

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
APRIL 20, 2011

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2. ARBOR DAY – APRIL 29, 2011 (PRES-02)

Commissioner Rodstrom presented a proclamation designating April 29, 2011, as Arbor Day in the City to Gene Dempsey, Urban Forestry Supervisor. Mr. Dempsey extended an invitation to an upcoming Arbor Day event at Colee Hammock Park. He thanked the Commission.

3. LANDSCAPE ARCHITECTURE MONTH – APRIL, 2011 (PRES-03)

Commissioner Rogers presented a proclamation designating April, 2011, as Landscape Architecture Month in the City to Paul Kissinger, EDSA, and member of the American Society of Landscape Architects, Florida Chapter. Mr. Kissinger thanked the Commission.

4. DONATION FROM FRANKIE FOUNDATION – AUTOMATED EXTERNAL DEFIBRILLATOR - \$1,200 (PRES-04)

Scott Henratty, Director of the Frankie Foundation, presented two automated external defibrillators to John Heiser, EMS Battalion Chief, on behalf of the Fire Rescue Department. Mr. Henratty announced the foundation's upcoming tee-off party and charitable golf tournament. Mayor Seiler thanked the foundation.

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- CORAL RIDGE GREEN MARKET AT PLAZA 3000 (M-01)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with ROS Enterprises, Inc. for Coral Ridge Green Market at Plaza 3000, to be held on Saturdays, May 7, 2011 - July 30, 2011, 9 AM - 4 PM - 3000 North Federal Highway.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0532

EVENT AGREEMENT - COVENANT HOUSE FLORIDA 5K ON A-1-A (M-02)
CLOSING CITY STREETS ALONG ROUTE

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Covenant House Florida, Inc. for Covenant House Florida 5K on A-1-A, to be held May 21, 2011, 6 AM - 9 AM, on Sunrise Lane and beach area streets and closing city streets along route.

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 11-0533

EVENT AGREEMENT - CINCO DE MAYO (M-03)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Fort Taco Ltd. for Cinco De Mayo, to be held May 5, 2011, 11:30 AM - 11 PM, at Rocco's Tacos - 1313 East Las Olas Boulevard.

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 11-0537

EVENT AGREEMENT - WALK LIKE MADD & MADD DASH (M-04)
CLOSING CITY STREETS ALONG ROUTE

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Mothers Against Drunk Driving, Inc. for Walk Like MADD & MADD Dash, to be held May 1, 2011, 6:30 AM - 11:30 AM, at Huizenga Plaza and area streets and closing city streets along route.

Recommend: Motion to approve.
Exhibit: Commission Agenda Report 11-0538

EVENT AGREEMENT - CINCO DE MAYO (M-05)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Tarpon Bend Food and Tackle Riverwalk, Ltd. for Cinco De Mayo, to be held May 5, 2011, 5 PM - 9 PM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0546

EVENT AGREEMENT - BIG MAMA'S EASTER

(M-06)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Team of Life, Inc., for Big Mama's Easter, to be held April 23, 2011, 2 PM - 4 PM, at Lincoln Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0531

EVENT AGREEMENT - FLIPANY HEALTH AND FITNESS FESTIVAL

(M-07)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Florida Introduces Physical Activity And Nutrition to Youth Incorporated (FLIPANY) for 2nd Annual FLIPANY Health and Fitness Festival, to be held May 14, 2011, 10 AM - 4 PM, at Huizenga Plaza.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0534

**EVENT AGREEMENT - OFFICIAL LAS OLAS WINE AND
FOOD FESTIVAL AFTER PARTY**

(M-08)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Fort Taco Ltd. for Official Las Olas Wine and Food Festival After Party, to be held April 29, 2011, 9 PM - 11 PM, at Rocco's Tacos – 1313 East Las Olas Boulevard.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0535

**EVENT AGREEMENT - REVOLUTION MUSIC FESTIVAL-
CLOSING SW 3 AVENUE**

(M-09)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with 3-J Hospitality, LLC for Revolution Music Festival, to be held May 6, 2011, 5 PM - 11 PM, along SW 3 Avenue adjacent to America's Backyard and Revolution Live and closing SW 3 Avenue from Broward Boulevard to SW 2 Street.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0536

CHANGE ORDER 1 - GREEN TECHNOLOGIES (M-10)
CONSTRUCTION TECHNOLOGIES, INC.
HARBORDALE PARK PLAYGROUND - \$6,457.08

Please see funding details attached to these minutes.

A motion authorizing Change Order 1 to Green Construction Technologies, Inc., in the amount of \$6,457.08 - Harbordale Park Playground - Project 11182A.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0543

CHANGE ORDER 2 - CENTRAL FLORIDA EQUIPMENT RENTAL, INC. – (M-11)
\$67,758.34 - NE/NW 6 STREET - SISTRUNK BOULEVARD STREETScape
AND ENHANCEMENT PROJECT

Please see funding details attached to these minutes.

A motion authorizing Change Order 2 with Central Florida Equipment Rental, Inc., in the amount of \$67,758.34 plus \$4,743.09 estimated 7 percent engineering fees - additional work - NE/NW 6 Street - Sistrunk Boulevard Streetscape and Enhancement - Project 10448.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0563

TASK ORDER 18 - ATKINS NORTH AMERICA, INC. - \$94,027 (M-12)
PROGRAM - PROJECT MANAGEMENT - HURRICANES KATRINA
AND WILMA

Please see funding details attached to these minutes.

A motion authorizing the proper City Officials to 1) execute Task Order 18 with Atkins North America, Inc. (f/k/a Post, Buckley, Schuh and Jernigan, Inc., d/b/a PBS&J) in the not-to-exceed amount of \$94,027 - program and project management, engineering,

architecture and other services relating to Hurricanes Katrina and Wilma and 2) transfer the funds for this task order.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0529

QUIT CLAIM DEED IN FAVOR OF FLORIDA DEPARTMENT OF TRANSPORTATION STATE ROAD 84 - RIGHT OF WAY DEDICATION – WEST MARINE (M-13)

No budgetary impact.

A motion authorizing the proper City Officials to execute a Quit Claim Deed to Florida Department of Transportation releasing City interest in area proposed for additional State Road 84 right-of-way dedication - development of West Marine - 2401 South Andrews Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0549

CONTRACT AWARD - SOUTHEAST UNDERGROUND UTILITIES, CORP. -- \$1,609,422 - STATE ROAD A-1-A LIGHT REPLACEMENT (M-14)

Please see funding details attached to these minutes.

A motion authorizing the proper City Officials to 1) award and execute contract with Southeast Underground Utilities, Corp., in the amount of \$1,609,422 - State Road A-1-A Light Replacement Project plus 10 percent contingencies and 7 percent engineering fees for a total of \$1,883,023.74 - Project 11498, and 2) transfer the funds to fund the contingencies.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0453

CONSTRUCTION AGREEMENT - FLORIDA DEPARTMENT OF TRANSPORTATION - RIGHT OF WAY IMPROVEMENTS – STATE ROAD A-1-A LIGHT REPLACEMENT PROJECT (M-15)

No budgetary impact.

A motion authorizing proper City Officials to execute construction agreement with Florida Department of Transportation - improvements in right-of-way as part of State Road A-1-A Light Replacement – Project 11498.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0459

**AMENDMENT 1 - NORTH FORK POLLUTION CONTROL DEVICE- (M-16)
GRANT AGREEMENT - FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

No budgetary impact. This amendment will not impact the amount budgeted for this grant.

A motion authorizing the proper City Officials to execute Amendment 1 in substantially the form provided to Grant Agreement G0265 with Florida Department of Environmental Protection - installation of pollution control devices in North Fork New River.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0541

**SIXTH AMENDMENT TO AGREEMENT - TASK ENVIRONMENTAL, INC. – (M-17)
\$86,931 - WINGATE LANDFILL AND INCINERATOR SITE
SAMPLING AND ANALYTICAL SERVICE**

Please see funding details attached to these minutes.

A motion authorizing the proper City Officials to execute Sixth Amendment to Agreement with Task Environmental, Inc., in an amount not-to-exceed \$86,931 - sampling and analytical services at Wingate Landfill and Incinerator Site and continuing contract to April 30, 2016 - Project 08848.409.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0547

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

**NO OBJECTION TO AMENDMENT OF PLAT CONDITIONS – (M-18)
BP PRODUCTS NORTH AMERICA, INC.
BP ROZEN PLAT - 1776 WEST BROWARD BOULEVARD - CASE 5-P-10A**

No budgetary impacts.

Applicant: Products North America, Inc.
Location: 1776 West Broward Boulevard
Zoning: Boulevard Business B-1

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0478

**DONATION OF AUTOMATED EXTERNAL DEFIBRILLATOR – (M-19)
USE IN CITY FACILITY - \$1,200 -
THE FRANKIE FOUNDATION**

No budgetary impact.

A motion accepting donation of one automated external defibrillator from the Frankie Foundation - use in a City facility.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0593

**AMENDMENT TO LEASE AGREEMENT – (M-20)
MARINE FACILITIES OFFICE SPACE – 408 SOUTH ANDREWS AVENUE-
AZORRA PROPERTIES, INC –\$23,482.30 FIRST YEAR RATE**

Please see funding details attached to these minutes.

A motion authorizing the proper City Officials to execute amendment to lease agreement with Azorra Properties, Inc., providing for three-year term extension - Marine Facilities office space located at 408 South Andrews Avenue, Suites 102 and 103 - May 1,2011 through April 30, 2014, with provision for annual increases.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0574

**ONSITE AND OFFSITE ENVIRONMENTAL MITIGATION PLAN – (M-21)
PARCELS B, C AND D - EXECUTIVE AIRPORT**

No budgetary impact at this time.

A motion authorizing the proper City Officials to take the following actions 1) execute Conservation Easement on Parcels B and D, subject to Federal Aviation Administration approval, 2) execute Agreement with Broward County for off-site mitigation at Mills Pond Park, 3) submit revised application to Broward County with an amended mitigation schedule, 4) develop revised cost schedule and encumber the funds and 5) execute all documents necessary to settle any outstanding issues and work cooperatively with Broward County to obtain relief from City's obligations under Final Consent Order.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0231

SUBORDINATION OF MORTGAGE EXCEPTION

(M-22)

No budgetary impact.

A motion granting a Subordination of Mortgage exception at request of property owner - William Maidhof.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0611

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

**CHANGE ORDER 2 (FINAL) - H AND J CONTRACTING, INC –
\$15,432.40 CREDIT
NORTHWEST NEIGHBORHOOD IMPROVEMENTS**

(M-23)

Please see funding details attached to these minutes.

A motion authorizing Change Order 2 (final) with H and J Contracting, Inc. as a project credit, in the amount of (\$15,432.40) - Northwest Neighborhood Improvements - Project 11485.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0576

CONSENT RESOLUTION

SPECIAL MAGISTRATE APPOINTMENTS*

(CR-01)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0515

RESOLUTION NO. 11-107

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING JUDGE FLOYD HULL, JUDGE MARK PURDY, MEAH ROTHMAN TELL, ESQ., AND ROSE ANNE FLYNN, ESQ., AS CODE ENFORCEMENT SPECIAL MAGISTRATES FOR THE CITY OF FORT LAUDERDALE.

Resolution was revised. See discussion on Page 22*

**AMENDMENT 1 - STATE ROAD A-1-A TURTLE FRIENDLY
LIGHT REPLACEMENT - JOINT PARTICIPATION AGREEMENT-
FLORIDA DEPARTMENT OF TRANSPORTATION**

(CR-02)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0469

RESOLUTION NO. 11-108

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AMENDMENT ONE TO A JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) IN CONNECTION WITH THE STATE ROAD A-1-A LIGHT REPLACEMENT PROJECT.

**CHANGE ORDER 2 - RIC-MAN CONSTRUCTION, INC. - \$10,000
WATER MAIN IMPROVEMENTS PHASE 2 - CITY OF OAKLAND PARK**

(CR-03)

Please see funding details attached to these minutes.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-0542

RESOLUTION NO. 11-109

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.

AMEND OPERATING BUDGET - APPROPRIATION - \$226,232.63 (CR-04)
WATER TREATMENT FACILITIES AND CUSTOMER SERVICE TRACKING SYSTEM

Please see funding details attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0528

RESOLUTION 11-110

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.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-0573

RESOLUTION NO. 11-111

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-06)
CENTENNIAL SPONSORSHIP - WAYNE AND MARTI HUIZENGA

Please see funding details attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0539

RESOLUTION NO. 11-112

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 - \$5,000 (CR-07)
CENTENNIAL SPONSORSHIP - MARY JANE HARLOW CHARITABLE TRUST

Please see funding details attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0566

RESOLUTION NO. 11-113

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.

PLANNED UNIT DEVELOPMENT ZONING DISTRICT (CR-08)
ADVISORY COMMITTEE

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0490

RESOLUTION NO. 11-114

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING AN ADVISORY COMMITTEE TO BE KNOWN AS THE PLANNED UNIT DEVELOPMENT ZONING DISTRICT (PUD) ADVISORY COMMITTEE; PROVIDING FOR

MEMBERSHIP QUALIFICATIONS AND LENGTH OF TERM; AND PROVIDING FOR THE PLIRPOSE AND DUTIES OF SUCH COMMITTEE.

EARTH DAY - APRIL 22, 2011

(CR-09)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1712

RESOLUTION NO. 11-115

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA SUPPORTING AND ACKNOWLEDGING THE IMPORTANCE OF EARTH DAY, APRIL 22, 2011 AND ENCOURAGING BROWARD COUNTY MUNICIPALITIES TO RECOGNIZE THE IMPORTANCE OF THIS EVENT.

GRANT ACCEPTANCE – NORTHWEST NEIGHBORHOOD IMPROVEMENTS - \$300,000 - FLORIDA DEPARTMENT OF TRANSPORTATION – JOINT PARTICIPATION AGREEMENT*

(CR-10)

Please see funding details attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0580

RESOLUTION NO. 11-116

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) 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 GRANT FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT.

*This Commission Agenda Report (11-0580) was revised. See announcement on Page 23

PURCHASING AGENDA

**713-10706 - COMMUNICATIONS SYSTEM ANALYZER –
RADIO SERVICE MONITOR - \$26,033.44**

(PUR-01)

Please see funding details attached to these minutes.

Purchase communications system analyzer - radio service monitor is being presented by Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Tessco Incorporated
Hunt Valley, MD

Amount: \$26,033.44

Bids Solicited/Rec'd: 2114/2

Exhibit: Commission Agenda Report 11-0479

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

113-10720 - POLICE TACTICAL CLOTHING - \$30,323.52

(PUR-02)

Please see funding details attached to these minutes.

One-year contracts with three, one-year renewal options to purchase police tactical clothing is being presented for approval by Police Department.

Recommend: Motion to approve.

Vendor: DGG Taser, Inc, d/b/a DGG Taser & Tactical Supply,
Jacksonville, FL
Safety Schell Corporation, d/b/a Special Products Group,
Boynton Beach, FL
Bob Barker Company, Inc., Fuquay-Varina, NC

Amount: \$30,323.52

Bids Solicited/Rec'd: 710/9

Exhibit: Commission Agenda Report 11-0518

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

114-10626 - POLICE BALLISTIC RESISTANT VESTS - \$239,200**(PUR-03)****Please see funding details attached to these minutes.**

Two-year contracts with two, one-year renewal options for 400 ballistic resistant vests for police new hires, damaged vests and scheduled replacement of expired vests is being presented by Police Department.

Recommend: Motion to approve.

Vendor: Protective Products Enterprises, Inc., Sunrise, FL
DGG Taser, Inc. d/b/a DGG Taser & Tactical Supply,
Jacksonville, FL
GALLS, An ARAMARK Company LLC, Philadelphia, PA

Amount: \$239,200.00 (per unit pricing)**Bids Solicited/Rec'd:** 625/8**Exhibit:** Commission Agenda Report 11-0544

The Procurement Services Department has reviewed this item and recommends awarding to the top three ranked proposers.

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
Republic Services of Florida, Limited Partnership D/B/A All
Service Refuse,
Phoenix, AZ

Amount: per unit prices**Bids Solicited/Rec'd:** 808/3**Exhibit:** Commission Agenda Report 11-0562

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

This Commission Agenda Report (11-0562) was revised in accordance with Memorandum 11-113. See announcement on page 23

**715-10686 - TRUST SERVICES –
CEMETERY PERPETUAL CARE TRUST FUND - \$237,500****(PUR-05)**

Please see funding details attached to these minutes.

Five-year contract with no renewal option - trust services for Cemetery Perpetual Care Trust Fund is being presented for approval by Business Enterprises Department.

Recommend: Motion to approve.

Vendor: Suntrust Bank
Atlanta, GA

Amount: \$237,500.00 (estimated)

Bids Solicited/Rec'd: 449/6

Exhibit: Commission Agenda Report 11-0523

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

**795-10158 - AIRPORT SECURITY SERVICES –
ASSIGNMENT OF CONTRACT - \$320,938.40****(PUR-06)**

Please see funding details attached to these minutes.

Assignment of contract for airport security services in substantially the form provided - presented for approval by Business Enterprises Department.

Recommend: Motion to approve.

Vendor: U.S. Security Associates, Inc.
Roswell, GA

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 11-0548

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

**CO-OP SODIUM HYDROXIDE –
PEELE DIXIE WATER TREATMENT PLANT - (\$250,000)****(PUR-07)**

Please see funding details attached to these minutes.

One-year contract for purchase of sodium hydroxide (caustic soda) is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Allied Universal Corp.
Miami, FL
Amount: \$250,000.00 Not to Exceed
Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 11-0482

The Procurement Services Department has reviewed this item and recommends approving purchases from the SE Florida Governmental Purchasing Cooperative Group.

CHANGE ORDER 1 - PEELE DIXIE WATER TREATMENT PLANT – (PUR-08)
\$9,566.76 - LIME SOFTENING BUILDING - EXTERIOR WALL REPAIRS

Please see funding details attached to these minutes.

Change Order 1 to Purchase Order PP102279 - purchase repair services - lime softening building exterior wall at Peele Dixie Water Treatment Plant is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Associated Craftsmen of America, Inc.
Fort Lauderdale, FL

Amount: \$9,566.76

Exhibit: Commission Agenda Report 11-0530

The Procurement Services Department has reviewed this item and recommends approval of Change Order 1.

616-10632 – (PUR-09)
GENERAL ENVIRONMENTAL ENGINEERING CONSULTANT SERVICES

Funding for these services will be derived from individual projects when services are contracted through individual Task Orders.

A motion accepting Consultants Competitive Negotiation Act Selection Committee's recommendation of ranking firms - continuing contract for general environmental engineering consultant services and authorizing proper City Officials to commence negotiations with top six ranked firms: 1) E Sciences, Incorporated, 2) Miller Legg & Associates, Inc., 3) MACTEC Engineering and Consulting Inc., 4) EE&G Environmental Services, LLC, 5) Rare Earth Sciences Inc d/b/a HSA Engineers & Scientists and 6) Environmental Consulting & Technology, Inc.

Recommend: Motion to approve.

Vendor: E Sciences, Incorporated, Orlando, FL; Miller Legg & Associates, Inc., Fort

Lauderdale, FL; MACTEC Engineering and Consulting Inc., Alpharetta, GA; EE&G Environmental Services, LLC, Miami Lakes, FL;
Bids Solicited/Rec'd: 1768/17

Exhibit: Commission Agenda Report 11-0513

The Procurement Services Department has reviewed this item and recommends approval to enter into contract negotiations with the six short listed firms.

705-10541 - VISIONING PROJECT - CONSULTING SERVICES - \$307,468* (PUR-10)

To be determined.

Award contract with negotiated changes for Visioning Project Consulting Services - presented for approval by Public Information Department.

Recommend: Motion to approve.

Vendor: Wallace Roberts & Todd, LLC
Philadelphia, PA

Amount: \$307,468.00

Bids Solicited/Rec'd: 3109/13

Exhibit: Commission Agenda Report 11-0559

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

Resolution was revised. See Pages 23 and 37, and discussion in Conference Meeting, Item I-H.

SIXTH AMENDMENT TO AGREEMENT - TASK ENVIRONMENTAL, INC. – (M-17)
\$86,931 - WINGATE LANDFILL AND INCINERATOR SITE
SAMPLING AND ANALYTICAL SERVICE

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

SUBORDINATION OF MORTGAGE EXCEPTION (M-22)

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

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts that Consent Agenda Items M-11, M-12, M-14, CR-01, CR-10, PUR-04, PUR-05, PUR-09, and PUR-10 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

**CHANGE ORDER 2 - CENTRAL FLORIDA EQUIPMENT RENTAL, INC. – (M-11)
\$67,758.34 - NE/NW 6 STREET - SISTRUNK BOULEVARD STREETScape
AND ENHANCEMENT PROJECT**

Commissioner Rogers pointed out that the funding information format shown in Commission Agenda Report 11-0563 makes it difficult to track funds from the General Fund. He inquired if this item has a contingency budget. Albert Carbon, Public Works Director, explained there is a ten percent contingency set aside when the contract was awarded. This change order is being funded by the CRA and the water and sewer fund as shown in Exhibit 2. He offered to make the funding information in the backup more clear by including the fund's name in addition to the number. Commissioner Rogers suggested a format that provides the budgeted amount, encumbered funds, and a balance; so it is clear whether the project is within budget. Mr. Carbon noted that the project is now at two percent contingency, and approximately 10-12 percent of the project is complete. Mayor Seiler indicated that, if 20 percent contingency has been incurred and the project is only 10 percent complete, the change orders are greater than the amount of completed work. Mr. Carbon stressed the project-wide nature of this change order. There will not be additional change orders for light fixtures. In response to questions raised by Commissioners Rogers and Rodstrom, he explained that the specifications and plans conflicted. If the specifications had been correct, this differential cost would have been paid by the City anyway, as part of the original bid. This is not a matter of the City paying for the mistake of another.

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

**TASK ORDER 18 - ATKINS NORTH AMERICA, INC. - \$94,027 (M-12)
PROGRAM - PROJECT MANAGEMENT - HURRICANES KATRINA
AND WILMA**

In response to Commissioner Rogers, Albert Carbon, Public Works Director, provided a brief overview of the background information in Commission Agenda Report 11-0529. This task order will be in effect through this contract's (Atkins North America, Inc.) expiration date of October 31 and will see through to completion capital projects related to Hurricanes Katrina and Wilma. The City will then hire a new recovery engineer in late summer/early fall. This task order is for completion of capital projects, not a FEMA (Federal Emergency Management Agency) audit. Tom Terrell, Facilities Manager, clarified that there were 65 construction projects; the audit is more related to debris (removal). This task order will take the City through the close-out stage of several

projects, at which time the City can be reimbursed by FEMA. FEMA offers both, engineering and financial recovery services. This item is for construction to repair physical damage to buildings which are closed out as the projects are completed. He estimated that the FEMA reimbursement for construction, engineering, and architectural fees was approximately \$6 million. The City recovers all of the direct-related architectural, engineering, construction management, and inspection costs, but only a percentage of the administrative costs. This was presented to a former Commission in 2007 and it is within that estimate. As it appears some cities have recovered a portion of the administrative costs, therefore the City will go ahead and claim them. He noted how the City's 65 hurricane-related construction projects were organized. In response to Commissioner Rodstrom, Mr. Terrell was uncertain of how much FEMA reimbursement is still due the City; 21 projects have not yet been closed out. The City was paid upfront for some projects depending on their size. Mr. Carbon offered to provide that detail. Commissioner Rodstrom also asked about how much the City was owed for debris removal.

Mayor Seiler noted this contractor has been used since 2006. Mr. Carbon responded to his question of how much has expended for FEMA claims. Mayor Seiler wanted to know the total amount of FEMA claims submitted; the total amount of FEMA claims reimbursed to date; the total amount of FEMA claims still in the pipeline; the total amount of City funds paid to Atkins for these FEMA claims, and the portion of this expected for reimbursement; and how much in City claims were disallowed by FEMA. Mayor Seiler was concerned about the size of the contract. Mr. Carbon recalled the Commission's directive last year was to grant only one more extension.

In response to Mayor Seiler, the City Auditor agreed to review the financial information related to this item. Mr. Carbon indicated that this task order proposes to close out all of the capital projects related to Hurricanes Katrina and Wilma. Mr. Terrell explained that FEMA denied only one capital project which is currently in the appeal process. The cost is approximately \$200,000 with about half being insurance recovery. The denial was not based on (Atkins) work; the wall constructed was different than the original, which is correct. Vice Mayor DuBose pointed out that, if the claims are handled properly, involvement of a new contractor will not have any bearing. If the contractor does not finish, Mayor Seiler thought there needs to be a discussion. Mr. Carbon noted all three of the emergency response contracts will not be renewed again. In response to Vice Mayor DuBose, Mr. Terrell estimated that the formal written appeal on the denied project was submitted to FEMA in February; a response has not yet been received. He provided more insight concerning the project and the denial.

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts to approve the item subject to staff providing the requested information. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

CONTRACT AWARD - SOUTHEAST UNDERGROUND UTILITIES, CORP. -- (M-14)
\$1,609,422 - STATE ROAD A-1-A LIGHT REPLACEMENT

Commissioner Roberts asked if it may be possible to re-use some of the light poles. Albert Carbon, Public Works Director, explained that the poles are in very poor condition and likely cannot be re-used. Also, the voltage system would require retrofitting. However, staff will examine the poles as they are removed. In response to

Commissioner Rodstrom, he advised that scrap metal recycling is factored into the bid by the contractor.

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

SPECIAL MAGISTRATE APPOINTMENTS**(CR-01)**

Commissioner Roberts noted a Bermuda Riviera property that has been granted 13 extensions by the same magistrate since 2007. It is a roof repair. Another continuance (extension) was granted at the last hearing, despite perhaps twelve letters from the Bermuda Riviera Homeowners Association. This is just one example. He recognized that this is an independent, quasi-judicial governing body; but things do need to move along. There are other issues relating to this magistrate. The City Attorney advised the magistrate is Meah Rothman Tell. In response to Commissioner Rogers, he confirmed the appointment process. Staff keeps track of issues raised in terms of whether the magistrate can perform the necessary function. Staff can only request the magistrate's decision, not influence it. These magistrates sit as a judge in quasi-judicial matters. Staff has been examining this issue for some time.

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom to approve the item as amended to reappoint Judge Floyd Hull, Judge Mark Purdy, and Rose Anne Flynn, Esquire.

Vice Mayor DuBose sought clarity as to whether a deferral is necessary to determine if there are similar issues with other magistrates. Mayor Seiler advised that the terms expired in March. The City Attorney felt three would be sufficient. Another could be added if necessary. He was not aware of any complaints against the other three magistrates; though he has received complaints about other extensions granted by Ms. Tell. Vice Mayor DuBose was aware of another property that has been granted more than one extension, but he was uncertain of exactly how many and which magistrate. If necessary, he will bring it to the Commission's attention. In response to Commissioner Rogers, the City Attorney noted staff has been examining this issue for several years. Because of the sensitive nature of removing a judge that is supposed to be independent, staff has avoided it. In this case, the magistrate is not making a decision, though one is necessary. He recommended the motion on the floor.

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

GRANT ACCEPTANCE – NORTHWEST NEIGHBORHOOD IMPROVEMENTS - \$300,000 - FLORIDA DEPARTMENT OF TRANSPORTATION – JOINT PARTICIPATION AGREEMENT**(CR-10)**

The City Clerk announced that City Officials will not execute the Joint Participation Agreement with the Florida Department of Transportation until the CRA (Community

Redevelopment Agency) funds identified are considered for transfer at the May 3 Commission meeting. In response to Mayor Seiler, Alfred Battle, Community Redevelopment Agency Director (Northwest), confirmed that he worked with the City Auditor to develop this condition.

Motion made by Vice Mayor DuBose and seconded by Commissioner Roberts to approve the item subject to the above noted condition concerning execution of the agreement not taking place until identified funds are authorized for transfer by the City Commission. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

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

The City Clerk announced that Memorandum 11-113 includes additional background information for this item and a correction of the vendor, Republic Services of Florida, Limited Partnership D/B/A All Service Refuse should be Envirocycle, Inc., Phoenix, Arizona. A copy of the memorandum is attached to these minutes.

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts to approve the item as revised (see Memorandum 11-113). Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

715-10686 - TRUST SERVICES – CEMETERY PERPETUAL CARE TRUST FUND - \$237,500 (PUR-05)

Commissioner Rogers noted his conflict of interest and intention to abstain from voting.

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

705-10541 - VISIONING PROJECT - CONSULTING SERVICES - \$307,468 (PUR-10)

Mayor Seiler announced that this item will be addressed during the Conference Agenda later this evening.

616-10632 – GENERAL ENVIRONMENTAL ENGINEERING CONSULTANT SERVICES (PUR-09)

Commissioner Roberts noted he had obtained more detail on the evaluation process and found that one evaluator (rater) gave significantly lower scores to seven of seventeen vendors than other raters. He believed that such a large discrepancy between evaluators

indicates a flawed system. He elaborated upon possible methods to rectify scoring discrepancies such as throwing out the lowest score or reconciling divergent scores by reaching a consensus through discussion. He felt the system lends itself to non-transparency. Kirk Buffington, Director of Procurement Services, noted that he has considered this issue since it was raised at a prior meeting. Though he acknowledged Commissioner Roberts' point, he felt hesitant to change this evaluation system because it has been in practice since before his employ. Also his colleagues have confirmed it as the general practice. If a scoring method that throws out a low or high score is adopted, it will be necessary to expand the scoring committees from three to five members which poses a logistical problem in terms of scheduling and recruitment. In this case, (some of) the low scoring vendors were still ranked in the top six; but, if a situation arises where skewed scores do affect the vendor's ranking, staff can bring it to the attention of the appropriate department head and the city manager. The city manager has the authority to change the committee's recommendations. Commissioner Roberts noted that the facilitator of the evaluation process should reconcile the discrepancy through discussion and then reach a consensus. Mr. Buffington noted that, at the very least, the issue could be brought before the Commission for their decision. Commissioner Roberts also asked if any are currently contracted with the City. Mayor Seiler agreed with Commissioner Roberts. Mr. Buffington advised that staff will strive to reconcile any such scoring discrepancies in the future; although, staff cannot tell an evaluator to change their score. He agreed staff will be more diligent in reviewing the scoring matrix before it is brought before the Commission.

Mayor Seiler was pleased that staff followed his request to enhance vendor competition by portioning out work to a number of companies. In response to his question, the Commission was informed that this item is time sensitive. Commissioner Roberts suggested changing the term from two years to one to allow time to reevaluate the process. Discussion ensued between Commissioner Rodstrom and Mr. Buffington regarding the staff review process for such recommendations. He recalled prior instances where staff, through the city manager, disagreed with the recommendations and it was brought before the Commission.

Motion made by Commissioner Roberts and seconded by Vice Mayor DuBose to approve the item as amended for one-year terms. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

MOTIONS

**CITY COMMISSION REQUEST FOR REVIEW – SPECTRUM 1500 (MD-01)
BUILDING ASSOCIATES, LTD., VOCATIONAL SCHOOL AND SIX-STORY
PARKING GARAGE – CASE 46-R-10**

No budgetary impacts.

Applicant: Spectrum 1500 Building Associates, Ltd.
Location: 4747 NW 15 Avenue
Zoning: Airport Industrial Park AIP
Future Land Use: Employment Center

Recommend: Motion to set hearing within sixty days.

Exhibit: Commission Agenda Report 11-0550

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

Commissioner Roberts pointed out that the Twin Lakes Homeowner's Association is concerned that the development of this parking garage will create more cut-through traffic on NW 15 Avenue between Commercial Boulevard and Prospect Road. He requested that the item be deferred to May 17, 2011. However he will be attending the Twin Lakes Homeowners Association meeting on April 21 and hopes to resolve this issue.

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom, to set a public hearing on May 17, 2011, and defer this item to that date. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

PROPRIETARY - PROVIDE ENTERPRISE SOFTWARE - \$36,100- (MD-02)
HOUSING OPPORTUNITIES FOR PERSONS WITH HIV/AIDS

Please see funding details attached to these minutes.

Purchase additional Provide Enterprise software, Homeless Management Information System user licenses, support maintenance for each license and additional training days for all registered users and authorize the proper City Officials to execute an addendum to current agreements subject to approval of program amendment to 2010-2011 Annual Action Plan.

Recommend: Motion to approve.
Vendor: Groupware Technologies, Inc.
 Wauwatosa, WI
Amount: \$36,100.00
Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 11-0553

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

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

PROPRIETARY - RADIO SYSTEM MICROWAVE REPLACEMENT - (MD-03)
\$3,665,711**Funding to be determined pending approval of CAR 11-0565.**

Purchase replacement of Microwave System for 800 MHz Public Safety Radio Communications System and authorize the proper City Officials to execute an agreement in substantially the form provided - presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Motorola Solutions, Inc.
Schaumburg, IL

Amount: \$3,665,711.00 (not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 11-0545

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

Tim Edkin, Information Technology Services Director, highlighted information in Commission Agenda Report 11-0545, demonstrating the need and allowing for extending the life of the system. He confirmed for Commissioner Rodstrom that this is not a budgeted item. He noted this is separate from the City's discussions with the Sheriff's Office and Broward County which involves dispatching. In further response to her questions, the City Auditor explained that there are several funding options that were to be addressed and decided upon in (today's) conference meeting. The City cannot enter into an agreement until the Commission makes a funding determination.

Lynda Flynn, Treasurer, noted there is a resolution on this evening's agenda for funding the project. With approval, she will determine whether the interest rates for a capital lease or loan agreement are more beneficial. The vendor has offered 3.06 percent interest for a three-year lease. She went on to convey financing options as shown in April 20, 2011 Conference Item I-D, Commission Agenda Report 11-0526. It is common to finance over the useful life of the equipment. The majority of the equipment has an approximate 15-year useful life. If the \$3.7 million funding is extended, the annual debt service would be \$325,000 versus over \$1.6 million for shorter-term leases or loans. For ten years, the debt service) would be approximately \$380,000 but noted she did not request a specific indicative rate for a ten-year period. The cost would be \$325,000 per year for a 15-year useful life. Most of the funding will be derived from the General Fund; however, Information Technology Services will offset some of the cost by utilizing a chargeback system. Once the lending agreement is approved, the Commission will budget and appropriate future revenues to pay for the debt, regardless of the chosen financing method.

Ms. Flynn and Mr. Edkin provided the following information in response to various questions posed by the Commission. A recommendation of fifteen years is appropriate for the majority of the equipment, based on its useful life; but a determination must be made for some components that differ. This would be a fixed interest rate of 3.78

percent. A five-year rate would be 2.55 percent. Approximately 20 percent of the cost would be billed to departments in the chargeback system based on their number of radios, paid from enterprise funds. Rather than financing, Commissioner Roberts questioned if the cost could be charged to enterprise funds, fire assessment fees and the Law Enforcement Trust Fund (LETF) Mayor Seiler did not want to adjust the Fire Assessment Fee. He preferred to use a small portion of the reserves as this is a major life safety issue. Commissioner Roberts agreed; but he went on to note additional costly issues related to the radio system and wanted to pursue his funding ideas. Staff would like to move forward as quickly as possible because the system could fail at any time.

Mayor Seiler wanted to further address the financing. Ms. Flynn indicated that the reimbursement resolution will allow the project to move forward, and then bring back various funding methods and sources. Harry Scruggs, Motorola Solutions, noted Motorola's offer of a three-year lease at an interest rate of 3.04 percent. He mentioned the possibility of other term options such as a seven or ten years with two years in arrears. Ms. Flynn explained that she did not consult Motorola because of the time constraint. Instead, she presented a reimbursement resolution to allow the project to move forward and come back with the financing. The City Auditor explained how a reimbursement resolution would work. However, in order to approve a contract, there must be a legal appropriation; a reimbursement is not a legal appropriation. The Commission would need to adopt a resolution amending the current year budget and appropriating a source of funds.

Commissioner Rodstrom emphasized her desire to determine any alternative funding sources before using the reserves. The City Auditor provided more clarity about a reimbursement resolution. The \$3.7 million can be taken out of fund balance to create the appropriation and then put the \$3.7 million back into the fund balance once the financing has been determined.

Commissioner Roberts stressed and Mayor Seiler agreed that this is a life safety issue and must be done.

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts to approve the item as recommended subject to amending 2010-2011 fiscal year budget to appropriate \$3.7 million from general fund balance.

Mayor Seiler noted that a financing mechanism should be presented on May 3, 2011. The City Attorney advised that there must be an identified source of revenue if borrowed for longer than one year. The source could be the Fire Assessment Fee, but not ad valorem taxes. Any enterprise fund that utilizes this system could be used. Mr. Edkin noted that the cities of Oakland Park and Wilton Manors use the City's radio system; and frequencies are shared throughout Broward County when necessary. .

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

PUBLIC HEARINGS

AMENDMENT TO 2010-2011 ANNUAL ACTION PLAN AND CONSOLIDATED 2010-2015 PLAN - HOUSING OPPORTUNITIES FOR PERSONS WITH HIV/AIDS PROGRAM (PH-01)

Please see funding details attached to these minutes.

Program Amendment to 2010-2011 Annual Action Plan of 2010-2015 Consolidated Plan – Housing Opportunities for Persons With HIV/AIDS Program.

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

Exhibit: Commission Agenda Report 11-0475

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

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

PLANNED UNIT DEVELOPMENT ZONING DISTRICT MORATORIUM (PH-02)

No budgetary impact.

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

Exhibit: Commission Agenda Report 11-0489

There was consensus agreement to move forward with the moratorium tonight; begin the application process for the Planned Unit Development Zoning District Advisory Committee and appoint members on May 17, 2011.

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

Mayor Seiler suggested and there was consensus to establish a May 15 application deadline for the committee. It also agreed that individuals wishing to serve on this committee would need to complete a new application, even if they are already on file with the City.

Commissioner Rogers thought there may be forthcoming issues concerning essentially existing failed projects with PUD zoning. In response to Commissioner Rodstrom, the City Attorney advised that the proposed moratorium is going to apply only to applications for new PUD's . When the development plan expires, the development rights are null and void. The PUD zoning stays in place. As long as the PUD zoning is still there, the developer can apply to amend or revive the development plan, if it was approved and had not been rezoned. Commission approval would be required for any changes to the development plan. An anomaly that needs to be revised in the PUD ordinance is that the zoning approval is designed to approve a particular development plan, and when that expires, the code states that the development rights are null and void. At that time, the Commission may rezone the property. The zoning stays on the property, but the development rights are gone. So, it is of no force and effect to call it a PUD because there is no development plan. The developer can ask the Commission to revive the development plan under the proposed moratorium. Or, the developer can make changes to a development plan that is not expired. But, if this moratorium is approved, no new applications for new PUD zoning will be granted. If a former development agreement expires and a new one is obtained, the developer can make anywhere from slight to major adjustments to it but the changes would have to be brought forward to the Commission for approval.

Commissioner Rogers introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-09

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, IMPOSING A MORATORIUM WITHIN THE CITY OF FORT LAUDERDALE ON THE FILING OR ACCEPTANCE OF AN APPLICATION FOR REZONING OF ANY PROPERTY TO A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT FOR A PERIOD OF ONE YEAR; PROVIDING FOR A STUDY OF THE EXISTING PUD ORDINANCE; PROVIDING FOR A COMMITTEE TO MAKE RECOMMENDATIONS REGARDING THE PUD ORDINANCE AND PROVIDING AN EFFECTIVE DATE.

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.

DOCK WAIVER APPLICATION - DISTANCE OF LIMITATIONS
THE VERSAILLES, INC. - 215 NORTH BIRCH ROAD

(PH-03)

No budgetary impact.

Applicant: The Versailles, Inc.
Location: 215 North Birch Road

Recommend: Open hearing, close hearing, introduce resolution.

Exhibit: Commission Agenda Report 11-0424

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

Mayor Seiler opened the floor for public comment.

Carol Lewandowski, 125 North Birch Road, expressed confusion and sought clarification regarding this waiver as the Versailles property manager told her that their docks are not being extended. Andrew Cuba, Marine Facilities Manager, indicated that there is some confusion related to the notice. The current layout of the docks is not changing; the face dock is being replaced, but the two finger piers are not being changed. Ms. Lewandowski indicated that she does not have a problem with this waiver.

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

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 11-102

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3.B. OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW THE VERSAILLES, INC., A DELAWARE CORPORATION, TO MAINTAIN TWO FINGER PIERS TO EXTEND THE MAXIMUM DISTANCE OF 47.5' INTO THE ADJACENT INTRACOASTAL WATERWAY FROM THE APPLICANT'S PROPERTY LOCATED AT 215 NORTH BIRCH ROAD, SUCH DISTANCE AND PROPERTY AS BEING MORE PARTICULARLY DESCRIBED BELOW; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; 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.

RESOLUTIONS

**AMENDMENT TO SITE PLAN LEVEL IV - SIDEWALK CAFE -
CASE 11-R-10A - PARROT LOUNGE - 911 SUNRISE LANE**

(R-01)

No budgetary impact.

Applicant: Moriarity, Inc.
Location: 911 Sunrise Lane
Zoning: Sunrise Lane Area District SLA
Future Land Use: Central Beach Regional Activity Center CRAC

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.

Vice Mayor DuBose introduced the following resolution:

RESOLUTION NO. 11-103

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO AN APPROVED DEVELOPMENT PLAN LOCATED AT 911 SUNRISE LANE IN FORT LAUDERDALE, FLORIDA, IN A SLA ZONING DISTRICT.

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.

DECLARATION OF OFFICIAL INTENT TO ISSUE SPECIAL OBLIGATION BONDS OR NOTES - NOT TO EXCEED \$3.7 MILLION - 800 MHZ COMMUNICATIONS REFRESH - MICROWAVE RELAY (R-02)

No budgetary impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-0565

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING THE OFFICIAL INTENT OF THE CITY OF FORT LAUDERDALE TO ISSUE SPECIAL OBLIGATION BONDS OR NOTES IN ORDER TO, AMONG OTHER THINGS, REIMBURSE ITSELF FROM THE PROCEEDS OF SUCH BONDS OR NOTES FOR FUNDS ADVANCED BY THE CITY FOR CERTAIN EXPENSES INCURRED WITH RESPECT TO FINANCING THE 800 MHZ COMMUNICATIONS TECHNOLOGY REFRESH – REPLACEMENT OF MICROWAVE RELAY EQUIPMENT FOR THE CITY OF FORT LAUDERDALE; AND AUTHORIZING CERTAIN INCIDENTAL ACTIONS.

This item was removed from the agenda. See Agenda Item MD-03 on page 26*

DISPOSITION OF CITY OWNED SURPLUS PROPERTY - FIVE PARCELS- (R-03)
BREEZYWAY MANOR, DAVIE BOULEVARD PARK, FRANKLIN PARK,
F.A. BARRATT'S, PROGRESSO

No budgetary impact at this time.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-0560

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-104

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING, PURSAUNT TO CITY CHARTER SECTION 8.04, CERTAIN PARCELS SP-11-02, 11-03, 11-04, 11-05 AND 11-06, MORE PARTICULARLY DESCRIBED BELOW, NOT NEEDED FOR PUBLIC USE AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY THAT SUCH PARCELS BE OFFERED FOR SALE FOR MINIMUM BIDS AS SET FORTH BELOW, WITH BIDS TO BE SUBMITTED BY JUNE 1, 2011 AND SCHEDULED FOR FURTHER PROCEEDINGS BEFORE THE CITY COMMISSION ON JUNE 21, 2011 TO CONSIDER A RESOLUTION ACCEPTING THE BEST OFFER FOR EACH PARCEL AND AUTHORIZING CONVEYANCE OF SUCH PARCEL(S) OR REJECTING ANY AND ALL OFFERS; REQUIRING THE CITY CLERK TO PUBLISH THIS RESOLUTION IN ONE (1) ISSUE OF THE OFFICIAL NEWSPAPER OF THE CITY WITHIN SEVEN (7) DAYS OF THE ADOPTION HEREOF; REPEALING ANY RESOLUTIONS OR PARTS THEREOF 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.

COOLEY'S LANDING BOAT RAMP REPLACEMENT PROJECT (R-04)
CLOSE OUT OF BROWARD COUNTY BOATING IMPROVEMENT
PROGRAM GRANT

No budgetary impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-0596

Cate McCaffrey, Director of Business Enterprises, chronicled the background information in Commission Agenda Report 11-0596. The grant agreement provides that the property shall be used for recreational purposes for a minimum of twenty-five years and that the funds will be returned if they are not used for the intended project. The notice of limitation of use goes beyond what the grant provides. It dedicates the land in perpetuity as an outdoor recreation area rather than the twenty-five years and if the City ever converts any part of the project area or facilities to other than a Broward County approved recreational use, the City shall replace the area with a similar facility with the County's approval or pay back the grant money. The grant rules speak to the property being dedicated in perpetuity, but they do not speak to what would happen if there was ever a conversion and paying back the grant. The City Attorney's Office has drafted a notice in accordance with the rules. The question is whether the City or County notice version should be used to close out this grant. The City Attorney recommended that the rules and regulations set by the grant and the grant itself be followed.

In response to Commissioner Rogers, Bob Dunckel, Assistant City Attorney, explained it appears County staff has inserted additional language that has no foundation in the four corners of the grant agreement, nor does it have any foundation within the four corners of the rules which are adopted by the Broward County Commission. He indicated that the County version is essentially a grab for the City's sovereignty because the City would have to obtain approval from the Broward County Commission to convert the property if it ever chooses. It also requires the City to provide substitute land. City staff drafted a version that narrowly meets the four corners of the grant agreement and the rules. In further response, Ms. McCaffrey advised that County staff indicated that this is what they have always done. City staff was not able to find any previous cases. The County did not produce any documentation showing that this is what the City has executed in the past.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-105

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION AND RECORDATION IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA OF A NOTICE OF LIMITATION OF USE / SITE DEDICATION IN CONJUNCTION WITH THE GRANT AGREEMENT WITH BROWARD COUNTY UNDER THE BROWARD COUNTY BOATING IMPROVEMENT PROGRAM, TOGETHER WITH EXHIBITS THERETO; REPEALING ANY RESOLUTION OR PARTS THEREOF 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)****No budgetary impact.**

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

Board of Adjustment	Caldwell Cooper (Consensus) Michael J. Madfis (Consensus) Sharon A. Zamojski (Consensus/Alternate)
Charter Revision Board	Maria Del Rosario Lescano (Mayor Seiler) Judy Stern (Commissioner Rodstrom) E. Clay Shaw (Commissioner Rogers)
Code Enforcement Board	Rob Smith (Consensus)
Education Advisory Board	Bruce E. Hogman (Commissioner Rogers)
Historic Preservation Board	Richard Heidelberg (Commissioner Rogers)
Northwest Progresso-Flagler Heights Redevelopment Board	Jessie Adderley (Commissioner Rodstrom) Alan L. Gabriel (Commissioner Roberts)

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-106

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.

POSITION OF CITY MANAGER**(R-06)**

Consider candidates for position of City Manager.

This item was removed from the agenda. See special workshop of April 20, 2011.

Note: The City Commission returned to the conference meeting agenda, Item I-F, from 7:59 p.m. to 9:25 p.m.

705-10541 - VISIONING PROJECT - CONSULTING SERVICES - \$307,468 (PUR-10)

RESOLUTION NO. 11-117*

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, AND PROVIDING FOR AN EFFECTIVE DATE.

Motion made by Commissioner Rogers and seconded by Commissioner Roberts to approve the item as amended in Memorandum 11-114 and the resolution as amended to \$54,398 in Exhibit 2. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

*Resolution was revised. See discussion in Conference Meeting, Item I-H.

Note: The City Commission returned to the conference meeting agenda, Item I-I from 9:28 p.m. to 9:29 p.m. The Commission then convened as the Community Redevelopment Agency Board of Directors from 9:29 p.m. to 9:32 p.m., and then returned to the conference agenda from 9:32 p.m. to 9:55 p.m.

PROJECT HOOVER – QUALIFIED TARGET INDUSTRY BUSINESS (OB)

Mayor Seiler indicated the Greater Fort Lauderdale Alliance came to the City with this business incentive plan called Project Hoover, by a qualified target industry business. There are available state funds if there are local matching funds. The proposal would include the company's corporate headquarters in the city. The business has requested confidentiality at this time. He provided statistical information on their employment and associated average salary level and proposed job creation of 55 jobs with an average (annual) salary of approximately \$72,000, and additional payroll of approximately \$5.5 million. There would be state and local tax impact of approximately \$400,000. If the City provides matching funds in the amount of \$66,000, the State will give the City \$264,000, under the Qualified Target Industry Program (QTI). The State would also provide a direct cash incentive that the City would have to match. In addition, WorkForce One offered to create a workforce training fund of \$207,000, and their landlord has offered over \$1 million in incentives. This business will soon make a decision, to, either, move their corporate headquarters out of state or consolidate here. He believed the total State funding available is approximately \$707,000 with the City's matching funds of approximately \$125,000. The City could pay their incentives over a six-year period based on the QTI Program and \$59,000 over a three-year period on the direct cash incentive. This is on a very tight timeline.

In response to questions raised by members of the Commission, Stephen Scott, Director of Economic Development, advised that although Broward County usually participates in the QTI portion, this will not include County participation because of its ordinance requirement for 100 net new jobs and the tight timeline. The QTI is budgeted annually in the general fund. Because it has a six-year payoff timeline, it would be budgeted at \$11,000 for next year; and it is only paid when the job targets are met. Mayor Seiler thought the proposal makes total sense, except he wanted more thought given to the direct cash incentive. If this becomes their corporate headquarters, the expenditure will be miniscule compared to the economic benefit. Mr. Scott pointed out that the State generally provides a one to one match, but the State is granting a four to one match on the direct cash. The proposal was developed to compete with another jurisdiction. Some discussion ensued about job retention and where the new jobs would be physically located. In response to Commissioners Roberts and Rogers, Mayor Seiler clarified that this is about job creation and not retention.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-118

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RECOMMENDING THAT PROJECT HOOVER, BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO SECTION 288.106, FLORIDA STATUTES; PROVIDING THAT FUNDS IN THE AMOUNT OF \$66,000 ARE AVAILABLE AS LOCAL FINANCIAL SUPPORT; AND PROVIDING THAT PURSUANT TO THE CITY'S ECONOMIC INCENTIVE PROGRAM, A DIRECT CASH INCENTIVE IN THE AMOUNT OF \$59,000 IS AVAILABLE TO PROJECT HOOVER SUBJECT TO THE NEGOTIATION AND APPROVAL OF A DIRECT CASH INCENTIVE AGREEMENT.

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.

There being no other matters to come before the Commission, the meeting was adjourned at 10:08 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk