

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
MAY 17, 2011

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
May 17, 2011**

Meeting was called to order at 6:09 p.m. by Mayor Seiler on the above date, in City Hall, 100 North Andrews Avenue, 1st floor Chambers.

Roll call showed:

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

Absent: None.

Also Present: Acting City Manager Allyson C. Love
City Auditor John Herbst (telephonically)
City Clerk Jonda K. Joseph
City Attorney Harry A. Stewart
Sergeant At Arms Sergeant Jeff Brull

Invocation was offered by Pastor Dan Czaplewski, Shepherd of the Coast Lutheran Church, followed by the recitation of the pledge by Peter Caspari.

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 Vice Mayor DuBose and seconded by Commission Roberts to approve the minutes of the April 20, 2011 Special Workshop and Regular Meeting. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

**REZONING TO PLANNED UNIT DEVELOPMENT - 1224 EAST (PH-01)
LAS OLAS BOULEVARD- FIRST PRESBYTERIAN CHURCH OF
FORT LAUDERDALE - CASE 4-ZPUD-08**

No Budgetary Impact.

Motion made by Commissioner Rogers and seconded by Commissioner Roberts to defer the item to September 20, 2011 (request of Applicant). Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

Presentations**1. WATER REUSE WEEK – MAY 15-21, 2011 (PRES-01)**

Vice Mayor DuBose presented a proclamation designating May 15-21, 2011, as Water Reuse Week in the City to Elbert L. Waters, Broward Center Director for Regulatory and Public Affairs, South Florida Water Management District. Mr. Waters thanked the Commission. He encouraged the public to practice water conservation.

Mayor Seiler asked Mr. Waters to bring back an update on how the pending South Florida Water Management District's budget cutbacks of approximately \$100 million will impact this community.

2. LUPUS AWARENESS MONTH – MAY, 2011 (PRES-02)

Commissioner Rodstrom presented a proclamation designating May, 2011, as Lupus Awareness Month in the City to Sharmane Hines, a citizen of Margate who suffers from Lupus. Ms. Hines thanked the Commission. She noted that lupus affects approximately 35,000 individuals in South Florida, although it is not as well known as other diseases. She described some of her lupus symptoms and procedures she underwent because of this disease.

3. EMERGENCY MEDICAL SERVICES WEEK – MAY 15-21, 2011 (PRES-03)

Commissioner Rogers presented a proclamation designating May 15-21, 2011, as Emergency Medical Services Week in the City to Tim Heiser, Fire Rescue Battalion Chief; Jeff Justinak, Fire Rescue Chief; and Dr. Nabil El Sanadi, Medical Director, Fire Rescue Department. Dr. El Sanadi thanked the Commission. He recognized all of the City's emergency medical workers for their dedication and for the risks they take in order to save lives. Battalion Chief Heiser thanked the Commission and residents for their support.

4. RECOGNITION – KINGS MINORS BASEBALL TEAM – JOSEPH C. CARTER PARK – PERRY THURSTON AAA BASEBALL TOURNAMENT (PRES-04)

Vice Mayor DuBose and Coach Tyrone Curry presented certificates of recognition to the Joseph C. Carter Park Kings Minors Boys Baseball Team members for winning the championship game at the Perry Thurston AAA Baseball tournament. Vice Mayor DuBose noted that this program is made possible by the City's Parks and Recreation Department and the Dorsey Riverbend Revitalization Council (DRRC) a.k.a. Front Porch. Coach Curry thanked the City, the Parks and Recreation Department, and his coaching staff for their support. Vice Mayor DuBose thanked Coach Curry and David Deal, Recreation Program Coordinator, for their contributions to this program. Terry Rynard, Acting Parks and Recreation Director, recognized City staff and the coaches for their efforts.

**5. GREATER FORT LAUDERDALE SISTER CITIES INTERNATIONAL – (PRES-05)
2011 ANNUAL AWARDS PROGRAM**

Commissioner Roberts presented a certificate of recognition for the Greater Fort Lauderdale Sister Cities International receiving the Program Award for population 100,000 – 300,000 and the Innovation: Sustainable Development in the Sister Cities International 2011 Annual Awards Program to Marianne Winfield, President, and Danny Warren, Environmental Chair of Greater Fort Lauderdale Sister Cities. Ms. Winfield mentioned that, out of 2,000 cities, the Greater Fort Lauderdale Sister Cities received two top awards in the last two years. She thanked the Commission and Stephen Scott, Economic Development Director, for their support. Mr. Warren thanked the Commission. He noted that this is a volunteer organization that spreads the City's goodwill internationally. He encouraged the public to get involved with this organization.

SURPRISE RECOGNITION – SHANNON VEZINA (OB)

Chaz Adams, Public Information Specialist, recognized Shannon Vezina, Public Information Specialist, for the outstanding planning, organization, communication, and creativity she has shown as a staff liaison to the Centennial Celebration Committee since 2008. He elaborated upon numerous centennial projects that she worked on with the committee. He noted that Ms. Vezina's hard work and dedication contributed to the success of the City's Centennial. Ms. Vezina thanked staff, members of the Centennial Celebration Committee, and the Commission.

Mayor Seiler thanked Chris Palumbo, Carpenter II, and Raymond Martens, Construction Worker II, for the outstanding display case they built for the canoe given to the City as a centennial gift by the Seminole Tribe of Florida. He noted plans to have the Tribe Chief visit to view this display.

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 - BILL BONE PRO-AM CHALLENGE (M-01)
CLOSING CITY STREETS ALONG ROUTE**

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with PM Investment Ventures, LLC for Bill Bone Pro-Am Challenge, to be held May 22, 2011, 8 AM - 4 PM, at Esplanade and the Himmarshee area and closing city streets along the route.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0702

EVENT AGREEMENT - KAYAK AGAINST CANCER (M-02)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Alfred Trodick, an individual, for Kayak Against Cancer, to be held June 18, 2011, 6 AM - 11 AM, on Fort Lauderdale Beach, both in the ocean and Intracoastal Waterway.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0705

EVENT AGREEMENT - OPEN WATER NATIONAL AND WORLD CHAMPIONSHIP TRIALS (M-03)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Team Elite Athletic Management International, Inc. for Open Water National Championship and World Championship Trials to be held June 10 and 12, 2011, respectively, 7 AM - 12 PM, at Fort Lauderdale Beach, in the ocean and at the Aquatic Complex.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0711

EVENT AGREEMENT - PNC BANK IMPERIAL POINT GRAND OPENING (M-04)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with PNC Bank, National Association for PNC Bank Imperial Point Grand Opening, to be held June 4, 2011, 11 AM - 3 PM, at 6550 North Federal Highway.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0713

**EVENT AGREEMENT - HAITIAN FLAG DAY
CLOSING CITY STREETS ALONG ROUTE****(M-05)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with St. Clement Church, a parish of Archdiocese of Miami, Inc., for Haitian Flag Day, to be held May 18, 2011, at Divine Mercy Haitian Catholic Church - 1105 NW 6 Avenue and closing city streets along the route.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0714

**EVENT AGREEMENT - LAS OLAS GOURMET MARKET
CLOSING SE 12 AVENUE****(M-06)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Las Olas Association, Inc. for Las Olas Gourmet Market, to be held on Sundays during July, August and September of 2011, 9 AM - 2 PM - 1201 East Las Olas Boulevard and closing SE 12 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0715

**CHANGE ORDER 3 - LANZO LINING SERVICES, INC. - FLORIDA -
CREDIT (\$382) - LONG TERM SANITARY SEWER REMEDIATION AND
ANNUAL REPAIR - BASIN A-23****(M-07)****Please see funding details attached to these minutes.**

A motion authorizing 1) Change Order 3 with Lanzo Lining Services, Inc. - Florida, in CREDIT amount of (\$382) - additional work - Wastewater Conveyance System - Long Term Remediation Program Rehabilitation - Project 17 - Sewer Basin A-23 and Annual Sewer Repair Contract - Project 11497 and 2) reduce encumbrance by (\$382).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0719

**TASK ORDER 2010 - 180.040 - CRAVEN, THOMPSON & ASSOCIATES, (M-08)
INC. – \$27,200 - DIXIE WELLFIELD WELL AND
RAW WATER PIPELINE EASEMENTS**

Please see funding details attached to these minutes.

A motion authorizing the proper City Officials to execute Task Order 2010 - 180.040 with Craven, Thompson & Associates, Inc., in the amount of \$27,200 - easement drawings for Dixie Wellfield Well and Raw Water Pipeline Easements - Project 10824.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0587

**TASK ORDER 1 - CAMP DRESSER & MCKEE, INC. - \$95,085 (M-09)
WASTEWATER REPUMP STATIONS A, B, AND E
OPERATIONAL ASSISTANCE**

Please see funding details attached to these minutes.

A motion authorizing the proper City Officials to execute Task Order 1 with Camp Dresser & McKee, Inc., in not-to-exceed amount of \$95,085 - Wastewater Repump Stations A, B and E Operational Assistance - comprehensive assessment of field control wiring and other services relating to verifying wastewater repump station proper operation.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0662

**COMMUNITY BUS SERVICES - AMENDMENTS TO AGREEMENTS (M-10)
ADDITIONAL TROLLEYS - CONVENTION CONNECTION AND GALT MILE –
GALLERIA MALL**

No budgetary impact.

A motion authorizing the proper City Officials to execute 1) First Amendment to Agreement with Downtown Fort Lauderdale Transportation Management Association and Second Amendment to Interlocal Agreement with Broward County - additional trolley vehicles - expanded community bus service - Convention Connection and Galt Mile - Galleria Mall.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0683

**FIRST AMENDMENT TO INTERLOCAL AGREEMENT - (M-11)
BROWARD COUNTY COMMUNITY BUS SERVICES –
NORTHWEST CIRCULATOR AND LAS OLAS –BEACH ROUTES**

No budgetary impact.

A motion authorizing the proper City Officials to execute First Amendment to Interlocal Agreement with Broward County - Northwest Circulator and Las Olas - Beach Routes.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0689

**TRANSFER FUNDS TO GENERAL CAPITAL PROJECTS HOLDING (M-12)
ACCOUNT - SEAWALL REPLACEMENT AND SE 15 STREET BOAT
LAUNCH AND MARINE COMPLEX**

Please see funding details attached to these minutes.

A motion authorizing the proper City Officials to transfer funds to General Capital Projects Holding Account from completed projects - Seawall Replacement by the Performing Arts Center and SE 15 Street Boat Launch and Marine Complex.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0572

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

**TRANSFER FUNDS - SMALL WATER MAIN REPLACEMENT PROGRAM - (M-13)
\$8,080,178.39 - PLANNED PROJECTS THROUGH 2015**

Please see funding details attached to these minutes.

A motion authorizing transfer of \$8,080,178.39 from current project balances in Utility Enterprise Funds Capital Improvement Program to fund various small water main replacement projects planned through 2015.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0591

ANNUAL ASPHALT CONTRACT - TRANSFER OF FUNDS - \$93,085 (M-14)

Please see funding details attached to these minutes.

A motion authorizing transfer of \$93,085 from fiscal year 2009-2010 Annual Asphalt

Contract - Project 11524 to fiscal year 2011-2012 Annual Asphalt Contract - Project 11649 to complete contract funding and associated engineering fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0701

TRANSFER OF GRANT FROM BROWARD COUNTY - \$176,279 (M-15)
SAFE ROUTE TO SCHOOL PROGRAM - NE 14 STREET SIDEWALK

No budgetary impact.

A motion authorizing the proper City officials to initiate transfer of Florida Department of Transportation Safe Route to School grant, in the amount of \$176,279, from Broward County to City - construction of sidewalk on NE 14 Street in vicinity of Bennett Elementary and Sunrise Middle schools - Project 11672.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0681

TRANSFER OF GRANT FROM BROWARD COUNTY - \$106,924 (M-16)
SAFE ROUTE TO SCHOOL PROGRAM - NW 24 AVENUE SIDEWALK

No budgetary impact.

A motion authorizing the proper City Officials to initiate transfer of Florida Department of Transportation Safe Route to School grant, in the amount of \$106,924, from Broward County to City - construction of sidewalk on NW 24 Avenue adjacent to Dillard Elementary and Dillard High schools - Project 11673.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0682

REJECT BIDS - PROJECT CANCELLATION – (M-17)
SMOKER PARK LIGHTING IMPROVEMENTS

No budgetary impact.

A motion rejecting all bids for Smoker Park Lighting Improvements due to project cancellation.

Recommend: Motion to reject.

Exhibit: Commission Agenda Report 11-0615

**CONTRACT AWARD - M.V.P. CONTRACTORS, INC. - \$2,279,700
FIRE STATION 46 - 1515 NW 19 STREET****(M-18)**

Please see funding details attached to these minutes.

A motion authorizing the proper City Officials to award and execute contract with M.V.P. Construction, Inc., in the amount of \$2,279,700 - Fire Station 46 - 1515 NW 19 Street - Project 10911.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0694

**GRANT APPLICATION - PORT EVERGLADES BY-PASS ROAD -
\$5,000,000 - FLORIDA DEPARTMENT OF TRANSPORTATION –
COUNTY INCENTIVE GRANT PROGRAM****(M-19)**

No budgetary impact.

A motion authorizing the proper City Officials to either apply for funding or support Port Everglades in applying for funding, in the amount of \$5,000,000 toward Port Everglades By-Pass Road - Florida Department of Transportation County Incentive Grant Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0737

**GRANT EXTENSION - HAZARD MITIGATION GRANT PROGRAM
SUBGRANT AGREEMENT MODIFICATION - FLORIDA DIVISION
OF EMERGENCY MANAGEMENT****(M-20)**

No budgetary impact.

A motion extending Hazard Mitigation Grant Program with Florida Division of Emergency Management to December 31, 2011 and authorizing the proper City Officials to execute all necessary documents to finalize the extension, via modification to federally funded subgrant agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0678

SUPPLEMENTAL FLEET PLAN - LANDSCAPING EQUIPMENT TRAILERS (M-21)

No Budgetary Impact at this time.

A motion approving a Supplemental Fleet Plan for purchase and replacement of three

landscaping equipment trailers removed from service due to mechanical failure making them unsafe to operate.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0693

AMENDMENTS TO INTERLOCAL AGREEMENTS – LOCAL OPTION GAS TAX - BROWARD COUNTY (M-22)

No budgetary impact.

A motion authorizing the proper City Officials to execute 2011 annual amendments to Interlocal Agreements with Broward County for 1) original local option gas tax, 2) local option gas tax on motor fuel for transit and 3) additional local option gas tax on motor fuel.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0724

QUALIFIED TARGET INDUSTRY PROGRAM - KAPLAN UNIVERSITY – \$49,500 (M-23)

Please see funding details attached to these minutes.

A motion authorizing the City's portion of payment, in the amount of \$49,500, to Florida Office of Tourism, Trade and Economic Development - Qualified Target Industry Program - IOWA College Acquisition Corp. d/b/a Kaplan University.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0632

LEASE AGREEMENT - CITY PARK MALL - RESTAURANT - MONTHLY \$1,259 FIRST YEAR - AMARCO TREATS INC. (M-24)

Please see funding details attached to these minutes.

A motion authorizing the proper City Officials to execute a 5-year lease agreement with one, 5-year renewal option with Amarco Treats Inc. - City Park Mall - Shop 140.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0647

CONSENT RESOLUTION

CUSTOMS AND BORDER PROTECTION BUILDING & AIRCRAFT APRON -EXECUTIVE AIRPORT - SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT - \$64,000 (CR-01)

Please see funding details attached to these minutes.

Recommend: Adopt resolution.
Exhibit: Commission Agenda Report 11-0510
RESOLUTION NO. 11-132

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.

FIRST AMENDMENT TO LEASE AGREEMENT - PARCEL 4 – EXECUTIVE AIRPORT - (\$996.78) - GERALD M. HOLLAND, TRUSTEE, D/B/A SHELTAIR (CR-02)

No budgetary impact for current fiscal year

Recommend: Adopt resolution.
Exhibit: Commission Agenda Report 11-0455
RESOLUTION NO. 11-133

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE FIRST AMENDMENT TO AMENDED AND RESTATED LEASE AGREEMENT, PARCEL 4 AT FORT LAUDERDALE EXECUTIVE AIRPORT.

**SECOND AMENDMENT TO LEASE AGREEMENT - PARCEL 5 – (CR-03)
EXECUTIVE AIRPORT - (\$1,382.42)- GERALD M. HOLLAND,
INDIVIDUALLY AND AS A TRUSTEE**

Please see funding details attached to these minutes. (Revenue Reduction offset by Expense Reduction for July, August & September 2011)

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0456

RESOLUTION NO. 11-134

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE SECOND AMENDMENT TO AMENDED AND RESTATED LEASE AGREEMENT, PARCEL 5 AT FORT LAUDERDALE EXECUTIVE AIRPORT.

**AMEND OPERATING BUDGET - APPROPRIATION - \$30,000 (CR-04)
INTEGRATED EMS BILLING AND ELECTRONIC PATIENT
CARE REPORTING SYSTEM**

Please see funding details attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0631

RESOLUTION NO. 11-135

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 SUCH FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT.

**LOT CLEARING AND CLEANING - SPECIAL ASSESSMENT (CR-05)
LIENS FOR ASSOCIATED COST**

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0686

RESOLUTION NO. 11-136

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, MADE PURSUANT TO CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF LOT CLEARING AND IMPOSING A SPECIAL ASSESSMENT LIEN AGAINST EACH PROPERTY FOR THE ASSESSED AMOUNT, AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

**TASK ORDER - CSA CENTRAL, INC. - HARBORAGE
ISLE BRIDGE REPLACEMENT - CONSTRUCTION ENGINEERING
AND INSPECTION SERVICES**

(CR-06)

Please see funding details attached to these minutes.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-0688

RESOLUTION NO. 11-137

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

**AMENDMENT 3 - MAINTENANCE MEMORANDUM OF
AGREEMENT –STATE ROAD A-1-A LANDSCAPE IMPROVEMENTS -
FLORIDA DEPARTMENT OF TRANSPORTATION**

(CR-07)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0700

RESOLUTION NO. 11-138

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AMENDMENT THREE TO THE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) PROVIDING FOR CITY MAINTENANCE OF LANDSCAPING IMPROVEMENTS IN FDOT RIGHT-OF-WAY ON STATE ROAD A1A.

SIDEWALK REPAIRS
No budgetary impact.

(CR-08)

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0716

RESOLUTION NO. 11-139

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

CONTRACT AWARD - MOLLOY BROS., INC. –
UTILITY SYSTEM REPAIRS - \$749,830

(CR-09)

Please see funding details attached to these minutes.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-0706

RESOLUTION NO. 11-140

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 - \$1,134,094 (CR-10)
RADIO SYSTEM MICROWAVE REPLACEMENT

Please see funding details attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0732

RESOLUTION NO. 11-141

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 – (CR-11)
\$7,177,016-CAPITAL IMPROVEMENT PROJECTS-
RATIFY PREVIOUS BUDGET AMENDMENTS AND CONTRACTS

Please see funding details attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0734

RESOLUTION NO. 11-142

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; RATIFYING PRIOR BUDGET AMENDMENTS AND CONTRACT AWARDS RELATING TO CAPITAL IMPROVEMENT PLAN PROJECTS AND PROVIDING AN EFFECTIVE DATE.

**PRIORITY BUSINESS SERVICES - EXPEDITED PERMITTING
BUSINESSES ASSISTING IN CREATING NEW EMPLOYMENT
IN FORT LAUDERDALE**

(CR-12)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0725

RESOLUTION NO. 11-143

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING PRIORITY BUSINESS SERVICES FOR CERTAIN QUALIFIED NEW, EXPANDING OR RELOCATING BUSINESSES THAT ASSIST IN CREATING NEW EMPLOYMENT IN THE CITY OF FORT LAUDERDALE.

**CONSENT TO ASSIGNMENT OF LICENSE AND ASSUMPTION
AGREEMENT - LAS OLAS RIVERFRONT**

(CR-13)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0751

RESOLUTION NO. 11-144

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONSENT TO ASSIGNMENT OF THE BRICKELL LICENSE AGREEMENT FOR PROPERTY AT 300 S. W. 1st AVENUE FROM CRE LAS OLAS RIVERFRONT, LLC TO LAS OLAS RIVERFRONT, LP SUBJECT TO CERTAIN CONDITIONS AND PROVIDING AN EFFECTIVE DATE.

**AMEND OPERATING BUDGET - APPROPRIATION - \$67,043
CAYENTA UTILITY BILLING SYSTEM****(CR-14)**

Please see funding details attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0680

RESOLUTION NO. 11-145

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 \$67,043 AS SET FORTH IN THE ATTACHED EXHIBIT, FOR PAYMENT OF SUPPORT, MAINTENANCE, AND ESCROW COSTS FOR THE CAYENTA UTILITY BILLING SYSTEM, AND PROVIDING FOR AN EFFECTIVE DATE.

PURCHASING AGENDA

**09-B-65PW - CONTRACT RENEWAL - SUMMER FOOD SERVICES
PROGRAM - \$83,780****(PUR-01)**

Please see funding details attached to these minutes.

Contract renewal to provide food preparation and delivery of lunches and snacks at various City parks is being presented for approval by Parks and Recreation Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0697

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

COMPUTER PURCHASE PLAN - \$161,234**(PUR-02)**

Please see funding details attached to these minutes.

Fiscal Year 2010-2011 annual computer purchase plan is being presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0517

The Procurement Services Department has reviewed this item and agrees with the recommendation.

713-10683 - PRINTER SUPPLIES - \$202,577 (PUR-03)

No cost to enter into this contract. City depts will spend according to per unit pricing secured through the competitive bidding process & available budget.

One-year contract to provide printer supplies to all departments is being presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0666

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

412-10741 - CONCRETE REPAIR SERVICES - \$279,911.25 (PUR-04)

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

One-year contract for concrete repair services is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0663

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

413-10743 - METER VALVES AND METER SETTING EQUIPMENT - \$193,218 - WATER DISTRIBUTION SYSTEM (PUR-05)

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

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0675

The Procurement Services Department has reviewed this item and recommends an award

to the low responsive and responsible bidder.

413-10744 - SERVICE FITTINGS - WATER DISTRIBUTION SYSTEM - (PUR-06)
\$162,109

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

One-year contract for purchase of service fittings is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0679

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

413-10745 - CORPORATIONS STOPS - WATER \$109,902.70 (PUR-07)
DISTRIBUTION SYSTEM

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

One-year contract for purchase of corporation stops is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0684

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

413-10746 - CURB VALVES - WATER DISTRIBUTION SYSTEM - (PUR-08)
\$163,001.25

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

One-year contract for purchase of curb valves is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0685

The Procurement Services Department has reviewed this item and recommends an

award to the low bidder.

**413-10742 - BRASS THREADED FITTINGS - WATER
DISTRIBUTION SYSTEM - \$41,248.75**

(PUR-09)

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

One-year contract for purchase of brass threaded fittings is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0687

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

415-10703 - WATER METER READING SERVICES - \$1,412,897.04

(PUR-10)

Please see funding details attached to these minutes.

Three-year contract with two, one-year renewal options, for purchase of water meter reading services is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0691

The Procurement Services Department has reviewed this item and recommends an award to the highest ranked firm, Bermex, Inc.

**606-10466 - GENERAL WATER CONSULTANT CONTINUING
CONTRACT - ARCHITECTURAL - ENGINEERING SERVICES**

(PUR-11)

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 Water Consultant - Architectural - Engineering Services as solicited, selected and negotiated under Consultants Competitive Negotiation Act.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0677

The Procurement Services Department has reviewed this item and recommends approval and execution of the Agreement with Hazen and Sawyer, P.C.

616-10631 - TRAFFIC AND TRANSPORTATION ENGINEERING CONSULTANT SERVICES - CONTINUING CONTRACT (PUR-12)

No budgetary impact

A motion accepting Consultants Competitive Negotiation Act Selection Committee's recommendation of ranking firms - continuing contract for Traffic and Transportation Engineering Consultant Services and authorizing proper City Officials to commence negotiations with top four ranked firms: 1) Kimley-Horn and Associates, Inc., 2) Kittelson and Associates, Inc., 3) Miller Legg & Associates, Inc. and 4) T.Y. Lin International.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0692

The Procurement Services Department has reviewed this item and recommends the four top ranked firms.

215-10732 - EMS AMBULANCE BILLING AND ELECTRONIC PATIENT CARE REPORTING SYSTEM - \$1,119,345 (PUR-13)

Please see funding details attached to these minutes.

Three-year contract with one, one-year renewal option for EMS ambulance billing and electronic patient care reporting system in substantially the form provided is being presented for approval by Fire Rescue Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0629

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

TRANSFER FUNDS TO GENERAL CAPITAL PROJECTS HOLDING ACCOUNT - SEAWALL REPLACEMENT AND SE 15 STREET BOAT LAUNCH AND MARINE COMPLEX (M-12)

Please see funding details attached to these minutes.

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

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom that Consent Agenda Items M-05, M-08, M-10, M-11, M-13, M-17, M-19, CR-10, PUR-09, and PUR-11 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 Roberts, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

**EVENT AGREEMENT - HAITIAN FLAG DAY
CLOSING CITY STREETS ALONG ROUTE**

(M-05)

In response to Commissioner Rodstrom, Terry Rynard, Acting Parks and Recreation Director, indicated that staff met with South Middle River Civic Association (SMRCA) and Father Charles to provide the projected costs for this event. He indicated that Haitian Flag Day is not a church event. He recalled past collaboration with the City and Broward County for this event. He stressed that this event is significant because it educates the community about the Haitian culture. The parade did not take place last year because of the earthquake in Haiti.

In response to Commissioner Rodstrom, Mayor Seiler explained that the City enforces the same rules for every parade. Father Charles thought the City had previously funded the police detail. Mayor Seiler believed the detail was funded by individuals on behalf of the City who, either, used their own funds, or authorized an expenditure that never was presented to the Commission and was not lawful. He explained that the City requires every parade applicant to follow the same process. He noted that many parade applicants are not approved because they do not have the required funds. Commissioner Rodstrom indicated that she found the former City Manager (George Gretsas) donated \$300 to the church and scaled back the police detail to mold it to this cost framework which set a bad precedent and misunderstanding by the Haitian community. This should have been brought before the Commission.. She wanted to look at reducing the event size.. Father Charles believed that, in prior years, he followed all of the City's requirements.

In response to Vice Mayor DuBose, Mayor Seiler explained that he made Father Charles aware of this expenditure approximately two weeks ago. In response to Mayor Seiler, Father Charles explained that the named insured (applicant) is the Archdiocese of Miami. Vice Mayor DuBose indicated that this applicant differs from others because of the bad precedent previously set which adversely affected the time they would need to obtain the funding; they were not aware of the required costs as other applicants. Father Charles noted that the Haitian community does not have enough funding to cover this cost now. Mayor Seiler indicated that for the Commission to knowingly violate the process now would be worse.

In response to Mayor Seiler, Ms. Rynard explained that she made Father Charles aware of the (police detail) cost approximately ten days ago. In response to Commissioner Rogers, Mayor Seiler believed this Commission Agenda Report (11-0714) reflects no budgetary impact because the applicant provided a signed acknowledgement of the cost. Discussion ensued regarding the police detail expense. In response to Mayor Seiler, Police Chief Frank Adderley explained that staff has done everything possible to scale down the cost from \$3,000 to \$2,000. Commissioner Rodstrom agreed with Vice Mayor DuBose's point. She added that this should be budgeted for next year.

Commissioner Rogers thought there is an estoppel issue because the applicant has followed this procedure for years and was not advised otherwise. Father Charles explained that he has followed the same application procedure for approximately six years. Mayor Seiler warned that, if the Commission complies, it would equate to a gift to the Catholic Church. He thought it is better to help raise funds than to provide a gift. Chief Adderley explained that \$2,000 is the lowest possible police detail cost. Discussion ensued regarding elements of the police detail. Chief Adderley recalled that 2,000 people previously attended this parade. Father Charles explained that the current application reflects a reduced attendance of 400 because the parade was not held last year. In response to Mayor Seiler, Ms. Rynard provided the event cost estimates. Father Charles explained that he has already personally spent \$3,000 on this event.

The City Attorney agreed with Mayor Seiler concerning sponsoring a church event that this poses a problem for the City. He understood that, in the past, the parade was held in a very small area and attendance was significantly underestimated which reduced the cost considerably. In this instance, the costs are much greater, and will increase if attendance exceeds the threshold of 500. From a legal perspective, it would be a donation.

Mayor Seiler clarified that the Archdiocese of Miami is the named insured and ultimately responsible for this event. Further discussion ensued regarding the named insured, additional insured and who would be ultimately responsible for the event. The City Attorney recommended the Commission approve the event agreement with the costs shown. This will allow the applicant one year to raise the funds to reimburse the City. If the funds are not reimbursed, then a permit will not be issued next year.

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts to approve the item with reduced detail cost as noted above. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None. Mayor Seiler indicated the cost should be paid before next year's event.

**TASK ORDER 2010 - 180.040 - CRAVEN, THOMPSON & ASSOCIATES, (M-08)
INC. – \$27,200 - DIXIE WELLFIELD WELL AND
RAW WATER PIPELINE EASEMENTS**

Commissioner Rodstrom noted her conflict of interest and intention to abstain from voting.

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

COMMUNITY BUS SERVICES - AMENDMENTS TO AGREEMENTS (M-10)
ADDITIONAL TROLLEYS - CONVENTION CONNECTION AND GALT MILE –
GALLERIA MALL

Commissioner Rodstrom wanted service to the Sunrise Lane area (SLA). Patricia Zeiler, Downtown Fort Lauderdale Transportation Management Association (TMA), explained that this issue is the result of numerous delivery vehicles blocking the road. The TMA is working with the SLA businesses to adjust delivery schedules. If a trolley driver pulls into oncoming traffic to avoid a delivery vehicle, it is an immediate license violation. Trolleys are only avoiding the SLA if delivery vehicles are blocking the lane at the time. Discussion ensued concerning the trolley route in the area of the SLA. She indicated that the TMA is also working with businesses in the Las Olas area on the same issue.

Albert Carbon, Public Works Director, clarified this item should specify approval of a Second Amendment to the agreement with Downtown Fort Lauderdale Transportation Management Association and First Amendment to the Interlocal Agreement with Broward County.

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

FIRST AMENDMENT TO INTERLOCAL AGREEMENT - (M-11)
BROWARD COUNTY COMMUNITY BUS SERVICES –
NORTHWEST CIRCULATOR AND LAS OLAS –BEACH ROUTES

In response to Vice Mayor DuBose, Albert Carbon, Public Works Director, clarified that funding for the Northwest Circulator (Northwest) route is being removed from the Interlocal Agreement (ILA), not the route itself. Vice Mayor DuBose noted that the South Florida Regional Transportation Authority (SFRTA) grant is only for two years. He questioned whether this route could receive Community Bus funding again if the SFRTA grant is no longer available after two years. Mr. Carbon advised that, as of today, the route's ridership would qualify it for Community Bus funding. If the SFRTA grant funds are removed in two years, but the ridership remains the same, this route will still qualify for Community Bus funding. Vice Mayor DuBose thought removing the Community Bus funding creates an unnecessary hurdle. Although this funding is not currently being used, he thought the City should reserve its right to use it in the future. Patricia Zeiler, Downtown Fort Lauderdale Transportation Management Association (TMA), explained that Broward County Transit is no longer funding the Northwest route and requires that it be removed from the ILA. She reiterated that the ridership would allow the City to re-apply and be in the cue for Community Bus funding. However, this funding only covers approximately one-third of the cost. Vice Mayor DuBose sought further clarification. He noted that, historically, the Northwest and Galt routes have had the highest riderships, but difficulty keeping funding in place. He expressed concern about this cutting off a funding source in the future. Ms. Zeiler agreed, but went on to explain that the SFRTA grant will be in place for five years, with a three-year guarantee and a two-year option on the end. Further, it may be possible to entirely fund an expansion of the Northwest route with additional (SFRTA) grants. Vice Mayor DuBose pointed out that federal and state funding is not guaranteed in general.

Irvin Minney, Broward County Transit, explained that removing the Community Bus funds is an administrative action to modify the ILA. He clarified that Broward County did not request that this funding be removed from the ILA; rather, Broward County withdrew funding when it was made aware that another funding source was procured. The County has not funded this since October 1. If County funds are available and the City so desires, the City can re-apply; but it is not guaranteed.

Mr. Carbon explained that the approved City and TMA budgets in September, 2010 and October, 2010, respectively, included SFRTA funding for the Northwest route. Because Community Bus funds were not used, Broward County has requested the agreement be so modified. Vice Mayor DuBose reiterated his concern about being removed from this funding source that may present problems in the future. Mr. Carbon elaborated upon how the City distributes and utilizes Community Bus funds. The goal for the next five years is to utilize the SFRTA grant for the Northwest route and expand the number of routes throughout the city. In the event, the SFRTA funding does not come about, it would be necessary to either modify the bus routes or locate another funding source. If another funding source is needed, he maintained that the Northwest route's high ridership would ensure it would be one of the first to be funded. Vice Mayor DuBose thought having the Community Bus funds in place protects the City's funding rights in the future. It seems the City is not technically still in the ILA because the County will require re-application for the funds. Mr. Carbon believed the City's rights are not being relinquished because the route will remain in the ILA. The City must apply for Community Bus funds each year. Community Bus funds will not be requested this year for the Northwest route, but requests will be made for other routes. The ILA is modified if there is a change in funding among routes.

In response to Mayor Seiler, Mr. Carbon and Ms. Zeiler did not believe the City is prejudicing its position in any way, in terms of County funding, by removing this Community Bus funding from the ILA. Ms. Zeiler pointed out that, last year, Community Bus funds provided approximately \$45,000; the SFRTA grant will provide \$250,000 with amplified service and the City is working to maintain this funding. She stressed that Broward County Transit is the best possible partner. If a (funding) issue arises in the future, the TMA will work with them to keep this route operating. Vice Mayor DuBose maintained that it is not beneficial to remove the Northwest route's Community Bus funds from the ILA. Commissioner Rogers thought this is a case of form over substance; if funding is not received from the ILA, there is no agreement. The City meets the qualifications to apply for the Community Bus funds, and will next year. But, there will be no agreement in place without funding. He questioned the legitimacy of Vice Mayor DuBose's concern based on his understanding of the system. Vice Mayor DuBose felt that a definitive answer has not yet been provided.

Mr. Carbon suggested a modification to the ILA amendment, specifying that there are no Community Bus funds for the Northwest route; funding for this route is being derived from the SFRTA. In the event the SFRTA grant is no longer available, it can be replaced with Community Bus funds, if available.

Motion made by Commissioner Rogers and seconded by Commissioner Rodstrom to approve the item as amended to provide that funding for the Northwest Circulator route comes from South Florida Rapid Transit Authority but could be replaced with Community Bus funding should it be available Roll call showed: YEAS: Commissioner Rogers,

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

TRANSFER FUNDS - SMALL WATER MAIN REPLACEMENT PROGRAM - (M-13)
\$8,080,178.39 - PLANNED PROJECTS THROUGH 2015

In response to Commissioner Rogers, Albert Carbon, Public Works Director, confirmed that the Edgewood Water (Project 10580) project as shown in Exhibit 2 of Commission Agenda Report 11-0591 is completed and has a \$2.4 million overage and provided the specifics for this occurring. He confirmed that all of the projects in Exhibit 2 under the heading "Proposed Waterworks 2011 Project Fund Transfers" are completed and closed.

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

REJECT BIDS - PROJECT CANCELLATION – (M-17)
SMOKER PARK LIGHTING IMPROVEMENTS

Commissioner Rogers highlighted information in Commission Agenda Report 11-0615. He expressed concern because the City has easement rights, though they are limited. He wanted to see where the lights may be utilized to compliment the Riverwalk area, and not create conflict.

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

GRANT APPLICATION - PORT EVERGLADES BY-PASS ROAD - (M-19)
\$5,000,000 - FLORIDA DEPARTMENT OF TRANSPORTATION –
COUNTY INCENTIVE GRANT PROGRAM

Commissioner Rodstrom noted that the grant application is due on June 1, information was received at the end of March, but was not presented to the Commission until tonight which is not adequate time. Besides the by-pass road, there are other state highways in the city, like Las Olas and A-1-A, with traffic congestion issues. It seems staff has made this decision for the Commission. She emphasized her desire for staff to allow the Commission reasonable time to address grant information in the future. Albert Carbon, Public Works Director, clarified that this is an application, not a grant. In developing this recommendation, staff looked at projects in the City's Capital Improvement Program (CIP). The by-pass road was selected because staff did not find any projects in the City's CIP that met the grant criteria. The City's A-1-A greenway project is in the CIP, but does not qualify as a traffic congestion relief project. Commissioner Rodstrom clarified that she was referring to traffic congestion on A-1-A, in the area of the Elbo Room. Mr. Carbon was uncertain whether the State has a traffic relief project for this in its work

plan.

Mr. Carbon pointed out that this grant is contingent upon the Greater Fort Lauderdale Convention and Visitors Bureau (CVB) providing a \$5 million match. In response to Commissioner Rogers, he confirmed that Broward County, the TDC (Tourist Development Council), and Port Everglades are the participating parties..

In response to Commissioner Rodstrom, Mr. Carbon indicated that if another project was selected, the City would still have to partner with the CVB or locate another funding source to provide the required match. He elaborated upon the reasoning behind staff's decision to partner with the CVB for their provision of match funds on the by-pass road project. If the grant is awarded, the \$5 million could be used elsewhere in the city.

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

AMEND OPERATING BUDGET - APPROPRIATION - \$1,134,094 (CR-10)
RADIO SYSTEM MICROWAVE REPLACEMENT

Commissioner Rodstrom advised that she mistakenly removed this item from the consent agenda.

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

413-10742 - BRASS THREADED FITTINGS - WATER (PUR-09)
DISTRIBUTION SYSTEM - \$41,248.75

Commissioner Rogers questioned whether PVC or another type of plastic fittings is a better option, given the fact that brass is frequently stolen. Albert Carbon, Public Works Director, noted that brass is necessary in some of the components; however, staff takes measures to minimize its use. Most of the brass fittings are used on components that are underground and not easily accessed. Fittings are replaced based on age and purchased for an inventory and used on an as-needed basis. To his knowledge, the element of loss by theft is not affecting the amount of fittings being purchased.

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

**606-10466 - GENERAL WATER CONSULTANT CONTINUING
CONTRACT - ARCHITECTURAL - ENGINEERING SERVICES****(PUR-11)**

Larry Elliott of Carollo Engineers elaborated upon the advantages of the recommended approach. He supported adding a second firm to the contract. He noted Carollo's rating scores by the evaluation committee. He also noted Carollo's experience and credentials. In response to Vice Mayor DuBose, Mr. Elliott advised his office is in Sunrise, Florida. In response to Commissioner Roberts, Albert Carbon, Director of Public Works, advised that the evaluation committees for both water and wastewater were given the option to select one or more firms. Their recommendation was clearly one firm for water and one firm for wastewater. The Commission previously decided to stay with one water consultant. At the Commission's request, staff will present at the June 7 conference meeting information on the City's consultant's competitive negotiation act selection process. Mayor Seiler remarked about his advocacy for the past two years to spread work to more businesses. With this being a larger contract, he questioned why it was not recommended for award to the top two firms. Kirk Buffington, Director of Procurement Services, explained that this item is the contract. When the negotiations were authorized, it was presented as a single contractor. Wastewater was brought before this one. In response to Mayor Seiler, Mr. Buffington indicated that Hazen and Sawyer has been the City's water consultant since 1998. Mr. Elliott explained with this contract award and renewal options, there would be a total of 22 years. In response to Commissioner Rodstrom, Mr. Carbon noted that staff (evaluation committee) had the opportunity to choose one or multiple consultants and they chose one consultant. Staff could work with one which occurs with many contracts.

Commissioner Rogers thought it would be helpful to understand the committee's criteria when deciding whether there should be one or two firms. Mr. Carbon indicated that information is slated to come forward. As a matter of procedure, Commissioner Roberts wanted to be apprised of whether the recommended contractor or vendor is new or currently under contract with the City. Mr. Buffington agreed to provide that information, but noted even incumbent contractors or vendors have gone through the competitive process.

In response to Mayor Seiler, Mr. Carbon advised the estimated value of this contract is \$750,000.

In reviewing the evaluation committee minutes, Mr. Elliott expressed a strong opinion that some, if not all members were not aware that they could select two firms. In response to Mayor Seiler, Mr. Buffington advised that the procurement specialist who attended the committee meeting made the options very clear.

Mayor Seiler wanted to look into dividing the contracts.

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

MOTIONS

PROPRIETARY - SOFTWARE MAINTENANCE - PERSONNEL (MD-01)
SCHEDULING - \$10,000

Please see funding details attached to these minutes.

Purchase annual software maintenance - Telestaff personnel scheduling - presented for approval by Fire Rescue Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0690

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

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

PROPRIETARY - INCREASED EXPENDITURE - RISKMASTER (MD-02)
SOFTWARE SUPPORT - \$10,000

Please see funding details attached to these minutes.

Increased expenditure for RiskMaster software support renewal is being presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0696

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

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

**PROPRIETARY - TENNIS INSTRUCTOR AGREEMENT -
MARTY GODWIN - \$25,000****(MD-03)**

Please see funding details attached to these minutes.

One-year agreement with Marty Godwin for tennis instructor services is being presented for approval by Parks and Recreation Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0698

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

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

**PROPRIETARY - TENNIS INSTRUCTOR AGREEMENTS - EXTENSION - (MD-04)
\$235,000**

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 the Parks and Recreation Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0699

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

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

Mayor Seiler recalled that the City's tennis services were once regarded as outstanding. In light of other cities' efforts to create a unique tennis center and the fact that this and Agenda Item MD-03 will be going out for bid next year, he wanted staff to provide an update as to the City's overall quality of tennis services.

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

RESOLUTIONS

**SITE PLAN REVIEW - SPECTRUM 1500 BUILDING ASSOCIATES, LTD. (R-01)
 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: Open hearing, close hearing, introduce resolution.

Exhibit: Commission Agenda Report 11-0649

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

Mayor Seiler announced that this matter is being heard as a result of a City Commission Request for Review from a decision of the Planning and Zoning Board approving an application for a vocational school in an AIP zoning district. On April 20, 2011, the City Commission approved a motion to conduct a de novo hearing to review the development plan in connection with the property located at 4747 Northwest 15 Avenue.

Greg Brewton, Director of Planning and Zoning, provided a brief history and building specifications as detailed in Commission Agenda Report 11-0649. This application has been reviewed by staff and the Development Review Committee. It has met all of the applicable ULDR (Unified Land Development Regulations) requirements, and was unanimously approved by the Planning and Zoning Board.

Commissioner Roberts indicated that he, staff, and the applicant have been in continual contact with the Twin Lakes Homeowners Association whose main concern is not the construction of this development, but rather traffic mitigation on NW 15 Avenue between Commercial Boulevard and Prospect Road, once it is constructed. He elaborated upon the applicant's efforts to work with the association. The traffic study indicates that there will be less traffic through this area with the development in place, than if it were not constructed.

Robert Lochrie, representing the Applicant, noted his ongoing contact with the association. The following conditions were set forth at the Planning and Zoning Board meeting on March 16, 2011: 1) provide a 6 foot privacy wall on top of existing 3 foot berm on the southern side of the property; 2) rechannel the driveway by realigning and providing signage for driveway connection to NW 15 Avenue to prohibit traffic heading from the neighborhood from making a left turn into the office park and, and requiring left turns out of the office park; and 3) provide \$5,000 cash bond to be held by the City that may be used toward any additional mitigation that may be deemed necessary. He

clarified that the cash bond will be provided at the time of the building permit as the applicant desires to move forward, regardless of any future issues of the neighborhood.

There being no other individuals wishing to speak on this matter, a **motion** was made by Commissioner Roberts and seconded by Commissioner Rodstrom to close the public hearing. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None. Vice Mayor DuBose had left the meeting momentarily and was not present for this vote.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-57

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT PLAN FOR A VOCATIONAL SCHOOL AND PARKING GARAGE LOCATED AT 4747 N.W. 15TH AVENUE, FORT LAUDERDALE, FLORIDA IN AN AIP ZONING DISTRICT.

Which resolution including the conditions enumerated above was read by title only.

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

Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None. Vice Mayor DuBose had left the meeting momentarily and was not present for this vote.

**DISPOSITION OF CITY OWNED SURPLUS PROPERTY
PARCELS IDENTIFIED AS SP 11-07, SP 11-08 AND SP 11-09**

(R-02)

No budgetary impact at this time.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-0660

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-129

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING, PURSAUNT TO CITY CHARTER SECTION 8.04, CERTAIN PARCELS SP-11-07, 11-08, AND 11-09, 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 **JULY 31, 2011** AND SCHEDULED FOR FURTHER PROCEEDINGS BEFORE THE CITY COMMISSION ON **AUGUST 16, 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.

Victor Volpi, Real Estate Division, responded to Commissioner Rogers' question about the property at 1711 SW 12 Avenue being part of a vacated alley. Commissioner Rogers suggested staff check drainage for the small properties. Mr. Volpi advised that point is considered by the Property and Right of Way Committee.

Mr. Volpi responded to Commissioner Rodstrom's question about the configuration of the property at 1116 NW 8 Avenue and a potential purchaser.

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

RESCIND ACCEPTANCE OF BROWARD BOATING IMPROVEMENT GRANT - \$291,715 - SE 15 STREET BOAT LAUNCHING AND MARINE COMPLEX PROJECT (R-03)

Please see funding details attached to these minutes.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-0569

Commissioner Roberts introduced the following resolution:

Mayor Seiler understood the requirement of the City having to dedicate the land in perpetuity if the funds are accepted has been changed to twenty-five years according to his conversation with the grant administrator today. Cate McCaffrey, Director of Business Enterprises, offered to followup on confirming that this change has occurred. Concerning another question, Ms. McCaffrey advised that this project came in about \$800,000 below the estimate. Pursuant to the bid documents, the contractor was not required to comply with the prevailing wage grant requirement. She did not know how this could be handled if the City chose to go forward. Commissioner Rogers did not think strings should be attached to these funds that are really tax dollars. Ms. McCaffrey confirmed that all previous grant documents contain the perpetuity clause. Mayor Seiler was concerned about rejecting grant dollars. Commissioner Roberts thought it is more

comfortable with the twenty-five year clause instead of in perpetuity. Phil Thornburg, Acting Assistant City Manager, provided more detail on previously executed grant documents. He responded to Mayor Seiler's question that staff finds the twenty-five year clause acceptable provided the Commission also has no problem with it. Mayor Seiler asked staff to check on the twenty-five year clause as well as the prevailing wage item.

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA RESCINDING AND REPEALING RESOLUTION NO. 08-251 WHICH AUTHORIZED THE PROPER CITY OFFICIALS TO APPLY FOR A GRANT IN THE AMOUNT OF \$265,715.00 UNDER THE BROWARD COUNTY BOATING IMPROVEMENT PROGRAM FOR A FIFTY PERCENT (50%) REIMBURSEMENT OF CONSTRUCTION FEES TO THE SOUTHEAST 15TH STREET BOAT LAUNCHING AND MARINE COMPLEX ("15TH STREET GRANT PROGRAM"); AUTHORIZING EXECUTION OF ANY AND ALL DOCUMENTS NECESSARY AND INCIDENTAL TO THE ACCEPTANCE OF SUCH FUNDS; DIRECTING CITY STAFF TO CEASE PARTICIPATION IN THE 15TH STREET GRANT PROGRAM WITH APPROPRIATE NOTICE TO BROWARD COUNTY AND THE COUNTY PERSONNEL ADMINISTERING THE 15TH STREET GRANT PROGRAM; AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011, BY APPROPRIATING FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED AND PROVIDING FOR AN EFFECTIVE DATE.

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

BOARD AND COMMITTEE APPOINTMENTS

(R-04)

No budgetary impact

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

Affordable Housing Advisory
Committee

Jason Scott Crush (Commissioner Roberts)
Mandy Spangler Bartle (Consensus)

Audit Advisory Board
Board of Adjustment

Bob Oelke (Vice Mayor DuBose)
Jackie Scott (Consensus/Alternate)

Community Appearance Board	Amber VanBuren (Commissioner Rodstrom)
Historic Preservation Board	David B. Kyner (Commissioner Rogers)
Marine Advisory Board	Bob Ross (Commissioner Rogers) Jim Welch (Commissioner Rogers)
Planned Unit Development Zoning District Advisory Committee	Peter Henn (Mayor Seiler) Mario Cartaya (Commissioner Roberts) Catherine Moss (Commissioner Rodstrom) Leigh R. Kerr (Commissioner Rogers) James C. Brady (Consensus) Mary C. Fertig (Consensus)
Planning and Zoning Board	James McCulla (Commissioner Roberts) Leo Hansen (Commissioner Rogers) Tom Welch (Commissioner Rogers)

In response to Mayor Seiler and Commissioner Rodstrom, the City Attorney explained that members of the Planned Unit Development Zoning District Advisory Committee (PUD Committee) must be residents of or work in the city. Mayor Seiler expressed his desire for the PUD Committee to schedule an initial meeting.

Regarding the State’s mandatory category criteria for the Affordable Housing Advisory Committee, the City Clerk announced that member Jason Scott Crush no longer fits into the “labor and home building” category, so he was moved to the “one additional member” category. Member Mandy Spangler Bartle was moved from the “one additional member” category to the category of “not for profit in connection with affordable housing”.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-130

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

Continued on page 38*

POSITION OF CITY MANAGER*

(R-05)

**No budgetary impact
Recommend:**

Introduce resolution.

Exhibit: Commission Agenda Report 11-0752

Motion made by Commissioner Roberts and seconded by Vice Mayor DuBose to authorize Mayor Seiler to negotiate an employment contract with Lee R. Feldman for the position of city manager. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

Mr. Feldman thanked the Commission for this opportunity. The process has been a thoughtful one. He is looking forward to joining the City.

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING _____ TO THE POSITION OF CITY MANAGER OF THE CITY OF FORT LAUDERDALE AND AUTHORIZING THE PROPER CITY OFFICIALS TO NEGOTIATE A CONTRACT OF EMPLOYMENT WITH _____.

*The resolution will be considered on June 7, 2011.

ORDINANCES

REZONING TO PARKS, RECREATION AND OPEN SPACE - 1700 SW 14 COURT - CITY OF FORT LAUDERDALE - HORTT ELEMENTARY SCHOOL SITE - CASE 2-Z-11 (O-01)

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
Future Land Use: Parks and Open Space

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 11-0708

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

There were no individuals wishing to speak on this matter.

Commissioner Rogers introduced the following ordinance on SECOND 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 18TH AVENUE BETWEEN SOUTHWEST 14TH COURT AND SOUTHWEST 16TH 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 Roberts, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

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

(O-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: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 11-0709

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

There were no individuals wishing to speak on this matter.

Commissioner Rogers introduced the following ordinance on SECOND 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 18TH AVENUE BETWEEN SOUTHWEST 14TH COURT AND SOUTHWEST 16TH STREET; AND GRANTING RELIEF FROM THE ULDR REQUIREMENTS PURSUANT TO SECTION 4718.26 OF THE ULDR OF THE CITY OF FORT LAUDERDALE, FLORIDA.

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

BOARD AND COMMITTEE APPOINTMENTS

(R-04)

Continued from page 34*

Commissioner Rodstrom noted that she had previously mentioned an individual, Bob Oelke that would like to serve on the Audit Advisory Board. Vice Mayor DuBose indicated that he had met with Mr. Oelke and would like to appoint him.

Motion made by Commissioner Rodstrom and seconded by Vice Mayor DuBose to reconsider Agenda Item R-04. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

This resolution was adopted as amended to include Bob Oelke to the Audit Advisory Board. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

PLANNED UNIT DEVELOPMENT ZONING DISTRICT MORATORIUM

(O-03)

No budgetary impact.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 11-0710

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

Mayor Seiler opened the floor for public comment.

Mary Fertig, representing Idlewyld Improvement Association, hoped the question of what happens with PUD zoned property has development rights that expire. She thought there are real issues with this district and appreciated the committee being formed.

Art Seitz, 1905 North Atlantic Boulevard, felt this zoning is the ultimate variance and too often it has been abused.

Lester Zalewski, 545 South Fort Lauderdale Beach Boulevard, thought a PUD designation is merely a tool for the planning and zoning department. He thought it was well written. Oversight is crucial. He cautioned against impacting economic development.

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

PUBLIC HEARINGS

REZONING TO PLANNED UNIT DEVELOPMENT - 1224 EAST LAS OLAS BOULEVARD- FIRST PRESBYTERIAN CHURCH OF FORT LAUDERDALE - CASE 4-ZPUD-08 (PH-01)

No Budgetary Impact.

Applicant:	First Presbyterian Church of Fort Lauderdale
Location:	1224 East Las Olas Boulevard
Current Zoning:	Boulevard Business B-1, Residential Single Family/Low Medium Density RS-8, Limited Residential Office ROA, Community Facility - House of Worship and School CF-HS
Proposed Zoning:	Planned Unit Development PUD
Future Land Use:	Commercial, Low Medium Residential

Recommend: Motion to defer to September 20, 2011.

Exhibit: Commission Agenda Report 11-0739

This item was deferred to September 20, 2011.

DOCK WAIVER APPLICATION - DISTANCE OF LIMITATIONS (PH-02)
RONALD FRANCOUER - 1801 SE 21 AVENUE

No budgetary impact.

Applicant: Ronald Francouer
Location: 1801 SE 21 Avenue

Application for Waiver of Limitations - installation of 50' x 7' finger pier and 15' x 15' platform and two mooring pilings extending 65' into Intracoastal Waterway.

Recommend: Open hearing, close hearing, introduce resolution.

Exhibit: Commission Agenda Report 11-0583

Commissioner Rogers announced with whom he had spoken with concerning this matter.

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

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-131

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3.C. OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW RONALD FRANCOUER TO INSTALL AND MAINTAIN A NEW FINGER PIER WITH PLATFORM AND TWO MOORING PILINGS EXTENDING A MAXIMUM DISTANCE OF 65' INTO THE ADJACENT INTRACOASTAL WATERWAY FROM THE APPLICANT'S PLATTED PROPERTY LINE LOCATED AT 1801 SE 21ST AVENUE, 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: Commissioner Rogers, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

Commissioner Roberts had left the meeting momentarily and was not present for this vote.

REZONING TO PLANNED UNIT DEVELOPMENT - BAHIA MAR - (PH-03)
CASE 3-ZPUD-08

No Budgetary Impact.

Applicant: BRE/Bahia Mar Development, L.L.C.
Location: 813 Seabreeze Boulevard
Current Zoning: South Beach Marina and Hotel Area District SBMHA
Proposed Zoning: Planned Unit Development PUD
Future Land Use: Central Beach Regional Activity Center

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

Exhibit: Commission Agenda Report 11-0661

As to how LXR can be the applicant when the property owner is the City, Commissioner Rodstrom read an email from the City Attorney, indicating he was not aware of any formal action by the Commission to authorize LXR to act in a representative capacity for the City on this proposal. Therefore, she concluded that the City has not waived any of its rights. She thought this part of the process should first be addressed. She quoted the Unified Land Development Regulations, Section 47-37.3, conditions of PUD rezoning. In order for LXR to have been authorized by the City to be the representative, she believed there had to be some sort of formal action of the Commission. Before proceeding, she wanted this issue resolved. The City Attorney explained that the City's past policy has been for property under unified control under a long-term lease it is considered tantamount to ownership. It is specifically provided in the parking regulations that a fifty-year lease is tantamount to ownership. One example is The Sails project where there was a fifty-year lease. There was no formal action in this case, however in July of 2008, there was consensus approval for them to proceed. In November, the Commission hired a consultant to review the application for the City. Since 2008, there has been acquiescence by the City. Commissioner Rodstrom thought a resolution should have been presented at the regular meeting after the consensus was reached at the conference meeting because formal action cannot occur at conference meetings. A resolution would state the intent for giving the authorization and criteria. She believed the City would be taking all of the liability but not taking any of the benefits of being the applicant. She indicated that she has a huge problem with this. Mayor Seiler read from the July 1, 2008, conference meeting minutes. A copy of this portion of the minutes is attached to these minutes. The City Attorney confirmed as a result of that action, several months later resolutions were adopted with LXR as the applicant. Mayor Seiler felt the City would be opening itself to litigation if it stopped considering LXR as the applicant 3 ½ years after several actions otherwise. Commissioner Rodstrom did not think that LXR would sue the City, but there could be unknown plaintiffs who may come forward when it is public knowledge that the rules have not been followed. She proposed a two-week

deferral for a resolution with criteria to be considered. Commissioner Rogers agreed with the City Attorney that a fifty-year leasehold is tantamount to ownership. He did not see any purpose being served by Commissioner Rodstrom's suggestion. Commissioner Rodstrom reiterated her desire to follow the City's code and rules and regulations. Commissioner Rogers thought with the position that a fifty-year leasehold is tantamount to ownership, the City has in fact followed its code. Mayor Seiler noted actions were taken over a period of 3 1/2 years since the consensus action, recognizing LXR as the applicant. He did not think the City can say they are not recognized as the applicant now. He thought the City would be subjecting itself to litigation. Commissioner Rodstrom was certain there will be plaintiffs that come forward. She thought this is a big mistake.

Commissioner Rodstrom's motion to defer this item to June 7, 2011 died for lack of a second.

In further response to Commissioner Rodstrom, the City Attorney explained the City is the final arbitrators and final judgment on whether the property is rezoned. Commissioner Rodstrom asked about protections going forward. Both Mayor Seiler and the City Attorney pointed out that the Commission can say no. Commissioner Rodstrom did not see LXR as the authorized agent to represent the City.

In response to Commissioner Rodstrom, Peter Henn of LXR Luxury Resorts & Hotels, advised he is the authorized agent for LXR and may make decisions for them.

Commissioner Rodstrom asked if LXR would indemnify the City and hold it harmless for future litigation if this matter proceeds. Mr. Henn indicated that he would abide by what is contained in a letter he submitted in 2008 wherein he waived certain rights. The City Attorney understood the answer as no.

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

Mayor Seiler opened the public hearing.

Charles Siemon, Siemon & Larsen, P.A., representing the Applicant, asked that all information previously submitted at all previous proceedings as well as that submitted this evening be made a part of the record. He reviewed slides on this item that are attached as part of these minutes.

Peter Henn, LXR Luxury Resorts & Hotels, representing the Applicant, continued to review the slide presentation which is attached as a part of these minutes. He concluded by noting the transparency that has occurred in all parties working on this project. He discussed the changes that have occurred as a result of input from suggestions made by residents and the City.

In response to Vice Mayor DuBose, Mr. Henn advised that there will be valet and self-parking. Some of the self-parking will be metered. He expanded on the parking under Options A and E and how they differ. There are approximately 300 self-parking spaces.

Without condominium towers in the proposal, Commissioner Rogers questioned the need for a 99-year lease as opposed to amending the current lease for the remainder of that term. Mr. Henn advised that the answer is it is absolutely essential. There are twenty-eight residential units. This is a ¼ billion investment project and LXR believes the

capital market will better support the plan with 99 years. Additional dollars have been offered to compensate the City. In further response, he noted that hotel rooms are renovated customarily every 5-7 years. As to their commitment, if a management agreement was signed for the hotel, it could easily be fifty to sixty years. Mr. Henn responded to Commissioner Rogers' question concerning parking, explaining parking allotment based on this mixed-use development. Traffic engineers for the City and LXR agree that the 27% parking reduction based on the code is consistent based on standards set by the Urban Land Institute (ULI) and the Institute of Transportation Engineers (ITE). In further response to Commissioner Rogers, Mr. Henn indicated that the marina is world-class. LXR will continue to work with the boat show partners on modifications to the marina that may be needed.

Diana Alarcon, Director of Parking and Fleet Services, responded to Commissioner Rodstrom, noting renovation of Fort Lauderdale Beach Parking Lot will lose twenty-six spaces with its recent renovation. Mr. Henn advised that there are eighty spaces that LXR would like Parking and Fleet Services to control. Commissioner Rodstrom indicated that she had hoped Bahia Mar would make up for the spaces being lost at Fort Lauderdale Beach Parking Lot across the street. Mr. Henn referred to the slide that shows extra parking that fluctuates throughout the day and could be used by the public.

Mayor Seiler wanted a deed restriction prohibiting a highrise from ever being built on the back half of the site. He also wanted the parking to be preserved in that area as well. Mr. Henn thought some adjustments to Condition 27 would satisfy this request. Mayor Seiler emphasized that the site plan does not vest, it is not effective and it is not valid until the lease and development agreement are executed. All three are necessary. Also, the project will not go forward without the boat show. Mr. Henn offered to incorporate into the record a letter from Blackstone Group (Glenn Alba) in July of 2008, that with approval of the site plan, PUD conditions give LXR nine months to work with the City to come back with a lease and development agreement and work with the boat show partners.

Commissioner Rodstrom recommended a signed agreement between the boat show and LXR before second reading. Mayor Seiler did not think that two weeks is sufficient. He believed LXR needs a site plan in order to figure out the finances to then tie in with the boat show and the City.

At Commissioner Rodstrom's suggestion, there was consensus to amend Condition 13 giving the City Commission instead of the City Manager authority to grant an extension to the site plan.

Fred Carlson, representing Central Beach Alliance, pointed out that residents in the Central Beach Alliance live in the middle of a commercial area and do not want traffic congestion. Most believe it is important for the City to benefit from the revenue of a successful project even if it means a continuum of constant improvement and development. They have worked with Mr. Henn on this project for what seems like forever. They continue to be nervous about parking, but support this project and believe that the PUD process makes a wow factor possible.

Sadler James, 3073 Harbor Drive, wholly supported the PUD process. He was concerned that the site plan was not available on the web. Mayor Seiler noted the documents are available for review free of charge in the Clerk's Office. Mr. James

wanted to view them online. He did not object to 28 residential units. He did not support 99 years. He asked about the City's cost for this project in terms of maintenance and services as well as the police emergency center. Mayor Seiler advised this cost will be addressed in the lease payments and will be part of the lease and development agreement negotiations. Mr. James also raised the issue of the community center and its associated cost. He supported twenty-foot wide promenade. He discussed justification points for the parking reduction, noting that the restaurants are not included in the calculation and opposed any reduction. He wanted more than two or three days before the Commission meeting to review the lease. He returned to discuss his opposition to a parking reduction wherein he indicated that a compromise would be the 169 spaces for employees. Mayor Seiler explained that this is an opportunity to re-open consideration of the lease. If it does not make business sense, the site plan means nothing. Every economic factor will be considered. In conclusion Mr. James thought all of the items should be formatted into a checklist. Mayor Seiler reiterated that the site plan, lease and development agreement all have to be approved before anything becomes effective. Mr. James indicated in general he supports the PUD as it stands.

Miranda Lopez, 3031 NE 21 Street, supported Mayor Seiler's request concerning a deed restriction to prohibit structures on the western portion of the site. Related language in Condition 27 should be deleted. She felt site plan approval should require unanimous approval of the Commission. She did not support any parking reduction. She complimented progress made on the project. She referred to Commissioner Rodstrom's comment on representation and supported more strict application of the laws.

The following presentation was made by Mary Fertig and Anne Hilmer, representing the Idlewyld Improvement Association, using a slide presentation which is attached to these minutes.

Ms. Fertig noted that at the Planning and Zoning Board meeting the Idlewyld Improvement Association provided testimony regarding the requirement for the fee simple owner to authorize a lessee to seek a zoning change. A member of the board raised that question and was told they would not be present otherwise. This remains a question. Two other questions come to mind: does the City follow its own rules and if a fifty-year lease is tantamount to ownership, what about a ninety-nine-year lease. She reviewed some of the history on this project.

Ms. Hilmer discussed changes made to the proposal, coming to what is called Option E. Without very strict conditions, she believed the developer could return in a few years, amend the PUD to build on the open space after having added several stories to the hotel.

Ms. Fertig emphasized the need for strict conditions on the property, shown as Conditions 1 through 4.

Ms. Hilmer advised that one week before the ordinance went to a vote, residents found out that the conditions making Option E a viable plan had been watered down to the point of being unacceptable. She explained that Ms. Fertig and she agreed to the compromise because they believe it is right for the city today and in the future.

Ms. Fertig made the following requests: 1) tasteful signage; 2) number of events per year specified; 3) amplification for events does not intrude on the quality of life for neighbors on either side of the Intracoastal; 4) adequate parking; 5) maximize

promenade space to 30-50 feet. She went on to discuss information from a website on how to transform a waterfront. Plans for this largest piece of waterfront property under City ownership should take advantage of its size and location.

Ms. Hilmer indicated that there is no need to adopt this PUD unless it truly preserves and enhances. The park and promenade space will preserve, protect and enhance.

Ms. Fertig indicated that even with conditions to Option E, there are still serious questions, especially those dealing with parking. She hoped they can be addressed while holding the compromise together. She requested the ordinance and site plan be amended to include the conditions (shown in the slide presentation).

Lester Zalewski, vice president of Central Beach Alliance, indicated that he resides in Illini which is the closest residential building to this project. He noted that the Alliance voted in favor of the original concept. He raised the idea of combining this development with the International Swimming Hall of Fame and other area parcels. He mentioned another City owned parcel across the street under lease by the Oasis and the possibility of opening space to the beach. He felt the project should take all of this into consideration.

Skip Zimbalist, president of Show Management, advised that Show Management operates the boat show. There are actually six sites involved: International Swimming Hall of Fame, Las Olas Marina, Hilton Grand, Convention Center, Pier 66 and Bahia Mar. Show Management would like Bahia Mar to be a beautiful, functional, world-class site for the boat show. Fort Lauderdale must continue to compete with other sites who have expended tens if not hundreds of millions of dollars in improvements. Something has to be done in Fort Lauderdale and this site accomplishes that. Another point of consideration is logistics, ease of use. LXR has made numerous changes to accommodate the boat show and Show Management is satisfied with what has been done. They are working on the economic aspect. He wanted that to be concluded before final approval. He believed the improvements in this PUD will go a long way in making sure that Fort Lauderdale is the preeminent boat show in the world for a long time to come and expressed support of the proposal.

Art Seitz, 1905 North Atlantic Boulevard, encouraged more feedback be sought. He believed that LXR will sell the property and profit greatly from it. He felt the Sasaki Beach Master Plan should be followed. He discussed how restaurants and other amenities on a promenade of 40 to 50 feet in width would bring people to the beach. It will be an asset to the boat show. The Fire Rescue Department would appreciate the accessibility. He requested a clause prohibiting casino gambling. He advocated making provisions for vistas on the rooftops of facilities.

Carlos Vidueira, executive director of Marine Industry Association of South Florida, thanked the Commission for their support of the boat show. He guaranteed that the association will make maximizing economic impact from the boat show their number one priority. He expressed support for Option E. In response to Commissioner Rodstrom, Mr. Vidueira indicated no progress has been made with negotiations on their agreement with LXR since the last hearing, however he believed they could make quick progress if they are committed to doing so and he believed from comments made this evening that they are so committed.

Andy Madtes, representing Local 355 of South Florida hospitality-sector workers in hotel,

airport concessions and gaming facilities, viewed this project as an opportunity to create quality, sustainable jobs. He expressed support of the project and urged all parties to work together on it. He submitted a letter, dated May 17, 2011, supporting the project, which was made a part of the record.

Mr. Henn made closing remarks.

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

Commissioner Rodstrom asked about LXR's financing. Mr. Henn advised that pursuant to the lease LXR provides their financials to the City every year. They have not yet gone to the market and would not anticipate doing so until the building permit time frame. With who they are and their experience, they are optimistic it will be something that happens in the normal course of business. He could not seek a loan on a project that is not yet approved. He has no letter of intent or loan commitment. She asked for more information about what happened with the financing for the hotel at the convention center. Mr. Henn indicated that Hilton was not the applicant, only the flag. He went on to elaborate upon that matter. He also responded to Commissioner Rodstrom's question about the property at Sunrise Lane and Sunrise Boulevard that they purchased and sold at a loss. In further response, he elaborated upon the process and the time involved before he will approach the capital markets. Commissioner Rodstrom raised concern of the barrier island being over flooded with condominium. Mr. Henn thought Fort Lauderdale and Broward County did not allow a lot of development and as such some equilibrium is beginning to occur. Moreover, the request is only for twenty-eight units.

Mr. Henn responded to Commissioner Rodstrom's question about the building height. Commissioner Rodstrom noted that eliminating some of the floors would solve parking problems. She thought that permanent residences would violate the lease and charter. Mr. Henn advised that there will not be any fee simple transfer of ownership, but rather assignment of a leasehold interest. However, he believed the units will pay the full freight in property taxes. In further response, Mr. Henn advised that LXR pays the taxes in addition to the rent. Commissioner Rodstrom believed taxes are based on improvements and not the land itself. The City Attorney advised that the leasehold interests on the land is taxed as well as improvements, which are both paid by LXR. In response to Commissioner Rodstrom, the City Attorney indicated that the taxable value of the land, if taxed, would probably be the same as it is now because the 99-year lease is tantamount to fee ownership for purposes of taxation. The property has more value the longer the lease, but it is less than fee ownership. Mr. Henn believed LXR pays in excess of \$30 million with structural and land components. LXR would agree to pay the full tax as if it was fee ownership.

Commissioner Rodstrom noted that the 293 trips discussed in Exhibit 1 of Commission Agenda Report 11-0661 are for the PUD, but there are already existing assigned trips.

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts to amend Condition 13 changing City Manager to City Commission. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

In response to Commissioner Rodstrom's question about Condition 12 concerning phasing, Mr. Henn believed the market will determine phasing. LXR will not stop a component if there is an interest. He noted the code provision of a seven-year development cycle. Because of the boat show, LXR only has a ten-month construction year and that is why they have eight years. During this time, he anticipated the property will be upgraded through DoubleTree, one of the restaurants, some of the public improvements and the Waldorf. Because of financing, he believed the public park will be several years out. If the restaurant at the northern point of the Intracoastal proceeds, LXR will also have to start the park area which also helps the boat show with property clearing. It is written so that as private portions proceed, certain portions of public development must be done.

In further response to Commissioner Rodstrom concerning Condition 15, Mr. Henn advised that there has been a variance in effect on the property since 2002 in order to accommodate the boat show and the current PUD landscape approval will substitute for that variance, keeping the same intent.

Commissioner Rodstrom asked about Condition 17, C, Mr. Henn advised that is done with usually with building permit and the general contractor stage. All of the general contractors will use best practices. LXR will be operating the marina and hotel during the construction and will have a desire to be world-class and seamless at that point. He anticipated the staging would be clustered in the middle.

Concerning Condition 27, Commissioner Rodstrom asked what happens if the boat show cannot continue due to economic viability. Mr. Henn explained the intent was to give the City the right to do something with the property if LXR was in default and the boat show discontinued. If the last sentence was deleted, Condition 27 could become a deed restriction. Conceptually he believed that staff, Idlewyld and LXR are in agreement, and he believed the language could be adjusted to everyone's satisfaction. Commissioner Rodstrom thought this is the area where Idlewyld Improvement Association's request would have been included and she asked it be addressed by second reading. She also thought something should be included to guarantee that the boat show is viable because the zoning is on the land regardless of what happens with the boat show and so forth. Mr. Henn believed the plan works without the boat show and works better even better than the current situation with the boat show.

Ella Parker, Planning and Zoning, confirmed for Commissioner Rodstrom that the PUD district open space requirement is per residential unit and probably about 4,200 square feet according to the zoning code. In further response, Ms. Parker advised that the regulations speak about providing pedestrian to all areas. Ms. Parker noted public purpose justifications for the site would include the promenade and accommodation of the boat show as well as open access to the public to the various shops and so forth. The applicant would not necessarily have to provide public access by a promenade. Commissioner Rodstrom wanted to assure that the PUD zoning is increasing the public purpose amenities.

In response to Commissioners Rogers and Rodstrom, Dennis Girisgen, Engineering Division of Public Works, advised that the parking reduction complies with the code and complies with the Urban Land Institute's principles. Staff would have to calculate how many stories would need to be eliminated in order to remove the parking reduction

altogether. Ms. Parker advised that the proposed park area is 1.2 acres

Motion made by Commissioner Rodstrom to delete the residential component died for lack of a second. Mayor Seiler had left the meeting momentarily.

In response to Commissioner Rogers, Mr. Henn referred to Condition 5 about noise concerns of Idlewyld neighborhood and elaborated upon the objective of this condition and the code. Further restrictions may be imposed in the development agreement. Commissioner Rodstrom believed a restriction concerning outdoor entertainment could be imposed with the site plan. Also, there are neighborhood compatibility issues that must be followed.

In response to Commissioner Rogers' question on Conditions 13 and 16, Mr. Henn advised that a performance bond is reflected in Condition 14 and explained how it would work. Additional discussion ensued concerning bonding.

Mr. Henn clarified the location of the north trolley stop reflected in Condition 12 for Commissioner Rogers.

Commissioner Rogers wanted to restrict development on the back half of the site where more of the public improvements exist, but questioned a self-imposed deed restriction that could be removed by a vote of the Commission. He wanted language added without affecting the property's value. Mr. Henn was confident it could be accomplished, working with the City Attorney.

Commissioner Roberts wanted to move forward and appreciated questions as well as points made by Mayor Seiler.

In response to Commissioner Rogers, Mr. Henn advised the number of stories are three-part: 26, 24 and 22. What has been presented works economically for LXR. The lease economics cannot be addressed until something can be nailed down. It is less than three-hundred feet. Commissioner Rodstrom noted current zoning is twelve stories maximum or 120 feet. Mr. Henn responded to Commissioner Rodstrom's question, explaining certain language that mentions mechanical enclosures is a full disclosure that elevator enclosures, for example, would be beyond the 294-foot height measurement. For purposes of the City's code, the building would be measured at 294 feet.

Commissioner Rodstrom was concerned about being able to negotiate with future developers if LXR, on public land, is allowed a structure that is the tallest on the barrier island, not a design that is totally to die for or compatible with the neighborhood and setting precedence for the entire barrier island. Mr. Henn did not think LXR was treated differently because the site is public land. This site has 16 acres of upland. Some areas will not be developed. Instead of spreading buildings across the entire site, one building clustered in the corner is proposed which allows for a park, a promenade and a platform for the boat show. This is how the height is justified.

Mayor Seiler reiterated his request for protection against development on the back half of the site in response to the Idlewyld neighborhood, the community at-large and the boat show. This item and others discussed need to be addressed on second reading. He noted that LXR continues to assume all risk relating to the lease, site plan and development agreement being tied together. Commissioner Rodstrom inquired about

zoning the 1.2 acres on the back side of the site to park. Making reference to continuing changes with regard to the boat show, Mayor Seiler indicated he would like for the City to have flexibility and not to be tied to 1.2 acres. With no structure, things can be moved around. However, he wanted to prohibit any highrise on the back half of the site.

Commissioner Rogers reiterated his concern about parking. He agreed with Commissioner Rodstrom that he would prefer the building to be iconic rather than tall. He suggested this site with the International Swimming Hall of Fame (ISHOF) site.

Mayor Seiler believed it is unanimous that the back half needs to be protected. He suggested staff meet with the Commission individually on other specific items. In response to Commissioners Rodstrom and Rogers, Mr. Brewton agreed to determine how many stories would need to be removed in order to not necessitate a parking reduction.

Exhibit 1 of Commission Agenda Report 11-0661 is attached to these minutes.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-12

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM SBMHA TO PLANNED UNIT DEVELOPMENT ("PUD"), INCLUDING APPROVAL OF A DEVELOPMENT PLAN KNOWN AS BAHIA MAR PUD AND ESTABLISHING THE DEVELOPMENT STANDARDS FOR THE PROPERTY INCLUDING BUT NOT LIMITED TO USES, HEIGHT, YARD, SETBACK, PARKING, OPEN SPACE AND LANDSCAPING, ALL THAT PART OF "BAHIA MAR" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 35, PAGE 39 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING WEST OF THE WEST RIGHT-OF-WAY OF SEABREEZE BOULEVARD, LESS AND EXCEPT: PARCEL 1; ALSO EXCEPTING THEREFROM THE NORTH 80 FEET OF PARCEL 34, OF SAID "BAHIA MAR", LOCATED BETWEEN SEABREEZE BOULEVARD AND THE INTRACOASTAL WATERWAY, NORTH OF HARBOR DRIVE AND SOUTH OF THE INTERNATIONAL SWIMMING HALL OF FAME, 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 Roberts, Vice Mayor DuBose, and Mayor Seiler. NAYS: Commissioner Rodstrom.

Commissioner Rogers clarified that his vote to approve includes the caveat stated on

parking and height.

Note: The City Commission adjourned the regular meeting at 12:19 a.m. and returned to the conference meeting, from 12:20 a.m. to 1:18 a.m. The Commission then convened as the Community Redevelopment Agency Board of Directors from 1:18 a.m. to 1:23 a.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk