

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
APRIL 5, 2011

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
April 5, 2011**

Meeting was called to order at 6:06 p.m. by Mayor Seiler on the above date, in City Hall, 100 North Andrews Avenue, 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 (telephonically)
City Clerk Jonda K. Joseph
City Attorney Harry A. Stewart
Sergeant At Arms Sergeant Jeff Brull

Invocation was offered by Reverend Dr. Robert Griffin, Sunshine Cathedral, followed by the recitation of the pledge by Alina Virga.

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

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom to approve the minutes of the February 15, 2011 and March 1, 2011 Conference Meetings and March 1, 2011 Regular Meeting. Roll call showed: YEAS: Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom and Mayor Seiler. NAYS: None.

Presentations

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

Commissioner Roberts recognized Joyce and Vince Virga who reside in Lake Estates as the recipients of the WOW Award for District I. Mr. Virga credited his wife for her design choices and thanked members of the Community Appearance Board for their volunteerism.

2. WATER CONSERVATION MONTH – APRIL 2011 – SOUTH FLORIDA WATER MANAGEMENT DISTRICT (PRES-02)

Commissioner Rodstrom presented a proclamation designating April, 2011, as Water Conservation Month in the City to Elbert L. Waters, Broward Center Director for Regulatory and Public Affairs, South Florida Water Management District. Mr. Waters thanked the Commission. He pointed out the Water Management District's goal to inform residents about the current water shortage and encourage their adherence to conservation measures. He reviewed slides concerning this matter. A copy of the slides is attached to these minutes.

3. ANNUAL GREEN YOUR ROUTINE GRANT AWARDS-\$18,922.50 (PRES-03)

Commissioner Roberts presented 22 neighborhood associations with grant funds earned for their participation in the annual Green Your Routine Recycling Incentive Grant Program. These volunteers have contributed over 1,000 hours of service to educate the public and promote recycling and sustainable living.

4. NATIONAL AUTISM AWARENESS MONTH – APRIL, 2011 (PRES-04)

Vice Mayor Rogers presented a proclamation designating April, 2011, as National Autism Awareness Month in the City to Mary Partin, CEO of the Dan Marino Foundation (foundation) and Rixys Alfonso, Vice President of Major Gifts and Corporate Relations, Dan Marino Foundation. Ms. Partin thanked the Commission. She noted the foundation's 20 years of service and growth to include corporate offices and some programming here in the City.

5. OUTSTANDING CITY EMPLOYEES (PRES-05)

Albert Carbon, Public Works Director, presented the STAR Award to Jeron Conny, Service Worker and Edward Schuler, Service Worker III, in recognition of the initiative they displayed by inspecting and manually removing debris from the Palm Aire Village area storm drains in anticipation of the approaching rainy season, after completing their assigned duties.

6. FORT LAUDERDALE FIREFIGHTER APPRECIATION MONTH- APRIL, 2011 (PRES-06)

Commissioner DuBose presented a proclamation designating April, 2011, as Fort Lauderdale Firefighter Appreciation Month in the City in appreciation of their continued support to the Muscular Dystrophy Association to Matthew Smith, Paramedic and Joanne Bowsman, Executive Director, Muscular Dystrophy Association, Broward, Miami-Dade, and Monroe counties. Mr. Smith thanked the Commission and recognized citizens for their generous contributions to the Muscular Dystrophy Association.

**7. THANKS AND APPRECIATION TO CITY COMMISSION BY (PRES-07)
EDGEWOOD CIVIC ASSOCIATION**

Clifford Iacino, Edgewood Civic Association, opposed Broward County's plan to tear down the Christian Romany Church. He expressed gratitude to Vice Mayor Rogers and Mayor Seiler for their commitment and actions taken to address this issue with the County. Mayor Seiler thanked Broward County Commissioner, John Rodstrom, and his staff for their efforts on this matter.

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 - ART WALK LAS OLAS (M-01)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Las Olas Association, Inc. for Art Walk Las Olas, to be held on the following Thursdays in 2011: April 21, May 19 and June 16, 6 PM – 9 PM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0461

EVENT AGREEMENT - BOYS AND THEIR TOYS CAR SHOW (M-02)

A motion authorizing and approving execution of an Event Agreement with Jamie B., Inc. for Boys and Their Toys Car Show, to be held April 17, 2011, 11 AM - 4 PM, at the Harbor Shops - 1901 Cordova Road.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0462

EVENT AGREEMENT - MARCH FOR BABIES (M-03)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with March of Dimes Foundation Incorporated for March for Babies, to be held April 30, 2011, 7 AM - 3 PM, at Birch State Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0466

EVENT AGREEMENT - SIPS & SLIDERS AT SUNSET (M-04)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with YOLO Las Olas, LLC for Sips & Sliders at Sunset, to be held April 21, 2011, 6 PM - 11 PM, at the Plaza - 333 East Las Olas Boulevard.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0467

EVENT AGREEMENT - BILL BONE PRO AM CYCLING CHALLENGE (M-05)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with ZMotion Racing Foundation, Inc. for Bill Bone Pro Am Cycling Challenge, to be held April 16, 2011, 8 AM - 4 PM, at Snyder Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0463

EVENT AGREEMENT - ANNUAL FUNDRAISER-IT TAKES A VILLAGE (M-06)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with It Takes A Village, Inc. for Annual Fundraiser-It Takes A Village, to be held April 16, 2011, 6 PM - 11 PM, on Jerk Machine property - 111 NW 2 Street.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0465

EVENT AGREEMENT - 77TH EASTER SUNRISE SERVICE**(M-07)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Fort Lauderdale Business and Professional Woman's Club, Inc. for 77th Easter Sunrise Service, to be held April 24, 2011, 5:30 AM – 8 AM, at Fort Lauderdale Beach Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0464

**CHANGE ORDER 4 - MBR CONSTRUCTION, INC. - \$10,828.74 –
ADD 23 DAYS - PETER FELDMAN PARK****(M-08)****Please see funding details attached to these minutes.**

A motion authorizing Change Order 4 to MBR Construction, Inc., in the amount of \$10,828.74 – additional work - Peter Feldman Park (A/K/A Flagler Heights Park) and the addition of 23 days to contract period - Project 11305.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0437

**CHANGE ORDER 5 - THUNDER DEMOLITION, INC. - \$34,875.70 –
ADD 15 WORK DAYS - HOLIDAY PARK MAINTENANCE AND
STORAGE BUILDING****(M-09)****Please see funding details attached to these minutes.**

A motion authorizing the proper City Officials to 1) execute Change Order 5 with Thunder Demolition, Inc., in the amount of \$34,875.70 and the addition of 15 work days to contract period - Holiday Park Maintenance and Storage Building - Project 11074 and 2) transfer funds to fund the change order and 17 percent engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0495

**FLORIDA WATER ENVIRONMENT ASSOCIATION UTILITY COUNCIL –
\$15,290 - MEMBERSHIP FEE AND SPECIAL ASSESSMENT****(M-10)****Please see funding details attached to these minutes.**

A motion approving payment to Florida Water Environment Association Utility Council, in the amount of \$15,290 - annual membership fee and special assessment - Environmental Protection Agency draft Numeric Nutrient Criteria rule.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0448

APPLICATION - BUS AND BUS FACILITIES DISCRETIONARY (M-11)
GRANT PROGRAM - \$4,375,000
FEDERAL HIGHWAY ADMINISTRATION - COMMUNITY BUS SERVICE

No budgetary impact.

A motion authorizing the proper City Officials to apply for funding, in the amount of \$4,375,000, from Federal Highway Administration - 2012 Bus and Bus Facilities Discretionary Grant Program – Downtown Fort Lauderdale Transportation Management Association - Community Bus Service.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0473

NEIGHBORHOOD CAPITAL IMPROVEMENT GRANT PROGRAM - \$35,000 (M-12)
HARBOR BEACH PROPERTY HOMEOWNERS ASSOCIATION, INC. –
MEDIAN LANDSCAPING

Please see funding details attached to these minutes.

A motion authorizing 1) transfer of funds, 2) award Neighborhood Capital Improvement Grant, in the amount of \$35,000 - landscape medians at Seabreeze Boulevard and Mayan Drive, and Seabreeze Boulevard and Haskins Avenue and River Lane - Project 11696 and 3) reimburse Harbor Beach Property Homeowners Association, Inc. for eligible costs up to \$35,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0483

BUSINESS CAPITAL IMPROVEMENT GRANT PROGRAM - \$15,000 (M-13)
FORT LAUDERDALE WOMAN'S CLUB, INC. - BOTANICAL GARDEN -
STRANAHAN PARK

Please see funding details attached to these minutes.

A motion authorizing 1) transfer of funds, 2) award Business Capital Improvement Grant, in the amount of \$15,000 - create botanical garden environment in Stranahan Park -

Project 11706 and 3) reimburse Fort Lauderdale Woman's Club, Inc. for eligible costs up to \$15,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0484

**BUSINESS CAPITAL IMPROVEMENT GRANT PROGRAM - (M-14)
LIGHTING/STREETScape IMPROVEMENTS
FORT LAUDERDALE BEACH VILLAGE MERCHANTS ASSOCIATION INC. - \$15,000**

Please see funding details attached to these minutes.

A motion authorizing 1) transfer of funds; 2) award Business Capital Improvement Grant, in the amount of \$15,000 - decorative lighting and streetscape improvements - Project 11502 and 3) reimburse Fort Lauderdale Beach Village Merchants Association Inc. for eligible costs up to \$15,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0485

**CONTRACT AWARD - BEJAR CONSTRUCTION, INC. - TWIN LAKES PARK – (M-15)
\$148,250**

Please see funding details attached to these minutes.

A motion authorizing the proper City Officials to award and execute contract with Bejar Construction, Inc., in the amount of \$148,250 - Construction of Twin Lakes Park - Project 11445.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0435

**NEIGHBORHOOD AND BUSINESS CAPITAL IMPROVEMENT PROGRAM (M-16)
FUNDS TRANSFER - \$476,000**

Please see funding details attached to these minutes.

A motion authorizing transfer of \$476,000 to approved 2011 Neighborhood and Business Capital Improvement grant projects.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0474

RAILROAD INFRASTRUCTURE - FLORIDA EAST COAST RAILWAY – (M-17)
\$135,000

Please see funding details attached to these minutes.

A motion authorizing payment to Florida East Coast Railway, in the amount of \$135,000 – maintenance requirements - railroad infrastructure - various locations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0488

CONTRACT AWARD - SOUTHERN FLORIDA PAVING GROUP, LLC – (M-18)
\$192,704 - NW 8 AVENUE SOUTH MIDDLE RIVER - SIDEWALK,
SWALE AND DRAINAGE SYSTEM*

Please see funding details attached to these minutes.

A motion authorizing the proper City Officials to award and execute contract with Southern Florida Paving Group LLC d/b/a Charlie Frymyer Paving, in the amount of \$192,704 - construction of sidewalk, swale and drainage system - NW 8 Avenue South Middle River Neighborhood - Project 11540.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0516

*The Background/Detail section (Exhibit 1) of Commission Agenda Report (11-0516) was revised in accordance with Memorandum 11-089. See announcement on page 22.

CONTRACT RENEWALS - JULY, AUGUST AND SEPTEMBER 2011 (M-19)

Please see funding details attached to these minutes.

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

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0396

QUALIFIED TARGET INDUSTRY PROGRAM - CITRIX SYSTEMS, INC. – (M-20)
\$13,000

Please see funding details attached to these minutes.

A motion authorizing the City's portion of payment, in the amount of \$13,000, to Florida Office of Tourism, Trade, and Economic Development for CITRIX Systems Inc., Qualified Target Industry program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1727

THOR GALLERY AT BEACH PLACE LLC - \$9,559.62 (M-21)
BUSINESS IMPROVEMENT DISTRICT ASSESSMENT REIMBURSEMENT

Please see funding details attached to these minutes.

A motion authorizing reimbursement to Thor Gallery at Beach Place LLC, in the amount of \$9,559.62 - Beach Business Improvement District special assessment refund for fiscal years 2008-2009 and 2009-2010 - revised property assessment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0477

CO-SPONSORSHIP - HOME DESIGN AND REMODELING SHOW (M-22)
BROWARD COUNTY CONVENTION CENTER

No budgetary impact.

A motion approving co-sponsorship of Home Design and Remodeling Show at Broward County Convention Center, to allow installation of banners at Sunrise Boulevard and Federal Highway, on May 27-30, 2011, and again November 11-13, 2011, subject to availability and permitting regulations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0496

AGREEMENT - SUMMER YOUTH EMPLOYMENT PROGRAM – (M-23)
\$160,000 NOT TO EXCEED WORKFORCE ONE

Please see funding details attached to these minutes.

A motion authorizing the proper City Officials to execute an agreement with Workforce One in an amount not to exceed \$160,000 - Summer Youth Employment Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0501

TASK ORDER 1 - URS CORPORATION - \$29,659 (M-24)
INTRACOASTAL WATERWAY DREDGING AT LAS OLAS MARINA – AQUATIC COMPLEX

Please see funding details attached to these minutes.

A motion authorizing the proper City Officials to execute Task Order 1 with URS Corporation, in the amount of \$29,659 - design, engineering and permitting technical support - Intracoastal Waterway dredging at Las Olas Marina and Fort Lauderdale Aquatic Complex - Phase I.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0342

TASK ORDER 2 - URS CORPORATION - \$20,216 (M-25)
INTRACOASTAL WATERWAY DREDGING AT BAHIA MAR YACHTING CENTER

Please see funding details attached to these minutes.

A motion authorizing the proper City Officials to execute Task Order 2 with URS Corporation, in the amount of \$20,216 - design, engineering and permitting technical support - Intracoastal Waterway Dredging at Bahia Mar Yachting Center - Phase I.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0343

AMENDMENT TO LEASE AGREEMENT – (M-26)
MARINE FACILITIES OFFICE SPACE - 408 SOUTH ANDREWS AVENUE –
AZORRA PROPERTIES, INC. - \$23,482.32 FIRST YEAR RATE

Please see funding details attached to these minutes.

A motion authorizing the proper City Officials to execute an amendment to lease agreement with Azorra Properties, Inc., providing for a five-year term extension - Marine Facilities office space located at 408 South Andrews Avenue, Suites 102 and 103 - May 1, 2011 through April 30, 2016 with provision for annual increases.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0443

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

**LEASE AGREEMENT - CITY PROSECUTOR'S OFFICE SPACE – (M-27)
 \$35,936.04 ANNUALLY - 600 SOUTH ANDREWS AVENUE –
HARARE DEVELOPMENT, INC.**

Please see funding details attached to these minutes.

A motion authorizing proper City Officials to execute five-year lease agreement with Harare Development, Inc. - City Prosecutor's Office space located at 600 South Andrews Avenue - Courthouse Square Building - June 1, 2011 through May 31, 2016 - annual amount of \$35,936.04 with provision for annual increase based on certain criteria.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0409

CONSENT RESOLUTION

**SPECIAL COUNSEL – MCINTOSH SCHWARTZ, P.L. (CR-01)
POLICE PROFESSIONAL LIABILITY AND GENERAL LIABILITY CLAIMS**

No budgetary impact.

A resolution appointing McIntosh Schwartz, P.L. as special counsel to represent City in police professional liability and general liability claims and setting hourly rates for such representation.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0436

RESOLUTION NO. 11-91

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING THE LAW FIRM OF MCINTOSH SCHWARTZ, P.L., AS SPECIAL COUNSEL TO REPRESENT THE CITY OF FORT LAUDERDALE IN CONNECTION WITH POLICE PROFESSIONAL LIABILITY AND GENERAL LIABILITY CLAIMS.

**CONTRACT EXTENSION - STRAIGHTLINE ENGINEERING GROUP, LLC – (CR-02)
 \$168,600 - ANNUAL CONTRACT FOR CONCRETE, STAMPED
ASPHALT AND PAVING STONE REPAIR**

Please see funding details attached to these minutes.

A motion authorizing 1) one-year contract extension with Straightline Engineering Group, LLC, in the amount of \$168,600 - 2011-2012 annual contract for concrete, stamped asphalt and paving stone repair - Project 11653 and the transfer of funds to partially fund

contract extension and 2) resolution amending fiscal year 2010-2011 final operating budget by appropriating the funds to fund 17 percent engineering fees and balance of the contract extension.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-0440

RESOLUTION NO. 11-92

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 1 - METRO EQUIPMENT SERVICE, INC. – (CR-03)
ADD 90 DAYS - \$113,302.50 - WASTEWATER CONVEYANCE SYSTEM –
LONG-TERM REMEDIATION REHABILITATION

Please see funding details attached to these minutes.

A motion to 1) authorize Change Order 1 with Metro Equipment Service, Inc., in the amount of \$113,302.50 - quantity adjustments and the addition of 90 non-compensable calendar days to contract period - Wastewater Conveyance System Long-Term Remediation Program Rehabilitation Project 15 Sewer Basin D-37 North - Laterals - Project 11444-N and 2) adopt resolution amending fiscal year 2010-2011 final operating budget by appropriating \$113,302.50 to fund this Change Order and \$19,261.43 to fund 17 percent estimated engineering fees.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-0497

RESOLUTION NO. 11-93

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

EMERGENCY PURCHASE ORDER AND CHANGE ORDER 1 – (CR-04)
BEACH WAVE WALL REPAIR - MBR CONSTRUCTION, INC. - \$25,941.52

Please see funding details attached to these minutes.

A motion authorizing 1) emergency purchase order and Change Order 1 with MBR Construction, Inc. - allowance adjustments and damage repair - Beach Wave Wall as the result of a vehicle accident and 2) resolution amending fiscal year 2010-2011 final operating budget by appropriating \$25,941.52 for anticipated insurance proceeds that will pay for repair work.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-0472

RESOLUTION NO. 11-94

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

AMEND BUDGET - TRANSFER - GENERAL CAPITAL PROJECTS FUND – (CR-05)
\$44,102 - NEGOTIATE TASK ORDERS - COMMERCIAL BOULEVARD
AND NE 15 AVENUE LANDSCAPING

Please see funding details attached to these minutes.

A motion authorizing 1) proper City Officials to negotiate task orders with CSA Consultants for required construction engineering and inspection services and 2) resolution amending fiscal year 2010-2011 budget by transferring \$44,102 from General Capital Projects Fund Net Available Balance to landscaping projects - Commercial Boulevard and NE 15 Avenue - Projects 113311 and 11491.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-0494

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING THE LAW FIRM OF MCINTOSH SCHWARTZ, P.L., AS SPECIAL COUNSEL TO REPRESENT THE CITY OF FORT LAUDERDALE IN

CONNECTION WITH POLICE PROFESSIONAL
LIABILITY AND GENERAL LIABILITY CLAIMS.

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

**COMMUNITY REDEVELOPMENT AREA - MIDDLE RIVER –
SUNRISE BOULEVARD - AMEND OPERATING BUDGET –
APPROPRIATION - \$25,000**

(CR-06)

Please see funding details attached to these minutes.

A resolution amending fiscal year 2010-2011 final operating budget by appropriating \$25,000 from Contingency Fund - for creation of a redevelopment plan for a new Middle River - South Middle River - Sunrise Boulevard Community Redevelopment area.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0512

RESOLUTION NO. 11-95

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 ATTACHED EXHIBIT.

RESCHEDULING APRIL 19, 2011 CITY COMMISSION MEETINGS

(CR-07)

No budgetary impact.

A resolution rescheduling April 19, 2011 City Commission regular and conference meetings to April 20, 2011 due to Passover holiday.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0442

RESOLUTION NO. 11-96

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE APRIL 19, 2011, REGULAR AND CONFERENCE MEETINGS OF THE CITY COMMISSION TO APRIL 20, 2011.

AMEND OPERATING BUDGET - APPROPRIATION - \$50,000
CENTENNIAL SPONSORSHIP – AUTONATION**(CR-08)**

Please see funding details attached to these minutes.

A resolution amending fiscal year 2010-2011 final operating budget, by accepting and appropriating \$50,000 in cash sponsorship received from AutoNation for a one-year sponsorship of Centennial Celebration and to pay Jan Beth Idelman, Inc., event fundraiser.

Recommend: Adopt resolution

Exhibit: Commission Agenda Report 11-0428

RESOLUTION NO. 11-97

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

AMEND OPERATING BUDGET - APPROPRIATION - \$10,000
CENTENNIAL SPONSORSHIP - JM FAMILY**(CR-09)**

Please see funding details attached to these minutes.

A resolution amending fiscal year 2010-2011 final operating budget, by accepting and appropriating \$10,000 in cash sponsorship received from JM Family for a one-year sponsorship of the Centennial Celebration and to pay Jan Beth Idelman, Inc., event fundraiser.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0429

RESOLUTION NO. 11-98

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

AMEND OPERATING BUDGET - APPROPRIATION - \$25,000 (CR-10)
CENTENNIAL SPONSORSHIP - FLORIDA POWER & LIGHT COMPANY

Please see funding details attached to these minutes.

A resolution amending fiscal year 2010-2011 final operating budget, by accepting and appropriating \$25,000 in cash sponsorship received from Florida Power & Light Company for a one-year sponsorship of the Centennial Celebration and to pay Jan Beth Idelman, Inc., event fundraiser.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0432

RESOLUTION NO. 11-99

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

AMEND OPERATING BUDGET - APPROPRIATION - \$25,000 (CR-11)
CENTENNIAL SPONSORSHIP - NOVA SOUTHEASTERN UNIVERSITY

Please see funding details attached to these minutes.

A resolution amending fiscal year 2010-2011 final operating budget, by accepting and appropriating \$25,000 in cash sponsorship received from Nova Southeastern University for a one-year sponsorship of the Centennial Celebration Committee and to pay Jan Beth Idelman, Inc., event fundraiser.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0450

RESOLUTION NO. 11-100

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

AMENDMENT 2 - PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM (CR-12)
FREQUENCY RECONFIGURATION AGREEMENT - ACCEPTANCE OF \$30,000

Please see funding details attached to these minutes.

A resolution authorizing proper City Officials to 1) execute Amendment 2 to agreement with Nextel South Corporation in substantially the form provided - Public Safety Radio Communications System frequency reconfiguration - changes in project scope of work and responsibilities, 2) accept \$30,000 from Nextel South Corporation for City's portion of changes and 3) amend fiscal year 2010-2011 final operating budget by appropriating \$30,000.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0507

RESOLUTION NO. 11-101

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AMENDMENT #2 TO FREQUENCY RECONFIGURATION AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND NEXTEL SOUTH CORP., ACCEPTING \$30,000 IN CONNECTION WITH AMENDMENT #2 TO FREQUENCY RECONFIGURATION AGREEMENT, 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 ATTACHED EXHIBIT, AND PROVIDING FOR AN EFFECTIVE DATE.

PURCHASING AGENDA

412-10687 - BARRICADE AND FLASHER RENTAL – (PUR-01)
NOT TO EXCEED \$146,000

Please see funding details attached to these minutes.

Two-year contract with two, one-year renewal options for rental on an as needed basis of barricades, flashers and related traffic control devices is being presented for approval by Public Works and Parks and Recreation Departments.

Recommend: Motion to approve.

Vendor: Motplans.com LLC Roadsafe Traffic Systems, Inc. All American Barricades, Corp. Oakland Park, FL Romeoville, IL Miami Gardens, FL

Amount: \$146,000.00 not-to-exceed, annually
Bids Solicited/Rec'd: 243/4

Exhibit: Commission Agenda Report 11-0418

The Procurement Services Department has reviewed this item and recommends an award to the three low responsive and responsible bidders for the Co-Op.

413-10709 - POLYMER COAGULANT AID - NOT TO EXCEED \$21,895 (PUR-02)
FIVEASH WATER TREATMENT PLANT

Please see funding details attached to these minutes.

One-year contract with three, one-year extension options to purchase polymer coagulant aid – Fiveash Water Treatment Plant - presented by Public Works Department.

Recommend: Motion to approve.

Vendor: Polydyne Inc.
Riceboro, GA

Amount: \$21,895.00 not-to-exceed
Bids Solicited/Rec'd: 273/1

Exhibit: Commission Agenda Report 11-0421

The Procurement Services Department has reviewed this item and recommends an award to the single bidder.

413-10723 - STAINLESS STEEL TAPPING SLEEVES - \$60,341 (PUR-03)

Please see funding details attached to these minutes.

One-year contract for purchase of stainless steel tapping sleeves is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Ferguson Enterprises, Inc.
Newport News, VA

Amount: \$60,341.00 not-to-exceed
Bids Solicited/Rec'd: 648/4

Exhibit: Commission Agenda Report 11-0433

The Procurement Services Department has reviewed this item and recommends an award to the low bidder, Ferguson Enterprises, Inc.

**612-10699 - BULK TRASH SEPARATION, RECYCLING AND
DISPOSAL SERVICES****(PUR-04)**

Purchases are made on an as needed basis per unit pricing and available funds. Please see funding details attached to these minutes.

Three-year contract with one, one-year renewal option for bulk trash separation, recycling and disposal services is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Waste Management Inc. of Florida
Houston, TX (local office in Pompano Beach)

Amount: per unit prices

Bids Solicited/Rec'd: 808/3

Exhibit: Commission Agenda Report 11-0439

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

**612-10668 - CURBSIDE RECYCLING COLLECTION SERVICES –
\$873,500.50****(PUR-05)**

Please see funding details attached to these minutes.

Five-year contract with one, two-year extension option for curbside recycling collection services is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Republic Services of Florida, Limited Partnership D/B/A All
Service Refuse
Phoenix, AZ (local office in Fort Lauderdale)

Amount: \$873,500.50

Bids Solicited/Rec'd: 392/6

Exhibit: Commission Agenda Report 11-0445

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

**CHANGE ORDER 2 - CITY HALL CHILLER PLANT REPLACEMENT –
\$27,825.91 - EQUIPMENT AND INSTALLATION SERVICES****(PUR-06)**

Please see funding details attached to these minutes.

Change Order 2 to Purchase Order PP101550 - purchase equipment and installation services related to City Hall Chiller Plant Replacement is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Turnkey International, Inc.
Doral, FL

Amount: \$27,825.91

Bids Solicited/Rec'd: NA

Exhibit: Commission Agenda Report 11-0451

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

612-10669 - TURF GRASS MAINTENANCE AND TRASH COLLECTION SERVICES (PUR-07)

Purchases are made on an as needed basis per unit pricing and available funds. Please see funding details attached to these minutes.

One-year contract with three, one-year renewal options for turf grass maintenance and trash collection services is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: C & M Landscaping, Inc.
Fort Lauderdale, FL

Amount: per unit prices

Bids Solicited/Rec'd: 761/14

Exhibit: Commission Agenda Report 11-0441

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

513-10679 - RENTAL OF BOUNCE HOUSES, INFLATABLES AND OUTDOOR GAMES - \$33,225 (PUR-08)

Please see funding details attached to these minutes.

One-year contract with three, one-year renewal options for rental of bounce houses, inflatables and other various outdoor games is being presented by Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: All Star Events, Inc.
Miami, FL
Amount: \$33,225.00 (estimated)
Bids Solicited/Rec'd: 136/2

Exhibit: Commission Agenda Report 11-0468

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

712-10704 - REJECT BIDS (PUR-09)

712-10725 - AWARD - CISCO SMARTNET SUPPORT - \$76,158.86

Please see funding details attached to these minutes.

Reject all bids from Invitation To Bid 712-10704 and award one-year maintenance and support of Cisco SmartNet computer networking equipment and software is being presented for approval by Information Technology Services Department.

Recommend: Motion to reject and award.

Vendor: Waveguide Communications, Inc.
Pompano Beach, FL
Amount: \$76,158.86
Bids Solicited/Rec'd: 1853/5

Exhibit: Commission Agenda Report 11-0331

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

815-10695 - EXPEDITED PLAN REVIEW SERVICES - \$100,000 (PUR-10)

Please see funding details attached to these minutes.

One-year contract with three, one-year extensions for expedited plan review services, to include structural, electric, mechanical, plumbing, zoning, landscaping and engineering review is being presented for approval by Building Department.

Recommend: Motion to approve.
Vendor: C.A.P. Government, Inc.
Doral, FL
Amount: \$100,000.00
Bids Solicited/Rec'd: 956/5

Exhibit: Commission Agenda Report 11-0449

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

**AMENDMENT TO LEASE AGREEMENT – (M-26)
MARINE FACILITIES OFFICE SPACE - 408 SOUTH ANDREWS AVENUE –
AZORRA PROPERTIES, INC. - \$23,482.32 FIRST YEAR RATE**

Please see funding details attached to these minutes.

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

**AMEND BUDGET - TRANSFER - GENERAL CAPITAL PROJECTS FUND – (CR-05)
\$44,102 - NEGOTIATE TASK ORDERS - COMMERCIAL BOULEVARD
AND NE 15 AVENUE LANDSCAPING**

Please see funding details attached to these minutes.

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

**CONTRACT AWARD - SOUTHERN FLORIDA PAVING GROUP, LLC – (M-18)
\$192,704 - NW 8 AVENUE SOUTH MIDDLE RIVER - SIDEWALK,
SWALE AND DRAINAGE SYSTEM**

Please see funding details attached to these minutes.

Mayor Seiler announced the following revision to this item as set forth in Memorandum 11-089: The third paragraph of Exhibit 1 should read: "The base bid cost of \$192,704 will be covered by CDBG funds pending the final approval from HUD."

Motion made by Commissioner Roberts and seconded by Commissioner DuBose that Consent Agenda Items M-12, M-18, M-19, CR-06, PUR-04 and PUR-05 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

**NEIGHBORHOOD CAPITAL IMPROVEMENT GRANT PROGRAM - \$35,000 (M-12)
HARBOR BEACH PROPERTY HOMEOWNERS ASSOCIATION, INC. –
MEDIAN LANDSCAPING**

Art Seitz, 1905 North Atlantic Boulevard, thought Fort Lauderdale's South Beach is under-used because it lacks public access and parking. Rather than the walkway included in the A-1-A Greenway drawings prepared in 2000, he recommended building a

cement slab at the water's edge, extending south from the Yankee Clipper to the (Port Everglades) inlet. He elaborated upon a similar design in Los Angeles County. He believed this path would be a safer option for traveling south on A-1-A.

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

CONTRACT AWARD - SOUTHERN FLORIDA PAVING GROUP, LLC – (M-18)
\$192,704 - NW 8 AVENUE SOUTH MIDDLE RIVER - SIDEWALK,
SWALE AND DRAINAGE SYSTEM

Commissioner Roberts sought clarification as it appears approval for this item is being sought before funding is available. Albert Carbon, Public Works Director, explained that CDBG (Community Development Block Grant) funding has been appropriated for this, and the environmental reviews were submitted and should be returned on April 9. Funding has been awarded to several projects pending this review. Once the funding availability is determined, the pending change order for lighting as set forth in Commission Agenda Report 11-0516 will be brought back in May. He verified that a total of \$250,000 in CDBG funds has been appropriated for this project. In response to Vice Mayor Rogers, he noted that staff is looking into additional funding for the lighting; it will either be CDBG funds or other funding sources.

Motion made by Commissioner Roberts and seconded by DuBose to approve the item as revised (see Memorandum 11-089). Roll call showed: YEAS: Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Commissioner Rodstrom thanked the Commission for moving this item forward as the South Middle River neighborhood has been awaiting this project.

CONTRACT RENEWALS - JULY, AUGUST AND SEPTEMBER 2011 (M-19)

In light of the economic downturn, Vice Mayor Rogers questioned staff's recommendation not to go out for bid on the following revenue generating contracts as set forth in Exhibit 1 of Commission Agenda Report 11-0396: 7) Mills Pond Park Concession; 19) War Memorial Auditorium Concession; and 29) Gymnastic Instruction Services.

As for the Mills Pond Park concession, Terry Rynard, Acting Parks and Recreation Director, explained that this contract is based on a percentage of the concessionaire's revenue that is paid to the City. The estimate (\$80,000) is based on the vendor's sales for next year. If this contract were re-bid, it would be bid in the same fashion. She was uncertain of the percentage amount, but offered to provide it to him. She felt the City was fortunate that this contractor agreed to renew.

As for the War Memorial Auditorium concession, Robert Stried, War Memorial Auditorium Manager, indicated that the revenue decrease was due to a loss of events last year. However, events have increased this year and, based on a recent recalculation, the projected (concession) revenue is \$68,000, not \$52,000 as shown in Exhibit 1. The City receives 33 percent of food and drink and 20 percent of all catered events after taxes.

Ms. Rynard explained the Gymnastic Instruction Services contract is a fixed-rate rental of \$13,000 monthly, plus a percentage of concessions which equates to approximately \$300 per month. She indicated that the correct revenue amount for this contract is approximately \$160,000, not \$149,000 as shown in Exhibit 1.

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

**COMMUNITY REDEVELOPMENT AREA - MIDDLE RIVER –
SUNRISE BOULEVARD - AMEND OPERATING BUDGET –
APPROPRIATION - \$25,000**

(CR-06)

Doris Hall, resident of Miami, noted her prior military service. She expressed concern that these funds would not have accountability outside of the general fund, and would not have value in the CDBG (Community Development Block Grant) component. She elaborated upon a settlement in New York involving the CRA (Community Reinvestment Act) and HUD funds. She claimed the Inspector General Auditor has demanded the City return \$5 million for misusing funds by stockpiling affordable housing. She thought the funds for this item should instead be used to create a match funds grant to replace affordable housing which she claimed has not been used for approximately twenty years. She thought another way to better use these funds would be to create a needs assessment based on the amount of affordable housing in the Middle River area. The CRA mandate may be in conflict with HUD national objectives. A determination needs to be made as to what needs to apply to HUD funding and its compliance requirements and how much can be done with the revitalization component so that the housing stock does not end up as vacant lots. She warned that the affordable housing stock must be increased before (the area) becomes manufactured slum and blight. She contended that the City has not inspected any homes in the Middle River area, despite its claim to have moved forward with the findings of necessity. She noted that the funds for this item will not provide tax increment financing which she believes causes the City a loss of leverage. She elaborated upon HUD compliance requirements. She felt the stakeholders deserve a first serve with the federal compliance component of national objectives to have homes inspected and intervene before code enforcement and give homeowners an opportunity for their homes to be revitalized so they do not become slum and blight. The \$25,000 does not get leveraged because tax increment financing is not possible in this instance. Under U.S. HUD Part 570, the first serve should be getting the neighborhood comprehensive plan back into compliance with the housing element worked through and the findings of necessity incorporated so that the affordable housing stock is increased and available to returning veterans.

In response to Mayor Seiler, Ms. Hall indicated that she is a Miami resident but with 30 years of real estate experience she is familiar with CRA areas. Commissioner Rodstrom explained that this area is not yet a CRA. It must first undergo a lengthy process that covers some of the components mentioned by Ms. Hall. Ms. Hall was concerned that the City has spent \$300,000 for an implementation plan that could have been leveraged with HUD funding. She felt the \$25,000 is inadequate. Alfred Battle, Director, Community Redevelopment Agency (Northwest), clarified that this item is a new, separate CRA area that is adjacent to the existing Northwest Progresso area which is not being expanded. The referenced funds have not been spent in the new CRA area (Middle River), rather the implementation plan was funded by the existing (Northwest Progresso) CRA relating to improvements to Sistrunk Boulevard. There will be no mixing of funds for any of the three CRA districts. Ms. Hall articulated her desire to use HUD funds for affordable housing before they are portioned to a CRA. In response to Commissioner Rodstrom, Ms. Hall confirmed that she is not a HUD employee nor does she represent HUD.

Mayor Seiler clarified that the New York case involved the Community Reinvestment Act, not a Community Redevelopment Agency. Ms. Hall believed they are related in terms of funding. Discussion ensued between Mayor Seiler and Ms. Hall regarding the New York case and bank reinvestment in CRA areas.

Ms. Hall confirmed for Mayor Seiler that she is not an attorney and has never been involved in a lawsuit on this. Ms. Hall explained this is about impediments to fair housing. The \$25,000 should not be used out of the general fund when there are already monies to administer HUD funds. She did not feel the City should proceed with Middle River because there is no tax increment financing to support it. Federal government funding should be leveraged with current programs that will be eventful, in the housing and service components.

In response to Vice Mayor Rogers, Ms. Hall elaborated upon the state law origins of the term, manufactured slum and its legal implications. She emphasized that the Inspector General has indicated that lots being held in inventory for some twenty years must go back into use. In response to Mayor Seiler, she explained that she is referring to homes in the Progresso area. She went on to indicate that there is a pattern of practice that has moved through all of the CRA areas. She elaborated upon her idea to leverage the \$25,000 with banks under the federal reinvestment component. No one listed on the findings of necessity in the CRA areas was contacted for their home to be inspected. The City could go forward with a full affordable housing program which HUD would welcome.

In response to Vice Mayor Rogers, Ms. Hall indicated she has made this presentation to South Miami, Miami and Miami-Dade County. If those presentations resulted in a lawsuit, she did not originate it.

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

612-10699 - BULK TRASH SEPARATION, RECYCLING AND DISPOSAL SERVICES**(PUR-04)**

Matt Morrall, representing Envirocycle, Inc., advised that there were three bidders for this service. There are two costs: the drop-off point cost and the cost to bring the waste to the drop-off point. Historically the City has distinguished two types of waste, clean yard waste and mixed debris, because they are on separate routes. The routes have been considered individually to determine the ultimate cost. As for bidder locations, Envirocycle is located in the city; Waste Management in Davie; and Southern Waste Systems in Dania. He provided information depicting an estimated per hour truck transportation charge which is attached to these minutes. Historically, staff has portioned out the waste between two facilities based on disposal and transportation costs. But, he believed transportation costs were not included in this bid because City trucks and City employees are providing this service. He felt there was a possible disconnect in the process because of the former assistant director of public works' retirement. According to his estimate, there are significant differences to the extent of \$150,000 to \$250,000. He requested a deferral for further review by staff.

In response to Commissioner Roberts, Albert Carbon, Public Works Director, indicated that service is categorized as to bulk trash and green waste. Based on an average year tonnage rate, Waste Management's bid was lowest. The bids were open for the required amount of time, and no bid protest was received. The bids were reviewed based on price. He clarified that Waste Management lists two sites in their bid, Davie and Pompano. The bid did not have requirements based on facility locations. In response to Commissioner Roberts, Mr. Morrall indicated that the handout was provided to staff; but, Mr. Carbon indicated that he has not reviewed it. He went on to verify that the recommended bid is \$1.1 compared to the previous contract of \$1.7 million. In response to the Acting City Manager, Michael Walker, Manager of Procurement and Contracts, explained that Procurement Services did not receive any protest or other documentation indicating bid discrepancies. The award recommendation was posted as per the protest ordinance requirements, and the protest time has now elapsed. Staff has not reviewed the handout information. Mr. Morrall claimed the information was provided to Greg Slagle, Solid Waste Superintendent, shortly after the bid was presented. He pointed out that Envirocycle could offer to take the City's waste to their landfill in Bartow at \$20, for example, which would be the lowest price, but not the most efficient for the City to have to travel to Bartow.

Commissioner Rodstrom felt the bid protest procedure should be followed.

Vice Mayor Rogers was concerned that staff did not explain why this bid was done differently. Mr. Walker noted that specifications for bids are always updated. The information is available and vendors are expected to review it. There is a time frame for bidders to ask questions prior to bid opening. If there are errors in the specifications and, or adjustments are needed, addendums can be issued. There was a pre-bid meeting.

In response to Commissioner DuBose, Mr. Carbon explained that Mr. Slagle is the Solid Waste Superintendent. He manages the unit that picks up bulk trash. He further explained the specifications indicated that the drop-off site be within a 10-mile radius of 1300 Broward Boulevard; Commissioner DuBose observed that a bidder made an objection attempt within the allowable time frame but apparently to the wrong staff

member. Mr. Carbon noted the consistent procedure of bids being received on the fourth floor of City Hall.

Mr. Slagle reiterated the 10-mile radius bid requirement because staff considers transportation, time and cost. Waste Management's facilities are within the bid requirements. Envirocycle's information is flawed because the proposed savings would only be realized if all of the waste is taken to their facility which is very unlikely. Staff decided that the low bidder with two facilities would work best. The bid did not contain time and distance categories, only the 10-mile radius requirement was considered. In response to Mayor Seiler and Vice Mayor Rogers, he indicated he was uncertain if prior bids included time and distance. In response to questions raised by Commissioner Rodstrom, Mr. Walker indicated that the protest procedure is explained in the RFP. He recalled that Envirocycle contacted him by phone during the allowable bid protest timeframe, to request a meeting to present additional information. Following his review, he dismissed the information because he did not believe the proposed savings could be achieved. He conveyed the results of his analysis in a follow-up call from Envirocycle, and he addressed this matter with his supervisor.

John Albert, representing Waste Management, noted that this bid is very similar to previous bids. The bid did not have time and distance requirements, other than the 10-mile requirement. Waste Management met the requirements. There was no formal bid protest. Mr. Slagle found the information submitted by Envirocycle to be irrelevant. He believed the Commission should follow their procedures and award the contract as recommended. In response to Vice Mayor Rogers, he indicated that Waste Management submitted a bid for the last RFP and it did not include time and distance requirements, other than the 10-mile requirement.

Mr. Morrall pointed out that the bid language states that, due to travel distances, multiple contracts may be awarded now or during the contract term for similar recycling services if in the City's best interest. He indicated that this language was in previous bids which led the belief that northern routes are directed to Waste Management and central routes are directed to Envirocycle. In response to questions raised by Vice Mayor Rogers and Commissioner Rodstrom, Mr. Walker explained that the Director of Procurement Services determined that it should be awarded to only one vendor in the best interest of the City. Envirocycle did not pay the \$50 protest fee. In response to Vice Mayor Rogers, Mr. Carbon confirmed that staff determined while the bids were being reviewed that it was not in the City's best interest to award more than one contract. He elaborated upon some of the reasoning behind this determination, though he was uncertain of all factors considered by the Director of Procurement. He went on to confirm that drop-off sites that geographically correlate with pick-up areas are beneficial, and reiterated that Waste Management's north and south facilities provide this feature. Cost savings would only be realized if all of the waste was taken to Envirocycle's one facility.

Mr. Morrall thought this is different from all previous bids. He pointed out that Waste Management's Pompano facility exceeds the 10-mile bid requirement. He mentioned that Envirocycle has historically taken clean yard waste which the City did not have to remove from their facility because they can also take mixed debris at a different rate. Envirocycle thought this would continue to be the case for this bid. In response to Vice Mayor Rogers, he could not recall, in the past 20 years, the City using only one vendor. Mr. Carbon indicated that two contracts were awarded for the last bid, but he was uncertain if that has historically been the case.

Commissioner Roberts noted that, although a (protest) procedure is in place, he is uncomfortable with the issues raised tonight. In response to Vice Mayor Rogers, the City Attorney understood that the bid documents allow for another vendor to be added during the contract term, if it is in the City's best interest. Mr. Carbon noted the current contract's expiration date of April 30. The Acting City Manager pointed out that the Procurement Director will return to work on April 18. Commissioner Rodstrom noted that a procedural issue is also at hand. She was concerned that making a decision tonight would set the wrong precedent because Envirocycle did not follow the protest procedure. The City Attorney reiterated his understanding that the RFP states that more than one contract can be awarded if it is in the City's best interest. There is no contract in place yet. It would be a matter of following the process if the bid is awarded tonight and decided in the future to add another contractor. A general discussion ensued about a course of action which resulted in the following motion.

Motion made by Commissioner Roberts and seconded by Vice Mayor Rogers to defer the item to April 20, 2011. YEAS: Commissioner DuBose, Vice Mayor Rogers, and Commissioner Roberts. NAYS: Commissioner Rodstrom and Mayor Seiler.

612-10668 - CURBSIDE RECYCLING COLLECTION SERVICES – (PUR-05)
\$873,500.50

Vicki Eckels, 917 SE 14 Street, urged these bids be rejected. She thought this RFP set the bar too low. She wanted to take this opportunity to change from curbside bins to carts as soon as possible. The carts should be purchased by the service provider with the reimbursement cost spread over the contract's term. She indicated that recycling in Miami Dade County increased by almost 100 percent upon the introduction of carts because of their convenience. She warned that condominium residents may wind up subsidizing the cost of carts for single family residents. She wanted to make use of economy of scale. She thought about \$5 of the monthly sanitation fee could be attributed to recycling and would be enough to cover the cost without a rate increase..

In response to Commissioner Rodstrom, Michael Walker, Manager of Procurement and Contracts, explained that, traditionally, it is less costly for the City to purchase the product, rather than the vendor, because sales tax and any mark-ups are saved. Albert Carbon, Public Works Director, explained that this bid is a five-year bid with two one-year extensions. At the beginning of the second year, the contractor will be required to start servicing all carts. These terms are based on on-going negotiations with the Broward County Resource Recovery Board (RRB). The RRB plans to fund and purchase carts for member agencies like the City. This will be presented to the Broward County Commission for an amendment to the RRB budget. He clarified that solid waste service is provided to single family homes and multi-family up to three units. Sanitation rates are not charged to commercial properties so subsidization is not occurring. In further response, Mr. Carbon reiterated that the bid allows the vendors up to one year to obtain the appropriate equipment for handling the carts.

Ms. Eckels claimed that the RRB funds are not restricted to purchasing carts; these funds can be used for any form of waste reduction recycling. She elaborated upon how these funds could be used throughout the city. She maintained that it is the industry standard for the vendor to provide carts, and elaborated upon other local cities that operate as such. Vendors can get a better price than the City because of their purchase volume. She reiterated her desire not to delay any further.

Mayor Seiler thought the delay would have been prevented if the RRB was completed in a more timely fashion. He reasoned that the time to create another RFP would be approximately six months anyway. He agreed it would be more costly for the City if the vendor purchases the carts. Ms. Eckels thought it could take less than six months to create a new RFP. In response to Vice Mayor Rogers, she reiterated her position on expenditure of funds for carts. It is less costly for the vendor to purchase the carts and the cost can be spread. Mr. Carbon explained that the Procurement Department would be best to address this issue, but noted the 12-month delay could be accelerated. Mr. Walker reiterated that it is traditionally less costly for the City to purchase. But, it depends upon the commodity. In response to Mayor Seiler, Mr. Carbon confirmed that the City can be reimbursed for purchases by the RRB without impacting the tax savings. The estimated cost for the purchase of 37,000 delivered carts is \$2 million and went on to elaborate briefly on the educational process that will be necessary.

Ms. Eckels warned that approval of this item equates to a \$2 million up-front cost, as opposed to spreading the cost over the monthly bill.

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

MOTIONS

**PROPRIETARY – ANNUAL MAINTENANCE – KRONOS TIMEKEEPING (MD-01)
SYSTEM - \$23,117.28**

Please see funding details attached to these minutes.

Annual maintenance of Kronos brand timekeeping system is being presented for approval by the Public Works Department.

Recommend:	Motion to approve.
Vendor:	Immix Technology, Inc. McLean, VA
Amount:	\$23,117.28
Bids Solicited/Rec'd:	N/A
Exhibit:	Commission Agenda Report 11-0430

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

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

In response to Commissioner Rodstrom, Julie Leonard, Public Works Department, explained that there are 23 time clocks used throughout the City.

CONTRACT RENEWAL – PUBLIC RIGHTS-OF-WAY - \$250,000 (MD-02)
REPAIR AND REPLACEMENT SERVICES – UTILITY MAINTENANCE

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

One-year contract renewal for repairs and replacements in public rights-of-way relating to utility maintenance is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Three - H Learning Center, Inc. dba Florida Youth Conservation (FYCC)
Dade City, FL

Amount: \$250,000.00 (Not to Exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 11-0322

The Procurement Services Department has reviewed this item and recommends approving these services per State Statute Section 255.60.

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

PROPRIETARY – PHYSIO – CONTROL LUCAS 2 CHEST (MD-03)
COMPRESSION DEVICES - \$61,620.25

Please see funding details attached to these minutes.

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

Recommend: Motion to approve.

Vendor: Parkeon, Inc.
Moorestown, NJ

Amount: \$35,880.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 11-0233

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

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

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

**PROPRIETARY – HEWLETT-PACKARD COMPUTER HARDWARE (MD-04)
AND SOFTWARE - \$34,621.94 – SUPPORT SERVICES**

Please see funding details attached to these minutes.

Purchase maintenance and support of Hewlett-Packard computer hardware and software is being presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Hewlett-Packard Company
Palo Alto, CA

Amount: \$34,621.94 (not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 11-0452

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

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

**PROPRIETARY – ORACLE DATABASE SOFTWARE SUPPORT- (MD-05)
\$22,276.62**

Please see funding details attached to these minutes.

Purchase one-year support for Oracle database software is being presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Oracle America, Inc.
Redwood Shores, CA

Amount: \$22,276.62

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 11-0470

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

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

RESOLUTIONS

APPOINTMENT OF VICE MAYOR**(R-01)****No budgetary impact.**

Recommend: Introduce resolution.
Exhibit: Commission Agenda Report 11-0444

Commissioner Rodstrom nominated Commissioner DuBose, which was seconded by Commissioner Roberts:

RESOLUTION NO. 11-86

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA DESIGNATING A VICE-MAYOR FOR A ONE-YEAR TERM IN ACCORDANCE WITH SECTION 3.05 OF THE CITY CHARTER.

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

**DISPOSITION OF CITY OWNED SURPLUS PROPERTY—\$4,511
NORTHEAST CORNER OF EVERGREEN CEMETERY**

(R-02)**No budgetary impact at this time.**

Recommend: Introduce resolution.
Exhibit: Commission Agenda Report 11-0446

In response to Commissioner Rodstrom, Stephen Scott, Director of Economic Development, confirmed that this property is on a slope, and cannot be used for burial purposes. This item was approved by the Cemeteries Board of Trustees

Vice Mayor DuBose introduced the following resolution:

RESOLUTION NO. 11-87

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.

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

**DISPOSITION OF CITY OWNED SURPLUS PROPERTY
520 SW 31 AVENUE – LOT 26, BLOCK 6 – MELROSE MANOR-
(PARCEL SP-11-01)**

(R-03)

No budgetary impact at this time.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-0503

Vice Mayor DuBose introduced the following resolution:

RESOLUTION NO. 11-88

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING CERTAIN PROPERTY, DESCRIBED BELOW, NOT NEEDED FOR PUBLIC USE PURSUANT TO CITY CHARTER SECTION 8.04 AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY THAT SUCH PROPERTY BE OFFERED FOR SALE FOR A MINIMUM BID OF \$14,800.00, WITH BIDS TO BE SUBMITTED BY AUGUST 31, 2011 AND SCHEDULING FOR FURTHER PROCEEDINGS BEFORE THE CITY COMMISSION ON SEPTEMBER 20, 2011 TO CONSIDER A RESOLUTION

ACCEPTING THE BEST OFFER AND AUTHORIZING CONVEYANCE OR REJECTING ANY AND ALL OFFERS;REQUIRING THE CITY CLERK TO PUBLISH THIS RESOLUTION IN ONE ISSUE OF THE OFFICIAL NEWSPAPER OF THE CITY WITHIN SEVEN (7) DAYS OF THE ADOPTION HEREOF; REPEALING ANY AND ALL RESOLUTIONS OR PARTS THEREWITH IN CONFLICT WITH THIS RESOLUTION; PROVIDING FOR EFFECTIVE DATE.

In response to Commissioner Rogers, Victor Volpi, Real Estate Division, indicated that the Property Appraiser's Office does not follow any trends. Sometimes they have not updated their assessment in some areas, therefore staff does their own comparable sales, which has been provided in this case. The property has been vacant as long as it has been in the City's ownership, some 10-15 years.

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

DOCK PERMIT APPLICATION – DANIEL L. AND JULIA P. SMITH – **(R-04)**
2501 HIBISCUS PLACE

No budgetary impact.

Applicant: Daniel L. and Julia P. Smith
Location: 2501 Hibiscus Place

Dock permit application for construction and use of a finger pier and adjoining seawall on public property under certain terms and conditions - dock location immediately west of residence.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-0413

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-89

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING, PURSUANT TO SECTION 8-144 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, THE CONSTRUCTION, USE AND MAINTENANCE OF A FINGER PIER, A MOORING PILING EXTENDING 25' FROM THE SEAWALL INTO THE WATERS OF SUNSET LAKE AND ADJOINING SEAWALL ON PUBLIC PROPERTY BY APPLICANT DANIEL L.

SMITH AND JULIA P. SMITH, HUSBAND AND WIFE; SAID FINGER PIER AND SEAWALL LOCATED ON SOUTHEAST 25TH AVENUE IMMEDIATELY WEST OF APPLICANT'S RESIDENCE AT 2501 HIBISCUS PLACE, THE LEGAL DESCRIPTION OF SUCH RESIDENCE BEING MORE PARTICULARLY DESCRIBED BELOW; SETTING FORTH CERTAIN TERMS AND CONDITIONS; REQUIREMENT FOR RECORDING A CERTIFIED COPY OF THIS RESOLUTION IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; REPEALING ANY RESOLUTION IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

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

BOARD AND COMMITTEE APPOINTMENTS

(R-05)

Please see funding details attached to these minutes.

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

Charter Revision Board	Rochelle Golub (Commissioner Roberts) Alain Jean (Vice Mayor DuBose)
Code Enforcement Board	P.J. Espinal (Consensus/Alternate)
Education Advisory Board	Vincent Cella (Mayor Seiler) Theresa Bucolo (Commissioner Rogers) Joseph P. Discepola (Commissioner Rogers) Katie Leach (Commissioner Roberts) Catherine A. Cirillo (Commissioner Rodstrom) Trisha Halliday (Commissioner Rodstrom) Franco Evan Ripple (Commissioner Rodstrom) Edna Elijah (Vice Mayor DuBose)
Enterprise Zone Development Agency	Alfred Battle (Consensus) Matthew H. Scott (Consensus)
Historic Preservation Board	Matthew DeFelice (Commissioner Rodstrom)
Marine Advisory Board	Robert Dean (Commissioner Rodstrom) Jimmie Harrison (Commissioner Rodstrom) Lisa Scott-Founds (Commissioner Rodstrom)
Northwest Progresso-Flagler Heights	Yvonne Sanandres (Commissioner Rogers)

Redevelopment Board	Nate Ernest-Jones (Commissioner Rodstrom)
Nuisance Abatement Board	Dale Hoover (Consensus)
Utility Advisory Committee	Donald J. Lampasone (Commissioner Roberts)

In response to questions about the Enterprise Zone Development Agency, the City Clerk noted Mike Maloney, a current member, wishes to be replaced. Alfred Battle, Northwest Community Redevelopment Agency Director, explained that code enforcement is a category on this board and Skip Margerum, Community Inspections Supervisor, works in this field. It is not a mandatory category, but Mr. Margerum does a good job. He noted the City's membership representation, the board's structure, the program and meeting frequency.

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 11-90

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

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

CITIZEN PRESENTATIONS

JOHN J. ZULLO – AUDIT ADVISORY BOARD MEETING MINUTES (CIT-01)

John Zullo, former member of the Audit Advisory Board, noted the December 14, 2009 and March 15, 2010 meeting minutes were corrected by the board, but have not yet been corrected on the City's website. Doug Wood, Director of Finance, indicated the first meeting he attended was March 28. At that time the board revisited those minutes and adopted the changes. Martin Kurtz, chair of the Audit Advisory Board, noted that the December meeting was his first on the board and the March meeting was member Probeck's first meeting. No other current members were on the board at those times. He explained Mr. Zullo's intentions were to get a report approved for submittal to the Commission. The purpose for the changes was never made clear. They are mostly technical, other than the report which has no negative connotations. The report itself, required by ordinance, was never approved. There was discussion about whether the board was actually fully following the ordinance and whether it is best practice for such a board. The board held a workshop to discuss its role. The intention was to get input from other cities and that is in the works. He believed the board is accomplishing what the City expects from the board. He was hopeful recommendations on the ordinance and best practices will be forthcoming. The corrections suggested by Mr. Zullo have been approved by the board and sent to the stenographer. He suggested it be attached to the specific minutes. Mayor Seiler asked once the minutes have been approved, staff

resubmit it to the Commission for the record. Mr. Wood indicated the best practices information will be submitted to the board in May. In response to Mr. Kurtz, Mayor Seiler suggested the corrections (memorandum) simply be attached to the minutes as he suggested.

BRIAN BAGNALL – NEW FLOATING DOCKS ON NEW RIVER IN FRONT OF ESPLANADE PARK AND BROWARD CENTER FOR THE PERFORMING ARTS (CIT-02)

Brian Bagnall summarized his written statement on this topic and submitted photographs, all of which are attached to these minutes.

Commissioner Rogers indicated he has looked into the matter. He believed it will be a boon to the Riverwalk, although he agreed about the appearance. Commissioner Roberts thought perhaps there should be discussion in the future about their appearance. Mayor Seiler also thought the docks will increase activity on the Riverwalk, although the aesthetics could be better. Andrew Cuba, Marine Facilities Manager, offered to look into the aesthetics. Mr. Bagnall thought some of the docks in the main circle should be relocated and maintain and decorate the dock west of the Performing Arts Center. Mayor Seiler thought if there is any relocation associated with the Riverwalk District Plan, it would not be wise to consider moving them twice.

ART SEITZ – BEACH, INTERNATIONAL SWIMMING HALL OF FAME, BAHIA MAR, CONCEALING AND REMOVING BLIGHT (CIT-03)

Art Seitz thought that Ireland's Inn should be demolished and the vacated right of way should be reversed. He advocated making the area bicycle and pedestrian-friendly. He discussed changes that have occurred since the property was sold, including moving the pavilion to 22 Street. He urged the Commission to direct staff through the Acting City Manager to take the appropriate steps.

With respect to the International Swimming Hall of Fame redevelopment, Mr. Seitz contended that RDC, founded in 1994, could not have built Typhoon Lagoon in the 1980s. He felt that RDC's proposal should be reviewed in its entirety including their qualifications given the project's high profile and dollar amount. He was informed that the City Auditor and staff were in the process of verifying RDC's resume. However, the City Auditor later confirmed that he was not working on this. He was concerned that this information is still not available.

In response to Mayor Seiler, Cate McCaffrey, Director of Business Enterprises, advised that typically references are checked during the selection committee part of an RFP process. Because there was only one proposal, references were not checked. The project is mentioned in a brief description of their experience, but it is not on their project list. RDC has explained to staff that they could not include that specific project because there are issues with Walt Disney and the ability to print final pictures. RDC furnished staff with the name of a project manager, however, staff has been unable to speak to the individual as the office has been closed. Staff has not been able to verify whether RDC worked on the project. RDC has been requested to furnish some form of verification.

Mayor Seiler wanted resumes of all proposers verified as a matter of procedure. He suggested that RDC submit whatever documentation they would like. Ms. McCaffrey noted that another section of their response is for references and this is not one of them. This item will be on the April 20 conference meeting agenda. Mayor Seiler requested the references be checked before the April 20 meeting.

ORDINANCES

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

No budgetary impacts.

Applicant: Amera Federal 400, Ltd.
Location: 400 North Federal Highway
Zoning: Regional Activity Center - East Mixed Use -RAC-EMU

The Commission announced the disclosures were the same as those indicated on first reading; some members announced an additional site visit.

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

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

Note: The City Commission adjourned the regular meeting at 9:24 p.m. and returned to the conference meeting agenda, item I-J, from 9:24 p.m. to 10:37 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk