safety Radio Communications System -presented by Information Technology Services Department.

**Recommend:** Motion to approve.

**Vendor:** Motorola Solutions, Inc.  
Schaumburg, IL

**Amount:** \$171,698.40 (not to exceed)

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 11-0285

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

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



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

**PROPRIETARY - EXTENDED WARRANTY - PARKEON MULTI-SPACE (MD-03)**  
**PARKING METERS - \$35,880**

**Please see funding details attached to these minutes.**

One-year contract extensions - extended warranty service for forty-six Parkeon multi-space parking meters located on North Beach, Fort Lauderdale Beach Lot, SE 5 Street and Sebastian Lot is being presented by Parking and Fleet Services Department.

**Recommend:** Motion to approve.  
**Vendor:** Parkeon, Inc.  
Moorestown, NJ  
**Amount:** \$35,880.00  
**Bids Solicited/Rec'd:** N/A  
**Exhibit:** Commission Agenda Report 11-0233

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

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

**PROPRIETARY - CANCEIVER EQUIPMENT TO MONITOR VEHICLE (MD-04)**  
**ENGINE IDLE - \$263,150**

**Please see funding details attached to these minutes.**

Agreement for purchase and installation of 730 CANceiver units and associated hardware to monitor vehicle engine idle time - in substantially the form provided - presented for approval by Parking and Fleet Services Department.

**Recommend:** Motion to approve.  
**Vendor:** E.J. Ward, Inc.  
San Antonio, TX  
**Amount:** \$263,150.00  
**Bids Solicited/Rec'd:** N/A  
**Exhibit:** Commission Agenda Report 11-0123

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

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

<b>RESOLUTIONS</b>
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**NORTHWEST COMMERCIAL REDEVELOPMENT PROJECT – (R-01)  
THIRD AMENDMENT TO AGREEMENT AND DELEGATING SIGNATORY  
AUTHORITY**

**No budgetary impact.**

A resolution authorizing the proper City Officials to execute a third amendment to Northwest Commercial Redevelopment Project Development Agreement with Milton Jones Development Corporation and delegating authority to contract administrator to sign on behalf of City's interest applications for pre-development approvals.

**Recommend:** Introduce resolution.

**Exhibit:** Commission Agenda Report 11-0315

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-56

A RESOLUTION OF THE CITY COMMISSION OF  
THE CITY OF FORT LAUDERDALE, FLORIDA  
AUTHORIZING THE PROPER CITY OFFICIALS TO  
EXECUTE A THIRD AMENDMENT TO THE  
DEVELOPMENT AGREEMENT; DELEGATING  
AUTHORITY TO THE CONTRACT  
ADMINISTRATOR TO SIGN ON BEHALF OF THE  
CITY'S INTEREST APPLICATIONS FOR PRE-  
DEVELOPMENT APPROVALS; SEVERABILITY;  
REPEAL OF RESOLUTIONS IN CONFLICT  
HEREWITH; EFFECTIVE DATE

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

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**BOARD AND COMMITTEE APPOINTMENTS (R-02)**

**No budgetary impact.**

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

Community Appearance Board

Jermaine Davis (Commissioner DuBose)

Commissioner Rodstrom introduced the following resolution:

## RESOLUTION NO. 11-57

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

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

<b>CITIZEN PRESENTATIONS</b>
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**ROBERT LEFFERTS – UPDATE: U.S. PASSION – PEOPLE AGAINST SNUFF & SLAVERY IN OUR NATION** (CIT-01)

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

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**ANITA VILLARD – IMMIGRATION** (CIT-02)

On behalf of Students Working for Equal Rights of Broward County, Ms. Villard claimed the proposed immigration laws would negatively affect people in Florida because it would require police officers to use racial profiling to request immigration status of anyone who looks like an immigrant. She noted South Florida's multicultural population. She discussed the financial and economic impacts of the proposed laws and existing conditions. She referred to enactment of similar laws in Arizona and indicated these laws may deter immigrants from reporting crimes or testifying in court, and could discourage tourists and new businesses from coming to the area. She urged the Commission to adopt a resolution indicating their opposition. In response to Mayor Seiler, Ms. Villard offered to provide a copy of the proposed resolution.

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**DIEGO SANCHEZ – IMMIGRATION** (CIT-03)

On behalf of Students Working for Equal Rights of Broward County, Mr. Sanchez urged the Commission take a position on the proposed immigration laws would require police to check the status of any suspected illegal immigrant during a lawful stop. Non-citizens who do not carry immigration documentation on their person would be fined \$100 and face a misdemeanor conviction with 20-day jail time. Individual with no status would be turned over to immigration. There are restrictions against cities and counties having laws imposing restrictions on the passing of information to immigration. Citizens could sue cities and counties for not enforcing immigration laws. He elaborated upon the negative impacts. He requested the Commission consider the Florida Compact which is a

declaration of five principles to guide Florida's immigration discussion and reviewed those principles. He believed the City's top priorities are public safety and the budget and as such he questioned how these laws would help those priorities.

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**ROBERT WALSH – ADVISORY BOARD MEMBER'S LAWSUIT (CIT-04)  
AGAINST CITY OF FORT LAUDERDALE**

Mr. Walsh indicated that he will wait until a judicial decision is made on this issue.

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**ART SEITZ – INTERNATIONAL SWIMMING HALL OF FAME (CIT-05)  
REDEVELOPMENT REQUEST FOR PROSALS, PARKING-  
IRELAND'S INN AND CENTRAL BEACH ALLIANCE**

Mr. Seitz remarked on the International Swimming Hall of Fame (ISHOF) project consultant and their report posted on the City's website. He felt there has not been adequate transparency on this project. He questioned why there was only one bid on a project of this size. He wanted to move forward with the project. Mayor Seiler noted there will be numerous opportunities to address this topic as there have been in the past. Commissioner Roberts pointed out that staff is reviewing the numbers. The City is not committed to the original proposal. Some information conveyed by Mr. Seitz is incorrect.

<b>PUBLIC HEARINGS</b>
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**NON-MOTORIZED VEHICLE LICENSE MODIFICATION – OCEAN VIEW (PH-01)  
RICKSHAW, INC.**

**No budgetary impact.**

**Applicant:** Ocean View Rickshaw, Inc.

Request to modify existing non-motorized vehicle license - adding vehicles and modifying route.

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

**Exhibit:** Commission Agenda Report 11-0312

Mayor Seiler opened the floor for public comment.

Robert Walsh, 401 East Las Olas Boulevard, indicated his comments are directed to this and item PH-02. He questioned whether the Applicant has obtained the appropriate amount of insurance coverage.

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

In response to Commissioner Rodstrom, Deborah Hernandez, Code Enforcement, indicated that Ocean View Rickshaw, Inc. (Ocean View) has a non-motorized vehicle license with 20 permits, and is requesting an additional 30 permits. Orient Express Rickshaws, LLC (Orient Express) is a new company to the City and is requesting 5 to 20 permits. A condition of staff's recommendation is prohibiting Federal Highway which would include the Henry Kinney tunnel and any roads posted with a speed limit greater than 35 MPH. In further response, Ms. Hernandez explained that Ocean View is requesting expansion of their current route from Sunrise Boulevard (Sunrise) to the Bahia Mar, to span from the Pelican Grand Beach Resort (Pelican) to SE 23 Avenue. She pointed out Ocean View's additional requests for pick-up and drop off areas in neighborhoods shown on the map provided as Exhibit 6 to the commission agenda report. Commissioner Rodstrom took issue with the route expansion that includes the Pelican because it is a congested area. She wanted to exclude the area from Sunrise north to the Pelican for at least one year until it may be possible to develop the greenway through Birch State Park.

In response to Vice Mayor Rogers, Jay Alexander, representing Ocean View, clarified points on their routes. The rickshaws use the roadways, not sidewalks.

In response to Commissioner Roberts review of the recommended conditions, Ms. Hernandez verified that both applicants (Ocean View and Orient Express) worked with staff to develop the conditions. Ocean View already meets the recommended insurance requirements. Commissioner Roberts approved of the staff recommendations and those made by the Community Services Board (CSB). Ms. Hernandez clarified that once approved the permits would simply be subject to annual renewal through the license division. Mr. Alexander explained that there are no rickshaws operating on the Galt Ocean Mile. Commissioner Roberts indicated that he recently saw both well and poorly maintained rickshaws in the beach area. He wanted the rickshaws to be inspected each year to ensure proper maintenance. Ms. Hernandez explained there has not been enough time to develop an inspection program; but, she indicated that could be pursued with the ordinance review. Guy Hine, Risk Manager, explained staff's concern that the City could be included in a lawsuit if it is part of an inspection process. In response to Vice Mayor Rogers, Sean Doyle, representing Orient Express, explained that Orlando uses an outside contractor to perform inspections at a cost of \$50 per bike, per year. Orlando's permit fee is \$100 per bike and a \$150 application fee. Vice Mayor Rogers suggested increasing its \$5 fee. Commissioner Roberts suggested the City's liability in rickshaw licensing and inspecting be reviewed by staff and information be brought forward with the ordinance revamp.

In response to Commissioner Rodstrom, Jacquelyn Scott, 1626 SE 1 Street, thought it is very dangerous to allow rickshaws on (NE) 15 Avenue. She elaborated upon a current crossing issue on 2 Street, 2 Court and 1 Street; there is reduced visibility caused by on-street parking. She suggested the rickshaws use 12 or 13 Avenue. Mr. Alexander indicated safety is always foremost. 15 Avenue was included because of its 35 MPH speed limit. There are many alternative streets. He would not object to such an exclusion. There was consensus approval for this change.

Ms. Hernandez responded to Mayor Seiler's question, noting the number of existing permits and the board's recommendation.

Mayor Seiler suggested that whatever number of permits granted to Orient Express should also be given to Ocean View. Commissioner Rodstrom reiterated her question about not expanding the route from Sunrise Boulevard to 23 Avenue. Mr. Alexander believed there is enough space for the rickshaws in the bike lane, which is their primary path. A dialogue ensued about car doors opening into the bike lane and safety measures and training of rickshaw operators in such instances. Mr. Alexander noted Ocean View is working with the North Beach Merchants Association to transport customers safely from parking in the north beach area. Mayor Seiler suggested a pilot basis for the area of concern expressed by Commissioner Rodstrom. He also suggested ten percents to each applicant. Commissioner Roberts wanted to make sure staff's recommendations are included.

In response to Vice Mayor Rogers, the City Attorney advised any amendment to the ordinance will apply to them. Mayor Seiler suggested that staff consult the applicants in the process of amending the ordinance.

**Motion** made by Commissioner Roberts and seconded by Commissioner Rodstrom, to approve the item with the following conditions: authorization of 10 licenses; a revised route that eliminates 15 Avenue to 13 Avenue; and allowing the A-1-A route between Sunrise Boulevard and Pelican Grand Hotel on a 6-month pilot basis. Roll call showed: YEAS: Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: Commissioner Rodstrom.

Mr. Alexander invited staff and the Commission to their warehouse. He assured that the (rickshaw maintenance) issues noted by Commissioner Roberts will be resolved immediately.

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**MULTIPLE NON-MOTORIZED VEHICLE LICENSES – ORIENT EXPRESS (PH-02)  
RICKSHAWS , LLC**

**No budgetary impact.**

**Applicant:** Orient Express Rickshaws, LLC

Multiple Non-Motorized Vehicle Licenses - transportation within specified routes.

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

**Exhibit:** Commission Agenda Report 11-0314

Deborah Hernandez, Code Enforcement, pointed out that the route and conditions are the same as PH-01.

Mayor Seiler opened the floor for public comment.

Robert Walsh, 401 East Las Olas Boulevard, questioned the insurance coverage. Vice Mayor Rogers explained the ordinance amendment will require \$1 million in coverage.

Art Seitz, 1905 North Atlantic Boulevard, was generally supportive of the connectivity and furtherance of the A-1-A greenway project.

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

**Motion** made by Commissioner Roberts and seconded by Vice Mayor Rogers, to approve the item with the following conditions: authorization of 10 licenses; a revised route that eliminates 15 Avenue to 13 Avenue; and allowing the A-1-A route between Sunrise Boulevard and Pelican Grand Hotel on a 6-month pilot basis. and allowing the A-1-A route between Sunrise Boulevard and Pelican Grand Hotel on a 6-month pilot basis. Roll call showed: YEAS: Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: Commissioner Rodstrom.

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Note: The City Commission adjourned the regular meeting at 8:56 p.m. and returned to the conference meeting agenda, item I-G, from 8:56 p.m. to 9:59 p.m.

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John P. "Jack" Seiler  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk