

## **FORT LAUDERDALE CITY COMMISSION REGULAR MEETING**

**MAY 3, 2011**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE  
May 3, 2011**

Meeting was called to order at 6:03 p.m. by Mayor Seiler on the above date, in City Hall, 100 North Andrews Avenue, 1<sup>st</sup> floor Chambers.

Roll call showed:

Present: Commissioner Charlotte E. Rodstrom  
Vice Mayor Bobby B. DuBose  
Commissioner Romney Rogers  
Mayor John P. "Jack" Seiler

Absent: Commissioner Bruce G. Roberts

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 Hugo Fontalvo

Invocation was offered by Reverend Medard Laz, Assisting Clergy, Saint Anthony Catholic Church, followed by the recitation of the pledge by a youth in the audience.

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

**Motion** made by Commissioner Rodstrom and seconded by Vice Mayor DuBose to approve the minutes of the April 5, 2011 Conference and Regular Meetings. Roll call showed: YEAS: Commissioner Rogers, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

**Presentations**

**1. DONATION FROM INVISIBLE FENCE OF BROWARD – (PRES-01)  
PET OXYGEN MASKS**

Jerry Levy, Invisible Fence, presented a donation of four sets of pet oxygen masks for use by the Fire Rescue Department in resuscitation of animals suffering from smoke inhalation or drowning to Jeff Justinak, Fire Rescue Chief. Chief Justinak thanked Mr. Levy.

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**2. EXPRESSION OF APPRECIATION BY U.S.A. DIVING AND (PRES-02)  
MEMBERS OF THE NATIONAL TEAM – AT&T U.S.A. DIVING  
GRAND PRIX**

Commissioner Rodstrom accepted a framed commemorative team jacket from Linda D. Paul, President and CEO of U.S.A. Diving, accompanied by representatives and members of the

U.S.A. Diving National Team as a token of appreciation for the City's many years of support in serving as the choice destination and venue for the AT&T U.S.A. Diving Grand Prix event at the International Swimming Hall of Fame. Ms. Paul thanked the Commission and community members for their support and offered congratulations for the City's centennial. She introduced the Olympians and Olympic hopefuls who accompanied her.

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**3. 60<sup>TH</sup> ANNUAL NATIONAL PRAYER DAY – MAY 5, 2011 (PRES-03)**

Commissioner Rogers presented a proclamation designating May 5, 2011, as National Prayer Day in the City to Daphne Creary, Broward County National Day of Prayer Event Coordinator. Ms. Creary read a statement concerning this event. She thanked the Commission and accepted the proclamation on behalf of the Broward County National Day of Prayer Task Force. Mayor Seiler announced an upcoming National Prayer Day event at City Hall.

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**4. NATIONAL PUBLIC WORKS WEEK – MAY 15-21, 2011 (PRES-04)**

Vice Mayor DuBose presented a proclamation designating May 15-21, 2011, as National Public Works Week in the City to Peter Partington, City Engineer. Mr. Partington noted his acceptance on behalf of all the employees of the Public Works Department, and thanked the Commission. Mayor Seiler thanked the Public Works employees for their efforts.

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**5. DRINKING WATER WEEK – MAY 1-7, 2011 – DROP SAVERS WATER CONSERVATION POSTER CONTEST WINNERS (PRES-05)**

Vice Mayor DuBose read a proclamation designating May 1-7, 2011, as Drinking Water Week in the City. He noted that the Drop Savers Water Conservation Poster Contest was designed to promote water awareness and the importance of conservation among Kindergarten through Eighth grade students. He announced and presented awards to the contest winners.

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**6. MENTAL HEALTH AWARENESS MONTH – MAY, 2011 (PRES-06)**

Commissioner Rogers presented a proclamation designating the month of May, 2011, as Mental Health Awareness Month in the City to Carlton Mills, Acting Director of Broward General Behavioral Health Services Unit. Mr. Mills thanked the Commission and recognized Commissioner Rogers' support. He pointed out the origin of Mental Health Awareness Month, and stressed the importance of open communications about mental health in America and worldwide. He noted the theme for Mental Health Awareness Month is a call-to-action to do more for one in four Americans who suffer from a treatable mental illness. He hoped that this proclamation will bring about better understanding, care, and support for mental health on a city, state, and national level.

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**7. COMMENDATION – BROWARD ART GUILD ART EXHIBITION – CENTENNIAL CELEBRATION (PRES-07)**

Commissioner Rodstrom presented a commendation to Gerard Delaney, Executive Director,

and Ann Fay Rushforth, President of the Broward Art Guild for their participation in the City's centennial celebration with the creation of an art exhibition consisting of 54 original works of art by over 30 local artists. Ms. Rushforth thanked the Commission, residents, and members of the guild. Mr. Delaney announced the guild's upcoming move to the Galt Ocean Mile area and highlighted the North Beach Art Walk event. In light of state and national budget cutbacks that threaten the arts, Mayor Seiler expressed gratitude to the guild members for their participation to ensure this program's success.

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**Consent Agenda****(CA)**

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

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**EVENT AGREEMENT - RELAY FOR LIFE****(M-01)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with American Cancer Society Florida Division, Inc. for Relay For Life, to be held during May and June, 2011, at five Fort Lauderdale locations.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0604

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**EVENT APPROVAL - GREAT AMERICAN BEACH PARTY****(M-02)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Broward County Film Society, Inc. for Great American Beach Party to be held May 28, 2011, 11:30 AM - 10 PM, at Fort Lauderdale Beach.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0605

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**AGREEMENT - SCHOOL BOARD OF BROWARD COUNTY  
SHARED USE OF CITY PARKS AND SCHOOL BOARD  
OWNED FACILITIES****(M-03)****No budgetary impact.**

A motion authorizing the proper City Officials to execute five-year agreement with School Board of Broward County for shared use of city parks and School Board owned facilities in the city.

**Recommend:** Motion to approve.**Exhibit:** Commission Agenda Report 11-0618

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**CHANGE ORDER 6 - POOLE & KENT COMPANY OF FLORIDA –  
CREDIT (\$12,500) - WASTEWATER REPUMP STATIONS A, B, AND E  
REHABILITATION - PROJECT 10537****(M-04)****Please see funding details attached to these minutes.**

A motion authorizing Change Order 6 with Poole & Kent Company of Florida, in the CREDIT amount of (\$12,500) - Wastewater Repump Stations A, B, and E Rehabilitation - Project 10537.

**Recommend:** Motion to approve.**Exhibit:** Commission Agenda Report 11-0417

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**CONTRACT AWARD - HOMESTEAD CONCRETE & DRAINAGE, INC. –  
\$57,190.78 - DECORATIVE STREET POSTS AND SIGNS - LAKE RIDGE  
NEIGHBORHOOD IMPROVEMENTS****(M-05)****Please see funding details attached to these minutes.**

A motion authorizing the proper City Officials to award and execute contract with Homestead Concrete & Drainage, Inc., in the amount of \$57,190.78 - installation of decorative street posts and signs - Lake Ridge Civic Association, Inc. - Neighborhood Capital Improvement Program - Project 11516.

**Recommend:** Motion to approve.**Exhibit:** Commission Agenda Report 11-0616

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**NEIGHBORHOOD CAPITAL IMPROVEMENT GRANT PROGRAM - \$35,000  
TARPON RIVER CIVIC ASSOCIATION, INC. –  
MURALS FOR MARSHALL BRIDGE****(M-06)****Please see funding details attached to these minutes.**

A motion awarding Neighborhood Capital Improvement Program Grant, in the amount of \$35,000 - murals for Marshall Bridge - Project 11693 and reimbursing Tarpon River Civic Association, Inc. for eligible costs up to \$35,000 - Neighborhood Capital Improvement Grant Program.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0623

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

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**CONTRACT EXTENSION - GONZALEZ PAVEMENT EQUIPMENTS, INC. – (M-07)**  
**\$512,046.64 ANNUAL STORM DRAINAGE CONTRACT**

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

A motion authorizing 1) one-year contract extension with Gonzalez Pavement Equipments, Inc., in the amount of \$512,046.64 - 2011-2012 Annual Storm Drainage Contract - Project 11713 and 2) transfer \$650,300 to fund contract, 17 percent engineering fees and 10 percent contingency.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0619

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**AMENDMENT 12 - SOLID WASTE DISPOSAL SERVICES (M-08)**  
**INTERLOCAL AGREEMENT - BROWARD COUNTY –**  
**RESOURCE RECOVERY SYSTEM**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute Amendment 12 to Interlocal Agreement with Broward County for solid waste disposal services.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0609

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**CONTRACT EXTENSION - ENGINEER CONTROL SYSTEMS, CORP. (M-09)**  
**ANNUAL CONTRACT FOR BRIDGE REPAIRS, MAINTENANCE**  
**AND PAINTING\***

**No budgetary impact.**

A motion authorizing six-month contract extension with Engineer Control Systems, Corp. - 2009-2010 annual contract for bridge repairs, maintenance and painting - Project 11572.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0613

\*This item (Commission Agenda Report 11-0613) is a contract amendment which provides for an additional six months to be added to the current contract period, and not actually a contract extension.

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**CONTRACT AWARD - MBR CONSTRUCTION, INC. - \$267,747.90 (M-10)**  
**HARBORDALE PARK - 1817 MIAMI ROAD\***

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

A motion authorizing the proper City Officials to 1) award and approve, in substantially same form as provided in request for bid, subject to approval by City Attorney - construction of Harbordale Park - Project 11182B and 2) execute contract with MBR Construction, Inc., in the amount of \$267,747.90 for this project.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0628

\*This item (Commission Agenda Report 11-0628) was revised in accordance with Memorandum No. 11-122 which is attached to these minutes.

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**DONATION OF PET OXYGEN MASKS - \$280 (M-11)**

**No budgetary impact.**

A motion accepting donation of four sets of pet oxygen masks from Invisible Fence of Broward for use in resuscitation of animals suffering from smoke inhalation or drowning.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0594

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**LICENSE AGREEMENT - FORT LAUDERDALE ARCHERS INC. – (M-12)**  
**ANNUAL COST OF \$1 - 4590 PETERS ROAD, PLANTATION, FLORIDA**

**No Budgetary Impact**

A motion authorizing the proper City Officials to execute new 10-year license agreement with Fort Lauderdale Archers Inc. for property located at 4590 Peters Road, Plantation, Florida.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0626

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**AIRPORT LIABILITY INSURANCE - EXECUTIVE AIRPORT - \$10,423.77 (M-13)**



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

A motion authorizing purchase of airport liability insurance for Executive Airport, from Federal Insurance Company, in the amount of \$10,423.77 - policy period of May 25, 2011 through May 24, 2012.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0639

**CONSENT RESOLUTION**

**GRANT APPLICATION - SUMMER FOOD SERVICE PROGRAM - \$101,702 (CR-01)**  
**VARIOUS CITY PARKS**

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

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-0617

RESOLUTION NO. 11-122

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR AND ACCEPT A GRANT IN THE AMOUNT OF \$101,702 FROM THE FLORIDA DEPARTMENT OF EDUCATION FOR THE SUMMER FOOD SERVICE PROGRAM AT VARIOUS CITY PARKS; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS TO RECEIVE SUCH GRANT FUNDING AND AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011, BY ACCEPTING AND APPROPRIATING SUCH GRANT FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT.

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**DONATION FROM FORT LAUDERDALE BRIDGE CLUB, INC. – q (CR-02)**  
**YOUTH PROGRAMS - \$1,500**

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

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-0634

## RESOLUTION NO. 11-123

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING A DONATION OF \$1,500 FROM THE FORT LAUDERDALE BRIDGE CLUB, INC. FOR YOUTH PROGRAMS 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 ACCEPTING AND APPROPRIATING SUCH FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT.

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**AMEND OPERATING BUDGET - APPROPRIATION - \$3,500  
COMMUNITY APPEARANCE BOARD ANNUAL AWARDS**

**(CR-03)**

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

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-0561

## RESOLUTION NO. 11-124

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

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**GRANT ACCEPTANCE - LOCAL AGENCY PROGRAM AGREEMENT-  
\$400,000 - FLAGLER GREENWAY BICYCLE FACILITY**

**(CR-04)**

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

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-0598

## RESOLUTION NO. 11-125

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA

DEPARTMENT OF TRANSPORTATION (FDOT) TO RECEIVE CONSTRUCTION GRANT FUNDS IN THE AMOUNT OF \$400,000.00 FOR THE FLAGLER GREENWAY BICYCLE FACILITY AND AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1 , 2010 AND ENDING SEPTEMBER 30,201 1 BY APPROPRIATING FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED, AND PROVIDING FOR AN EFFECTIVE DATE.

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**SIXTH AMENDMENT TO AGREEMENT - TASK ENVIRONMENTAL, INC. – (CR-05)  
\$86,931 - WINGATE LANDFILL AND INCINERATOR SITE SAMPLING  
AND ANALYTICAL SERVICE**

Please see funding details attached to these minutes.

**Recommend:** Adopt resolution.  
**Exhibit:** Commission Agenda Report 11-0624

RESOLUTION NO. 11-126

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

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**RADIO COMMUNICATIONS MICROWAVE REPLACEMENT PROJECT – (CR-06)  
\$3.7 MILLION - PERMANENT FUNDING - AMEND OPERATING BUDGET –  
APPROPRIATION\***

Please see funding details attached to these minutes.

**Recommend:** Adopt resolution.  
**Exhibit:** Commission Agenda Report 11-0665

## RESOLUTION NO. 11-127

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, APPROPRIATING FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT, AUTHORIZING ISSUANCE OF AN INVITATION FOR BIDS FOR PERMANENT FINANCING AND PROVIDING FOR AN EFFECTIVE DATE.

\*This Commission Agenda Report (11-0665) was revised in accordance with Memorandum 11-133 which is attached to these minutes.

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**AMEND OPERATING BUDGET - APPROPRIATION - \$10,000  
CENTENNIAL SPONSORSHIP - BROWARD HEALTH**

**(CR-07)**

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

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-0637

## RESOLUTION NO. 11-128

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.

<p><b>PURCHASING AGENDA</b></p>
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**214-10715 - REJECT PROPOSALS AND RE-BID  
ELECTRONIC INVENTORY FORMS MANAGEMENT SOFTWARE**

**(PUR-01)**

**No budgetary impact.**

Reject all proposals for Electronic Inventory Forms Management Software and authorize re-bidding - presented for approval by Fire Rescue Department.

**Recommend:** Motion to reject and authorize re-bidding.

**Exhibit:** Commission Agenda Report 11-0610

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

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**762-9434 - FINANCIAL AUDIT SERVICES - \$389,180**

**(PUR-02)**

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

Contract extension not to exceed one-year for financial audit services is being presented for approval by Finance Department.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0514

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

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**115-10737 - FINANCIAL ADVISORY SERVICES - \$57,000**

**(PUR-03)**

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

Three-year contract with one, one-year renewal option for financial advisory services is being presented for approval by Finance Department.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0567

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

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**606-10482 - GENERAL WASTEWATER PROFESSIONAL ARCHITECTURAL  
ENGINEERING SERVICE CONTINUING CONTRACT**

**(PUR-04)**

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

Continuing contract for General Wastewater Consultant Professional Architectural - Engineering Services as solicited, selected and negotiated under the Consultants Competitive Negotiations Act.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0599

The Procurement Services Department has reviewed this item and recommends approval and execution of the contract Agreement with Camp Dresser & McKee Inc.

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**NEIGHBORHOOD CAPITAL IMPROVEMENT GRANT PROGRAM - \$35,000 (M-06)**  
**TARPON RIVER CIVIC ASSOCIATION, INC. –**  
**MURALS FOR MARSHALL BRIDGE**

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

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

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**PROPRIETARY - TENNIS INSTRUCTOR SERVICES - \$25,000 (MD-01)**

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

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

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**PROPRIETARY - TENNIS INSTRUCTOR SERVICES EXTENSION - \$235,000 (MD-02)**

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

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

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**Motion** made by Vice Mayor DuBose and seconded by Commissioner Rodstrom that Consent Agenda Items M-10 and CR-06 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 Rogers, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

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**CONTRACT AWARD - MBR CONSTRUCTION, INC. - \$267,747.90 (M-10)**  
**HARBORDALE PARK - 1817 MIAMI ROAD**

Robert Walsh, 401 East Las Olas Boulevard, thought this cost is excessive and not really used. Further, he believed that \$235,000 for tennis instructor services (Item MD-02) is extreme. He felt that priorities must be set.

In response to Commissioner Rodstrom, Albert Carbon, Public Works Director, explained that this project is funded by Broward County grants and the general fund under the 2010 Capital Improvement Plan (CIP). This item will cover the third and final phase of improvements. Terry Rynard, Acting Parks and Recreation Director, noted that staff worked with the neighborhood to design this park and meet their mission. The work will include a pavilion, adult exercise equipment, a trail, some amenities and landscaping. The park is mainly funded by county grants of \$150,000 and some general fund. This project was budgeted in the 2010-2011 fiscal year. In terms of acreage, this park is approximately two and one-half times larger than Dolphin Isles Park; both parks were purchased with Broward County bond funds. Mayor Seiler thought

the cost is high for the improvements. Ms. Rynard enumerated a cost breakdown.

Commissioner Rogers pointed out that there is no park space in this neighborhood since a field in the area was removed when Harbordale Elementary School was rebuilt. Mayor Seiler indicated that it is sometimes better to simply leave park space open, rather than adding numerous amenities. Commissioner Rogers did not think it is being over-outfitted. Although small, it is well used by the public. He felt the planned amenities will make good use of the park space. Commissioner Rodstrom stressed that this is a small parcel of land and contended some open area is essential in a park.

**Motion** made by Commissioner Rogers and seconded by Vice Mayor DuBose authorizing the proper City Officials to award and approve, in substantially the same form as provided in request for bid, subject to approval by City Attorney – construction of Harbordale Park – Project 11182B; execute contract with MBR Construction, Inc., in the amount of \$267,747.90 for this project; and approve the transfer of funds necessary (see Memorandum 11-122). Roll call showed: YEAS: Commissioner Rogers, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

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**RADIO COMMUNICATIONS MICROWAVE REPLACEMENT PROJECT – (CR-06)  
\$3.7 MILLION - PERMANENT FUNDING - AMEND OPERATING BUDGET –  
APPROPRIATION**

Commissioner Rodstrom recalled Commissioner Roberts had previously raised the idea of finding alternative funding sources. Lynda Flynn, Treasurer, provided a brief overview of the information in Commission Agenda Report 11-0665, specifically staff's followup from the Commission's last discussion on this item (April 20, 2011). The intention is to move forward with a reimbursement resolution and issue an invitation to bid based on indicative rates secured, so that the general fund could be reimbursed. This will be brought back in early July. In response to Commissioner Rodstrom, Ms. Flynn verified that funds will be borrowed to reimburse the reserves. She went on to note that three banks were contacted for rates: BB&T, SunTrust and Bank of America. The interest rate will be fixed for seven years.

In further response to Commissioner Rodstrom, Tim Edkin, Information Technology Services Director, explained that this item is for replacement of the microwave relays and installation of new equipment needed to communicate with the replaced gear; it is an operating expense. The equipment's life expectancy is approximately fifteen years. Commissioner Rodstrom questioned why funds were not incrementally set aside over a period of years in anticipation of this replacement. Ms. Flynn explained that this was not included in the Capital Improvement Program (CIP) as it normally would because it just came up. It is at a critical need point. Mr. Edkin clarified that the \$20 million project to replace the entire system and the system upgrade has been proposed in the CIP for several years; but, it was not approved. In lieu of replacing the entire system, replacement of the microwaves will buy the City several years of use. In further response, he confirmed that former city managers, over the last six to seven years, did not incrementally set aside funds in the CIP for a phased replacement.

In response to Commissioner Rodstrom, Ms. Flynn explained it is recommended to proceed with the \$3.7 million now so that the City can enter into the contract.

Commissioner Rodstrom questioned if a two-week deferral is possible in order to wait for Commissioner Roberts' return. Mr. Edkin indicated that Commissioner Roberts has expressed

support of this item

In response to Commissioner Rogers, Ms. Flynn confirmed that leasing is the best option. The proposal is a capital lease which she described. At the end of the seven years, the City will own the equipment. Mr. Edkin reiterated that the microwave relays are expected to function for fifteen years; they have a one-year warranty. Furthermore, the equipment will be maintained to ensure it is operational.

Commissioner Rodstrom questioned the amount of the interest payment. She wondered if it would be better to fund totally from the reserves, . The City Auditor advised that the total debt service would be \$49,000 monthly or total payments of \$4.1 million and \$400,000 interest. Douglas R. Wood, Director of Finance, clarified that approximately (\$1.3 million) will be internally financed, so the actual borrowed amount will be approximately \$2.5 million, not \$3.7 million. The purpose of the \$3.7 million reimbursement resolution is only to allow staff to move forward with a contract. The City Auditor advised that, for a borrowed amount of \$2.4 million, the monthly payment would be \$32,000 for a total of \$2.7 million in payments and interest of \$264,000. Mr. Wood explained that the resolution requires staff to bring this back on May 17, 2011 with the budget appropriation to move the \$1.3 million to the general fund as reimbursement.

**Motion** made by Commissioner Rodstrom and seconded by Vice Mayor DuBose to approve the item as amended to include that the funding will be transferred from the other funding sources to the General Fund unreserved fund balance and a budget amendment will be presented on May 17, 2011 and once the invitation to bid has been awarded, the General Fund will be reimbursed from the proceeds (see Memorandum 11-133). Roll call showed: YEAS: Commissioner Rogers, Vice Mayor DuBose, and Mayor Seiler. NAYS: Commissioner Rodstrom.

<b>MOTIONS</b>
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**PROPRIETARY - TENNIS INSTRUCTOR SERVICES - \$25,000**

**(MD-01)**

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

One-year agreement for tennis instructor service is being presented for approval by Parks and Recreation Department.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0590

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

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

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**PROPRIETARY - TENNIS INSTRUCTOR SERVICES EXTENSION - \$235,000** (MD-02)

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

Fourth and final one-year extension of tennis instructor service agreements is being presented for approval by Parks and Recreation Department.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0595

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

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

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**PROPRIETARY - HOME INVESTMENT PARTNERSHIP PROGRAM** (MD-03)  
**HOUSING ENTERPRISES OF FORT LAUDERDALE, INC. - \$483,415.19**

**No current budgetary impact at this time.**

A motion authorizing the proper City Officials to execute new agreement with Housing Enterprises of Fort Lauderdale Inc. - Community Housing Development Organization, in the amount of \$483,415.19 - continuation of HOME Investment Partnership Program - expanding funding uses and establishing new expiration date of September 15, 2011.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0635

The Procurement Services Department has reviewed this item and recommends executing a new proprietary agreement.

Robert Walsh, 401 East Las Olas Boulevard, inquired as to the principals of Housing Enterprises of Fort Lauderdale Inc. (Housing Enterprises). He recalled speaker, Doris Hall's, (April 5 regular meeting) claim that the City must reimburse \$5 million to HUD. Mayor Seiler believed that Ms. Hall was addressing the Community Reinvestment Act and the Commission was discussing a community redevelopment agency ; two separate issues.

Jonathan Brown, Housing and Community Development Manager, explained that Housing Enterprises is a wholly owned subsidiary of the Housing Authority of the City of Fort Lauderdale.

In response to Vice Mayor DuBose, Mr. Brown explained that the rental component was a part of the RFP, but not the contract. It was included to give Housing Enterprises every opportunity to utilize the funding within the designated timeline, given the conservative mortgage lending market. Vice Mayor DuBose agreed. In light of the economic downturn, he questioned whether a rental component is specified for the senior citizen population. Mr. Brown explained that this is a general rental element; but, it does not restrict or eliminate seniors. Vice Mayor DuBose noted that he receives many calls indicating a lack of rental assistance programs for seniors. Scott Strawbridge, Director of Development and Facilities, Housing Authority, and representing

Housing Enterprises, referred to a 143-unit, \$20 million project on 10 Avenue which is reserved for seniors. He thought seniors could be better served in large-scale projects where amenities they would like to have can be included. Duplex projects are more independently oriented. Vice Mayor DuBose clarified that the issue is more about affordability, than availability. It does not appear to be addressed in the City's strategies. Mr. Brown noted that the rental component in this item can address senior citizens; but he was uncertain if Housing Enterprises could accomplish it in time to meet federal deadlines if this is not their primary target. However, if Housing Enterprises is looking at duplexes, triplexes, and quadplexes, these would be offered to the low-income client base that would qualify, including seniors.

Commissioner Rogers noted the impediment caused by the conservative lending market as only \$116,000 in funding was spent in 20 months. He questioned how the funds can be utilized in six months, given the fact that they were not able to do so in 20 months. Mr. Brown explained that this item represents a shift in strategy to include the option of renting property if the buyer cannot qualify for a mortgage or lease option. Mayor Seiler questioned why the rental component was not included earlier. Mr. Brown explained that, when this RFP was initially brought forward, the public questioned whether it would create an issue with low income rentals, so the strategy was home ownership and or lease option. The Affordable Housing Advisory Committee requested that more (funding) be included in the rental component. In further response to Vice Mayor DuBose, Mr. Brown reiterated that the original award to Housing Enterprises was for home purchase or lease option. The flexibility being requested now is to include the rental option which could include the senior population. In response to Vice Mayor DuBose and Commissioner Rogers, Mr. Brown clarified that this will allow for the options of homeownership, lease option, or rental, and staff will provide Housing Enterprises the opportunity to secure properties for each option. Mr. Strawbridge explained that rental property is always being sought. Over the course of the NSP (Neighborhood Stabilization Program), over 50 units have been acquired, rehabilitated, and sold. In response to Mayor Seiler and Vice Mayor DuBose, he confirmed that, over the next four months, (Housing Enterprises) will focus on purchasing and renovating properties for the purpose of renting. In response to Commissioner Rogers, he confirmed that these funds can be used to rehabilitate properties for then renting; but there is no rental assistance. The Step-Up Apprenticeship Program is able to participate in working on the units which is another benefit. Mr. Brown noted that prior to this contract, the previous contract with Housing Enterprises was for this purpose.

**Motion** made by Commissioner Rodstrom and seconded by Commissioner Rogers to approve the item as presented.

Mayor Seiler requested an update on June 21 or perhaps in forty-five days regarding the HUD deadlines being met. Vice Mayor DuBose asked Mr. Strawbridge to provide the Commission a detailed explanation of Housing Enterprises' strategy.

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

**RESOLUTIONS**

**LALWANI PLAT- 3132 NE 9 STREET - CASE 8-P-10** **(R-01)**  
**NARAIN S. LALWANI - McLAUGHLIN ENGINEERING CO.**

**No budgetary impacts**

**Applicant:** Narain S. Lalwani - McLaughlin Engineering Co. –  
James McLaughlin  
**Location:** 3132 NE 9 Street  
**Zoning:** Sunrise Lane Area SLA  
**Future Land Use:** Regional Activity Center

**Recommend:** Introduce resolution.

**Exhibit:** Commission Agenda Report 11-0577

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. 11-119

A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF FORT LAUDERDALE, FLORIDA APPROVING A  
PLAT KNOWN AS "LALWANI PLAT".

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

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

**No Budgetary Impact.**

**Recommend:** Introduce resolution.

**Exhibit:** Commission Agenda Report 11-0667

Vice Mayor DuBose introduced the following resolution:

## RESOLUTION NO. 11-120

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.

In response to Commissioner Rodstrom, the City Attorney explained that the resolution language among other things” is used to cover any factors that may have been forgotten.

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

**BOARD AND COMMITTEE APPOINTMENTS****(R-03)****No budgetary impact**

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

Affordable Housing Advisory Committee	Rebecca Jo Walter (Commissioner Rogers)
Code Enforcement Board	Paul Dooley (Consensus) Rob Smith (Consensus)
Community Appearance Board	Paula Tighe (Mayor Seiler)
Northwest-Progresso-Flagler Heights Redevelopment Board	Mickey Hinton (Mayor Seiler)

Commissioner Rodstrom introduced the following resolution:

## RESOLUTION NO. 11-121

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

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

<b>CITIZEN PRESENTATIONS</b>
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**DENNIS ULMER - Remembering Memorial Day****(CIT-01)****No budgetary impact.**

Mr. Ulmer provided a historical overview of the Memorial Day holiday. He recalled a trip he took to Arlington National Cemetery in Washington, D.C. with family members of soldiers killed in action. Those who died while serving the United States in the armed services are heroes. He encouraged citizens to honor these heroes by remembering the sacrifices they made, especially on Memorial Day. He announced an upcoming Memorial Day event in the City.

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**ALYSA PLUMMER - Preservation in Fort Lauderdale****(CIT-04)****No budgetary impact.**

Ms. Plummer, president of Sailboat Bend Civic Association, indicated she chose to live in Sailboat Bend because it is a designated historic district; she did not anticipate having to protect structures in this area that she thought were already designated. She claimed that historic site surveys have been in place for some time, but are now considered controversial; and that a 20-year old historic ordinance suddenly has no teeth. She wanted more staff collaboration with the working group that is re-writing the historic ordinance. She expressed disappointment about the pending Shippey House demolition, despite the Commission's actions to preserve it. In the appeal the judge noted the City Attorney comments basically against the will and vote of the Commission in their efforts to save the property. She claimed the City conducted work at the historic Southside School without a COA (Certificate of Appropriateness) or approved county and state management plans. Also a fence was installed at the Fort Lauderdale Fire and Safety Museum without a permit or COA. She felt this is an opportunity to educate the staff and work together to create something that is cohesive and positive, recognizing the role of preservation in this city.

In response to Mayor Seiler, Ms. Plummer indicated that collaboration with staff would speed up the ordinance writing process. She wanted the Historic Preservation Board (HPB) to hold a meeting specifically to work on this ordinance. Commissioner Rodstrom compared this to a prior situation with the Budget Advisory Board. The City Attorney advised that this working group is not at all like the Budget Advisory Board because it was not appointed by the Commission; it is not a recognized advisory board but a group of self-appointed individuals who decided to work on an ordinance. Staff has been reviewing and commenting on their work; but nothing has been submitted by the working group for the past four months. He does not send assistant attorneys and staff to meet in people's homes to corroborate with people who decided to develop an ordinance. Ms. Plummer did not see this the working group as a fringe group because she has had conversations with members of the Commission about the re-write. Generally meetings are held at the Fort Lauderdale Historical

Society or the Westside School. The City Attorney maintained that staff has responded in a timely fashion to everything provided by the working group. Ms. Plummer explained that nothing has been submitted to staff for several months because it must first, be vetted by HPB and it has not been on their agenda. Mayor Seiler emphasized that the City must work through a recognized group.

In response to Mayor Seiler, the City Attorney advised that the ordinance re-write can be placed on the HPB agenda. Staff attends these meetings. When the working group began, their meetings were held at a private residence. It was a totally private group, not recognized by the City. He agreed to respond to their submitted information. Mayor Seiler wanted (the ordinance) to be included on the next HPB agenda. Discussion ensued regarding the ordinance re-write process and the question of there being a separate group from the HPB. Ms. Plummer indicated that HPB members are rotated in and out of the working group. Mayor Seiler expressed concern that this constitutes a shadow group which violates the Sunshine law. Ms. Plummer confirmed that the group is working through the HPB; no documents are being submitted independently; an HPB representative is present for everything the working group does. There is no bypassing of the HPB. Mayor Seiler stressed that fine-tuning an issue at a private residence after addressing it at an HPB meeting would constitute a Sunshine law violation. Commissioner Rodstrom noted that singular rotation of board members could be construed as polling them. Ms. Plummer stressed that information has not shared among HPB members unless it is in front of the HPB as a body. Anthony Fajardo, HPB Staff Liaison, provided the following responses to questions raised by the Commission. He explained that when the working group submits finalized language, it is placed on the HPB agenda; everything is done through the HPB. He pointed out that he was told that HPB board members, Susan McClellan and Matthew DeFelice, have attended working group meetings, though not at the same time. He was uncertain if the working group would have the last section of ordinance language about demolition by neglect ready to submit for the next HPB meeting. The Commission's original direction was for staff to collaborate with Dave Baber and the Sailboat Bend Civic Association to create language addressing shortcomings in the historic preservation ordinance. He understood that all of the working group's material (completed thus far) has been reviewed (by the HPB), except the demolition by neglect language. Ms. Plummer commented about the productive meeting the working group had with staff on this topic. Susan McClellan, chair of the Historic Preservation Board, estimated that the earliest the HPB could make a recommendation would be August perhaps (three meetings). She noted that sections have been reviewed at the HPB meetings; but an overall review is still necessary. In response to Mayor Seiler, she confirmed that the board will come to a conclusion with the ordinance by the fall and the Sunshine law is being followed.

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**DIANE SMART - Preserving Fort Lauderdale's Architectural History****(CIT-03)****No budgetary impact.**

Ms. Smart, president of the Broward Trust for Historic Preservation (Broward Trust), felt there has been a decisive lessening of enthusiasm to protect historic structures in the city. Most historic designations originate from volunteers. She felt the City does not recognize the importance of cultural tourism, as other coastal cities do. She claimed the City's costly fees make it difficult for non-profit organizations to submit historic designation applications. Historic preservation volunteers need technical assistance from staff, but staff does not provide the assistance that it once did. She believed there is an apathetic attitude toward

historic preservation which is reducing the desire to volunteer. She felt this is a discouraging time, although the City has remarkable historic structures like the (former) Coca Cola Bottling Plant which was recognized by the state.

**ART SEITZ - Bahia Mar, Aquatic Complex Request for Proposals – (CIT-05)**  
**Recreational Design & Construction, Inc. and a Pier in the City**  
**No budgetary impact.**

Mr. Seitz referred to a newspaper article, indicating that three Dutch cycling experts on loan from the Dutch government will hold workshops in the City of Miami on making the area a safer place to ride a bicycle. He hoped the same would be done in this city.

He hoped that the top of every structure built along the ocean or Intracoastal will include additional green and observation space which would be beneficial for the Winterfest event, for example. However, the restaurant planned for the Bahia Mar project does not.

He referred to an email sent to the Commission from Jo Ann Medalie expressing her thoughts and concerns about the International Swimming Hall of Fame – Aquatic Complex redevelopment project. He contended that RDC (Recreational Design and Construction, Inc.) actually did only \$21 million worth of business in 2008, not the \$50 million that they claimed.

**ROBERT WALSH - Voting Rights of Convicted Felons (CIT-06)**

**No budgetary impact.**

Mr. Walsh elaborated upon some of Governor Rick Scott's issue positions and the bills he has supported. He noted his plans to file a class action lawsuit related to Governor Scott's reinstatement of a minimum five-year waiting period for felons to apply to regain their right to vote. He believed that this is a discriminatory Jim Crow law that is only imposed in two other states. He believed Governor Scott wants to impose this rule to keep individuals who do not support his ideology from voting.

<b>PUBLIC HEARINGS</b>
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**REZONING TO PARKS, RECREATION AND OPEN SPACE – (PH-01)**  
**1700 SW 14 COURT - CITY OF FORT LAUDERDALE –**  
**HORTT EMENTARY SCHOOL SITE - CASE 2-Z-11**

**No Budgetary Impact**

<b>Applicant:</b>	City of Fort Lauderdale
<b>Location:</b>	1700 SW 14 Court
<b>Current Zoning:</b>	Community Facilities CF
<b>Proposed Zoning:</b>	Parks, Recreation and Open Space P Future Land Use: Parks and Open Space

**Recommend:** Open hearing, close hearing, introduce ordinance

on first reading.

**Exhibit:** Commission Agenda Report 11-0579

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.**

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

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

**ORDINANCE NO. C-11-10**

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM "CF" TO "P"; ALL OF "HORTT ELEMENTARY SCHOOL SITE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 47, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE EAST SIDE OF SOUTHWEST 18<sup>TH</sup> AVENUE BETWEEN SOUTHWEST 14<sup>TH</sup> COURT AND SOUTHWEST 16<sup>TH</sup> STREET, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

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**RELIEF FROM BUFFERYARD WALL AND SETBACK REQUIREMENTS  
FOR PUBLIC PURPOSE USE - HORTT ELEMENTARY SCHOOL SITE –  
1700 SW 14 COURT - CASE 27-R-11**

**(PH-02)**

**No Budgetary Impact.**

**Applicant:** City of Fort Lauderdale  
**Location:** 1700 SW 14 Court  
**Current Zoning:** Community Facilities CF  
**Proposed Zoning:** Parks, Recreation and Open Space P

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

**Exhibit:** Commission Agenda Report 11-0568



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.**

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

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A PARK AS A PUBLIC PURPOSE USE THAT DOES NOT MEET THE BUFFERYARD WALL AND SETBACK REQUIREMENTS IN A "P" ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), WHICH SITE IS MORE FULLY DESCRIBED AS ALL OF 'HORTT ELEMENTARY SCHOOL SITE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 47, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE EAST SIDE OF SOUTHWEST 18<sup>TH</sup> AVENUE BETWEEN SOUTHWEST 14<sup>TH</sup> COURT AND SOUTHWEST 16<sup>TH</sup> STREET; AND GRANTING RELIEF FROM THE ULDR REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE ULDR OF THE CITY OF FORT LAUDERDALE, FLORIDA.

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

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**HISTORIC LANDMARK DESIGNATION - COCA-COLA BUILDING  
400 SOUTH ANDREWS AVENUE - CASE 9-H-10**

**(PH-03)**

**No budgetary impacts**

**Owner:** Legacy Development of Broward, LLC.  
**Applicant:** Broward Trust for Historic Preservation  
**Location:** 400 South Andrews Avenue  
**Zoning:** Regional Activity Center - City Center RAC-CC

**Recommend:** Open hearing, close hearing, introduce resolution.

**Exhibit:** Commission Agenda Report 11-0505  
 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.**

Mayor Seiler opened the floor for public comment.

John Milledge, representing the property owner, referred to his letter requesting a 90-day deferral. A copy of the letter was made a part of the record. It is premature to move forward because the property is currently involved in a process with Broward County. The proposed Broward County Courthouse Parking Garage includes the whole site and the existing building will be preserved. Mayor Seiler expressed the desire to only hear this matter once. In response to Mayor Seiler, he confirmed that nothing will be done to adversely impact the building's historical nature which is contained in the letter. The plan itself includes the building's preservation.

In response to Mayor Seiler, the City Attorney advised that this was approved by the Historic Preservation Board (HPB); there is a requirement that it be transmitted to the Commission within a 90-day period. The Commission must then take action, but there is no time requirement for the action. Mr. Milledge explained that, ultimately, the building will be utilized by the County for office purposes. This historical structure will be publicly owned and utilized.

Diane Smart, representing the applicant, protested the actions taken thus far this evening, and indicated that the purpose of this item is for the Commission to consider a historic designation for this property. She claimed never to have met Mr. Milledge or the property owner. In response to Mayor Seiler, she clarified that she has met with them prior to this, but not on this issue. She then indicated that she met one gentleman at a prior meeting. In light of Ms. Smart being under oath, Mayor Seiler was concerned about her wavering response. Discussion ensued between Ms. Smart and Mayor Seiler regarding a meeting called by the Broward Trust for Historic Preservation (Broward Trust) with the owner's associates to address how the building could be buffered from the garage. But, the meeting objectives were not met because ideas were not exchanged between parties. The owner's associates did not present any information at the meeting.

In response to Mayor Seiler, the City Attorney reiterated that there is no time requirement for the Commission's final decision. Commissioner Rodstrom wanted to defer the item until Commissioner Roberts returns.

Commissioner Rogers thought it is well understood by the owners that this is a historic building that must be preserved. He felt economic viability should be considered in light of this building sitting vacant for some time. He did not want to derail a good opportunity. The preservation plan should be vetted. He also did not want to go through this process twice.

Ms. Smart indicated that the Broward Trust attempted to coordinate a meeting to develop a unified plan regarding how the garage and building could work together, but the owner was not prepared. Mayor Seiler thought this shows that time is needed for coordination. If the owner will agree this evening that the building will not be altered that would have any impact on its historical preservation, he would prefer to handle this at one meeting. Ms. Smart indicated that the Broward Trust would not object; their issue is to ensure a proper buffer to protect the building from the garage. She provided a letter from the Florida Trust for Historic Preservation expressing their support of this historic designation. A copy of the letter is attached to these minutes. Commissioner Rogers noted that he viewed both the original and the modified plans,

and the modified plans show a great improvement. Ms. Smart thought the Broward Trust should have been alerted in advance of this deferral request.

In response to Mayor Seiler, Mr. Milledge reiterated that the owner will preserve the building during the proposed 90-day deferral. They have no objection to meeting with the Broward Trust. There was no time for the previously noted meeting because the garage treatment was not yet completed. He noted that the project team is composed of himself, Tony Abate and Jeff Liss.

Fred Fazio, co-owner, noted that working with the County is a lengthy process. He pledged to continue preserving the building as he has for the past seven years. Nothing will be done with the building, except to save it. He wanted this to be deferred until he can return with the County representatives and the plans. Mayor Seiler preferred to have a date certain.

**Motion** made by Vice Mayor DuBose and seconded by Commissioner Rogers to defer the item to August 16, 2011. Roll call showed: YEAS: Commissioner Rogers, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

Mayor Seiler requested that the applicant and owner work together to keep each other aware of any changes by providing the other with copies of any submissions made to the Commission.

#### RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING THE BUILDING KNOWN AS THE "COCA-COLA BUILDING" THAT IS LOCATED AT 400 SOUTH ANDREWS AVENUE, FORT LAUDERDALE, FLORIDA, AS A HISTORIC LANDMARK PURSUANT TO SECTION 47-24.11 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS.

### ORDINANCES

#### **PLANNED UNIT DEVELOPMENT ZONING DISTRICT MORATORIUM**

**(O-01)**

**No budgetary impact.**

**Recommend:** Introduce ordinance on second reading.

**Exhibit:** Commission Agenda Report 11-0653

Commissioner Rogers introduced the following ordinance on SECOND reading:

Commissioner Rodstrom agreed with this moratorium. She wished it had been in place prior to some of the large projects like the Bahia Mar and the (First Presbyterian Church of Fort Lauderdale). She indicated that the City Attorney has advised the Bahia Mar site is exempt from this moratorium. She expressed her desire to include Bahia Mar in this ordinance. She wanted this site to be examined by staff and the Planned Unit Development Zoning District Advisory Committee which is being formed, to ensure that this public land is protected and properly vetted. She provided and reviewed Item I-C in Commission Agenda Report 08-0989 from the

July 1, 2008 Conference Meeting, which is attached to these minutes. She felt the letter in Exhibit 1 indicates that the Bahia Mar is waiving its rights, and should be included in this moratorium.

**Motion** made by Commissioner Rodstrom to amend the ordinance to include the Bahia Mar public property died for lack of a second.

Commissioner Rodstrom noted that it is the City's responsibility to apply for the PUD because the property is owned by the City; however, the applicant in Exhibit 1 of Item I-C is LXR who is the lessee. She felt makes a mockery of the public that this moratorium excludes two of the largest parcels in the city's history. She stressed that this flies in the face of good government. It could be corrected if the City was the applicant. The City Attorney explained that (LXR) received authorization in July, 2008 to move forward as the applicant. Commissioner Rodstrom noted that it also indicates that LXR would do so at its own risk, and the risk includes the possibility of a moratorium.

In response to Mayor Seiler, the City Attorney advised that including the Bahia Mar in the moratorium after the fact would create issues of equitable estoppel, and some constitutional issues about ex post facto application of subsequently adopted laws. The City has excluded projects in the pipeline from any new regulations, except what may be applied by zoning in progress. This ordinance recognizes the zoning in progress. The applications referenced by Commissioner Rodstrom were made prior to when the zoning in progress was established.

Commissioner Rogers pointed out that it is common for the applicant to obtain the owner's approval to move forward. He noted that the applicant does not have numerous rights, but does have the right to use the law in place at the time of the application which is what occurred. If the Bahia Mar was included in this moratorium, he questioned if the objective would be to design an ordinance specific to this site. Commissioner Rodstrom thought the purpose of the moratorium was to allow for a review of the PUD zoning regulations. Commissioner Rogers clarified that it is not intended to be site-specific. Mayor Seiler agreed. Commissioner Rodstrom expressed her desire to defer the item until Commissioner Roberts returns. Mayor Seiler stressed that this cannot be included in the moratorium ex post facto. Two applications have been submitted before the deadline; only one, Bahia Mar, would be singled out. Discussion ensued regarding potential legal risks. Mayor Seiler emphasized that the City must exempt an application that has already been submitted.

**Motion** made by Commissioner Rodstrom and seconded by Commissioner Rogers to defer the item to May 17, 2011.

In response to Commissioner Rogers, the City Attorney confirmed that a 12-month timeframe of the moratorium is enough time to include his legal review. It could be eight months, but twelve months was used to cover all of the bases. Mayor Seiler did not want to rush the Planned Unit Development Zoning District Advisory Committee. Commissioner Rogers agreed with the two-week deferral and a 12-month timeframe, but simply wanted to ensure the City move forward without delay.

Mayor Seiler opened the floor for public comment.

Fred Carlson, representing the Central Beach Alliance, noted that the PUD process encourages innovative design and citizen involvement. The residents collaborated with LXR for two years in order to obtain a more creative design and generally believe this project will benefit the city,

despite its significant impact on the skyline. He maintained the importance of citizen involvement. He expressed concern about the potential for this moratorium resulting in halting development.

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

#### ORDINANCE NO. C-11-

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.

Mayor Seiler announced that the Planned Unit Development Zoning District Advisory Committee will be appointed at the June 7, 2011, meeting.

Art Seitz, 1905 North Atlantic Boulevard, recalled the Ireland's Inn PUD and the owners' promise of a four-star hotel, instead the property was sold and no promises kept.. He contended that PUD is very useful to a developer; it is the ultimate variance. He warned that what occurred with Ireland's Inn could be repeated with Bahia Mar if it is granted PUD zoning. He supported this item. He disputed Mr. Carlson's claim to represent the Central Beach Alliance.

In response to Mr. Seitz, Commissioner Rodstrom clarified that a moratorium is in place; but two sites, including the Bahia Mar, are exempted. Mr. Seitz indicated that he does not want Bahia Mar, nor the First Presbyterian Church of Fort Lauderdale, to be granted PUD zoning.

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#### **RANDALL KLETT - Code Enforcement**

**(CIT-02)**

#### **No budgetary impact.**

Mr. Klett noted his experience and credentials as a local business owner and member of the 13<sup>th</sup> Street Alliance and president of the Middle River Terrace Neighborhood Association. In light of lien reductions granted by the City to the extent of 85% to 95%, he requested the Commission reconsider a policy established in 2005 that gave the City Manager the authority to settle any code enforcement lien under \$5,000 for any amount greater than the actual cost to the City. He wanted a larger demand amount. He felt that properties with code violations threaten the neighborhood's safety and property values. He believes Fort Lauderdale is generally viewed as weak in terms of upholding code enforcement liens. He elaborated upon a vacant foreclosed property next to his home with numerous code violations and liens, and the actions he and a neighbor took to secure it and deter criminal activity. At Mayor Seiler's request, he provided the property address. He claimed other cities in Broward County are conducting code amnesty programs, and demanding a greater amount in payment for code violation liens. Mayor Seiler clarified that

Pompano Beach is offering 75 percent off code violation liens or \$1,000, whichever is less. He asked staff to provide the Commission with an update on the property that Mr. Klett has brought to his attention by the end of the week.

Note: The City Commission adjourned the regular meeting at 8:44 p.m. and returned to the conference meeting agenda, Commission Reports, from 8:44 p.m. to 8:56 p.m.

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John P. "Jack" Seiler  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk