

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
JUNE 21, 2011

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
June 21, 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:	City Manager	Lee R. Feldman
	City Auditor	John Herbst
	City Clerk	Jonda K. Joseph
	City Attorney	Harry A. Stewart
	Sergeant At Arms	Sergeant Dave Cortes

Invocation was offered by Reverend Thomas Hackett, Trinity Lutheran Church, followed by the recitation of the pledge by Marsha Ellison, president of the Fort Lauderdale Branch of the NAACP.

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

Motion made by Commissioner Roberts and seconded by Vice Mayor Rogers to approve the minutes of the March 15, 2011 Special Meeting and May 3, 2011 Regular Meeting. Roll call showed: YEAS: Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

Presentations

1. EULA GANDY JOHNSON DAY – JULY 3, 2011 (PRES-01)

Vice Mayor DuBose presented a proclamation designating July 3, 2011, as Eula Gandy Johnson Day in the City to Marsha Ellison, president of the Fort Lauderdale Branch of the NAACP. Ms. Ellison thanked the Commission. She expressed pride in recognizing Eula Johnson's life as a civil rights activist who believed in equal treatment of all people. Mayor Seiler announced an upcoming event at the Eula Johnson House.

2. **33RD ANNUAL COMMUNITY APPEARANCE BOARD (PRES-02)**
WOW AWARD PROGRAM SPONSORS AND
KEYNOTE SPEAKERS

Commissioner Rodstrom recognized the following sponsors and keynote speakers of the 33rd Annual Community Appearance WOW Award Program: Dickey Consulting Services, Inc.; Doumar, Allsworth, Laystrom, Voigt, Wachs, Adair, Parke, & Brosack, LLP; Floridian Partners, LLC; Gold Coach Tours, LLC; Gold Coast Rent-All, Inc.; Harbor Park Warehouse, LLC; Judith Stern Consulting, Inc.; Lochrie & Chakas, P.A.; Mimi Sall, Rick Docen Photography; Stiles Corporation; The Rubin Group, Inc.; Susan Gillis; and Anthony Abbate. Mayor Seiler thanked the keynote speakers and the sponsors for their support.

3. **PARKS AND RECREATION MONTH – JULY, 2011 (PRES-04)**

Commissioner Rogers presented a proclamation designating July, 2011, as Parks and Recreation Month in the City to Matthew Weiss, Chair of the Parks, Recreation and Beaches Advisory Board. Mr. Weiss thanked the Commission, and Mayor Seiler, in turn, thanked him and the members of the Parks, Recreation and Beaches Advisory Board for their service to the City.

4. **DONATION FROM FIRE-RESCUE AND POLICE (PRES-03)**
DEPARTMENTS - USED EQUIPMENT TO EMERGENCY
AGENCIES ON THE ISLAND OF HAITI

William Findland, Assistant Fire Chief, announced that the Greater Fort Lauderdale Sister Cities International (Sister Cities) will facilitate a donation of the City's surplus police and fire rescue equipment to emergency responders in Haiti. The donation includes 70 sets of firefighting protective clothing; 15 ballistic vests; 15 sets of law enforcement duty gear; and 25 decommissioned police uniforms. Antonio Marcelli, Haiti Chair, Greater Fort Lauderdale Sister Cities International, thanked Mayor Seiler, Fire Rescue Chief Jeff Justinak, and Police Chief Frank Adderley for the donation. He noted the great need for this equipment in the city of Cap Haitien. Mayor Seiler recommended Sister Cities to any interested residents seeking involvement with a noteworthy organization.

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 - THE MIDTOWN JAZZ MINGLER**(M-01)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Sunrealm, Inc., for The Midtown Jazz Mingler, to be held on the following Saturdays in 2011: August 13 and September 10, 2011, 5 PM - 8:30 PM, at Joseph C. Carter Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0808

EVENT AGREEMENT - ST. THOMAS ALUMNI REUNION**(M-02)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Quarterdeck Cordova, Inc. for St. Thomas Alumni Reunion, to be held June 24, 2011, 6 PM - 11 PM, at the Quarterdeck - 1541 Cordova Road.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0879

EVENT AGREEMENT - NTI-CARE FAMILY & FRIENDS DAY**(M-03)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Nti Articulate Empowerment Learning Center, Inc. for Nti-Care Family & Friends Day 2011, to be held on July 30, 2011, 10 AM - 4 PM, on the east field of Joseph C. Carter Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0877

EVENT AGREEMENT - FOURTH OF JULY WEEKEND CELEBRATION**(M-04)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Fort Taco Ltd. for the Fourth of July Weekend Celebration, to be held on July 3, 2011, 5 PM - 11 PM, at Rocco's Tacos - 1313 East Las Olas Boulevard.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0878

AGREEMENT - OPERATION OF LOCKHART STADIUM (M-05)
SCHOOL BOARD OF BROWARD COUNTY*

No budgetary impact.

A motion authorizing the proper City Officials to execute an extension to the existing agreement with School Board of Broward County, in substantially the form provided, for operation of Lockhart Stadium - subject to and conditioned on Federal Aviation Administration (FAA) approval, for the period from July 1, 2011, or such other date of written approval by FAA, whichever is later, through December 31, 2012.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0925

*This Commission Agenda Report (11-0925) was revised in accordance with Memorandum 11-181 which is attached to these minutes.

LOCATION AGREEMENT - RIVAL MEDIAL LIMITED (M-06)
PRODUCTION OF TELEVISION SERIES - FORT LAUDERDALE
BEACH AND AQUATIC COMPLEX

No budgetary impact.

A motion authorizing the proper City Officials to execute a location agreement with Rival Media Limited for production of a television series in areas along Fort Lauderdale Beach and Aquatic Complex.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0896

SPEED HUMP INSTALLATION - NE 51 STREET - \$13,500 (M-07)
THE LANDINGS - NORTH GOLF ESTATES

Please see funding exhibit attached to these minutes.

A motion authorizing installation of five speed humps on NE 51 Street, between Federal Highway and Bayview Drive, at an estimated cost of \$13,500 - The Landings - North Golf Estates - Project 11616.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0924

COMMUNITY ENERGY STRATEGIC PLANNING ACADEMY INITIATIVE (M-08)
UNITED STATES DEPARTMENT OF ENERGY**No budgetary impact.**

A motion authorizing the Mayor to sign letter of support for City participation in Community Energy Strategic Planning Academy initiative by United States Department of Energy.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0894

CHANGE ORDER 2 - CLOSE CONSTRUCTION, INC. - \$54,936.63 (M-09)
LOHMEYER WASTEWATER TREATMENT PLANT - LIQUID OXYGEN –
CONCRETE IMPROVEMENTS**Please see funding exhibit attached to these minutes.**

A motion authorizing 1) Change Order 2 with Close Construction, Inc., in the amount of \$54,936.63 - additional work - liquid oxygen and concrete improvements at Lohmeyer Wastewater Treatment Plant - Project 11582 and 2) transfer \$54,936.63 for change order and \$14,832.89 for 17 percent engineering fees and 10 percent contingency.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0837

CHANGE ORDER 1 - GONZALEZ & SONS EQUIPMENT, INC. - \$15,137.35 (M-10)
ADD 1.5 DAYS - NW SECOND AVENUE WATER STORAGE TANK
AND PUMP STATION**Please see funding exhibit attached to these minutes.**

A motion to authorize Change Order 1 with Gonzalez & Sons Equipment, Inc., in the amount of \$15,137.35 plus 17 percent engineering fees - NW 2 Avenue Water Storage Tank and Pump Station - quantity adjustments and the addition of 1.5 non-compensable calendar days to contract period - Project 11405.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0865

CHANGE ORDER 2 - WEST CONSTRUCTION, INC. - \$65,000 (M-11)
SOUTH SIDE SCHOOL RESTORATION AND HARDY PARK

Please see funding exhibit attached to these minutes.

A motion authorizing the proper City Officials to execute Change Order 2 to West Construction, Inc., in the amount of \$65,000 - increase reimbursable fee allowances - South Side School Restoration and Hardy Park - Project 10777D.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0885

CHANGE ORDER 4 - B.K. MARINE CONSTRUCTION, INC. - 58,700 (M-12)
STABILIZE SHORELINE - BILL KEITH PARK

Please see funding exhibit attached to these minutes.

A motion authorizing the proper City Officials to execute Change Order 4 to B.K. Marine Construction, Inc., in the amount of \$58,700 - stabilize shoreline at Bill Keith Park - 2010-2011 Annual Marine Facilities Maintenance Contract - Project 11525.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0889

CHANGE ORDER 4 - LANZO LINING SERVICES, INC. - FLORIDA - (M-13)
NO COST - SEWER BASIN A-23 - LONG TERM SANITARY SEWER
REMEDICATION AND ANNUAL REPAIR

No budgetary impact.

A motion authorizing Change Order 4 to Lanzo Lining Services, Inc. - Florida - quantity adjustments, resulting in no additional cost - Wastewater Conveyance System - Long-Term Remediation Program Rehabilitation Project 17 - Sewer Basin A-23 and Annual Sewer Repair Contract - Project 11497.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0893

CONTRACT AWARD - LELACK CORPORATION - \$29,430 (M-14)
HARBORDALE ENTRYWAY SIGNS - NEIGHBORHOOD CAPITAL
IMPROVEMENT PROGRAM

Please see funding exhibit attached to these minutes.

A motion authorizing the proper City Officials to 1) award and execute contract with Lelack Corporation, in the amount of \$29,430 - entryway signs - Harbordale Civic Association, Inc. and 2) transfer funds - Neighborhood Capital Improvement Program - Project 11514.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0890

CONTRACT AWARD - MBR CONSTRUCTION, INC. - \$413,000 (M-15)
SOUTH MIDDLE RIVER PARK

Please see funding exhibit attached to these minutes.

A motion authorizing 1) proper City Officials to award and execute contract with MBR Construction, Inc., in substantially same form as provided in request for bid, subject to approval by City Attorney, in the amount of \$413,000 - construction of South Middle River Park - Project 11232 and 2) transfer funds for this project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0903

LEASE AGREEMENT - POLICE TECHNICAL SERVICES WAREHOUSE (M-16)
SPACE - 621 SW 21 TERRACE - CATHERINE R. ESLER - \$5,600-
FIRST TWO YEARS ANNUALLY

Please see funding exhibit attached to these minutes.

A motion authorizing the proper City Officials to execute renewal and lease agreement with two, three-year renewal options with Catherine R. Esler - police technical services warehouse space - 621 SW 21 Terrace, Building 3, Bay 3 - July 1, 2011 through June 30, 2014 - first two years annual amount of \$5,600.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0939

GRANT APPLICATION - 2011 BULLETPROOF VEST PARTNERSHIP - (M-17)
\$77,740 - UNITED STATES DEPARTMENT OF JUSTICE

Please see funding exhibit attached to these minutes.

A motion authorizing the proper City Officials to apply for grant funds, in the amount of \$77,740, from United States Department of Justice - 2011 Bulletproof Vest Partnership Grant Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0915

PROCUREMENT OF WORKERS' COMPENSATION INSURANCE (M-18)

No budgetary impact.

A motion authorizing negotiations with current carrier, Star Insurance Company, for purchase of workers' compensation insurance, as prescribed in Code of Ordinances, Section 2-199(3) - October 1, 2011 through September 30, 2012.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0850

PROCUREMENT OF PUBLIC OFFICIALS AND EMPLOYMENT PRACTICES LIABILITY INSURANCE (M-19)

No budgetary impact.

A motion authorizing negotiations with all available and appropriate markets for purchase of public officials and employment practices liability insurance, as prescribed in Code of Ordinances, Section 2-199(3) - November 1, 2011 through October 31, 2012.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0851

BUDGET AND MILLAGE RATE PUBLIC HEARING DATES – FISCAL YEAR 2011- 2012 (M-20)

No Current Year Budgetary Impact.

A motion setting public hearing dates relating to fiscal year 2011-2012 budget and millage for the City and Sunrise Key Neighborhood Improvement District - 6 PM, September 7 and September 20, 2011.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0898

KIDS IN DISTRESS BACK TO SCHOOL DRIVE - JULY 1-31, 2011 (M-21)

No budgetary impact.

A motion authorizing Fort Lauderdale Fire-Rescue Department to receive donations from the public for 1st Back to School Drive to benefit Kids in Distress.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0852

**USED FIRE-RESCUE AND POLICE EQUIPMENT (M-22)
DONATION TO EMERGENCY SERVICE AGENCIES
ON THE ISLAND OF HAITI**

No budgetary impact.

A motion authorizing a donation to emergency service agencies on the island of Haiti of used fire rescue and police equipment with Greater Fort Lauderdale Sister Cities International assisting in the delivery.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0875

**CONSENT TO ASSIGNMENT OF LEASE AND ASSUMPTION AGREEMENT (M-23)
CITY PARK MALL - SHOP 136 - ASSIGNMENT TO RIDDLEZ CAFE LLC**

Please see funding exhibit attached to these minutes.

A motion authorizing the proper City Officials to execute Consent to Assignment and Assumption of Lease between Bob & Wilson, Inc., Assignor and Riddlez Cafe, LLC, Assignee for Shop 136 at City Park Mall.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0938

**AMENDMENT TO NON-VEHICULAR ACCESS LINES AGREEMENT (M-24)
NORTHWEST COMMERCIAL REDEVELOPMENT**

No budgetary impact

A motion authorizing the proper City Officials to execute amendment to non-vehicular access lines agreement with Broward County, Milton Jones Development Corporation, Milton L. Jones, Jr. and Barbara H. Jones - removing non-vehicular access lines from plat to be consistent with approved site plan - Northwest Commercial Redevelopment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0792

**FOURTH AMENDMENT TO DEVELOPMENT AGREEMENT –
MJDC AOA, LLC - NORTHWEST COMMERCIAL REDEVELOPMENT**

(M-25)

No budgetary impact

A motion authorizing the proper City Officials to execute Fourth Amendment to development agreement with MJDC AOA LLC - Northwest Commercial Redevelopment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0933

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

CONSENT RESOLUTION

**AMEND OPERATING BUDGET - APPROPRIATION - \$6,000
SPONSORSHIP - 2011 STARLIGHT MUSICALS**

(CR-01)

Please see funding exhibit attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0909

RESOLUTION NO. 11-179

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.

**WATER CONSERVATION PROGRAM - \$323,630.58
INTERLOCAL AGREEMENT - BROWARD COUNTY**

(CR-02)

Please see funding exhibit attached to these minutes.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-0902

RESOLUTION NO. 11-180

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.

CHANGE ORDER 3 - SOLUTION CONSTRUCTION, INC. - \$21,408.01 (CR-03)
SOUTH ANDREWS AVENUE WATER MAIN IMPROVEMENTS

Please see funding exhibit attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0895

RESOLUTION NO. 11-181

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.

CHANGE ORDER 1 - MOLLOY BROS., INC. - \$190,000 (CR-04)
SISTRUNK BOULEVARD WATER MAIN TIE-INS

Please see funding exhibit attached to these minutes.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-0940

RESOLUTION NO. 11-182

A RESOLUTION OF THE CITY COMMISSION OF

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

SIDEWALK REPAIR - 205 NE 16 TERRACE AND 1513 SE 2 COURT

(CR-05)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0874

RESOLUTION NO. 11-183

A RESOLUTION REQUIRING THE OWNERS OF CERTAIN PARCELS OF REAL PROPERTY TO RECONSTRUCT OR REPAIR SIDEWALKS ABUTTING THEIR PROPERTIES LOCATED AT 205 NE 16 TERRACE AND 1513 SE 2 COURT 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 PROPERTIES.

**AMEND OPERATING BUDGET - APPROPRIATION - \$20,000
CORROSION INHIBITOR - PEELE DIXIE WATER TREATMENT PLANT**

(CR-06)

Please see funding exhibit attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0871

RESOLUTION NO. 11-186

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.

STREET NAME ADDITION - GERRY COOPER'S WAY (CR-07)
NE 5 TERRACE BETWEEN NE 13 STREET TO ROAD CLOSURE

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0921

RESOLUTION NO. 11-185

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA ADDING THE NAME "GERRY COOPER'S WAY" TO THE SECTION OF NE 5TH TERRACE BETWEEN NE 13TH STREET TO THE ROAD CLOSURE LOCATED APPROXIMATELY 100 FEET NORTH OF NE 13TH STREET.

DEDICATE ELECTRIC UTILITY EASEMENTS - FLORIDA POWER (CR-08)
AND LIGHT COMPANY - \$300 -ELECTRICAL SERVICE
TO SOUTH SIDE SCHOOL

Please see funding exhibit attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0905

RESOLUTION NO. 11-193

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION AND DELIVERY BY THE PROPER CITY OFFICIALS OF THREE EASEMENT DEEDS TO FLORIDA POWER AND LIGHT COMPANY FOR INSTALLATION, CONSTRUCTION, OPERATION, MAINTENANCE AND REPLACEMENT, FROM TIME TO TIME, OF ELECTRICAL FACILITIES, MORE PARTICULARLY DESCRIBED BELOW, FOR SERVICING THE SOUTHSIDE PROPERTIES, THE LOCATION OF THE EASEMENT AREAS BEING MORE PARTICULARLY DESCRIBED BELOW; REPEALING ALL PRIOR RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith; ESTABLISHING THE EFFECTIVE DATE.

**BOND AND DISCLOSURE COUNSEL - GENERAL OBLIGATION
BOND ISSUE - \$20 MILLION - FIRE RESCUE FACILITIES***

(CR-09)

No Budgetary Impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0931

RESOLUTION NO. 11-186

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING THE LAW FIRM OF SQUIRE, SANDERS & DEMPSEY L.L.P. TO ACT AS BOND COUNSEL AND STEVEN BULLOCK OF THE LAW FIRM OF STEVEN BULLOCK P.A. TO ACT AS DISCLOSURE COUNSEL TO THE CITY OF FORT LAUDERDALE, FLORIDA IN CONNECTION WITH THE FIRE RESCUE FACILITIES BOND ISSUE, SERIES 2011.

*This item (Commission Agenda Report 11-0931) was revised in accordance with Memorandum No. 11-182 which is attached to these minutes.

**AMEND OPERATING BUDGET - APPROPRIATION - \$763,948
CHANGE ORDER - INCREASE FUEL PURCHASE ORDER –
PORT CONSOLIDATED, INC.**

(CR-10)

Please see funding exhibit attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0912

RESOLUTION NO. 11-187

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

AMEND OPERATING BUDGET - APPROPRIATION - \$5,000 (CR-11)
CENTENNIAL SPONSORSHIP - WHEELABRATOR

Please see funding exhibit attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0891

RESOLUTION NO. 11-188

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 - \$708.75 (CR-12)
CENTENNIAL SPONSORSHIP - CHARLES FAZZINO OF MUSEUM EDITIONS, LTD

Please see funding exhibit attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0892

RESOLUTION NO. 11-189

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.

RESCHEDULING JULY 5, 2011 CITY COMMISSION MEETINGS (CR-13)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0932

RESOLUTION NO. 11-190

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE JULY 5, 2011, REGULAR AND CONFERENCE MEETINGS OF THE CITY COMMISSION TO JULY 6, 2011.

AGREEMENT - OPERATION OF FORT LAUDERDALE STADIUM – (CR-14)
TRAFFIC SPORTS USA, INC. - AMEND OPERATING BUDGET –
APPROPRIATION - \$32,500*

Please see funding exhibit attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-0922

RESOLUTION NO. 11-191

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AGREEMENT WITH TRAFFIC SPORTS USA, INC., FOR OPERATION OF FORT LAUDERDALE STADIUM, SUBJECT TO AND CONDITIONED ON FEDERAL AVIATION ADMINISTRATION APPROVAL, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011, BY APPROPRIATING FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT, AND PROVIDING FOR AN EFFECTIVE DATE.

*This Commission Agenda Report (11-0922) was revised in accordance with Memorandum 11-180 which is attached to these minutes.

CONTRACT AWARD - GREEN CONSTRUCTION TECHNOLOGIES, INC. – (CR-15)
\$767,667- HORTT PARK COMMUNITY CENTER

Please see funding exhibit attached to these minutes.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-0849

RESOLUTION NO. 11-192

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.

PURCHASING AGENDA

512-10700 - PLANTS, SHRUBS AND GROUNDCOVERS CITYWIDE – (PUR-01)
\$77,000

Please see funding exhibit attached to these minutes.

One-year contract with three, one-year renewal options, for purchase of plants, shrubs and groundcover at various locations citywide is being presented for approval by Parks and Recreation Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0695

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

502-10590 - INCREASE EXPENDITURE - TREES AND PALMS CITYWIDE – (PUR-02)
\$30,000

Please see funding exhibit attached to these minutes.

Increase expenditure for purchase of trees and palms for various parks and medians citywide is being presented for approval by Parks and Recreation Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0771

The Procurement Services Department has reviewed this item and recommends increase in expenditure.

523-10771 - SOFTBALL OFFICIATING SERVICES - MILLS POND PARK – (PUR-03)
\$108,500 ANNUAL

Contract is subject to approval and appropriation of the 2011/2012 budget.

One-year contract with three, one-year renewal options to provide officiating services for softball leagues at Mills Pond Park is being presented for approval by Parks and Recreation Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0881

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

B-11-42 - CO-OP HORTICULTURAL CHEMICALS - \$70,000 (PUR-04)

Please see funding exhibit attached to these minutes.

One-year contract with one, one-year renewal option, for purchase of horticultural chemicals is being presented for approval by Parks and Recreation Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0882

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

512-10767 - SOCCER UNIFORMS - \$26,640 ANNUAL (PUR-05)

Please see funding exhibit attached to these minutes.

One-year contract with three, one-year renewal options, for purchase of soccer uniforms is being presented for approval by Parks and Recreation Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0888

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

CISCO SMARTNET COMPUTER NETWORKING EQUIPMENT & SOFTWARE SUPPORT - \$80,260.90 (PUR-06)

Please see funding exhibit attached to these minutes.

Cancel award of Cisco SmartNet computer networking equipment and software support to Waveguide Communications, Inc. and award to Prosys Information Systems, Inc. -

presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0873

The Procurement Services Department has reviewed this item and recommends canceling award to Waveguide Communications and awarding to the next lowest responsive and responsible bidder, Prosys Information Systems, Inc.

INTERNET, LONG DISTANCE TELEPHONE AND REMOTE NETWORK (PUR-07)
ACCESS SERVICES - \$71,000 ANNUAL

Please see funding exhibit attached to these minutes.

Annual purchase of long distance telephone, Internet and computer network access services (SUNCOM) is being presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0887

The Procurement Services Department has reviewed this item and recommends awarding to the State of Florida.

09-A-149 - INCREASE EXPENDITURE - FUEL - \$763,948 (PUR-08)

Please see funding exhibit attached to these minutes.

Increase expenditure for purchase of fuel is being presented for approval by Parking and Fleet Services Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0911

The Procurement Services Department has reviewed this item and recommends increase in expenditure.

413-10752 - FLEXIBLE COUPLINGS - WATER DISTRIBUTION SYSTEM – (PUR-09)
\$65,065.31

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

Two, one-year contracts for purchase of flexible couplings for Water Distribution System

- presented for approval by Public Works Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0858

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

413-10789 - AGGREGATES - SITE REPAIR AND RESTORATION – (PUR-10)
\$38,733.75

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 aggregates, on an as-needed basis, is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0859

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

616-10632-2 - GENERAL ENVIRONMENTAL ENGINEERING (PUR-11)
CONSULTANT SERVICES - CONTINUING CONTRACT

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

A motion authorizing the proper City Officials to execute a continuing contract for general environmental engineering consultant services - one-year term with three, one-year renewal options.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0862

The Procurement Services Department has reviewed this item and recommends approval and execution of the Agreement with E Sciences, Incorporated.

616-10632-1 - GENERAL ENVIRONMENTAL ENGINEERING (PUR-12)
CONSULTANT SERVICES - CONTINUING CONTRACT

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

A motion authorizing the proper City Officials to execute a continuing contract for general environmental engineering consultant services - one-year term with three, one-year renewal options.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0861

The Procurement Services Department has reviewed this item and recommends approval and execution of the Agreement with EE&G Environmental Services, LLC.

616-10632-3 - GENERAL ENVIRONMENTAL ENGINEERING (PUR-13)
CONSULTANT SERVICES - CONTINUING CONTRACT

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

A motion authorizing the proper City Officials to execute a continuing contract for general environmental engineering consultant services - one-year term with three, one-year renewal options.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0863

The Procurement Services Department has reviewed this item and recommends approval and execution of the Agreement with MACTEC Engineering and Consulting, Inc.

FOURTH AMENDMENT TO DEVELOPMENT AGREEMENT – (M-25)
MJDC AOA, LLC - NORTHWEST COMMERCIAL REDEVELOPMENT

No budgetary impact.

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

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom that Consent Agenda Items M-04, CR-07, CR-09, and CR-15 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 Roberts, Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

EVENT AGREEMENT - FOURTH OF JULY WEEKEND CELEBRATION (M-04)

In response to Commissioner Rogers' inquiry as to whether Rocco's Tacos (Applicant)

made alternate valet parking arrangements for this event, Terry Rynard, Acting Parks and Recreation Director, noted that the Applicant has a five dollar rate agreement to use the Smoker Park lot. Staff has also addressed the parking issue with Jackie Scott, president of Colee Hammock Civic Association, and the police department has been involved.

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

STREET NAME ADDITION - GERRY COOPER'S WAY (CR-07)
NE 5 TERRACE BETWEEN NE 13 STREET TO ROAD CLOSURE

Mary Pat Rhodes, member of 13th Street Alliance, noted the \$300 charge for this street sign and elaborated upon Mr. Cooper's contributions to the area over the years. Commissioner Rodstrom was unaware of a charge and questioned how amount was arrived at. Ms. Rhodes indicated that \$277 of the \$300 street sign cost has been collected. Albert Carbon, Public Works Director, offered for staff to negotiate with the County on the cost..

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

BOND AND DISCLOSURE COUNSEL - GENERAL OBLIGATION (CR-09)
BOND ISSUE - \$20 MILLION - FIRE RESCUE FACILITIES

Mayor Seiler announced a funding clarification set forth in Memorandum 11-182 which is attached to these minutes.

Motion made by Commissioner Rogers and seconded by Commissioner Rodstrom to approve the item as presented and clarified by Memorandum 11-182 noted above. Roll call showed: YEAS: Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

CONTRACT AWARD - GREEN CONSTRUCTION TECHNOLOGIES, INC. – (CR-15)
\$767,667- HORTT PARK COMMUNITY CENTER

Albert Carbon, Public Works Director, clarified staff's recommendation is to not include any engineering or contingency fees. Because the engineering fees were exhausted, staff will work with the contractor to modify the parking lot so those costs could be recouped after this is awarded. The City Auditor clarified that the engineering fees and contingencies will have to be charged to this project when it is finished. If staff is unable to accomplish the proposed cost reduction, it will be necessary to bring this back to amend the budget in order to accommodate the full cost. Typically, staff would

recommend going out for bid again when the project's scope is changed before it is bid, because of the possibility to obtain a different price or attract different bidders. But, because this grant funding will expire soon, he recommended moving forward without going back to bid. Mr. Carbon clarified it is not grant funds but rather the neighborhood's desired completion date in February as reason to move forward.

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

MOTIONS

PROPRIETARY - IBM SOFTWARE SUPPORT – FINANCIAL (MD-01)
ACCOUNTING SYSTEM - \$84,316.50

Please see funding exhibit attached to these minutes.

Annual support for IBM operating system software - FAMIS/BPREP financial accounting system is being presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0870

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

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

PROPRIETARY - UNDERGROUND UTILITY LOCATION SERVICE (MD-02)
MEMBERSHIP - \$14,728

Purchase annual membership to underground utility location service is being presented for approval by Public Works Department - excavations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0774

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

Motion made by Commissioner Rogers and seconded by Vice Mayor DuBose to

approve the item as presented.

In response to Mayor Seiler, Albert Carbon, Public Works Director, confirmed that the Sunshine State One-Call of Florida, Inc. (SSOCOF) underground utility location service is also available for public use. Julie Leonard, Assistant Utilities Services Director, Operations, explained that residents do not pay for using it. Linda Gee, Public Works Department, explained that SSOCOF spreads out their total annual budget over all of the member utilities which are assessed a pro-rated share. The City is charged based on the number of service calls received to perform line locations to protect the infrastructure. She noted a \$500 decline in the cost this year.

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

RESOLUTIONS

DISPOSITION OF CITY OWNED SURPLUS PROPERTY – (R-01)
1300 NW 1 AVENUE - PARCEL IDENTIFIED AS SP 11-15

No budgetary impact at this time.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-0916

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 11-175

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING, PURSUANT TO CITY CHARTER SECTION 8.04, THAT PARCEL SP-11-15, MORE PARTICULARLY DESCRIBED BELOW, AS NOT NEEDED FOR PUBLIC USE AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY THAT SUCH PARCEL BE OFFERED FOR SALE FOR A MINIMUM BID AS SET FORTH BELOW, WITH BIDS TO BE SUBMITTED BY SEPTEMBER 19, 2011 AND SCHEDULED FOR FURTHER PROCEEDINGS BEFORE THE CITY COMMISSION ON OCTOBER 4, 2011 TO CONSIDER A RESOLUTION ACCEPTING THE BEST OFFER FOR THIS PARCEL AND AUTHORIZING CONVEYANCE OF SUCH PARCEL 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.

In the future, Commissioner Roberts thought the minimum bid should be set at the property's appraised value.

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

**DISPOSITION OF CITY OWNED SURPLUS PROPERTY - FIVE PARCELS (R-02)
BREEZYWAY MANOR, DAVIE BOULEVARD PARK, FRANKLIN PARK,
F.A. BARRETT'S, PROGRESSO**

Please see funding exhibit attached to these minutes.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-0883

Commissioner Rodstrom expressed concern that a number of social service facilities are opening in the city, and wanted certainty that the parcel to be sold at 1101 NE 6 Avenue is not intended for such use. Victor Volpi, Real Estate Division, indicated that one entity (Philadelphia Fundamental Baptist Church) is purchasing one parcel. The zoning classification is RMM-25 (Residential Mid Rise Multifamily/Medium High Density). In further response, he indicated that it may be necessary to issue an RFP if the City wanted to impose restrictions. Greg Brewton, Director of Planning and Zoning, elaborated upon the types of structures allowed within this zoning classification. Mr. Volpi pointed out that the purchasing church is located next to this parcel. Stephen Scott, Director of Economic Development, clarified that this item is for the sale of the parcel on NE 6 Avenue, as well as to re-bid four other parcels.

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts to amend the resolution to remove that parcel located at 1101 NE 6 Avenue and approve the remaining four properties to be re-bid. Parcel 1101 NE 6 Avenue will be considered on July 6, 2011.

In response to Commissioner Rogers, Mr. Volpi indicated that the sales contract for this 6 Avenue parcel does not include a stipulated closing date.

RESOLUTION NO. 11-176

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 11-104 BY DECLARING, PURSUANT TO CITY CHARTER SECTION 8.04, CERTAIN PARCELS SP-11-02, 11-03, 11-04, AND 11-05, MORE PARTICULARLY DESCRIBED BELOW, AS 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 SEPTEMBER 19, 2011 AND SCHEDULED FOR FURTHER PROCEEDINGS BEFORE THE CITY COMMISSION ON OCTOBER 4, 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.

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

BOARD AND COMMITTEE APPOINTMENTS

(R-03)

No budgetary impact

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

Affordable Housing Advisory Committee	Michelle Klymco (Commissioner Rodstrom)
Aviation Advisory Board	Avery Dial (Commissioner Rodstrom)
Nuisance Abatement Board	Richard Schulze (Consensus/Alternate)
Sustainability Advisory Board	Valerie J. Amor (Mayor Seiler) (effective July 1, 2011)

The City Clerk announced that Ms. Klymco will serve in the Affordable Housing Advisory Committee category that represents areas of labor in home building in connection with affordable housing.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-177

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 Roberts, Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, and

Mayor Seiler. NAYS: None.

PUBLIC HEARINGS

AMENDMENTS TO ANNUAL ACTION PLANS - \$1,494,476 (PH-01)
CDBG, HOME INVESTMENT PARTNERSHIP, HOPWA PROGRAMS

Please see funding exhibit attached to these minutes.

Program Amendments to 2004-2005, 2005-2006, 2006-2007, 2007-2008 and 2009-2010 Annual Action Plans of 2005-2010 Consolidated Plan and 2010-2011 Annual Action Plan of 2010-2015 Consolidated Plan - Community Development Block Grant, HOME Investment Partnership and Housing Opportunities for Persons With HIV/AIDS programs.

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

Exhibit: Commission Agenda Report 11-0786

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

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

In response to Vice Mayor DuBose, Jonathan Brown, Housing and Community Development Manager, highlighted the purpose of the item, noting it is part of a payment plan that was worked out with the U.S. Department of Housing and Urban Development as a result of their audit

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

2011-2012 HUD ANNUAL ACTION PLAN (PH-02)
GRANT FUNDING - CDBG, HOME, ESG, AND HOPWA PROGRAMS

No current year budgetary impact.

2011-2012 HUD Annual Action Plan and funding requests - Community Development Block Grant, HOME Investment Partnership, Emergency Shelter Grant and Housing Opportunities for Persons with HIV/AIDS: 1) approve plan, 2) approve non-profit subrecipients, 3) authorize proper City Officials to prepare and execute all necessary documents, 4) direction on establishing advisory board for HOPWA Program and 5) approve Tenant Based Rental Voucher Program additional funding.

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

Exhibit: Commission Agenda Report 11-0854

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

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

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom to defer this item to July 6, 2011. Roll call showed: YEAS: Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None. (see Conference Meeting of June 21, 2011, Agenda Item I-B)

**REZONING TO RESIDENTIAL LOW-RISE MULTIFAMILY – (PH-03)
MEDIUM DENSITY - CASE 2-Z-10 - CITY OF FORT LAUDERDALE –
1305-1335 NW 9 STREET**

No Budgetary Impact

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

Recommend: Open hearing, close hearing, introduce ordinance on first reading. Staff recommends approval as approved by Planning and Zoning Board.

Exhibit: Commission Agenda Report 11-0880

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

There being no individuals wishing to speak on this matter, a **motion** was made by Commissioner Roberts and seconded by Commissioner Rogers to close the public hearing. Roll call showed: YEAS: Commissioner Roberts, Commissioner Rodstrom, Commissioner Rogers, and Mayor Seiler. NAYS: Vice Mayor DuBose.

Members of the Commission announced with whom he or she had spoken with and/or site visits made concerning this matter; some members announced the same disclosures indicated on first reading considerations. Vice Mayor DuBose announced that the neighborhood has retained an attorney. He just recently understood the direction of this item has changed.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-15

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

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

In response to Commissioner Rodstrom, the City Attorney recalled that the Charter was amended some time ago to require a unanimous vote to sell or lease park property, which he believed would apply in this case.

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

Mayor Seiler reopened the floor for public comment.

Michael Winer, representing Durrs Homeowners Association, requested a 30-day deferral of the next hearing (August 16) to allow time for staff to provide the residents with documents they have requested. Also, the residents want to address this with the newly appointed Broward County schools superintendent in July. In response to Mayor Seiler, the City Attorney recommended that the second reading be deferred at the July 6 meeting so it will not have to be re-advertised.

Commissioner Roberts re-introduced the ordinance on first reading, understanding there will be a deferral at that time to August 16. YEAS: Commissioner Roberts, Commissioner Rogers, and Mayor Seiler. NAYS: Commissioner Rodstrom and Vice Mayor DuBose.

Continued on page 33*

**BREAKWATER AREA - ESTABLISH RESIDENTIAL PARKING
PERMIT DISTRICT - 2621 SE 21 STREET**

(PH-04)

Please see funding exhibit attached to these minutes.

Recommend: Open hearing, close hearing, introduce resolution.

Exhibit: Commission Agenda Report 11-0759

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

Mayor Seiler opened the floor for public comment.

Michael Cleary, 2005 SE 26 Terrace, expressed support of this item.

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

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 11-178

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING A RESIDENTIAL PARKING PERMIT DISTRICT FOR THE BREAKWATER AREA LOCATED AT 2621 S.E. 21ST STREET, PURSUANT TO DIVISION 5. OF ARTICLE 1V. CHAPTER 26, TRAFFIC, OF THE CODE OF ORDINANCES; PROHIBITING VEHICLES FROM PARKING ON A PORTION OF A RIGHT-OF-WAY IN THE DISTRICT DURING CERTAIN HOURS; ESTABLISHING THE DATES, TIMES AND AREA FOR RESTRICTED PARKING; PROVIDING PERMITS FOR PARKING AND ESTABLISHING A FINE FOR VIOLATIONS.

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

ORDINANCES

**RELIEF FROM PARKING, FENCE AND SETBACK REQUIREMENTS (O-01)
FOR PUBLIC PURPOSE USE - FLOYD HULL STADIUM SITE –
2890 SW 8 AVENUE - CASE 24-R-11**

No budgetary impact

Applicant: City of Fort Lauderdale
Location: 2890 SW 8 Avenue
Zoning: Parks, Recreation and Open Space P

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 11-0904

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

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

Commissioner Rodstrom introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-11-13

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE RENOVATION OF FLOYD HULL STADIUM AS A PUBLIC PURPOSE USE THAT DOES NOT MEET THE FENCE, PARKING AND SETBACK REQUIREMENTS IN A "P" ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), WHICH SITE IS MORE FULLY DESCRIBED AS THE SOUTH 665 FEET OF THE NORTH 700 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 50 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, ALSO KNOWN AS THE FLOYD HULL STADIUM COMPLEX LOCATED AT THE SOUTHEAST CORNER OF SOUTHWEST 28TH STREET AND SOUTHWEST 8TH AVENUE; AND GRANTING RELIEF FROM THE ULDR REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE ULDR OF THE CITY OF FORT LAUDERDALE, FLORIDA.

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

CODE AMENDMENT - CHAPTER 27, NON-MOTORIZED VEHICLES (O-02)
SELF-PROPELLED - FOR HIRE - BICYCLE-SHARING PROGRAM

No Budgetary Impact.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 11-0763

Commissioner Rogers introduced the following ordinance on FIRST reading

ORDINANCE NO. C-11-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING CHAPTER 27, "VEHICLES FOR HIRE" BY CREATING A NEW ARTICLE VII, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, "NON-MOTORIZED VEHICLES SELF PROPELLED", TO PERMIT BICYCLE-SHARING FACILITIES ON PUBLIC RIGHTS-OF-WAY AND CITY OWNED PROPERTY; PROVIDING FOR A PERMIT AND LICENSE AGREEMENT, FEES, RULES AND REGULATIONS AND ENFORCEMENT PROVISIONS; AMENDING THE TITLE OF ARTICLE VI. NONMOTORIZED VEHICLES, AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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

**CODE AND UNIFIED LAND DEVELOPMENT REGULATIONS
AMENDMENTS - PAIN CLINICS**

(O-03)

No budgetary impact.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 11-0914

In response to Commissioner Rodstrom, the City Attorney advised that it would be necessary to justify a requirement for pain clinics to be separated by a certain distance from SSRF's (Social Service Residential Facility). and he was uncertain what that justification would be. Further, it would be difficult to distinguish between the various types of SSRF's. It could be further researched and possibly amended in the future after passage of this ordinance.

In response to Commissioner Rogers, the City Attorney advised that staff included a number of Bill Goetz's suggestions and met with him to explain the rationale for excluding two of them which he enumerated.

Commissioner Rogers introduced the following ordinance on SECOND reading

ORDINANCE NO. C-11-14

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING ARTICLE IX, PAIN MANAGEMENT CLINIC, CHAPTER 15, BUSINESS TAX RECEIPTS AND MISCELLANEOUS BUSINESS REGULATIONS, ESTABLISHING REGULATIONS RELATING TO THE

DISPENSING OF CONTROLLED SUBSTANCES; AMENDING SECTION 47-35 DEFINITIONS, AND SECTION 47-6 BUSINESS ZONING DISTRICTS AND 47-20 PARKING AND LOADING REQUIREMENTS TO PROVIDE DEFINITIONS OF A PHARMACY, TO PROVIDE REGULATIONS AND IDENTIFY ZONING DISTRICTS WHERE PAIN MANAGEMENT CLINICS ARE PERMITTED AND PROVIDE FOR PARKING REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

**REZONING TO RESIDENTIAL LOW-RISE MULTIFAMILY – (PH-03)
MEDIUM DENSITY - CASE 2-Z-10 - CITY OF FORT LAUDERDALE –
1305-1335 NW 9 STREET**

Continued from page 29*

The City Attorney corrected his previous statement and advised that, in addition to the sale or lease of park space, rezoning also would require a unanimous vote. Any parcel zoned as park land on November 10, 2004, requires a unanimous vote to rezone and the subject parcel was zoned as such before that date, therefore, the second reading will require a unanimous vote.

**REZONING TO PLANNED UNIT DEVELOPMENT - BAHIA MAR – (O-04)
CASE 3-ZPUD-08**

No Budgetary Impact.

Applicant: BRE/Bahia Mar Development, L.L.C.
Location: 801 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: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 11-0955

The Commission announced that the disclosures were the same as those indicated on first reading; some members announced with whom he or she had recently spoken with concerning this matter.

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

Mayor Seiler opened the floor for public comment.

Peter Henn, LXR Luxury Resorts & Hotels, representing the Applicant, reviewed slides concerning this matter. A copy of the slides is attached to these minutes. He asked that all information submitted in the November 2, 2010 and May 17, 2011 hearings be made a part of the record. He read from the Community Redevelopment Agency's plan, concerning the goal of new development to eliminate blight and be a catalyst for new development in the area. Further, the plan's purpose is to demonstrate to private developers the public's commitment to redevelopment.

Karen Owen, vice president of Idlewyld Improvement Association, noted her experience as a life-long resident of the city. She encouraged the Commission to be certain that any site plan changes, if the Bahia Mar lease is renegotiated, are in the City's best interest. She noted that her comments are limited to the site plan. At first reading, Idlewyld supported Option E with strict conditions. She noted the differences between the previous Option A and the currently proposed Option E and summarized some of the positive features. She expressed support of the proposal. It protects residents, maximizes open space, minimizes density, and promotes public access. She clarified that this item is not a lease negotiation; it is a site plan and rezoning approval. If this site plan is not approved, she implored the Commission not to return to previous versions. She noted that the previously proposed rooftop park located at the top of a two-story parking garage was too large to meet code requirements and blocked all view corridors between A-1-A and the Intracoastal. She elaborated upon the linear park designed to replace the rooftop park. She encouraged the Commission to approve this ordinance, with the revised Condition 27 as previously mentioned by Mr. Henn.

Sadler James, 3073 Harbor Drive, recalled his opposition to condominium units on this site; but, this was since eliminated. He indicated that an agreement has been reached based on compromise between a majority of beach area activists and the developer. He felt the City should endorse a business model that will ensure the hotel's profit, as this profit will accrue to the City. He thought that any increase in building height would not alter the view. If building height is necessary and allowed by the PUD, he thought this business model should be supported. He emphasized that it is time to move forward to contract negotiations. He expressed support of this item.

Miranda Lopez, 3031 NE 31 Street, noted the significant role of Bahia Mar in her personal history as a resident. She expressed support of Option E with all of the conditions requested by Idlewyld; although, she objected to public parking being restricted to the public using the side public areas, and that the spaces are subject to being removed and given to the developer. Also, the applicant's PUD request was based on the site's special use for the Boat Show but, she felt extending the maximum building height to over 300 feet is not in agreement with the PUD requirement for neighborhood compatibility. She thought an underground parking garage with greenery on the roof is an environmentally friendly option. Shade trees should be used for landscaping. Commissioner Roberts pointed out that any parking spaces given back to the developer must be approved by the Commission and shade trees are contemplated.

John Weaver, president of Central Beach Alliance (CBA), recalled the CBA's previous approval of Option A. Although the CBA was not involved in the Option E negotiations, he thought the CBA would approve, if it was presented to them. As for himself, he believes that Option E makes sense. As for the hotel's name, he thought Bahia Mar

could be combined with DoubleTree. He supported a 100-year lease if residential units are allowed. He thought The Blackstone Group should guarantee this project.

Skip Zimbalist, president of Show Management, believed this project will provide a competitive world-class site to attract international visitors to the boat show. There is no other area site that would accommodate the boat show. The logistics have been worked out.. He expressed support of this item, and encouraged the Commission to move forward.

Carlos Vidueira, executive director of Marine Industries Association of South Florida (MIASF), thanked the Commission for supporting the city's marine lifestyle. He encouraged the Commission to support Option E with the proposed conditions as he believed it will maximize the economic benefit. In response to Commissioner Rodstrom, he noted that MIASF's discussions about the modified boat show agreement with Show Management and LXR Luxury Resorts & Hotels are leading to a long-term vision for the boat show and the marine industry.

Monty Lalwani, member of the Central Beach Alliance, noted his experience and credentials as a resident and business owner. He noted the CBA's support of this plan . He mentioned the importance of the boat show and this project in terms of revenue. He was confident in the staff in terms of a professional end product.

Fred Carlson, member of the Central Beach Alliance, noted the complex and lengthy nature of this project. He pointed out that the economic cycle correlated with project planning in that the two towers were removed because of the downturn. As for the 100-year deed restriction, conditions may change. Flexibility is essential to comply with the needs of the future, so that this valuable resource is not hampered. In light of current economic conditions, he was distressed about Bahia Mar's limited investment. He thought that flexibility in the future will overcome the project downsizing that has occurred.

There was no one else wishing to speak.

In response to Commissioner Rodstrom, Greg Brewton, Director of Planning and Zoning, indicated that staff has nothing new to add. Staff is proud of the end product before the Commission this evening. In comparison to Option A, Mayor Seiler believed this plan allows for public accessibility and he went on to enumerate the positive features achieved to the benefit of the public. He noted that the lease and operating agreements will be similarly difficult; the Applicant remains at risk.

In response to Commissioner Roberts, Mr. Brewton confirmed that the decrease in building height and changes to landscaping are recent revisions. He suggested they be included as conditions in the motion. Commissioner Roberts thought this plan exemplifies the community working together to develop a beneficial product for the city. Mayor Seiler confirmed that the plan provides for public access areas to be built simultaneously with each phase.

In response to Commissioner Rogers, Mr. Brewton confirmed that Condition 27 in Exhibit 1 of Commission Agenda Report 11-0955 needs to be corrected to reflect the revision of one-half, rather than one-third of the upland Bahia Mar property. He further confirmed that the permit process is to begin within nine months from the lease approval; this timeframe must be met in order to keep the PUD in effect. Ella Parker, Planning and

Zoning, confirmed that the Applicant requested eight years, as opposed to the standard seven, to complete all phases. Mr. Brewton did not think that the Unified Land Development Regulations (ULDR) stipulate that the developer's rights would be removed if a project stage is not completed on time. Commissioner Rogers referred to the ULDR provisions and expressed his desire for sureties, other than a payment performance bond, to ensure that the project is built as it was approved. Mr. Brewton thought a penalty provision could be attached to the development agreement. Ms. Parker pointed out that Condition 1 in Exhibit 1 indicates that the developer would have to execute a development agreement and a new lease. In further response to Commissioner Rogers, she noted that the parking reduction request is a little less than 27.4 percent, as opposed to 26.4 percent in Option A.

Commissioner Rodstrom recalled the original zoning established for this site including that it was memorialized in the code and charter. She questioned whether there was City authorization to allow Rahn Bahia Mar, LLC to be the applicant on the City's behalf. The City Attorney explained that the Commission did not take any official action. Rather, the Applicant took authorization from a consensus reached at a 2008 Conference meeting to bring an application before the Planning and Zoning Board. Over a period of years, the City has acquiesced to Rahn Bahia Mar Ltd. being the Applicant because they are the lessee; Rahn Bahia Mar Ltd. was merged into Rahn Bahia Mar, LLC. Rahn Bahia Mar, Ltd. now known as Rahn Bahia Mar, LLC is the current lessee and will be the lessee on the future lease. Also, he noted that, if a 50-year lease is in place, the ordinance includes a provision that a parking agreement can be entered into. Historically, as a matter of practice, the Commission has accepted, as they did on the Sails, the lessee would be the applicant for a zoning change which was approved for the Sails, on a 50-year lease. They have been treated as the property owner for the purposes of an application. Commissioner Rodstrom questioned who authorized Rahn Bahia Mar, Ltd who then authorized Rahn Bahia Mar, LLC to be the applicant and the City Attorney responded that it was the Commission. Action was taken in the Conference meeting, but no official motion was approved. Commissioner Rodstrom was uncomfortable with this allowance or where it is provided that the application is being approved. The City Attorney likened the action to that taken earlier today at the conference meeting where the Mayor was authorized to write to the Air Force about the air and sea show. There was no vote taken at the regular meeting.

In response to Commissioner Rodstrom regarding substantial change, the City Attorney explained that, historically, the Commission has sent back site plan changes to the Planning and Zoning Board for review. Also, the Commission has historically treated reduction of intensity and density changes as being not substantial. This Commission determined by vote that the proposal (Option E) is a non-substantial change and does not need to be brought back to the Planning and Zoning Board.

Commissioner Rodstrom referred to when the first option was presented to the Planning and Zoning Board, several members of the board had conflicts and could not vote. The vote was 4-2. Rochelle Golub, a former Planning and Zoning Board member, who voted in favor, would have considered voting the other way if she had information provided to her differently. She asked what would that have meant. The City Attorney advised that due process requires in a quasi-judicial hearing, a determination be made based upon information presented at the hearing. She is not allowed to change her mind later based on facts not presented at the hearing. In further response, he assumed that Rahn Bahia Mar, LLC was acting as the applicant at that time. Commissioner Rodstrom noted the

question was raised at the time as to why the matter was before the board and the City Attorney at the time indicated it would not have gotten this far without being approved.

Commissioner Rodstrom asked if the Applicant is willing to indemnify the City from a lawsuit, in the event that another party files a lawsuit against the City that may cause the project to be delayed. Mr. Henn explained that BRE provided the City with a waiver letter in 2009 and will stand behind it, but will not provide any additional indemnifications. The Applicant will follow the requirements set forth in the ULDR and the PUD ordinance, but he felt this indemnification request is not appropriate. Commissioner Rodstrom posed a hypothetical lawsuit that could delay this project and questioned if BRE would then sue the City for not following the process and protecting their interests which is not addressed in the waiver. Mr. Henn indicated he could not control other people's litigation. They want to work with the City in good faith on the development agreement and the lease and boat show partners. He pointed to the condition provided in the agreement states the City is not obligated to provide anything to the Applicant unless there is a lease and development agreement. He was not willing to provide additional indemnification.

In response to Commissioner Rodstrom, the City Attorney explained that the City is not opening negotiations on the current lease; rather, a new lease is being negotiated which will then be exchanged with the current lease. Negotiations have to do with what they pay and what they get. Commissioner Rodstrom noted her previous request to rezone the back half of the site to park, but a deed restriction was decided upon in the alternative. In further response, he explained that the parcel located in the back half of the site and the walkway cannot be negotiated away during lease negotiations; the negotiations work only toward the lease terms. The PUD zoning is not effective until the terms of the lease are negotiated and the terms of the development agreement which will address phasing; these must conform to one another. The lease will provide for property use restrictions. He confirmed that the lease will only identify items separate and aside from the property use set forth in the conditions of approval. It is not possible to negotiate what the Commission has approved. Commissioner Rodstrom wanted certainty that the PUD conditions will not be included in the lease negotiations. The City Attorney advised that this evening's approval can include a condition that the future lease and development agreements will not, in any way, exacerbate or diminish or create an infirmity with the conditions of the site plan approval. It will guarantee that these items will not be negotiated away in the lease discussions.

In further response to Commissioner Rodstrom, the City Attorney explained that he has been working on the lease, and will now be joined by the newly appointed City Manager. The Commission will be provided a new lease for consideration. Commissioner Rodstrom noted that previously the Commission was not able to agree upon the lease terms. She questioned whether the City Attorney feels staff would be better prepared to present a lease that the Commission could approve now. The City Attorney thought it would possible. It is a chicken and egg situation. It was not possible to come to terms on a lease without knowing what was going to be built. The more they got the right to build, the more the City charged for rent. He highlighted the results of the three times this item was presented to the Commission. He decided not to prepare a lease without an approved site plan which indicates what they could build, and allows staff to determine an exact cost for the rights being granted. Commissioner Rodstrom recalled that an economic analysis done for a former commission determined that the City should get a minimum market rate of eight percent although it is currently only approximately

four percent. The City Attorney believed that the market study was performed on the basis of revenue which was inappropriate because of the difficulty it created for the Commission to verify the City's revenue. The last two times a lease was brought forward, he proposed a market rate based on a percentage of the property's value, approximately eight percent, with a possible reduction for the boat show. If gambling is approved, Commissioner Rodstrom emphasized her desire to be certain that the City's revenue share is substantial. In further response, he advised that gambling was included in all of the three lease term sheets brought forward and modifications have been made to incorporate the Commission's comments. In further response, he advised that one hearing is necessary to approve the lease, and it will first be brought forward on a conference agenda.

Commissioner Rodstrom felt that there is still a lack of parking. She asked about adding three floors of parking and reduce the height so as not to exceed 330 feet. Commissioner Rogers agreed about the lack of parking. In response to Commissioner Rodstrom, Mr. Henn noted that one site plan condition requires the Applicant to provide an upper upscale hotel as designated in Smith Travel Research (STR), the standard used by hotel industry professionals. It is the equivalent of 4 or 4 ½-star. Commissioner Rodstrom pointed out that the condition does not guarantee that a Waldorf=Astoria will be built. Mr. Henn remarked that the parent to his employer, LXR Luxury Resorts & Hotels (LXR) is The Blackstone Group which owns Hilton, and Hilton owns Waldorf; LXR intends to build a Waldorf=Astoria. Within the corporate framework, the hotel will not be a Hilton because there are already two in the area, nor will it be a DoubleTree as this is being built next door. It is their clear intention for it to be a Waldorf=Astoria. He explained that STR would rate the Waldorf=Astoria as luxury. Upper upscale has been chosen; it is the second highest and represented by The Blackstone Group's Conrad Hotel brand. Their intention is to have a family hotel which is currently being remodeled (DoubleTree) and a Waldorf. If there was ever a change, the City has the standard of 4 or 4 ½-star. Commissioner Rodstrom contended that they pitched 5-star plus to the public. Mr. Henn explained that they have a very valuable brand and he would not pitch something if it was not their intention because it does not help create value to the brand.

Commissioner Rodstrom believed BRE needs a long-term lease in order for the condominium financing. She believed it is prohibited by the charter. Her oath of office was to uphold the charter and she intends to do so this evening. Commissioner Roberts thought Commissioner Rodstrom's comment assumes that those who favor the proposal are not upholding their duty to uphold the charter. He did not think the comment was appropriate. Commissioner Rodstrom indicated that the comment was not meant as a reflection on her colleagues.

In response to Commissioner Rogers, the City Attorney confirmed that the development agreement and the lease will be presented hand in hand for approval.

Commissioner Rogers inquired as to the feasibility of adding another floor of parking in either of the buildings, Mr. Henn explained that there is one level of hidden parking; there were purposely no levels of a parking garage because they did not think it would be attractive. They do not want to add any parking levels to the Waldorf=Astoria. He elaborated upon a possible parking addition with modifying the existing hotel remodel, although it has not been studied. He believed the current parking plan will work from an operational standpoint. The City's traffic consultant was very conservative. They do not want to increase the size of the parking garages. Adding another floor would mean sixty

parking spaces and the loss of six hotel rooms. He was uncertain about the aesthetics. In further response, he explained that each Waldorf=Astoria resident will have over two parking spaces, and, even during the boat show, all of the residential units will have their own parking area. Commissioner Rogers concluded by asking Mr. Henn to look at the parking as he sees it as an important issue.

Commissioner Rogers reiterated his desire for a penalty provision to be included in the development agreement for forfeiture of development rights if the schedule is not followed. If it is not completed, he did not want there to be vested rights. Mr. Henn believed that could be accommodated. They have requested for eight years, rather than the standard seven because of a likely ten-month construction cycle due to the boat show. Commissioner Rogers thought eight years is reasonable, but penalties should be in place if it stops at any point along the way. Mr. Henn agreed to the request and indicated it could be worked out in the development agreement. Commissioner Rogers noted that, now that the residential units are included in the Waldorf=Astoria, the 100-year lease is not needed. He believed that this changes the game and he wanted Mr. Henn to think about this as well.

In response to Commissioner Rodstrom, Mr. Henn agreed to provide on-site parking for all employees at the Applicant's expense. In further response, Mr. Henn explained that it is his discretion as to the order that each phase is built. The ULDR sets forth a timeline for subsequent permits, once a certificate of occupancy is issued for the first completed structure.

Commissioner DuBose noted the significant progress made with this item, although there is more work to do. This has been a collaboration of individuals working for the greater good. He thought this process will serve as a model of how government should operate.

Commissioner Roberts asked that the conditions discussed should be specified. In response to Mayor Seiler, the City Attorney advised the change from parking director to City Commission has already been included.

Commissioner DuBose introduced the following ordinance on SECOND reading with the above noted conditions:

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 Roberts, Vice Mayor DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: Commissioner Rodstrom.

Note: The City Commission adjourned the regular meeting at 9:22 p.m. and convened as the Community Redevelopment Agency Board of Directors from 9:22 p.m. to 9:29 p.m. The Commission then returned to the conference meeting, item I-D, from 9:29 p.m. to 10:28 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk