

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
MARCH 15, 2011

Agenda

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
March 15, 2011**

Meeting was called to order at 6:09 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
Sergeants At Arms Sergeants Bill Schultz and Lynette Falzone

In the absence of Rabbi David A. Spey, Temple Bat Yam, invocation was offered by Mayor Seiler followed by the recitation of the pledge by youth in the audience.

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).

The City Clerk indicated she met with Commissioner Roberts on his question concerning the January 19, 2011 Conference Meeting. After checking the audio, they determined these minutes are correct as originally submitted.

Motion made by Commissioner Roberts and seconded by Vice Mayor Rogers to approve the minutes of the January 19, 2011 Conference Meeting, February 15, 2011 Regular Meeting and February 21, 2011 Joint Workshop with the Budget Advisory Board. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

Presentations

1. COMMUNITY APPEARANCE BOARD–WOW AWARD-DISTRICT III-(PRES-01)

Commissioner DuBose recognized Marvia and Harold Simmons who reside in the Rock Island Community Development as the recipients of the WOW Award for District III.

2. COMMUNITY APPEARANCE BOARD–WOW AWARD-DISTRICT IV-(PRES-02)

Vice Mayor Rogers recognized Noi and Buddy Sherman who reside in Croissant Park as the recipients of the WOW Award for District IV.

3. PEOPLE AND PLANET DAY – CELEBRATING EARTH MONTH- APRIL 2, 2011 (PRES-03)

In celebration of Earth Month, Commissioner Rodstrom presented a proclamation designating April 2, 2011 as People and Planet Day in the City to Emily Lagerquist of Kids Ecology Corps. Ms. Lagerquist invited the public to attend an upcoming People and Planet Day event, and thanked the Commission.

4. NATIONAL PEACE CORPS MONTH – MARCH, 2011 – COMMEMORATING FOUNDING OF UNITED STATES PEACE PEACE CORPS FIFTY YEARS AGO (PRES-04)

Commissioner DuBose presented a proclamation commemorating the founding of the United States Peace Corps 50 years ago and National Peace Corps Month in March, 2011 to Roland Alexander Foulkes, a returned Peace Corps Volunteer from Ghana, West Africa, 1982 – 1984, of the Returned Peace Corps Volunteer Association of South Florida. Mr. Foulkes noted that the goals of the Peace Corps are to help people in other countries, and then share knowledge about the world with Americans. He invited the public to attend an upcoming film event and thanked the Commission.

5. MARIE O’CONNELL – BLARNEY CASTLE MOTEL- 35 YEARS OF OPERATION (PRES-06)

Vice Mayor Rogers presented a proclamation recognizing Marie O’Connell, Owner and Operator of the Blarney Castle Motel for 35 years of operation, and designating March 17, 2011 as Marie O’Connell Day in the City to Ms. O’Connell. Ms. O’Connell thanked the Commission.

6. SUN-SENTINEL NEWSPAPER 100TH ANNIVERSARY (PRES-05)

Commissioner Roberts presented a proclamation recognizing the 100th birthday of the Sun Sentinel Newspaper, and designating March 14, 2011 as South Florida Sun Sentinel Day in the City to Howard Greenberg, President, CEO, and Publisher. Mr. Greenberg thanked the Commission and expressed pride that the Sun Sentinel has served to archive the City’s history. Mayor Seiler thanked Mr. Greenberg for the Sun Sentinel’s partnership with the City for upcoming Centennial events.

7. MIAMI DOLPHINS – CITY’S CENTENNIAL CELEBRATION (PRES-07)

In honor of the City’s 100th birthday, Mike Dee, CEO of the Miami Dolphins, presented a commemorative football jersey to Mayor Seiler. Mayor Seiler thanked Mr. Dee.

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 - SATURDAY NITE ALIVE (M-01)
CO-SPONSORSHIP BANNERS****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Wizard Entertainment, Inc. for Saturday Nite Alive, to be held beginning at 8 PM on March 26, 2011, and ending at 12:15 AM on March 27, 2011, and every Saturday beginning June 4, 2011 through September 3, 2011, 7 PM - 11 PM, in the Beach Business Improvement District along A-1-A from Oasis Cafe to the Atlantic Resort and allowing installation of banners at specified locations, subject to permitting regulations.

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 11-0352

**EVENT AGREEMENT - BURGER BATTLE (M-02)
CLOSING SE 8 AVENUE****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Riverwalk Fort Lauderdale, Inc. for Burger Battle, to be held May 13, 2011, 7 PM - 10 PM, on the Riverside Hotel Lawn and closing SE 8 Avenue.

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 11-0353

**EVENT AGREEMENT - CLUELESS ON LAS OLAS
CLOSING SE 9 AVENUE****(M-03)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Partners in Education, Inc. for Clueless on Las Olas, to be held April 14, 2011, 5:30 PM - 9:45 PM and closing SE 9 Avenue, from East Las Olas Boulevard south to the alley, and SE 9 Avenue, from East Las Olas Boulevard north to the alley.

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 11-0354

**EVENT AGREEMENT - LAS OLAS GOURMET MARKET
CLOSING SE 12 AVENUE****(M-04)****No budgetary impact.**

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

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 11-0355

**EVENT AGREEMENT - CONCOURSE D'RIO VISTA
CLOSING PONCE DE LEON DRIVE****(M-05)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Rio Vista Civic Association, Inc. for Concourse d'Rio Vista, to be held April 10, 2011, 10 AM - 5 PM, in the 1500 block of Ponce de Leon Drive.

Recommend: Motion to approve.**Exhibit:** Commission Agenda Report 11-0356

**EVENT AGREEMENT - GET DOWNTOWN
CLOSING SE 4 AVENUE****(M-06)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Grateful Paws Dog & Cat Rescue, Inc. for Get Downtown, to be held April 8, 2011, 5 PM - 8 PM, at the Plaza - 333 East Las Olas Boulevard and closing SE 4 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0357

EVENT AGREEMENT - OLD FASHIONED FISH FRY (M-07)
CLOSING SW 2 AVENUE AND SW 3 AVENUE

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Fort Lauderdale Historical Society, Inc. for Old Fashioned Fish Fry, to be held May 7, 2011, 5 PM - 8:30 PM, at Fort Lauderdale History Center and closing SW 2 Avenue and SW 3 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0359

EVENT AGREEMENT - MANKIND BLOCK PARTY (M-08)
CLOSING SE 2 STREET

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Mankind, Inc. for the Mankind Block Party, to be held March 25, 2011, 5:30 PM - 8:30 PM, at Mankind - 501 SE 2 Street and closing SE 2 Street in front of the store.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0378

EVENT AGREEMENT - ST. MARK'S SPRING FLING (M-09)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with The Episcopal Church of St. Mark the Evangelist, Inc. for St. Mark's Spring Fling to be held April 30, 2011, 12 Noon - 7:30 PM, at D.C. Alexander Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0379

**EVENT AGREEMENT - ST. THOMAS AQUINAS HIGH SCHOOL
75TH ANNIVERSARY ALUMNI CELEBRATION** (M-10)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Quarterdeck Cordova, Inc. for St. Thomas Aquinas High School 75th Anniversary Alumni Celebration, to be held April 8, 2011, 6 PM – 12 PM, at the Quarterdeck Restaurant -1541 Cordova Road.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0380

**EVENT AGREEMENT - INTERNATIONAL AQUATIC AND
CULTURAL FESTIVAL** (M-11)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with International Swimming Hall of Fame, Inc. for International Aquatic and Cultural Festival to be held May 7, 2011, 7:30 AM - 7 PM, and May 8, 2011, 11 AM - 7 PM, at D.C. Alexander Park, the beach, and in the ocean.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0361

EVENT AGREEMENT - BAREFOOT ON THE BEACH 5K (M-12)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with United States Lifesaving Association Fort Lauderdale Chapter, Inc. for Barefoot On The Beach 5K, to be held on April 16, 2011, 6 AM - 10 AM, on Fort Lauderdale Beach.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0351

**EVENT AGREEMENT - LAS OLAS WINE AND FOOD FESTIVAL
CLOSING EAST LAS OLAS BOULEVARD** (M-13)

No budgetary impact.

A motion authorizing and approving the execution of an Event Agreement with American Lung Association of Florida, Inc. for the Las Olas Wine and Food Festival to be held April

29, 2011, 6 PM - 10 PM and April 30, 2011, 6 PM - 8 PM and closing East Las Olas Boulevard.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0362

EVENT AGREEMENT - TAKE STEPS FOR CROHN'S AND COLITIS

(M-14)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Crohn's & Colitis Foundation of America, Inc. for Take Steps for Crohn's and Colitis, to be held April 16, 2011, 6 PM - 9 PM, at Huizenga Plaza and downtown sidewalks.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0381

EVENT AGREEMENT - FLORIDA TURKISH FESTIVAL

(M-15)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Coral Springs Foundation, Inc. for Florida Turkish Festival, to be held April 2, 2011, 10 AM - 8 PM and April 3, 2011, 10 AM - 5 PM, at Huizenga Plaza.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0382

**BROWARD COUNTY LAND STEWARDSHIP PROGRAM –
FIRST AMENDMENT TO AGREEMENTS INCREASING EXTENSION
PERIOD AND REMOVING AUDIT REQUIREMENT**

(M-16)

No budgetary impact.

A motion authorizing the proper City Officials to execute First Amendment to Agreement with Broward County - increasing extension period and removing audit requirement for 1) Land Stewardship Program Partners in Preservation grants - Bill Keith Preserve, Snyder Park (Quadrant I), Snyder Park (Quadrant IV) and Warbler Wetlands (Phase II); and for 2) Land Stewardship Program Parks for People grants for Bill Keith Preserve, Coral Ridge Park, Dolphin Isles Park, Peter Feldman Park, Harbordale Park and South Middle River Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0369

**CONTRACT AWARD - THE BG GROUP, LLC - \$151,018
HORTT PARK – DEMOLITION****(M-17)**

Please see funding details attached to these minutes.

A motion authorizing the proper City Officials to award and execute contract with The BG Group, LLC, in the amount of \$151,018 - demolition of a structure and associated improvements at Hortt Park – Project 11418A, plus 10 percent contingency and 17 percent engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0335

**CONTRACT AWARD - R & D ELECTRIC, INC. - \$87,353.27
SMOKER FAMILY PARK - PEDESTRIAN LIGHTING****(M-18)**

Please see funding details attached to these minutes.

A motion authorizing the proper City Officials to award and execute contract with R & D Electric, Inc., in the amount of \$87,353.27 - construction of Smoker Family Park - pedestrian lighting - Project 11087, plus 10 percent contingency and 14 percent engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0339

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

**CHANGE ORDER 1 - CENTRAL FLORIDA EQUIPMENT RENTAL, INC. –
\$245,680.17 - NE/NW 6 STREET - SISTRUNK BOULEVARD STREETSCAPE
AND ENHANCEMENT PROJECT****(M-19)**

Please see funding details attached to these minutes.

A motion authorizing Change Order 1 with Central Florida Equipment Rental, Inc., in the amount of \$245,680.17 - additional work - NE/NW 6 Street - Sistrunk Boulevard Streetscape and Enhancement - Project 10448.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0387

CONTRACT EXTENSION - WEEKLEY ASPHALT PAVING, INC. - \$630,000 (M-20)
ANNUAL ASPHALTIC CONCRETE PAVEMENT SURFACING-STREET RESURFACING*

Please see funding details attached to these minutes.

A motion authorizing the proper City Officials to execute one-year extension to contract with Weekley Asphalt Paving, Inc., in the amount of \$630,000 - 2011 Annual Asphaltic Concrete Pavement Surfacing Contract - street resurfacing - Project 11649.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0401

*This Commission Agenda Report (11-0401) was revised in accordance with Memorandum 11-062, which is attached to these minutes.

MEMORANDUM OF UNDERSTANDING - SOUTH FLORIDA (M-21)
WATER MANAGEMENT DISTRICT C-51 WATER SUPPLY AND WATER QUALITY RESERVOIR PLANNING AND DEVELOPMENT

No budgetary impact.

A motion authorizing the proper City Officials to enter into a Memorandum of Understanding, in substantially the form provided, with South Florida Water Management District, Palm Beach County and Lake Worth Drainage District - C-51 Water Supply and Water Quality Reservoir Planning and Development.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0377

AMENDMENTS TO AGREEMENTS - COMMUNITY TRANSIT (M-22)
SERVICES - DOWNTOWN FORT LAUDERDALE TRANSPORTATION MANAGEMENT ASSOCIATION

No budgetary impact.

Motions to approve the following amendments to agreements with Downtown Fort Lauderdale Transportation Management Association concerning community transit services 1) revise routes, update funding sources and include Community Redevelopment Agency as a party, 2) extend Convention Center route north to Galleria Mall and funding matters and 3) extend term to coincide with City's agreements with Broward County and funding matters - Downtown - Beach Shuttle.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0048

AMENDMENT 1 TO AGREEMENT - INLINE CHECK VALVES PILOT (M-23)
COST SHARING PROGRAM
RIVIERA ISLES HOMEOWNERS ASSOCIATION

No budgetary impact.

A motion authorizing the proper City Officials to execute Amendment 1 to Agreement -pilot cost sharing program agreement for installation of inline checkmate valves in certain locations within Riviera Isles neighborhood.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0348

AMENDED INTERLOCAL AGREEMENT – (M-24)
BEACH BUSINESS IMPROVEMENT DISTRICT ANNUAL
ASSESSMENT COLLECTION - BROWARD COUNTY PROPERTY APPRAISER

No budgetary impact.

A motion authorizing proper City Officials to execute amended interlocal agreement with Broward County Property Appraiser - specified period of time for payment of services, modification process and termination at end of Appraiser's term - notice of Beach Business Improvement District proposed non-ad valorem assessment in annual Truth in Millage (TRIM) notices.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0268

FIRST AMENDMENT TO AGREEMENT – (M-25)
BROWARD COUNTY FILM SOCIETY, INC. – CENTENNIAL
PHOTO MONTAGE PROJECT - EXTENSION OF TERM TO JUNE 30, 2011

No budgetary impact.

A motion authorizing the proper City Officials to execute First Amendment to Agreement with The Broward County Film Society, Inc. to extend term three months to June 30, 2011 and approve commission district video loops, which will be displayed on scheduled dates and in various locations throughout the city - Centennial Photo Montage Project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0383

PROCUREMENT OF AIRPORT LIABILITY INSURANCE QUOTES**(M-26)****No budgetary impact.**

A motion authorizing procurement of airport liability insurance quotes through negotiation method.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0372

PROPERTY INSURANCE POLICY RENEWAL - CITY-OWNED PROPERTIES - \$2,199,027 - LAYERED INSURANCE PROGRAM**(M-27)****Please see funding details attached to these minutes.**

A motion authorizing the purchase of property insurance policy renewal for city-owned properties with a layered insurance program from specified insurers, in the amount of \$2,199,027, and determining that this policy/program best meets the City's needs, as prescribed in Code of Ordinances.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0373

SETTLEMENT - GENERAL LIABILITY FILE GL 09-309 - \$29,000**(M-28)****Please see funding details attached to these minutes.**

A motion authorizing settlement of General Liability File GL 09-309 (Josephine Lipari) - \$29,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0374

AGREEMENT - SUMMER YOUTH EMPLOYMENT PROGRAM – WORKFORCE ONE - \$160,000**(M-29)****Please see funding details attached to these minutes.**

A motion authorizing the proper City Officials to execute an agreement with Workforce One for Summer Youth Employment Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0371

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

CONSENT RESOLUTION

AMEND OPERATING BUDGET - APPROPRIATION - \$6,000 (CR-01)
SPONSORSHIP - SUNTRUST SUNDAY JAZZ BRUNCH –
ED MORSE BAYVIEW CADILLAC

Please see funding details attached to these minutes.

A resolution amending fiscal year 2010-2011 final operating budget by appropriating \$6,000 in cash sponsorship from Ed Morse Bayview Cadillac for Suntrust Sunday Jazz Brunch, including \$780 to pay Jan Beth Idelman, Inc., event fundraiser.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0390

RESOLUTION NO. 11-75

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 CASH SPONSORSHIP IN THE AMOUNT OF \$6,000.00 FROM ED MORSE BAYVIEW CADILLAC FOR THE SUNTRUST SUNDAY JAZZ BRUNCH AND APPROPRIATING EXPENSES IN THE AMOUNT OF \$6,000.00 INCLUDING A \$780.00 PAYMENT TO JAN BETH IDELMAN, INC., THE EVENT FUNDRAISER, AS SET FORTH IN THE ATTACHED EXHIBIT.

GRANT APPLICATION - NATIONAL URBAN AND COMMUNITY FORESTRY GRANT PROGRAM (CR-02)
FLORIDA DEPARTMENT OF AGRICULTURE - \$10,000

No current year budgetary impact. Please see funding details attached to these minutes.

A resolution authorizing the proper City Officials to apply for 2011 National Urban and Community Forestry Grant funding from Florida Department of Agriculture, in the amount of \$10,000, and authorizing City Manager to execute a memorandum of agreement and all necessary documents to obtain funding, if awarded.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0405

RESOLUTION NO. 11-76

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR GRANT FUNDING IN THE AMOUNT OF \$10,000 THROUGH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, URBAN AND COMMUNITY FORESTRY GRANT PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT ON BEHALF OF THE CITY WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND ANY OTHER NECESSARY DOCUMENTS ASSOCIATED WITH SUCH GRANT.

**GRANT APPLICATION - BIRCH STATE PARK TRAIL AND NORTHWEST (CR-03)
NEIGHBORHOOD TRANSPORTATION ENHANCEMENT - FLORIDA DEPARTMENT
OF TRANSPORTATION**

No budgetary impact.

A resolution authorizing the proper City Officials to apply for grant funding, in an amount up to \$1,000,000 per project, from Florida Department of Transportation - Birch State Park Shared Use Trail and Northwest Neighborhood Improvement Project Phase 3.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0400

RESOLUTION NO. 11-77

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR FUNDING OF UP TO \$1,000,000 PER PROJECT FOR THE BIRCH STATE PARK SHARED USE TRAIL AND THE NW NEIGHBORHOOD IMPROVEMENT PHASE 3 PROJECTS.

GRANT ACCEPTANCE - SAFE ROUTE TO SCHOOL PROGRAM – (CR-04)
\$224,936 - HARBORDALE ELEMENTARY SCHOOL - SIDEWALK ALONG
SOUTH MIAMI ROAD

Please see funding details attached to these minutes.

A resolution 1) authorizing the proper City Officials to execute a Local Agency Program Agreement with Florida Department of Transportation to accept grant funds, in the amount of \$224,936 – Harbordale Elementary School - sidewalk on South Miami Road, from SE 12 Street to SE 17 Street - Safe Route to School Program - Project 11580 and 2) amending fiscal year 2010-2011 final operating budget by appropriating the funds.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0338

RESOLUTION NO. 11-78

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) IN CONNECTION WITH THE HARBORDALE ELEMENTARY SCHOOL SIDEWALK INSTALLATION PROJECT.

CONTRACT AWARD - PIONEER CONTRACTING, INC. - \$192,240 (CR-05)
HENRY KINNEY TUNNEL TOP PARK SOUTH IMPROVEMENTS

Please see funding details attached to these minutes.

A resolution authorizing the proper City Officials to award and execute contract with Pioneer Contracting, Inc., in the amount of \$192,240 - construction of Henry Kinney Tunnel Top Park South Improvements - Phase II - Project 10966A, plus associated 10 percent contingency and 10 percent engineering fees.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0320

RESOLUTION NO. 11-79

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 - SE 15 AVENUE BRIDGES - \$4,698,735 (CR-06)
FLORIDA DEPARTMENT OF TRANSPORTATION

Please see funding details attached to these minutes.

A resolution 1) authorizing the proper City Officials to execute a Local Agency Program Agreement with Florida Department of Transportation to accept grant funds, in the amount of 4,698,735 - SE 15 Avenue bridges- Project 10737 and 2) amending fiscal year 2010-2011 final operating budget by appropriating the grant funds and City matching funds.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0337

RESOLUTION NO. 11-80

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO RECEIVE GRANT FUNDS IN THE AMOUNT OF \$4,698,735 FOR THE REPLACEMENT OF THE SE 15 AVENUE BRIDGES OVER THE MARCHETTA AND CARLOTTA RIVERS.

AMEND OPERATING BUDGET - APPROPRIATION - \$17,663 (CR-07)
REVENUE SUFFICIENCY ANALYSIS - SEWER REGIONAL FUND

Please see funding details attached to these minutes.

A motion authorizing 1) Change Order 3 with Gonzalez Pavement Equipments, Inc., in the amount of \$45,420.16 and 2) a resolution amending fiscal year 2010-2011 final operating budget by appropriating a Riviera Isles Homeowners Association contribution, in the amount of \$45,420.16 to fund the change order.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-0340

RESOLUTION NO. 11-81

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.

CHANGE ORDER 3 - GONZALEZ PAVEMENT EQUIPMENTS, INC. – (CR-08)
\$45,420.16 ANNUAL STORM DRAINAGE CONTRACT – INLINE
CHECK VALVES - RIVIERA ISLES

Please see funding details attached to these minutes.

A motion authorizing 1) Change Order 3 with Gonzalez Pavement Equipments, Inc., in the amount of \$45,420.16 and 2) a resolution amending fiscal year 2010-2011 final operating budget by appropriating a Riviera Isles Homeowners Association contribution, in the amount of \$45,420.16 to fund the change order.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-0340

RESOLUTION NO. 11-82

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

SIDEWALK REPAIRS (CR-09)

No budgetary impact.

A resolution authorizing the proper City Officials to notify certain property owners of their responsibility to repair the sidewalks abutting their property pursuant to City Code.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0333

RESOLUTION NO. 11-83

A RESOLUTION REQUIRING THE OWNERS OF
CERTAIN PARCELS OF REAL PROPERTY TO
RECONSTRUCT OR REPAIR SIDEWALKS ABUTTING

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

EARTH HOUR - MARCH 26, 2011

(CR-10)

No budgetary impact.

A resolution supporting Earth Hour 2011 on March 26, 2011 and urging all individuals, businesses and governments in Broward County to turn off all non-essential lighting on this date between 8:30 p.m. and 9:30 p.m.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1711

RESOLUTION NO. 11-84

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA SUPPORTING EARTH HOUR 2011 ON MARCH 26, 2011, AND URGING ALL INDIVIDUALS, BUSINESSES, AND GOVERNMENTS IN BROWARD COUNTY, FLORIDA TO TURN OFF ALL NON-ESSENTIAL LIGHTING ON THIS DATE BETWEEN 8:30 P.M. AND 9:30 P.M.

**AMEND OPERATING BUDGET - APPROPRIATION - \$2,500
CENTENNIAL SPONSORSHIP - LOCHRIE AND CHAKAS**

(CR-11)

Please see funding details attached to these minutes.

A resolution amending fiscal year 2010-2011 final operating budget, by accepting and appropriating \$2,500 in cash sponsorship received from Lochrie & Chakas for one-year sponsorship of Centennial Celebration and to pay Jan Beth Idelman, Inc., event fundraiser.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0316

RESOLUTION NO. 11-85

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.

CITIZENS COMMITTEE OF RECOGNITION - 2011 HONOREES

(CR-12)

No budgetary impact.

Resolutions honoring recipients of Citizens Committee of Recognition 2011 honorees – Distinguished Citizen, Citizen of the Year, Honored Founder, Exemplary Former City Employee.

Recommend: Adopt resolutions

Exhibit: Commission Agenda Report 11-0408

RESOLUTION NO. 11-67

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA SELECTING AND HONORING ED UDVARDY AS EXEMPLARY FORMER CITY EMPLOYEE FOR 2011

RESOLUTION NO. 11-68

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA SELECTING AND HONORING GEORGE BURROWS, SR. AS HONORED FOUNDER FOR 2011

RESOLUTION NO. 11-69

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA SELECTING AND HONORING LISA SCOTT-FOUNDAS AS CITIZEN OF THE YEAR FOR 2011

RESOLUTION NO. 11-70

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA SELECTING AND HONORING ELIZABETH "BJ" BUNTROCK AS DISTINGUISHED CITIZEN FOR 2011

PURCHASING AGENDA

512-10690 - VEHICLE REPLACEMENTS - \$215,275.04 (PUR-01)

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 11-0375

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

112-10677 - SERVICE OF PROCESS AND SUBPOENA SERVICES - \$23,216.00 (PUR-02)

Please see funding details attached to these minutes.

One-year contract with three, one-year renewal options for statutorily required services of process and subpoena services is being presented for approval by Police Department.

Recommend: Motion to approve.

Vendor: Lang Detective Agency, Inc.
Fort Lauderdale, FL

Amount: \$23,216.00

Bids Solicited/Rec'd: 112-10677

Exhibit: Commission Agenda Report 11-0358

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

712-10694 - JANITORIAL SERVICES - MARINE FACILITIES - \$48,091.00 (PUR-03)

Please see funding details attached to these minutes.

Two-year contract to provide janitorial services for marine facilities is being presented for approval by Business Enterprises Department.

Recommend: Motion to approve.

Vendor: La Belle Cleaning Company LLC.
Lake Worth, FL

Amount: \$48,091.00

Bids Solicited/Rec'd: 1019/23

Exhibit: Commission Agenda Report 11-0332

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

215-10678 - REJECT PROPOSALS AND RECOMPETE (PUR-04)
EMS AMBULANCE BILLING AND ELECTRONIC PATIENT CARE
REPORTING SERVICES

No budgetary impact.

Reject all proposals for emergency medical services ambulance billing and electronic patient care reporting services and authorize re-bidding - presented for approval by Fire Rescue Department.

Recommend: Motion to reject and authorize re-bidding.

Bids Solicited/Rec'd: 1689/2

Exhibit: Commission Agenda Report 11-0415

The Procurement Services Department has reviewed this item and recommends rejecting all proposals received.

673-9654 - EMERGENCY DEBRIS MONITORING SERVICES – (PUR-05)
AS NEEDED BASIS - CONTRACT EXTENSION AND
CONSENT TO ASSIGNMENT

No budgetary impact.

Award third and final one-year contract extension for emergency debris monitoring services and authorize proper City Officials to execute Consent to Assignment relating to Beck Disaster Recovery, Inc. merger into Science Applications International Corporation.

Recommend: Motion to approve.

Vendor: Science Applications International Corporation
San Diego, CA

Amount: per unit prices

Bids Solicited/Rec'd: 799/3

Exhibit: Commission Agenda Report 11-0110

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

673-9653 - CONTRACT EXTENSION – (PUR-06)
EMERGENCY DEBRIS MANAGEMENT SERVICES - \$7,500

Please see funding details attached to these minutes.

Third and final one-year contract extension for emergency debris management services is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Gulf Equipment Corporation of Alabama
Theodore, AL

Amount: \$7,500.00

Bids Solicited/Rec'd: 605/15

Exhibit: Commission Agenda Report 11-0111

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

612-10658 - PALM FROND COLLECTION SERVICES – (PUR-07)
LAS OLAS ISLES - \$27,551.80

Please see funding details attached to these minutes.

One-year contract for palm frond collection services - Las Olas Isles, is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Weed-A-Way, Inc.
Hollywood, FL

Amount: \$27,551.80

Bids Solicited/Rec'd: 744/6

Exhibit: Commission Agenda Report 11-0329

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

**412-10674 – REJECT BIDS AND RE-BID – CONCRETE CONSTRUCTION (PUR-08)
AND REPAIR – ANNUAL CONTRACT**

No budgetary impact.

Reject all bids for concrete construction and repair annual contract and authorize re-bidding is being presented for approval by Public Works Department.

Recommend: Motion to reject and authorize re-bidding.

Bids Solicited/Rec'd: 528/16

Exhibit: Commission Agenda Report 11-0350

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

**495-10161 - FIRST AMENDMENT TO AGREEMENT - \$84,141 (PUR-09)
WATER & SEWER RATE STUDY UPDATE –
REGIONAL SEWER FUND REVENUE ANALYSIS**

Please see funding details attached to these minutes.

First Amendment to Agreement in substantially the form provided - water and sewer rate study update and regional sewer fund revenue sufficiency analysis - presented by the Public Works Department.

Recommend: Motion to approve.

Vendor: Burton & Associates, Inc.
St. Augustine, FL

Amount: \$84,141.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 11-0334

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

**552-9100, 552-9172, 162-9557 - CONTRACT EXTENSIONS (PUR-10)
BANKING/INVESTMENT - \$20,000 LOCKBOX - \$80,223
CREDIT CARD PROCESSING - \$190,431**

Please see funding details attached to these minutes.

Contract extensions for banking and investment, lockbox and credit card processing services for a period up to one year is being presented for approval by Finance Department.

Recommend: Motion to approve.

Vendor: Wachovia Financial Services, Inc., a Wells Fargo Bank,
N.A., Charlotte, NC
Intuition Systems, Inc., Jacksonville, FL
Elavon, Inc., Atlanta, GA

Amount: \$290,654.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 11-0319

The Procurement Services Department has reviewed this item and recommends extensions of these contracts.

115-10701 - FINANCIAL ADVISORY SERVICES - \$19,000 (PUR-11)

Please see funding details 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: First Southwest Company
Dallas, TX

Amount: \$19,000 (Not to exceed)

Bids Solicited/Rec'd: 903/5

Exhibit: Commission Agenda Report 11-0336

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

**FINANCIAL AUDIT SERVICES - ADDITIONAL FEE –
GRANT PROGRAMS - \$56,000** (PUR-12)

Please see funding details attached to these minutes.

Additional fee - audit services for five grant programs over and above four stipulated in financial audit services contract.

Recommend: Motion to approve.

Vendor: Ernst & Young LLP, Secaucus, NY

Amount: \$56,000.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 11-0370

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

**595-10241 - SATURDAY NITE ALIVE CENTENNIAL BEACH EVENT – (PUR-13)
\$30,000 THIRD AMENDMENT TO CONTRACT***

Please see funding details attached to these minutes.

Third Amendment to Contract, in substantially the form provided - create, operate and promote a Saturday Nite Alive Centennial Beach Event on March 26, 2011 - presented for approval by Economic Development Department.

Recommend: Motion to approve.

Vendor: Wizard Entertainment, Inc.
Fort Lauderdale, FL

Amount: \$30,000.00 Not to exceed amount

Exhibit: Commission Agenda Report 11-0360

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

*Amount was revised. See page 50

**202-10621 - HOLIDAY AND CENTENNIAL DECORATIONS - \$35,322 (PUR-14)
CONTRACT AMENDMENT FOR TIME EXTENSION OF "100 DISPLAY"***

Please see funding details attached to these minutes.

Contract Amendment, in substantially the form provided - extend lease agreement a period of 174 days through September 5, 2011 - 100 Year Centennial Display - presented for approval by Economic Development Department, contingent upon Community Redevelopment Agency Board funding approval.

Recommend: Motion to approve.

Vendor: Brandano Displays, Inc.
Margate, FL

Amount: \$35,322.00 Not to exceed

Exhibit: Commission Agenda Report 11-0363

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

*Amount was revised. See page 51

CONTRACT AWARD - R & D ELECTRIC, INC. - \$87,353.27 (M-18)
SMOKER FAMILY PARK - PEDESTRIAN LIGHTING

Mayor Seiler announced that item M-18 was removed from the agenda at the request of the Acting City Manager.

AGREEMENT - SUMMER YOUTH EMPLOYMENT PROGRAM – (M-29)
WORKFORCE ONE - \$160,000

Mayor Seiler announced that item M-29 was removed from the agenda at the request of the Acting City Manager.

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom that Consent Agenda Items M-20, M-23, M-27, CR-03, CR-04, CR-09, PUR-11, PUR-12, PUR-13, and PUR-14 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.

CONTRACT EXTENSION - WEEKLEY ASPHALT PAVING, INC. - \$630,000 (M-20)
ANNUAL ASPHALTIC CONCRETE PAVEMENT SURFACING-STREET RESURFACING

The City Clerk announced the following revised motion in accordance with Memorandum . 11-062 from Albert Carbon, Public Works Director: motion to authorize the proper City officials to execute a one-year extension of the contract with Weekley Asphalt Paving, Inc. in the amount of \$709,560 for the 2011 Annual Asphaltic Concrete Pavement Surfacing Contract, Street Resurfacing, Project 11649. A copy of the memorandum is attached to these minutes.

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

Mayor Seiler announced that items PUR-13 and PUR-14 will be removed for discussion and addressed after the CRA (Community Redevelopment Agency) meeting.

AMENDMENT 1 TO AGREEMENT - INLINE CHECK VALVES PILOT (M-23)
COST SHARING PROGRAM
RIVIERA ISLES HOMEOWNERS ASSOCIATION

Joe Holland, 1919 NE 32 Avenue, noted his credentials as a professional engineer and previous service on various City boards. He disputed that there is continual (flooding) in the low-lying (Las Olas) neighborhoods during the Spring tides. However, special lunar

high tides can bring one or more feet of water to these areas. This item proposes to equip the whole Riviera Isles neighborhood with five additional check valves; but, other neighborhoods received one valve as part of a pilot test. He believes staff mistakenly excluded the failure mode of sand coming up around the storm inlet from high tide percolation from paragraph 8.1 of the agreement, Exhibit 1 in Commission Agenda Report 11-0348. He thought the valve should not be the sole focus of the pilot test because it has a warranty. He believed staff's concern about program failure precipitated the agreement that the City would not reimburse funds (to Riviera Isles) if the check valves fail. He contended that (one check valve) in Sunrise Key failed because of tide waters rising above the sand. He felt the omission in the agreement will allow the Riviera Isles neighborhood to be reimbursed, regardless of the outcome. Consequently, these residents are not actually contributing any funds up front.

Tamara Tennant, president of Riviera Isles Homeowners Association, pointed out that the valve in Sunrise Key is different than those being installed in Riviera Isles. She indicated that Mike (Mehrddad) Fayyaz, Assistant City Engineer, worked on this agreement with the City Attorney's office. The ongoing focus has been on the valves and whether they function properly.

In response to Mayor Seiler, Albert Carbon, Public Works Director, explained that these valves have a manufacturer's warranty, but he was uncertain of the length of coverage. The valve did not cause the Sunrise Key failure. An inlet on private property still allows sea water onto the property and the road. Consequently, the project cannot be measured by a decline in the amount of sea water in the roadway as there is no noticeable difference. Rather, this project's success can be measured by the valve's ability to contain sea water from coming through the pipeline. Bob Dunckel, Assistant City Attorney, verified that operational failure is defined as evidence of saltwater intrusion above the level of the stormwater drainage catch basin grate during a non-rain event. He elaborated upon the definition of operational failure as set forth in paragraph 8.1. The agreement was structured such that it is not considered operational failure if saltwater is emanating from a source, other than a leaky check valve. If the saltwater came over the seawall or percolated through the groundwater, it would not be an operational failure. This agreement was vetted by Director of Public Works and Assistant City Engineer as well as Ms. Tennant and was created independent of the manufacturer's claims. Further, the agreement does not release the manufacturer from the warranty; but it does not include a disclaimer because the manufacturer is not a third party beneficiary of the agreement. The City would pursue warranty remedies if necessary, but the neighborhood is not bound to it. In response to Vice Mayor Rogers, Mr. Dunckel explained the valve is operating successfully if it accomplishes the result of not having saltwater intrusion. Discussion ensued regarding what constitutes an operational failure. Mr. Dunckel explained that the directive was to draft an agreement relating to the loan independent of staff recommendations, either supporting or opposing, the check valves. This agreement sets forth the loan and the parameters for repayment or discharge. He pointed out the definition of operational failure on page 4 of the agreement.

Mr. Holland thought the reimbursement clause was based on the belief that check valves may not function properly with water percolating from the ground. He had not heard Mr. Carbon's explanation for Sunrise Key until today. He agreed that corrective measures should be taken, but he preferred self-assessment of residents. He thought this seems to be a sweetheart deal and will set a precedent. If this pilot program works, Mayor Seiler emphasized its value to potentially improve parts of the city. When he visited this

neighborhood, he was shocked by what is occurring. It is the government's role to try something. Mr. Holland argued that the entire city needs engineering, not just certain neighborhoods. He reiterated his claim that residents are not funding this up front so it should not take priority over other projects.

The City Attorney explained that his office did not change the (agreement); it was intentionally written based on the Commission's request that residents be reimbursed if the valves do not fail. Mr. Holland reiterated his belief that this agreement was predicated on percolation. Mr. Dunckel reiterated that paragraph 8.1 clearly states that water present from a source other than the check valve indicates that the check valve has not failed; the water is from some other independent source. In response to Vice Mayor Rogers, he explained that the maintenance language is not from the manufacturer; the proposed maintenance schedule exceeds the manufacturer requirements. Mr. Holland contended that staff supported his articulated concept about percolating water. Commissioner Rodstrom agreed that the agreement is based on what the Commission requested. Vice Mayor Rogers did not see any other way to go about it than how it is written.

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.

**PROPERTY INSURANCE POLICY RENEWAL - CITY-OWNED PROPERTIES - (M-27)
\$2,199,027 - LAYERED INSURANCE PROGRAM**

Vice Mayor Rogers pointed out that the City's assessment of insurance deductible has changed from a per-property basis to a blanket \$5 million. He opposed insuring the Fort Lauderdale Stadium (stadium) for \$25 million. (Mr. Hine corrected the amount to \$25 million) If the stadium was destroyed, the City would not be inclined to rebuild it. The only necessary coverage is for the cost to haul away the structure. In response to Commissioner DuBose, Guy Hine, Risk Manager, clarified that the Insurance Advisory Board's (IAB) preferred recommendation is Option 3, with Option 4 offered as a backup (Exhibits 2 and 3 of Commission Agenda Report 11-0373). He referred to information about Option 3 in Exhibit 3 of the Commission Agenda Report. This option includes a \$5 million deductible on utility and non-utility locations, totaling \$10 million which is advantageous because the City's exposure is capped in the event of a large, Category 3, 4, or 5, storm. But, Commissioner DuBose pointed out that the City would have more exposure if the storm is smaller. Mr. Hine went on to highlight information about Option 4 in Exhibit 3 of the Commission Agenda Report. The City would likely recover more from a smaller storm with Option 4; but have more exposure if the storm is larger. In comparison to the City's insurance recovery following Hurricane Wilma, Mr. Hine indicated that the City would receive much less or possibly no recovery under the proposed Option 3. However, the \$5 million deductible would make the City eligible for FEMA (Federal Emergency Management Agency) funds if a national disaster is declared. Based on Commissioner DuBose's experience in the insurance industry, Mayor Seiler requested his recommendation. Commissioner DuBose explained the choice is based on risk tolerance; Option 3 is more conservative, Option 4 has more risk.

In response to Vice Mayor Rogers, Mr. Hine explained the stadium's premium is approximately \$100,000. But, the coverage could be changed to insure it for actual cash

value. In response to Commissioner DuBose, Mr. Hine explained the premium increase for the downtown garage is based on a previously incorrect square footage assessment; the coverage is for replacement cost values, not actual cash value. In response to Vice Mayor Rogers, Bill Jaeger of Specialty Property Appraisals, City's appraiser, indicated that because the stadium is an older facility, physical depreciation is factored-in to determine cash value. He estimated that the values would drop by 40 to 50 percent. Alan Flores, executive vice president of Public Risk Insurance Agency, City's insurance agent, explained that a 40 percent drop in value would equate to a 40 percent drop in premium. He noted that insuring the stadium for actual cash value is possible, but some time for negotiation would be necessary because this structure would be treated differently than all of the others. He emphasized that actual cash value coverage is for exactly the replacement cost minus the depreciation, so it would be significantly less. However, this is an option if the intent is not to rebuild completely. In response to Commissioner DuBose, Mr. Flores explained that the (premiums) he provided to the IAB on February 2 were not-to-exceed premium costs which could still be negotiated. Vice Mayor Rogers reiterated his desire to insure the stadium for actual cash value to save approximately \$40,000. Mayor Seiler agreed. Mr. Flores reiterated his request for some time and flexibility (for negotiations) as the renewal is not until April.

Motion made by Vice Mayor Rogers and seconded by Commissioner DuBose to approve the item subject to separating out the Fort Lauderdale Stadium for actual cash value coverage with an acceptable premium reduction if possible. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

Commissioner DuBose pointed out the policy's close approaching expiration date of April 1st. In the future, he requested this item be brought forward earlier and not on the consent agenda. Mr. Hine explained that policies are usually brought forward two meetings in advance, but this was delayed because Mr. Flores needed more time to negotiate the \$12.5 million deductible down to \$5 million.

**GRANT APPLICATION - BIRCH STATE PARK TRAIL AND NORTHWEST (CR-03)
NEIGHBORHOOD TRANSPORTATION ENHANCEMENT –
FLORIDA DEPARTMENT OF TRANSPORTATION**

Mari Mennel-Bell, 1524 Bayview Drive, felt the public was not made aware of this item. She claimed The Office of Greenways and Trails told her that no greenways pass through state parks, and they are free to the public. She questioned the greenway's affect on Birch State Park (park) in terms of admission revenue and maintenance expense. She thought park funding should be focused on the environment, not transportation. She was concerned that interior park trails would be paved and generally preservation of the park's natural state.

Art Seitz, 1905 North Atlantic Boulevard, expressed support of this item. He claimed that only a connector will go through the park, not the greenway; the park will be a trail head.

In response to Vice Mayor Rogers' question about other parks that may charge an admission fee, Mr. Seitz noted that a park in Tallahassee uses an honor system. He believed no payment should be required for using a greenway because it is only

reallocation of existing right-of-way. Vice Mayor Rogers thought the fact that Birch State Park charges admission is problematic.

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

GRANT ACCEPTANCE - SAFE ROUTE TO SCHOOL PROGRAM – (CR-04)
\$224,936 - HARBORDALE ELEMENTARY SCHOOL - SIDEWALK ALONG
SOUTH MIAMI ROAD

Commissioner Rodstrom noted this item may or may not inure to her benefit and therefore she will abstain from voting.

Motion made by Commissioner DuBose and seconded by Vice Mayor Rogers to approve the item as presented. Roll call showed: YEAS: Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None. Commissioner Rodstrom abstained. A memorandum of voting conflict is attached to these minutes.

SIDEWALK REPAIRS (CR-09)

Art Seitz, 1905 North Atlantic Boulevard, mentioned some sidewalks that he believes need repair, and that those on major streets should be widened. He questioned why code enforcement has not pursued some unkempt properties in the city. He urged the Commission to approve this item.

In response to Commissioner Rodstrom, Albert Carbon, Public Works Director, explained that, if financing is desired, the property owner's account would be placed on hold until the City's financing software is operating; no citations for code violations would be issued. He offered to provide a copy of the form letter sent to property owners which presents financing as an option.

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.

115-10701 - FINANCIAL ADVISORY SERVICES - \$19,000 (PUR-11)

Kirk Buffington, Director of Procurement Services, pointed out a letter of protest received from Public Financial Management, Inc. (PFM), dated March 4, 2011, and his response letter, dated March 8, 2011, each set forth in Exhibit 4 of Commission Agenda Report 11-0336. He noted his denial of PFM's protest because the required protest fee was not submitted. PFM has since filed (March 14, 2011) a notice of appeal of the decision to deny their protest.

Mayor Seiler opened the floor for public comment.

Sergio Masvidal, representing Public Financial Management, Inc. (PFM), outlined the chronology concerning this re-bid. He reviewed his letter of March 4, 2011, outlining PFM's findings concerning the ranking. A copy of the letter is attached to these minutes. He submitted copies of the official statements for bond issues in Collier and Miami-Dade counties which were made a part of the record, detailed in the March 4, 2011 letter. In response to Mayor Seiler, he explained that there would be no way for City staff to check the accuracy of the data provided by FSC. Mr. Buffington clarified that the rankings do not include underwriting experience. Concerning the misstatement in First Southwest's proposal, there is a representative present to address this.

Ed Stahl, representing First Southwest Company (FSC), reiterated that the rankings did not include underwriting transactions. FSC contacted Ipreo MuniAnalytics (a municipal database) which verified that the rankings were correct. FSC provided City staff with a list of the individual transactions that comprised the rankings. In response to Mayor Seiler, he noted that, (Edward) Marquez of FSC was the lead project manager for the two transactions with which Mr. Masvidal has taken issue. He elaborated upon Mr. Marquez's responsibilities in those transactions. However, these transactions should not have been included because FSC was not a part of the winning syndicate however Mr. Marquez served as lead project manager but FSC did not have the lowest bid. Mr. Buffington confirmed for Mayor Seiler that FSC provided validation of the rankings and a letter of explanation regarding the two transactions. The two transactions represented approximately 10 percent of FSC's total value reviewed by the selection committee. He did not review FSC's remaining 90 percent. FSC admitted to their mistake, and he believed PFM would have brought any other issues to staff's attention.

Mayor Seiler stressed that all proposals are reviewed for accuracy and truthfulness; there must be full disclosure. The following responses were provided to the Commission's questions. Mr. Buffington explained that the RFP called for bidders to list accounts that the project manager had acted as a lead project manager on; it is evaluated as part of the overall experience criteria; not whether they won the transaction. It was specific about financial advisor experience. The Director of Finance spoke with both ranking agencies who affirmed it was financial advisor experience only. The most recent and prior Financial Advisor RFP included this question. The same qualifications were also sought. The RFP did not specify which ranking firm the proposers should use. As for checking proposers' information for accuracy, he explained that the City's Technical Review Committee notes errors, and competing vendors also serve as effective vetting mechanisms. He thought FSC's error was unintentional; but, he was uncertain if this error which equates to over 10 percent of FSC's total listings, affected the rankings. The RFP question was clearly stated and was answered by four other proposers. There may be some errors in the other proposals, but the current focus is on the top two proposers. Vice Mayor Rogers and Commissioner DuBose expressed concern about allowing errors, although he did not think it is practical for staff to vet every item on every RFP. Continuing to respond to questions, Mr. Buffington advised that he did not grant the appeal because the ordinance specifies a protest fee be paid when it is submitted and that was not done. Mayor Seiler could not support entertaining a protest if the protest procedure was not followed although he agreed with it albeit he believed it was unintentional. Some discussion ensued about the timing of receipt of the protest letter.

Mr. Stahl noted one of PFM's allegations was totally false and the second was partially false. Mr. Marquez served as the lead project manager on the two noted engagements, although they should not have been contained in the experience list. However, Mr. Marquez did the work in putting the proposals together. He drew attention to the overall experience for FSC which includes his experience and therefore a small percentage overall.

With reference to reviewing all transactions, Mr. Masvidal believed that is false information being provided. He thought a financial advisor proposal would be thoroughly reviewed by the firm. Mayor Seiler emphasized the importance of following the rules. Mr. Masvidal noted the information provided in the second proposal was one hundred percent correct.

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

Motion made by Commissioner Roberts and seconded by Commissioner DuBose to reject all proposals and authorize re-bidding. Roll call showed: YEAS: Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: Commissioner Rodstrom.

During discussion of the motion, Commissioner Rodstrom was concerned about the delay this will cause for the utility undergrounding assessment. If there is any way to accommodate this matter while the financial advisor item is being re-bid, she asked it be brought to her attention. In response to her question, Mr. Buffington advised that the new RFP will be released by the end of the week and move through the process as quickly as possible. He recommended a different selection committee. In response to Commissioner DuBose, he agreed to vet the information to every extent possible.

FINANCIAL AUDIT SERVICES - ADDITIONAL FEE –
GRANT PROGRAMS - \$56,000

(PUR-12)

In response to Commissioner Roberts, Doug Wood, Director of Finance, explained that four grant audits are part of the contract for the single audit. This year there are a total of nine grant audits required. Kirk Buffington, Director of Procurement Services, explained the \$298,000 noted in Exhibit 1 to Commission Agenda Report 11-0370, is for the four audits, plus the complete audit of the City which provides the comprehensive annual financial report.

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

MOTIONS

PROPRIETARY - SECURITY CAMERAS - INSTALLATION - \$31,999.7-
POLICE EVIDENCE WAREHOUSE

(MD-01)

Please see funding details attached to these minutes.

Agreement for installation of security cameras and components - Police Department evidence warehouse - in substantially the form provided - is being presented by Police Department.

Recommend: Motion to approve.
Vendor: AVI Integrators Inc., d/b/a Security 101
 Pompano Beach, FL
Amount: \$31,999.77
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 11-0279

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

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

PROPRIETARY — SPACESAVER HIGH DENSITY MOBILE STORAGE SYSTEM - \$18,973.26 – EXECUTIVE AIRPORT (MD-02)

Please see funding details attached to these minutes.

Agreement for purchase of a Spacesaver High Density Mobile Storage System for Aviation Equipment and Safety Facility file room - Executive Airport - in substantially the form provided - presented for approval by Business Enterprises Department.

Recommend: Motion to approve.
Vendor: Patterson Pope, Inc.
 Charlotte, NC
Amount: \$18,973.26
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 11-0230

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

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

PROPRIETARY - GE ELECTRICAL SUPPLIES, EQUIPMENT AND SERVICE AS NEEDED BASIS - WATER AND WASTEWATER TREATMENT PLANTS AND SANITARY SEWER PUMP STATIONS (MD-03)

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

Purchase General Electric International, Inc. brand electrical supplies, equipment and services for Lohmeyer Regional Wastewater Treatment Plant, Fiveash and Peele Dixie Water Treatment Plants and sanitary sewer pump stations is being presented for approval by Public Works Department.

Recommend: Motion to approve.
Vendor: General Electric International, Inc. d/b/a GE Energy
 Norcross, GA
Amount: Per Unit Prices
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 11-0365

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

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

PROPRIETARY - REPAIR AND REBUILD - SPX - LIGHTIN BRAND (MD-04)
AERATOR MIXERS - \$75,491 - LOHMEYER WASTEWATER TREATMENT PLANT

Please see funding details attached to these minutes.

Contract for repair and rebuild of SPX Flow Technology Systems - Lightin brand mechanical surface aerator mixers at Lohmeyer Wastewater Treatment Plant - in substantially the form provided – presented for approval by Public Works Department.

Recommend: Motion to approve.
Vendor: Arroyo Process Equipment Inc
 Clearwater, FL
Amount: \$75,491.00
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 11-0310

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

Motion made by Vice Mayor Rogers and seconded by Commissioner 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 - INCREASED EXPENDITURE - EMS PATIENT (MD-05)
STRETCHER MAINTENANCE - \$5,000

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

Increased expenditure for maintenance of emergency medical services patient stretchers.

Recommend: Motion to approve.
Vendor: Medco Equipment Repair, Inc. d/b/a Emsar of South Florida
 Miami, FL.
Amount: \$5,000.00
Exhibit: Commission Agenda Report 11-0341

The Procurement Services Department has reviewed this item and recommends approval of after the fact purchase and additional funding.

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.

MEDICAL SERVICES - AS NEEDED - ANNUAL ESTIMATE - \$80,000 (MD-06)
PRE-EMPLOYMENT, POST-EMPLOYMENT, SPECIAL EXAMINATIONS AND TESTING

Purchases are made on an as-needed basis and charged to individual budgets per available funds and in accordance with contract prices attached.

Two-year contract for purchase of medical services citywide, as needed - pre-employment, post-employment, special examinations and testing, in substantially the form provided - presented for approval by Procurement Services Department.

Recommend: Motion to approve.
Vendor: U.S. Healthworks Medical Group of Florida, Inc.
 Plantation, FL
Amount: per unit prices
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 11-0267

The Procurement Services Department has reviewed this item and recommends canceling the current contract with Seth Feldman, D.O., P.A. (from a Broward County contract) and approval to enter into a City of Fort Lauderdale contract.

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.

RESOLUTIONS

DISPOSITION OF CITY OWNED SURPLUS PROPERTY - (R-01)
NORTH OF AND CONTIGUOUS TO 1101 NW 1 AVENUE

Please see funding details attached to these minutes.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-0255

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-71

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8.04 OF THE CITY CHARTER, ACCEPTING THE OFFER OF FOUR THOUSAND AND NO/100 DOLLARS (\$4,000.00) BY THOMAS A. SMITH, A SINGLE MAN, FOR THE PURCHASE OF SURPLUS PROPERTY GENERALLY LOCATED NORTH OF AND CONTIGUOUS TO 1101 N.W. 1ST AVENUE, FORT LAUDERDALE, FL 33311 AND MORE PARTICULARLY DESCRIBED BELOW AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE OF THE PROPERTY; AUTHORIZING EXECUTION AND DELIVERY OF A DEED OF CONVEYANCE TO THE PROPERTY; AND FURTHER AUTHORIZING THE EXECUTION OF ANY AND ALL INSTRUMENTS REASONABLY NECESSARY OR INCIDENTAL TO A CONSUMMATION OF THE TRANSFER OF TITLE TO THE PROPERTY; AND 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 EXHIBIT "A" ATTACHED HERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**DISPOSITION OF CITY OWNED SURPLUS PROPERTY
NORTHEAST CORNER OF EVERGREEN CEMETERY**

(R-02)

Please see funding details attached to these minutes.

The City Clerk announced that this item was removed from the agenda at the request of the City Manager for correction of a clerical error.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-0364

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8.04 OF THE CITY CHARTER, ACCEPTING THE OFFER OF FOUR THOUSAND FIVE HUNDRED ELEVEN AND NO/100 DOLLARS (\$4,511.00) BY INGO PFOTENHAUER, A SINGLE MAN, FOR THE PURCHASE OF SURPLUS PROPERTY GENERALLY LOCATED AT THE N.E. CORNER OF EVERGREEN CEMETERY, BOUNDED ON THE NORTH BY S.E. 12TH STREET AND ON THE EAST BY 1209 S.E. 12TH WAY, FORT LAUDERDALE, FLORIDA AND MORE PARTICULARLY DESCRIBED BELOW; AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE AND EXECUTION AND DELIVERY OF A DEED OF CONVEYANCE IN ACCORDANCE WITH THE SALES CONTRACT; AND FURTHER AUTHORIZING THE EXECUTION OF ANY AND ALL INSTRUMENTS REASONABLY NECESSARY OR INCIDENTAL TO A CONSUMMATION OF THE TRANSFER OF TITLE TO THE PROPERTY; AND 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 EXHIBIT "A" ATTACHED HERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

HISTORIC PRESERVATION BOARD - CASE 9-H-05 (R-03)
DEMOLITION - 215 SW 7 AVENUE - SAILBOAT BEND HISTORIC DISTRICT

No budgetary impacts.

Applicant: CVM 1 REO, LLC
Location: 215 SW 7 Avenue
Zoning: Downtown Regional Activity Center - Arts and Sciences
RAC-AS

Continuation of hearing regarding whether to issue a Certificate of Appropriateness for demolition in connection with a single family house located within Sailboat Bend Historic District to be in conformity with Court Order issued in CVM 1 REO v. City of Fort Lauderdale - Case 09-67654(03), 17th Judicial Circuit.

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

RESOLUTION NO. 11-72*

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA APPROVING A CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION IN CONNECTION WITH THE PROPERTY LOCATED AT 215 SW 7 AVENUE AND AUTHORIZING THE PROPER CITY OFFICIALS TO ISSUE THE NECESSARY PERMITS.

*Resolution was revised. See discussion and revised title below.

Terry McGuire, representing the Applicant, indicated that he spoke at a previous hearing on this matter and only learned this evening about the City's lobbyist registration requirement. In response to Mayor Seiler, Mr. McGuire agreed to provide his lobbyist application and fee.

The City Attorney provided an overview of the chronology on this matter. In order to deny this permit there needs to be evidence to show that at some point in time this property was designated as architecturally or historically a landmark, which was the court's decision. The Fourth District Court of Appeals upheld the lower court. The lower court ruled that absence any evidence that the structure was ever designated a landmark by the City, the City cannot meet its burden that the Applicant failed to fulfill the criteria of Section 47-24.11.C.4.c. This evening the Commission should hear evidence solely as to issue of a designation according to the law of the case.

Mayor Seiler opened the public hearing and asked speakers to limit comments to the law of the case.

Charles Jordan, representing the Trust for Historic Sailboat Bend, asked if the prior hearing is still in the record. Mayor Seiler clarified that once the record is established, it does not change. He further clarified the City Attorney's statement for Mr. Jordan's benefit.

Merrilyn Rathbun, Fort Lauderdale Historical Society and consultant to the Historic Preservation Board, she indicated Fort Lauderdale Historical Society, consultant to the Historic Preservation Board, indicated she is available to answer any questions about the history of the house. Mayor Seiler recalled the Commission's actions supported the neighborhood, but the courts have given direction that somewhat ties their hands. He asked if she has any evidence as to that issue. Ms. Rathbun recommended the Commission speak to a preservation professional.

Dave Baber, member of the Sailboat Bend Civic Association's board of directors, indicated he is an expert in the historic preservation field. He noted his academic credentials and experience. He submitted his resume that was made a part of the record. He noted that the Commission requested his assistance in rewriting the City's historic preservation ordinance. Also, Mayor Seiler asked that he develop and provide training for the Historic Preservation Board. The purpose of creating a historic district is to designate all of the historically significant resources within a geographic boundary. The 1992 Sailboat Bend

Historic District study developed a geographic boundary and identified buildings, etc. within the boundary that are historically significant. The ordinance (which he submitted to be made a part of the record) that created the historic district clearly references the 1992 study. It is his professional opinion that the resources identified in the study, including the Judge Shippey house, are designated and subject to the same regulations as individually designated resources or landmarks. It is ludicrous to suggest that only individually designated resources within a historic district are protected and contrary to the basic premise of a historic district. Under that premise, there would be no reason to have a district. It is clear that this house retains adequate historic fabric to contribute to the district. Demolition would not benefit the district. The application does not meet the requirements to approve a certificate of appropriateness.

Mayor Seiler quoted from the court ruling and discussed his comments to Mr. Baber at the previous hearing about rewriting the City's criteria for a certificate of appropriateness. He asked if the property was ever independently designated as a landmark, landmark site or a landmark property. Mr. Baber did not believe it is individually designated, however, it is a historically designated site by virtue of the fact that it was one of the identified historic resources built before 194, which was the basis for creating the historic district. Mayor Seiler believed the language provides that it must be designated within the district and not just be situated within the district. Mr. Baber explained when the district was created, it identified landmark resources which are listed in the 1992 study portfolio. They are protected as landmarks. Mayor Seiler quoted from the court ruling indicating that there remains an absence of any evidence that the structure at issue was ever designated a landmark by the City. Mr. Baber believed the judge did not understand that the buildings are identified in the study by the ordinance that created the district actually were the contributing resources. In response to Mayor Seiler, the City Attorney advised that the case was handled by outside counsel. Mayor Seiler quoted the court ruling indicating that the Commission may only hold further proceedings consistent herewith, that being whether the structure at issue was ever designated a landmark by the City. Mr. Baber contended that occurred in 1992 when the historic district was created citing the historic resources identified in the report (study) as historic landmarks within the district. He submitted a copy of the study that was made a part of the record.

Commissioner Roberts understood that the Commission must designate individual properties within the district and he did not know where that evidence exists.

Charles Jordan, representing the Trust for Historic Sailboat Bend, did not believe the court was provided all information with regard to his background as an expert witness. He noted his academic credentials and involvement with the Sailboat Bend Historic District. When the district was created, the entire district was historic. All historic landmarks within the district were identified and that was justification for the district. The idea that there needs to be individual designation is a fallacy. The City's attorney made an argument that does not follow preservation law instead of the Commission's testimony. Courts will generally yield to legislative authority in these matters, but that did not occur in this case. The law provides that when a historic district is designated it is the landmark. He drew attention to page 56 of the 1992 study submitted by Mr. Baber. Moreover, the Historic Building Survey of the West Side Area of Fort Lauderdale conducted by the Historic Property Associates in 1993 identifies this as historic. He questioned having a district if the properties within it cannot be protected which is clear in the ordinance. He concluded by expressing support in denial of the certificate of appropriateness for demolition.

Marc Dickerman, 1417 SW 2 Street, expressed support in approving a certificate of appropriateness for demolition.

Susan McClellan, chair of the Historic Preservation Board, submitted her resume that was made a part of the record. She noted that the 1992 survey specifically mentions this house. She believed an argument that this is not a landmark site is out of context and does not follow the City's Unified Land Development Regulations (ULDR). She concluded by expressing support in denial of the certificate of appropriateness for demolition. In response to Mayor Seiler, Ms. McClellan advised that the house is actually identified in the study and the study is referenced in the ULDR. It provides unique features and unique landmarks that comprise the district as well as characteristics of those properties by their relationships to each other. Mayor Seiler questioned why the ordinance specifies that economic feasibility and durability of proposed improvements are primary concerns. Ms. McClellan thought it may have to do with alterations or additions.

Nolan Haan, 729 SW 2 Court, indicated he served on the Historic Preservation Board for six years. He noted that for some twenty years, the working definition of a contributing structure has been a house built before 1940. If contributing structures must now be individually designated, the Oliver House is only one residence in Sailboat Bend that would qualify. It was designated before its relocation into the neighborhood. This calls into question decisions made for the last twenty years. Mayor Seiler pointed out it is a court decision. Mr. Haan thought another attorney should be used to appeal the decision. He also did not think the proper evidence was proffered. He believed the court was in error.

Richard Locke, member of the Sailboat Bend Civic Association, indicated he was the Association's secretary from 1988 to 1992 and in charge of all documentation to qualify the historic district for legal purposes. When the district was established by ordinance (which he submitted to be made a part of the record), the Commission found that all necessary documentation was provided. It was implicit in the resolution that the district was declared a landmark as set forth in the Commission minutes. If the district is not a landmark, it has no protection. In order to be a historic district, it must have a landmark, therefore the district itself was the landmark. This has been the criteria followed all these years. The Shippey House is a basic foundation building block of the district. If one building block is destroyed, the entire district is destroyed. In reviewing the minutes over the course of eight hearings, the intent is always to preserve the buildings within the district.

Matthew DeFelice, vice chair of the Historic Preservation Board, noted his professional credentials and experience and submitted his resume that was made a part of the record. Based on previous determinations, the house is from the period of significance, associated with a locally significant person and a historic resource within a historic district. It is therefore a contributing resource within the district. A district is assembled in order to bypass the process of designating multiple buildings which is the purpose of the survey. He believed the boundaries are identified in the comprehensive plan. By virtue of being included in the survey, this house is a landmark. He supported denial of a certificate of appropriateness for demolition.

Alysa Plummer, president of Sailboat Bend Civic Association, noted her involvement in preservation matters. She emphasized that the district is a landmark as defined in the

1992 study. If this is demolished, she felt the City should look at Himmarshee because not all of those buildings are designated as landmarks.

Mr. Baber read the whereas clauses and Section 2 of the ordinance that created the historic district previously submitted and made a part of the record.

Mr. McGuire, representing the Applicant, contended that designation of Sailboat Bend as a historic district is irrelevant to the issue before the Commission tonight as well as the circuit court and the district court of appeals. He referred to the City Attorney's opinion (provided with the commission agenda report). He disagreed with the last sentence of the opinion in that he believed there is evidence of record that the Shippey House had never been designated as a historical landmark site. Both Mr. Jordan and Mr. Baber have testified to this effect. He did not believe the Commission may go beyond the record as it existed at the close of the November 17, 2009, meeting. He read the definition of landmark set forth in Section 47-24.11.A.12 of the ULDR. The specific building must be designated. Section 47-24.11.C.4.c.ii indicates that the property or building no longer has significance as a historical, architectural or archeological landmark. The evidence was before the Commission in November of 2009 that it had never been. As a matter of law, the Applicant is entitled to a certificate of appropriateness. He noted what occurred in the circuit court and the court of appeals. He disagreed with the lay people's comments concerning the City's legal representation on this matter. He urged the Commission approve issuance of a certificate of appropriateness.

Vice Mayor Rogers pointed out and Mr. McGuire agreed that because the house and property are situated in the historic district required another layer of review for a demolition permit, that being the Historic Preservation Board. Vice Mayor Rogers thought the historic district has significance when it comes to demolition of a structure within that district. Mr. McGuire agreed with the criteria for demolition which does not indicate that it is speaking of the historic district in general. In further response to Vice Mayor Rogers, Mr. McGuire noted there is testimony from November of 2009 where it was conceded that there was no declaration by the City Commission designating the Shippey House as a historical monument. If that was the case, Vice Mayor Rogers thought the demolition permit application could be handled by an administrative process because it was not on the list. Mr. McGuire agreed that the issue should have been first raised at the permit application time. In response to Vice Mayor Rogers, Mr. McGuire indicated there was no evidence put forth before the Historic Preservation Board that it was or was not a historic landmark. He agreed with the City Attorney that the Applicant does not have the burden of proof to prove a negative concerning the November of 2009 hearing. As to evidence at that time of whether it is a contributing structure, he believed it is irrelevant to Criteria 2 of the application for a certificate of appropriateness. He also did not think it is relevant whether it is a significant structure. He went on to emphasize the importance of Criteria 2. In further response, Mr. McGuire did not believe there was evidence presented on behalf of the Applicant at the Historic Preservation Board with respect to the criteria set out in the ULDR. However, he believed the Commission voted that there was a substantial lack of competent evidence and, or a departure from the essential requirements of law as a result of that hearing which is what led the matter to a trial de novo.

Mr. Jordan objected to Mr. McGuire's testimony and submitted an excerpt of a transcript (page 59, line 19) to support his objection which is attached to these minutes.

A **motion** was made by Commissioner Rodstrom and seconded by Commissioner Roberts to close the public hearing. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Commissioner Roberts, and Mayor Seiler. NAYS: Vice Mayor Rogers.

Vice Mayor Rogers referred to testimony of experts as to the process for that last twenty years for demolition of structures in Sailboat Bend involving hearings before the Historic Preservation Board. During his service on the board, he does not recall there having to be a specific ruling by the Commission that a property was historic. He referred to the court decision to the otherwise. He believed the judge is wrong. He wanted to find other relief and wanted to provide a ninety-day time period of an approval which would be pursuant to the certified local government guidelines. During this time, efforts could be made to find another location for this house.

In response to Commissioner Roberts, the City Attorney indicated that the court's decision is clear, which is one of the three criteria has to be met. The court found that there was no showing that the property had ever been designated, which is a specific and unique process as provided in the ordinance. He went on to explain how an argument could be made to grant the ninety-day delay to the certificate effectiveness advocated by Vice Mayor Rogers. Some discussion followed concerning the certified local government guidelines with respect to its applicability in this case and the delay to the certificate effectiveness.

Vice Mayor Rogers introduced the following resolution:

RESOLUTION NO. 11-72

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA APPROVING A CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION IN CONNECTION WITH THE PROPERTY LOCATED AT 215 SW 7 AVENUE, PROVIDING FOR A DELAYED EFFECTIVE DATE OF NINETY DAYS PURSUANT TO SECTION 47-24.11.C.4.b.iii. OF THE UNIFIED LAND DEVELOPMENT REGULATIONS AND AUTHORIZING THE PROPER CITY OFFICIALS TO ISSUE THE NECESSARY PERMITS UPON THE EXPIRATION OF THE NINETY DAY DELAYED EFFECTIVE DATE.

In response to Vice Mayor Rogers, the City Attorney advised that there are no circumstances that would allow for a new historic preservation ordinance to apply to this case in view of it only having a pending application for demolition at this time.

Which resolution, as amended and noted above, was read by title only. Roll call showed: YEAS: Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: Commissioner Rodstrom

**HISTORIC PRESERVATION BOARD - CERTIFICATE OF APPROPRIATENESS- (R-04)
CASE 8-H-10 - NEW CONSTRUCTION - 1216 SW 4 COURT –
SAILBOAT BEND HISTORIC DISTRICT**

No budgetary impacts.

Applicant: Kenneth Powell and James C. Paras
Location: 1216 SW 4 Court
Zoning: Residential Single-Family/Low Medium Density RS-8
Future Land Use: Low-Medium

De Novo Hearing of Historic Preservation Board's decision to approve Certificate of Appropriateness for new construction of single family house.

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

Mayor Seiler announced that this matter is being heard as a result the Commission requesting a review of the Historic Preservation Board's decision approving an application for a certificate of appropriateness for new construction.

Ken Powell, Co-Applicant, advised that they intend to be the builders on this project. Once completed, it will be their primary residence. He referred to information provided to the Commission three weeks ago on this matter. Concerning Section 47-24.11.C.3 of the United Land Development Regulations, he presented a video. A hardcopy of the video contents is attached to these minutes.

Merrilyn Rathbun, Fort Lauderdale Historical Society and consultant to the Historic Preservation Board, was available for questions. In response to Mayor Seiler, Ms. Rathbun confirmed that the representation made in the video as to her comments is accurate. She had indicated that this third design proposal met the criteria in the Unified Land Development Regulations and that they had made sufficient changes as to step-backs and lowering of the height.

Susan McClellan, chair of the Historic Preservation Board, submitted the worksheet she completed with respect to the second design proposal and the criteria which was made a part of the record. The worksheet is provided by City staff for the board's use. She also summarized portions of her letter of March 15, 2011, to the City Commission, which is attached to these minutes. When this matter was approved by the board, there was inaccurate information as to the height of a structure.

Alysa Plummer, president of Sailboat Bend Civic Association, noted her involvement in preservation matters. She indicated that the applicants have been unwilling to listen to and apply any of the guidelines in the City's historic preservation ordinance. She provided copies of emails concerning the applicants meeting with the association that were made a part of the record. After Mayor Seiler requested the applicants meet with the association, the association was contacted about 24 hours before their meeting when the agenda had already set their agenda the week prior. She disagreed with the applicants' characterization of the City's ordinance as vague. With respect to the applicants' allegation that the association is undermining their project, she contended that the ordinances apply equally to everyone. Their video this evening had to do with infill and not the historic district. The buildings they have selected in the district as compatible with their

project but they have nothing to do with the City's historic preservation ordinance including a single family residence that is no longer part of the district. Several projects shown in the video were built despite opposition from the neighborhood and cases where certificates of appropriateness were wrongfully overturned by a prior commission. Other larger scale structures identified were already in place prior to the district's formation. At the association's request, David Baber conducted a broad visual survey of the district's historic resources and found more than 230 buildings identified as historic with nearly 85 percent being one-story. A new structure that will dwarf other properties on the streetscape is counter to the historic character of this district. She cited Section 47-24.11.C.3.c.i.f of the Unified Land Development Regulations, General Criteria for Certificate of Appropriateness for New Construction and noted the proposed structure does not comply with the U.S. Secretary of Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings. She cited from the U.S. Secretary of Interior's standards, Item 9, which is attached to these minutes. In response to Commissioner Roberts, Ms. Plummer explained her use of the term, infill structures, are those non-contributing to the historic district and offered further clarification.

Dave Parker, member of the Sailboat Bend Civic Association Board of Directors, noted his involvement with the association and their work to maintain the district. He mentioned a previous case of a two-story single-family property that worked with the association and did not build to the maximum capacity of the site. The home blends with the neighborhood. He emphasized it is possible to do this.

Dave Baber, member of the Sailboat Bend Civic Association's board of directors, indicated he is an expert in the historic preservation field. He noted his academic credentials and experience. He submitted his resume that was made a part of the record. He believed the City's criteria for a certificate of appropriateness for new construction is clear. He explained the criteria in detail to the applicants a year ago and again in August after the first denial. They indicated to him that they were not interested in meeting the criteria. He discussed height, mass and scale in relationship to solids and voids and their importance as to how a structure fits into a historic district. This standard in the ordinance focuses on the structure being compatible with all of the historic structures in the district, not just the tallest ones. Non-historic buildings in the neighborhood have no bearing on this criterion. Since 85 percent of the historic buildings in the district are one-story with low sloping roofs, a new building of more than twice the height of the vast majority of the buildings does not meet this standard. Another criteria is that the relationship of the width to the height of the front elevation shall be compatible with those buildings that are visible to and from it. He calculated the subject building is 132 percent of the one-story building to the west and 219 percent of the building to the east. He disagreed with the consultant's conclusions regarding this project.

In response to Commissioner DuBose, Ms. Plummer clarified that in addition to rehabilitation, the information she provided from the U.S. Secretary of Interior also addresses new construction and reference to existing historical property and environment is the district. Dialogue between the two ensued as to Ms. Plummer's interpretation of the language.

Charles Jordan, representing the Trust for Historic Sailboat Bend, submitted his resume that was made a part of the record. He requested that his letter previously provided via email also be made a part of the record. He believed the Historic Preservation Board should not have approved his 2003 application on this property and he should never have

applied. He presented information about scale and mass guidelines from Salt Lake City that was made a part of the record. He urged the Commission deny the certificate of appropriateness. In response to Mayor Seiler, Mr. Jordan indicated he was wrong about the application from 2003 to 2006.

Marc Dickerman, 1417 SW 2 Street, supported approval of a certificate of appropriateness. He felt new residents should be welcomed. He noted that the residents do not always agree with the Historic Preservation Board.

Nolan Haan, 729 SW 2 Court, indicated he is a former member of the Historic Preservation Board. He commented on how renderings during the application process can be misleading. He felt the applicants are using mistakes of the past as justification for their proposal. He believed some members of the board voted on this case, using incorrect information.

David Kyner, member of the Historic Preservation Board and Sailboat Bend Civic Association, discussed the downsizing he went through when moving to Sailboat Bend from a home of some 10,000 square feet. He referred to the new bigness thinking in today's society. If this is applied to property development, the structures would be wrong for Sailboat Bend. He encouraged the Commission to consider the median and not the mean. He commented on all of the assistance he received in designing his home in Sailboat Bend and that it has to do with having a cooperative attitude. In response to Mayor Seiler, Mr. Kyner indicated that he voted in favor of this item but he had incorrect height information. Also, the project only almost meets the criteria. He realized the criteria was being stretched which is inappropriate. Mayor Seiler noted that Ms. Rathbun testified this evening that she believes the project meets the criteria. In response to Mayor Seiler, Mr. Kyner indicated the Historic Preservation Board vote was 6-2.

Matthew DeFelice, vice chair of the Historic Preservation Board, submitted his resume that was made a part of the record. He believed this design is inappropriate for the district. He voted in favor of this item but was reluctant to do so because he thought it was a poor design and barely met the criteria. He noted that Mr. Kyner found additional evidence after the vote and came to the conclusion that the design is too large for the site. He also has come to that conclusion after learning that height information provided was incorrect. He sent a letter to the Commission in December about this. The applicants' presentation this evening was not made to the Historic Preservation Board. If it had been presented, he felt the application would have been denied. Every building referenced is infill. He wished the meeting had been conducted with better evidence. As to Ms. Rathbun's opinion, he felt opinions may differ. Mayor Seiler wanted to know what information was incorrect. Mr. DeFelice indicated it was essentially the heights of buildings referenced by the applicants as comparative structures. One example is the Oliver House. The applicants indicated the height to be just over 28 feet, but it is actually near 24 feet.

Mayor Seiler was concerned about relying on the Historic Preservation Board's vote if members have subsequently decided they were wrong. Mr. DeFelice felt the Commission is in a position to oversee and acknowledge when things need to be corrected. Mr. DeFelice elaborated upon the challenges of deciding upon how to vote and the desire to be consistent. He pointed out that two members have indicated the information provided was incorrect and with the correct information, the recommendation would have been to deny. In response to Commissioner DuBose, Mr. DeFelice advised the item was presented three times. The first time he was opposed, the second time he was not present

and the third time he voted in favor, but found out there was additional information contrary to what was presented. He does not believe his last vote was correct and has felt that way since the day after the vote based on his own research. In further response, he explained he conducted more research because he felt the application barely met the criteria.

Mayor Seiler pointed out that as a quasi-judicial process, fact-finding should not be occurring after the hearing. In response to Mayor Seiler, the City Attorney advised that these hearings as quasi-judicial. The decision made by the Commission should be based only with information created by the applicant or people who appear at the hearing. Anything else is a violation of due process and is a reversible error. Vice Mayor Rogers noted there was an error made in the height and that is the reason for the call-up.

Joseph O'Donoghue, 1220 SW 4 Court, indicated that he resides directly west of the subject property. The homes on his street are fairly consistent in being one-story. When Mr. Jordan applied for a massive design, he wrote a letter of objection and he believed proposed design is fairly massive although it is an improvement. He felt the roof line should be lower. It is between two fairly small houses. He has been consistent in his opposition.

Andrea Vigil, 1221 SW 4 Court, indicated she resides across the street from the subject property. She supported the proposal. The plans are consistent with the City's code and the historical consultant has recommended approval. The applicants purchased their property in good faith, thinking they could build a home of their own design that meets reasonable community standards. They were told that the standards were met and then told otherwise. Sailboat Bend features small single family homes on the same block as large structures. There are no pre-1940 homes on 4 Court. This home would fit more appropriately in the neighborhood than some of the multi-family structures. People are struggling with foreclosures. Properties are falling into disrepair. She did not think people willing to invest in the community should be turned away during a recession when developers were given free rein in the boom.

Richard Locke, member of the Sailboat Bend Civic Association, indicated that he has resided in Sailboat Bend for thirty years. He discussed how improvements have been made over the years. The Sailboat Bend neighborhood is a means of community for him. In having a historic district, Sailboat Bend is the only neighborhood with a board that listens to the residents exclusively. It is a way to address disputes. He noted the cooperative spirit of the association and his dismay that the applicants did not bring their proposal to the association or choose to interact with them. He emphasized the need to update the historic preservation ordinance.

Mr. Powell explained that they invested an entire year in this endeavor. If they had known of this process, they would never have purchased the property. They purchased the property based upon consistent application of the code. There have been no changes to the Unified Land Development Regulations since the 2003 project was approved. He thought other people may decide not to purchase in Sailboat Bend after reading the public record. He asked the Commission to consider consistent application of the code. They have gone through the process and it has been approved.

James Paras, Co-Applicant, pointed out this matter came before the Historic Preservation Board three times; requests were made each time and they complied with all of the requests. Vice Mayor Rogers asked why they did not meet with the neighborhood. Mr.

Paras thought it was a misunderstanding. They asked to meet with the association at their January meeting, but they did not receive a response until six weeks later. They were told to submit their plans so that the association's architectural review committee could review the plans, which they did. The association knew the hearing was March. They never heard back from the association.

Mayor Seiler asked if the applicants were aware of any inaccuracies. Mr. Paras thought the reference had to do with the Oliver House. Measured from the crown of the road, it is 28 feet high, but 24 feet on a four foot foundation. The proposed house is 30 feet from the crown of the road. There is nothing in the code that restricts the height to less than the Oliver House. They had the Oliver House surveyed, but did not submit the information because they thought it was irrelevant. Mr. Powell indicated that the information provided to the Commission is incorrect; the information they provided at the hearing was correct. He clarified that the survey shows 29.6 feet high from the crown of the road to the peak of the roof and the proposed house is 29.9 feet. Information was submitted on the House of Hope which is actually the tallest significant structure. The Oliver House was not raised until the third hearing. He submitted the survey which was made a part of the record.

In response to Commissioner Rodstrom, Greg Brewton, Director of Planning and Zoning, noted the maximum height for this zoning district. As to neighborhood compatibility, the requirements are delineated in the Sailboat Bend Historic District ordinance which the board's consultant has indicated has been met. In response to Mayor Seiler, Mr. Brewton indicated staff was not aware of any inaccuracies submitted to the Historic Preservation Board. Vice Mayor Rogers advised he called up this item because the information showed that the height was misrepresented in terms of from where it was measured; on the proposed house application. Mr. Brewton indicated the code provides for measuring height from grade, not crown of the road. However, both measurements were done in the same way.

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

Vice Mayor Rogers reiterated his reason for calling it up. He outlined the role of the Commission in its review according to the ordinance. He believed the issue is mass, scale and height. Two members of the board who voted in favor of it did not realize the significance of these elements. This is a 'mcmansion' in a historic district. It is not appropriate, not consistent with the neighborhood and does not meet the criteria for rehabilitation with respect to compatibility of massing, size and scale. It should not have been approved.

Vice Mayor Rogers introduced the following resolution:

RESOLUTION NO. 11-73

A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF FORT LAUDERDALE, FLORIDA
DENYING A CERTIFICATE OF APPROPRIATENESS
FOR NEW CONSTRUCTION IN CONNECTION WITH
THE PROPERTY LOCATED AT 1216 SW 4 COURT.

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

BOARD AND COMMITTEE APPOINTMENTS

(R-05)

No budgetary impact.

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

Education Advisory Board

Laura J. Clark (Mayor Seiler)
 Magdalene J. Lewis (Mayor Seiler)
 Maureen J. Persi (Mayor Seiler)
 Roland Alexander Foulkes (Commissioner Roberts)
 Nancy Elizabeth Green (Commissioner Roberts)
 Edna Elijah (Commissioner DuBose)
 Shezette Blue-Small (Commissioner DuBose)

Marine Advisory Board

Barry Flanigan (Mayor Seiler)
 F. St. George Guardabassi (Mayor Seiler)
 Frank Herhold (Mayor Seiler)
 Mel DiPietro (Commissioner Roberts)
 Tom Tapp (Commissioner Roberts)
 Zane R. Brisson (Commissioner DuBose)
 Herb Rassing (Commissioner DuBose)

Sunrise Key Neighborhood Improvement
 District, Board of Directors

Bob Moss (Consensus)

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-74

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.

PUBLIC HEARINGS

VACATE PORTION OF RIGHT-OF-WAY - ALLEY - 400 NORTH FEDERAL HIGHWAY - AMERA FEDERAL 400, LTD. - CASE 7-P-10 (PH-01)

Applicant: Amera Federal 400, Ltd.

Location: 400 North Federal Highway
Zoning: Regional Activity Center -East Mixed Use RAC-EMU

Recommend: Open hearing, close hearing, introduce ordinance on first reading.

Exhibit: Commission Agenda Report 11-0301

There being no individuals wishing to speak on this matter, a **motion** was made by Commissioner Rodstrom and seconded by Commissioner DuBose to close the public hearing. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, and Mayor Seiler. NAYS: None. Commissioner Roberts was not present for this vote. He left the meeting at approximately 11:13 p.m. and returned at approximately 11:20 p.m.

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

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

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-08

AN ORDINANCE VACATING, ABANDONING AND CLOSING THE SOUTH 400 FEET OF THE 10-FOOT ALLEY IN BLOCK 5, "HOLMBERG AND MCKEE'S SUBDIVISION" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 112, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED NORTH OF NORTHEAST 4TH STREET, BETWEEN NORTHEAST 7TH AVENUE AND FEDERAL HIGHWAY, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, and Mayor Seiler. NAYS: None. Commissioner Roberts was not present for this vote. He left the meeting at approximately 11:13 p.m. and returned at approximately 11:20 p.m.

**REZONING TO RESIDENTIAL LOW-RISE MULTIFAMILY - MEDIUM DENSITY- (PH-02)
CASE 2-Z-10 - CITY OF FORT LAUDERDALE - 1305-1335 NW 9 STREET**

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

Recommend: Open hearing, close hearing, introduce ordinance on first reading.

Exhibit: Commission Agenda Report 11-0368

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

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

There being no individuals wishing to speak on this matter, a **motion** was made by Vice Mayor Rogers and seconded by Commissioner Rodstrom to close the public hearing. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, and Mayor Seiler. NAYS: None. Commissioner Roberts was not present for this vote. He left the meeting at approximately 11:13 p.m. and returned at approximately 11:20 p.m.

Commissioner DuBose indicated he does not yet have a resolution to the issue and therefore requested a deferral. Mayor Seiler questioned why the item continues to appear on the agenda if it is not resolved. Commissioner DuBose explained it is because it is a public hearing, a date certain must be announced. The City Attorney explained if a date certain is not specified, it has to be readvertised and there is an additional cost.

Robert Lochrie, representing the Applicant, agreed that there needs to be time allowed according to the wishes of the district commissioner. However, he was interested in setting a date certain and providing anything else needed. This will be the eighth deferral.

Mayor Seiler reviewed the chronology of what has occurred to date with this item. He was looking for closure. He believed the School Board is no longer involved. Commissioner DuBose indicated he has been able to go back to roughly the 1930's or 1940's on the property. Regardless of the decision on this item, he will continue to investigate. If he finds proof to support the intent, he will present it to the Commission. He emphasized his desire to be thorough. There have been issues in the past with zoning and property rights.

If the neighborhood would like the area to be park or green space, Mayor Seiler thought it would be advisable to communicate that desire. In response to his question, Mr. Lochrie discussed delays in the processing and pointed out that there are occupied houses on the property in need of upgrading which cannot be done until the zoning is finalized. He noted that staff researched all Planning and Zoning Board and Commission minutes when the property was zoned and there was no mention of this. In order to change the Housing Authority's property from residential to park, there is nothing in the record. However, he understood there may be other issues the commissioner needs time to evaluate. He wanted to know the issues in order to help if possible. The Housing Authority has submitted title opinions showing ownership. Commissioner Rodstrom could understand the thinking of not changing the zoning with the idea that the existing buildings could be demolished at some point in the future. Mr. Lochrie advised that the property was zoned residential when it was acquired and the construction occurred up to 1997. In 1997 it was rezoned to park without any discussion and the Applicant contends that was a mistake. Nevertheless, the property owner is the Fort Lauderdale Housing Authority which does not operate parks. There are deed restrictions on the property insisting that it be used for

housing yet the Housing Authority cannot replace the existing substandard housing because of the zoning or demolish the housing because of the deed restrictions.

Commissioner DuBose commented out the strain that currently exists on Carter Park and that the proposed new development will add to that strain. He has asked staff to look into potential funding sources for expansion.

A **motion** was made by Commissioner DuBose and seconded by Commissioner Rodstrom to defer the item to June 21, 2011. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

ORDINANCE NO. C-11-

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE SO AS TO REZONE FROM PARKS, RECREATION AND OPEN SPACE TO RM-15, PARCEL "A", "SUNNYLAND HOMES NO. 2", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 49, PAGE 37, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT THE NORTHWEST CORNER OF NORTHWEST 13TH AVENUE AND NORTHWEST 9TH STREET, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Note: The City Commission recessed the regular meeting at 11:36 p.m. and returned to the conference meeting agenda, Item I-C, from 11:36 p.m. to 12:26 a.m.

Note: The City Commission convened as the Community Redevelopment Agency Board of Directors from 12:26 a.m. to 12:37 a.m.

Note: The City Commission then returned to the regular meeting to address Items PUR-13 and PUR-14 from 12:37 a.m. to 12:38 a.m.

595-10241 - SATURDAY NITE ALIVE CENTENNIAL BEACH EVENT – (PUR-13)
\$30,000 THIRD AMENDMENT TO CONTRACT

Motion made by Commissioner DuBose and seconded by Commissioner Roberts to approve as amended at the Community Redevelopment Agency meeting of March 15, 2011 to \$29,000. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

202-10621 - HOLIDAY AND CENTENNIAL DECORATIONS - \$35,322 (PUR-14)
CONTRACT AMENDMENT FOR TIME EXTENSION OF "100 DISPLAY"

Motion made by Commissioner Rodstrom and seconded by Commissioner DuBose to approve as amended at the Community Redevelopment Agency meeting of March 15, 2011 to \$34,322. Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

Note: The City Commission adjourned the regular meeting at 12:38 a.m. and returned to the conference meeting, agenda, Item City Commission Reports from 12:38 a.m. to 12:49 a.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk