

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING**  
**JULY 6, 2011**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE  
July 6, 2011**

Meeting was called to order at 6:08 p.m. by Mayor Seiler on the above date, in City Hall, 100 North Andrews Avenue, 1<sup>st</sup> floor Chambers.

Roll call showed:

Present: Commissioner 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 Michael Smith

Invocation was offered by Chaplain Luke Harrigon, Fort Lauderdale Police Department, followed by the recitation of the pledge by Sal Gatano.

**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 Rogers and seconded by Commissioner Roberts to approve the minutes of the May 17, 2011 Conference and Regular Meetings and June 7, 2011 Regular Meeting.

The City Clerk announced a correction to page four of the May 17, 2011 Conference minutes; Genia Ellis spoke on behalf of South Beach Alliance, not the Riverwalk Trust.

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

**Presentations**

**1. RECOGNITION - DILLARD CENTER FOR THE ARTS' (PRES-01)  
JAZZ ENSEMBLE –DILLARD HIGH SCHOOL - 16TH ANNUAL  
ESSENTIALLY ELLINGTON HIGH SCHOOL JAZZ BAND COMPETITION**

Vice Mayor DuBose presented an award recognizing Dillard High School's Center for the Arts' Jazz Ensemble for taking first place out of fifteen finalists in the 16<sup>th</sup> Annual

Essentially Ellington High School Jazz Band Competition and Festival at New York City's Lincoln Center. Christopher Dorsey, Band Director, thanked the Commission and the City for their support.

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**2. OUTSTANDING CITY EMPLOYEES****(PRES-02)**

Albert Carbon, Public Works Director, presented the STAR Award to Manuel Castro, Utilities Field Representative, in recognition of the bravery and resourcefulness he displayed while assisting in the rescue of a young woman trapped under a vehicle.

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

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

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

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**EVENT AGREEMENT – JAMAICA'S INDEPENDENCE CELEBRATION****(M-01)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with It Takes A Village, Inc. for Jamaica's Independence Celebration to be held on August 6, 2011, 6 PM - 11 PM, at the Jerk Machine - 111 NW 2 Street.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0876

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**EVENT AGREEMENT - 2011 FIGHT FOR AIR WALK/RUN  
FORT LAUDERDALE****(M-02)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with American Lung Association of the Southeast, Inc., for 2011 Fight For Air Run/Walk Fort Lauderdale, to be held October 1, 2011, 8 AM - 11 AM, at Huizenga Plaza and downtown area streets.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0986

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**EVENT AGREEMENT - TARPON BEND FOOD AND TACKLE  
12TH ANNIVERSARY PARTY - CLOSING SW 2 AVENUE** (M-03)

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Tarpon Bend Food and Tackle - Riverwalk, Ltd. for Tarpon Bend Food and Tackle 12th Anniversary Party, to be held August 13, 2011, 5 PM - 12 midnight and closing SW 2 Avenue.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0987

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**EVENT AGREEMENT - STEPHEN SILLER TUNNEL TO TOWERS  
RUN -FORT LAUDERDALE - CLOSING CITY STREETS ALONG ROUTE** (M-04)

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Patriot National Insurance Group, Inc., for Stephen Siller Tunnel to Towers Run - Fort Lauderdale, to be held September 10, 2011, 6:30 AM - 12 noon, at Huizenga Plaza and closing City streets along route.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0994

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**SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT  
PROGRAM - REGIONAL PLAN FOR SUSTAINABLE DEVELOPMENT -  
CONSORTIUM AGREEMENT** (M-05)

**In-kind contribution of \$13,835.**

A motion authorizing the proper City Officials to execute a consortium agreement for South Florida Regional Partnership - U.S. Department of Housing and Urban Development Sustainable Communities Regional Planning Grant Program to create a regional sustainability plan.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1015

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**HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM – (M-06)  
AMENDMENT - BROWARD REGIONAL HEALTH PLANNING COUNCIL, INC. -  
INCREASE AMOUNT TO \$803,121.33**

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

A motion authorizing amendments to contract award for administration of Homeless Prevention and Rapid Re-Housing Program with Broward Regional Health Planning Council, Inc. 1) correcting scrivener's errors for revised original award amount of \$767,585 and 2) increasing award in the amount of \$21,321.80 for program administration and \$14,214.53 for data collection and evaluation .

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0901

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**CONTRACT AWARD - ABC CONSTRUCTION INC. – LOHMEYER (M-07)  
WASTEWATER TREATMENT PLANT - PRE-TREATMENT BUILDING  
PARAPET AND ENVELOPE REPAIRS - \$590,025**

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

A motion authorizing the proper City Officials to 1) award and execute contract with ABC Construction Inc., in the amount of \$590,025 - Lohmeyer Wastewater Treatment Plant - pre-treatment building parapet and envelope repairs - Project 11683 and 2) transfer \$590,025 for the contract, \$59,002.50 for contingencies and \$59,002.50 for associated ten percent engineering fees, for a total funding of \$708,030.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0947

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**AUDIT SERVICES - PERFORMING ARTS CENTER AUTHORITY (M-08)  
ALBERNI CABALLERO & COMPANY - FISCAL YEAR 2011-2012  
BASE COST - \$17,500\***

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

A motion authorizing the proper City Officials to execute an agreement with Broward County, Performing Arts Center Authority and Alberni Caballero & Company - audit services of Performing Arts Center Authority records - fiscal years 2011 through 2015.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0957

\*This Commission Agenda Report (11-0957) was revised. See announcement on page 19. \*

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**LAUDERDALE ISLES WATER MANAGEMENT DISTRICT (M-09)**  
**FISCAL YEAR 2011-2012 NON AD-VALOREM ASSESSMENT**

**No current year budget impact.**

A motion 1)accepting Lauderdale Isles Water Management District Non-Ad Valorem Assessment Fee, 2) setting a public hearing on September 7, 2011 and 3)advising Broward County Property Appraiser of such information.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1058

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**REJECT BID - FLAGLER NEIGHBORHOOD IMPROVEMENTS (M-10)**

**No Budgetary Impact**

A motion to reject single bid response for Flagler Neighborhood Improvements - Project 11668.

**Recommend:** Motion to reject.

**Exhibit:** Commission Agenda Report 11-1007

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**GRANT EXTENSIONS - 2008 URBAN AREA SECURITY INITIATIVE (M-11)**  
**INTERLOCAL AGREEMENT AMENDMENTS - CITY OF MIRAMAR**

**No budgetary impact.**

A motion authorizing 1) extension of 2008 Urban Area Security Initiative grants -primary and secondary agreements to August 31, 2011 and 2) proper City Officials to execute all necessary documents to finalize the extension, including corresponding amendment to interlocal agreements with City of Miramar - sponsoring and coordinating agency.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0985

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**CHANGE ORDER 2 - CORAL-TECH ASSOCIATES, INC.- (\$55,039.58) (M-12)**  
**CREDIT - HOUSING SET FOR PORTABLE EMERGENCY GENERATOR –**  
**CITY HALL COMPUTER ROOM**

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

A motion authorizing the proper City Officials to execute Change Order 2 to Coral-Tech



Associates, Inc. - in CREDIT amount of (\$55,039.58) - credit project and add new items - Housing Set for Portable Emergency Generator - City Hall Computer Room -Project 11156.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0946

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**CHANGE ORDER 3 - WEST CONSTRUCTION, INC. - \$110,393.37 – (M-13)**  
**ADD 87 WORK DAYS - SOUTH SIDE SCHOOL RESTORATION**  
**AND HARDY PARK**

**See funding details attached to these minutes.**

A motion authorizing the proper City Officials to execute Change Order 3 to West Construction, Inc., in the amount of \$110,393.37 - new items - South Side School Restoration and Hardy Park - Project 10777 and the addition of 87 work days to contract period.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1064

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**CONTRACT AWARD - MBR CONSTRUCTION, INC. - \$1,031,992 (M-14)**  
**FLOYD HULL STADIUM FACILITY IMPROVEMENTS**

**See funding details attached to these minutes.**

A motion authorizing the proper City Officials to 1)award and execute contract with MBR Construction, Inc. - Floyd Hull Stadium Facility Improvements - Project 16004 - 130 work days and 2) transfer funds to partially fund the contract and transfer funds to Floyd Hull Project as identified on bid tabulation.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0966

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**TASK ORDER 3 - CSA CENTRAL , INC. - \$119,458 (M-15)**  
**RIVER OAKS PRESERVE STORMWATER PROJECT –**  
**ENGINEERING AND DESIGN**

**See funding details attached to these minutes.**

A motion authorizing the proper City Officials to execute Task Order 3 with CSA Central, Inc., in the amount of \$119,458 River Oaks Preserve Stormwater Project - partially fund cost associated with engineering and design services and permitting fees - Project 11419.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0972

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**AMENDMENT 1 - TASK ORDERS 2011-01 AND 2011-02 - \$22,795 (M-16)**  
**BATHYMETRIC & SEAGRASS SURVEYS - BAHIA MAR,**  
**AQUATIC COMPLEX, LAS OLAS MARINAS**

**See funding details attached to these minutes.**

A motion authorizing the proper City Officials to approve and execute Amendment 1 to Task Orders 2011-01 and 2011-02 with URS Corporation Southern, in the amount of \$22,795 - Bathymetric and Seagrass Surveys for Bahia Mar, Aquatic Complex and Las Olas Marinas - Intracoastal Waterway Dredging.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1059

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**DONATION TO FBI NATIONAL ACADEMY ASSOCIATES - \$5,000 (M-17)**  
**LAW ENFORCEMENT TRUST FUND**

**See funding details attached to these minutes.**

A motion authorizing donation to FBI National Academy Associates from State Law Enforcement Trust Fund, in the amount of \$5,000, to defray costs of FBI National Academy Associates Florida Chapter 2011 training being attended by Chief of Police and assistant chiefs.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1028

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**GAS SERVICE AGREEMENT - TECO PEOPLES GAS SERVICE - \$38,811 (M-18)**  
**FIRE STATION 46 - 1515 NW 19 STREET**

**See funding details attached to these minutes.**

A motion authorizing the proper City Officials to enter into and execute Gas Service Agreement with Teco Peoples Gas Service to construct gas lines and provide natural gas service to Fire Station 46 at 1515 NW 19 Street on the condition that approval of this agreement does not abrogate any of the City's rights under the franchise agreement.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0991

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**COMMUNITY BUS SERVICES - AMENDMENTS TO AGREEMENTS  
COURTHOUSE LOOP EXPANSION (M-19)**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute 1) Second Amendment to Interlocal Agreement with Broward County and 2) Second Amendment to Agreement with Downtown Fort Lauderdale Transportation Management Association - expansion of Downtown Loop to provide additional service to Broward County Courthouse.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1022

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**FUNDS TRANSFER - JOHN FUHRER DOWNTOWN HELISTOP - \$24,265 (M-20)**

**See funding details attached to these minutes.**

A motion authorizing transfer of \$24,265 from Helistop Infrastructure Recapitalization to John Furhrer Downtown Helistop - design services for replacement of west staircase - Project 11723

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0990

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**FIRST AMENDMENT TO AGREEMENT - MOTOROLA SOLUTIONS, INC. (M-21)  
PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM –  
MICROWAVE EQUIPMENT**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute First Amendment to Agreement with Motorola Solutions, Inc., in substantially the form provided - change in statement of work, pay schedule and decrease in total cost in the amount of \$174,647 - Microwave System for 800 MHz Public Safety Radio Communications System.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0923

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**BICYCLE SHARING FACILITIES - B-CYCLE, LLC - PERMIT  
AND LICENSE AGREEMENT (M-22)**

**No Budgetary Impact.**

A motion authorizing the proper City Officials to execute a permit and license agreement with B-Cycle, LLC to allow bicycle sharing stations on City-owned properties and public right-of-way in the City.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1073

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**TENANT ESTOPPEL, SUBORDINATION, NON-DISTURBANCE (M-23)  
AND ATTORNMENT AGREEMENT - CITY PROSECUTOR'S OFFICE SPACE –  
600 SOUTH ANDREWS AVENUE - LEASE AGREEMENT**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute a Tenant Estoppel, Subordination, Non-Disturbance and Attornment Agreement with Landlord Harare Development, Inc. and City National Bank of Florida, subject to terms and conditions - City Prosecutor's Office Space - 600 South Andrews Avenue.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0997

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**CONTRACT RENEWALS - OCTOBER, NOVEMBER AND DECEMBER 2011 (M-24)**

**Funds associated with this item are listed as part of the attachment to these minutes. Funding for these contract items are subject to approval and appropriation in the 2011-12 budget.**

A motion authorizing extension of listed contracts that expire during October, November and December, 2011, including one from September, 2011, and authorizing proper City Officials to execute all necessary documents, contingent upon each respective vendor agreeing to extension.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0867

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**LEASE AGREEMENT - OPERATION OF LOCKHART STADIUM- (M-25)  
SCHOOL BOARD OF BROWARD COUNTY**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute a lease agreement with School Board of Broward County, as adjusted and in substantially the form provided -use of Lockhart Stadium from July 1, 2011 - December 31, 2011.

**Recommend:** Motion to approve.  
**Exhibit:** Commission Agenda Report 11-1069

<b>CONSENT RESOLUTION</b>
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**LOT CLEARING AND CLEANING – SPECIAL ASSESSMENT LIENS FOR ASSOCIATED COST** (CR-01)

**No budgetary impact.**

**Recommend:** Adopt resolution.  
**Exhibit:** Commission Agenda Report 11-0913

RESOLUTION NO. 11-196

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 ASSESSMENT AMOUNT, AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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**AMEND OPERATING BUDGET - APPROPRIATION - \$42,389** (CR-02)  
**AERATOR MIXERS - LOHMEYER WASTEWATER TREATMENT PLANT**

**See funding details attached to these minutes.**

**Recommend:** Adopt resolution.  
**Exhibit:** Commission Agenda Report 11-0962

RESOLUTION NO. 11-197

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011, BY APPROPRIATING FUNDS AS

SET FORTH IN THE EXHIBIT ATTACHED AND PROVIDING FOR AN EFFECTIVE DATE.

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**AMEND OPERATING BUDGET - APPROPRIATION - \$2,340 (CR-03)**  
**COMMUNITY APPEARANCE BOARD ANNUAL AWARDS EVENT**

See funding details attached to these minutes.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-0963

RESOLUTION NO. 11-198

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

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**AMEND OPERATING BUDGET - APPROPRIATION - \$528,000 (CR-04)**  
**WASTEWATER FLOW, RAINFALL MONITORING AND INFLOW AND INFILTRATION REPORT**

See funding details attached to these minutes.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-0965

RESOLUTION NO. 11-199

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

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**AMEND OPERATING BUDGET - APPROPRIATION - \$30,000 (CR-05)**  
**SPONSORSHIP - 2010 DOWNTOWN COUNTDOWN CELEBRATION**

**See funding details attached to these minutes.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-0961

RESOLUTION NO. 11-200

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

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**BOND AND DISCLOSURE COUNSEL  
GENERAL OBLIGATION REFUNDING BOND ISSUE - \$14.345 MILLION**

**(CR-06)**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1036

RESOLUTION NO. 11-201\*

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 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011B.

\*This resolution was corrected. See announcement on page 19\*.

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**COST RECOVERY POLICY  
REVIEW OF FEES AND ASSESSMENTS FOR FACILITIES AND SERVICES**

**(CR-07)**

**No current year budget impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1031





## RESOLUTION NO. 11-202

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADOPTING A COST RECOVERY POLICY FOR COST, FEES, AND ASSESSMENTS CHARGED BY THE CITY FOR FACILITIES AND SERVICES PROVIDED TO THE PUBLIC.

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**AMEND OPERATING BUDGET - APPROPRIATION - \$39,184  
NORTHWEST NEIGHBORHOOD IMPROVEMENTS**

**(CR-08)**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1031

## RESOLUTION NO. 11-203

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 ATTACHED EXHIBIT.

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**BEACH BUSINESS IMPROVEMENT DISTRICT - PRELIMINARY  
SPECIAL ASSESSMENT - FISCAL YEAR 2011-2012**

**(CR-09)**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1049

## RESOLUTION NO. 11-204

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF BEACH BUSINESS IMPROVEMENT SERVICES IN CERTAIN PORTIONS OF THE BEACH AREA LOCATED WITHIN THE CITY OF FORT LAUDERDALE, FLORIDA, MORE SPECIFICALLY DESCRIBED HEREIN; ESTABLISHING THE ESTIMATED ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC

HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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**APPLICATION - U.S. DEPARTMENT OF COMMERCE - FOREIGN-TRADE (CR-10)  
ZONES BOARD - CHANGES TO FOREIGN-TRADE ZONE –  
ALTERNATIVE SITE FRAMEWORK**

**No budgetary impact**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1017

RESOLUTION NO. 11-205

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO SUBMIT AN APPLICATION TO THE FOREIGN-TRADE ZONES BOARD OF THE UNITED STATES DEPARTMENT OF COMMERCE, REMOVING 68 ACRES FROM SITE #1, REMOVING SITE #3, AND ADDING 36.46 ACRES TO SITE #4 OF THE CITY'S FOREIGN-TRADE ZONE AND REORGANIZING THE GRANT OF AUTHORITY UNDER THE ALTERNATIVE SITE FRAMEWORK.

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**LICENSE AGREEMENT - OPERATION OF FORT LAUDERDALE STADIUM (CR-11)  
TRAFFIC SPORTS USA, INC.**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1076

RESOLUTION NO. 11-206

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 11-191, BY AUTHORIZING ADJUSTMENTS TO THE AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND TRAFFIC SPORTS USA, INC., FOR OPERATION OF FORT LAUDERDALE STADIUM, THAT WAS APPROVED VIA RESOLUTION NO. 11-191.

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**FIRST AMENDMENT TO CONTRACT WITH HORIZON CONTRACTORS, INC. - \$71,601 - SE 15 STREET BOAT LAUNCH AND MARINE COMPLEX IMPROVEMENTS** (CR-12)

**See funding details attached to these minutes.**

**Recommend:** Motion to approve and adopt resolution.

**Exhibit:** Commission Agenda Report 11-1030

RESOLUTION NO. 11-207

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

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**FOURTH AMENDMENT TO DEVELOPMENT AGREEMENT – MJDC AOA, LLC - NORTHWEST COMMERCIAL REDEVELOPMENT** (CR-13)

**No budgetary impact**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1051

RESOLUTION NO. 11-208

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLOIDA AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FOURTH AMENDMENT TO THE DEVELOPMENT AGREEMENT; RECONCILING TERMS AND CONDITIONS WITHIN THE DEVELOPMENT AGREEMENT AND TERMS OF A LEASE BETWEEN THE DEVELOPER AND BANK; PROVIDING FOR SEVERABILITY; REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; EFFECTIVE DATE.

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**CONDITIONAL CONSENT TO ASSIGNMENT OF DEVELOPMENT  
NORTHWEST COMMERCIAL REDEVELOPMENT**

**(CR-14)**

**No Budgetary Impact**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1052

**RESOLUTION NO. 11-209**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION BY THE PROPER CITY OFFICIALS OF A CONSENT TO DEVELOPER'S ASSIGNMENT AND ASSUMPTION OF RIGHTS AND OBLIGATIONS OF PHASE II PROJECT UNDER THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND MILTON JONES DEVELOPMENT CORPORATION, SAID ASSIGNMENT AND ASSUMPTION BEING BETWEEN MILTON JONES DEVELOPMENT CORPORATION, AS DEVELOPER/ASSIGNOR AND VILLAGE OF THE ARTS, LTD., A FLORIDA LIMITED PARTNERSHIP AS DEVELOPER/ASSIGNEE, SUBJECT TO CERTAIN TERMS AND CONDITIONS; AND PROVIDING FOR TERMINATION OF CONSENT TO ASSIGNMENT UPON CERTAIN TERMS AND CONDITIONS; PROVIDING FOR APPEAL OF ANY AND ALL RESOLUTIONS IN CONFLICT HEREEITH; PROVIDING FOR EFFECTIVE DATE.

**PURCHASING AGENDA**

**CITY-WIDE HIGH-SPEED WIRELESS DATA SERVICES - \$201,570.18 – (PUR-01)  
SIX MONTH SERVICE**

**See funding details attached to these minutes.**

Purchase city-wide high-speed wireless data services to December 27, 2011 - presented for approval by Information Technology Services Department.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0975

The Procurement Services Department has reviewed this item and agrees with awarding from the State of Florida contract.

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**215-10773 - ENHANCED MAINTENANCE AND BEAUTIFICATION SERVICES - \$230,098 - BEACH BUSINESS IMPROVEMENT DISTRICT** (PUR-02)

**See funding details attached to these minutes.**

Two-year contract with two, one-year renewal options for enhanced maintenance and beautification services within Beach Business Improvement District is being presented for approval by Economic Development Department.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0979

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

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**775-9805 - PUBLIC SAFETY COMPUTER HARDWARE MAINTENANCE – \$15,340** (PUR-03)

**See funding details attached to these minutes.**

Increase expenditure for Public Safety computer hardware maintenance utilizing Contract 775-9805 on a month-to-month basis up to four months ending September 30, 2011 - presented by Police Department.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0981

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

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**UPGRADE AND EXPAND POLICE DEPARTMENT SECURITY CAMERA SYSTEM - \$91,101.42** (PUR-04)

**No current budgetary impact. See funding details attached to these minutes.**

Purchase computer equipment to upgrade and expand Police Department security camera system - presented for approval by Police Department.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0982

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

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**493-10356 - CORROSION INHIBITOR - PEELE DIXIE WATER TREATMENT PLANT - \$20,000** (PUR-05)

**See funding details attached to these minutes.**

Increase expenditure for corrosion inhibitor purchases on as needed basis at Peele Dixie Water Treatment Plant is being presented for approval by Public Works Department.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0869

The Procurement Services Department has reviewed this item and recommends approval of the increased expenditure.

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**412-10786 - EMERGENCY ASPHALT RESTORATION - \$41,710** (PUR-06)

**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 to purchase emergency asphalt restoration services is being presented for approval by Public Works Department.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0906

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

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**616-10631-2 - PROFESSIONAL TRAFFIC AND TRANSPORTATION ENGINEERING - CONSULTANT SERVICES CONTINUING CONTRACT** (PUR-07)

**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 professional traffic and transportation engineering consultant services with Kimley-Horn and Associates, Inc.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0970

The Procurement Services Department has reviewed this item and recommends

approval and execution of the Agreement with Kimley-Horn and Associates, Inc.

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**616-10631-1 - PROFESSIONAL TRAFFIC AND TRANSPORTATION (PUR-08)  
ENGINEERING - 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 professional traffic and transportation engineering consultant services with Kittelson & Associates, Inc.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0971

The Procurement Services Department has reviewed this item and recommends approval and execution of the Agreement with Kittelson & Associates, Inc.

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**AUDIT SERVICES - PERFORMING ARTS CENTER AUTHORITY (M-08)  
ALBERNI CABALLERO & COMPANY - FISCAL YEAR 2011-2012  
BASE COST - \$17,500\***

Mayor Seiler announced a correction, that there is no current year budgetary impact. (First year funding is contingent upon appropriation of the 2011-2012 budget).

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**BOND AND DISCLOSURE COUNSEL (CR-06)  
GENERAL OBLIGATION REFUNDING BOND ISSUE - \$14.345 MILLION**

Mayor Seiler announced that this resolution (11-201) was corrected to reflect the amount of \$14,345,000 in the first "whereas" clause.

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**Motion** made by Commissioner Rogers and seconded by Commissioner Roberts that Consent Agenda Items M-06 and M-13 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 Rodstrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

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**HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM – (M-06)  
AMENDMENT - BROWARD REGIONAL HEALTH PLANNING COUNCIL, INC. -  
INCREASE AMOUNT TO \$803,121.33**

Regine Kanzki of Broward Regional Health Planning Council, thanked the Commission and staff for their support of this program and noted its success.

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

**CHANGE ORDER 3 - WEST CONSTRUCTION, INC. - \$110,393.37 – (M-13)**  
**ADD 87 WORK DAYS - SOUTH SIDE SCHOOL RESTORATION**  
**AND HARDY PARK**

With respect to the Hardy Park portion, Commissioner Rogers requested the signage, entrance (archway) and fence items be removed from consideration this evening so that they could be re-evaluated and presented at a future meeting. Albert Carbon, Director of Public Works, offered more detail as to the location and the improvement amenities. The improvements were addressed by the Commission in 2006-2007 and presented to the neighborhood. The neighborhood now believes the amenities are too large.

**Motion** made by Commissioner Rogers and seconded by Commissioner Roberts to authorize the proper City Officials to execute Change Order 3 to West Construction, Inc., as revised to delete the above-noted three items (CO3-11 and CO3-12). Roll call showed: YEAS: Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

<b>MOTIONS</b>
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**PROPRIETARY - DECORATIVE STREETLIGHT POLE, FIXTURES (MD-01)**  
**AND PARTS - \$28,358 - HARBOR BEACH AREA**

**See funding details attached to these minutes.**

Purchase decorative streetlight pole, fixtures and associated parts - Harbor Beach area - presented by Public Works Department.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0866

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

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



**PROPRIETARY – INCREASE EXPENDITURE – TENNIS LESSONS-  
\$7,500****(MD-02)**

**See funding details attached to these minutes.**

Increase expenditure for purchase of tennis instruction services is being presented for approval by Parks and Recreation Department.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0958

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

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

<b>RESOLUTIONS</b>
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**FISCAL YEAR 2011-2012 BUDGET - MILLAGE RATES -  
CITY MANAGER'S BUDGET MESSAGE****(R-01)**

**No current year budget impact.**

**Recommend:** Introduce resolution.

**Exhibit:** Commission Agenda Report 11-1027

The City Manager noted another version of the budget will be provided to the Commission before the end of July with more detail. The budget presented at this time is predicated upon a reduction in expenditures for all funds but particularly the general fund and closing a revenue to expenditure gap of about \$36 million. He is proposing to use about \$6 million of fund balance, eliminate some positions, make further departmental cuts that have not yet been identified and look at future facility transport. No increase in the millage rate is recommended, but an increase in the fire assessment fee. The household residential rate would increase from \$135 to \$160 a year with a corresponding commercial increase as well.

The City Manager responded to Commissioner Rodstrom's question, indicating Florida law requires municipalities in July to advise the Property Appraiser as to the maximum millage rate. In September, the rate can be lowered. He confirmed for her that approval this evening is not an endorsement as to use of reserve funds.

Commissioner Rogers referred to the financial forecast provided to encourage the City Manager to continue the trend of decreasing expenses as revenues fall. He did not favor an increase in the fire assessment rate. Vice Mayor DuBose was also concerned

about the fire assessment rate increase. Commissioner Roberts pointed out that this proposal includes an approximate \$3 million decrease in general fund operating expenses. Together with other cuts, there has been about \$15 million in operating expense cuts over a period of three years. He was not opposed to user fees such as the fire assessment. Until there are other sources of revenue, funding is needed to provide services. The alternative is to reduce services. The fire assessment rate increase will generate about \$4 million for the general fund. The City Manager gave a brief overview for Commissioner Roberts as to how Fort Lauderdale compares with other Broward municipalities with respect to the fire assessment rate. Commissioner Roberts noted that currently the City is recovering 52 percent of expenses for this service; the proposal would raise that rate to 62 percent. He would support an increase in this area, but was not yet certain as to what extent. Reserves are at 19 percent above the 15 percent maximum even with use of \$6 million. The City Manager confirmed for Mayor Seiler that the City's millage rate is close to the bottom in comparison with other Broward municipalities. Mayor Seiler believed Fort Lauderdale is the second lowest municipality in comparison with the twenty largest cities in the state, with the lowest being Tallahassee. The City Manager noted that Tallahassee has an electric utility that they use to heavily subsidize the general fund. Mayor Seiler noted that action this evening will cap the millage rate and ensure it will not be raised. He understood the cost recovery element of the budget. He did not want to subsidize non-residents which involves the fire assessment fee, however, there will be time to discuss the nuts and bolts of the budget.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-194

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING THE CITY MANAGER'S BUDGET MESSAGE, ESTIMATES AND RECOMMENDATIONS FOR FISCAL YEAR 2011-2012 AND AUTHORIZING THE CITY MANAGER TO COMPUTE PROPOSED MILLAGE RATES AND TO ADVISE THE BROWARD COUNTY PROPERTY APPRAISER OF SUCH PROPOSED MILLAGE RATES.

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

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**PRELIMINARY FIRE-RESCUE SPECIAL ASSESSMENT –  
FISCAL YEAR 2011-2012**

**(R-02)**

**No budgetary impact.**

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-0899

The City Manager explained that the goal is to increase the rate of cost recovery. The current rate of \$135 is several years old. It has not been raised annually to keep pace with operational increases. Under the upcoming cost recovery proposal, this item will be reviewed every two years although it actually should be addressed annually. In response to Commissioner Rodstrom, the City Manager advised that this increase will bring the City's recovery of cost to 62 percent. Roughly ninety percent of the Fire Rescue Department's budget is personnel related. To only keep pace with that portion of expenses alone since the \$135 rate was set, the rate would be \$164. Action this evening is preliminary; the rate can go down, but not up as in the case of the previous item.

Vice Mayor DuBose emphasized the importance of timing and that people are still dealing with the rough economy. If it had been done gradually, the impact would not be as great. With it being primarily due to salaries, the Commission has some culpability. Commissioner Rodstrom pointed out that the number can be reduced by the time of the next meeting and she anticipated that would be the case. In response to Mayor Seiler, it was noted that the last increase occurred with the 2007-2008 budget where it increased from \$94 to \$135.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-195

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDAE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF FORT LAUDERDALE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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**DISPOSITION OF CITY OWNED SURPLUS PROPERTIES - (R-03)**  
**THREE PARCELS IDENTIFIED AS SP 11-16, SP 11-17, SP 11-18**

**No budgetary impact at this time.**

**Recommend:** Introduce resolution.

**Exhibit:** Commission Agenda Report 11-0937

Commissioner Roberts reiterated his previous point that he does not think the beginning sale price is high enough.

Vice Mayor DuBose noted the properties are within the Community Redevelopment Agency area. With recent discussion at the joint workshop with the Northwest Progresso Flagler Heights area Community Redevelopment Agency (CRA), he requested the item be deferred to allow him time for more review. Mr. Brown saw no problem with a deferral. He reminded the Commission that some of the funds pay federal debt as these are U.S. Department of Housing and Urban Development (HUD) properties. Vice Mayor DuBose suggested that, in the future, parcels not be grouped together. Commissioner Roberts pointed out that not all of the funds go to HUD, only a portion; however, Mr. Brown advised that in fact the full amount for acquired properties is actually credited to the City's line of credit with HUD for additional affordable housing projects. Mayor Seiler suggested referring this item to the CRA advisory board.

**Motion** made by Vice Mayor DuBose and seconded by Commissioner Rodstrom to defer, no date certain, and refer the item to the Northwest Progresso Flagler Heights Redevelopment Board for a recommendation. YEAS: Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

#### RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING, PURSAUNT TO CITY CHARTER SECTION 8.04, CERTAIN PARCELS SP-11-16, 11-17, AND 11-18, MORE PARTICULARLY DESCRIBED BELOW, NOT NEEDED FOR PUBLIC USE AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CTY 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; REPLACING ANY RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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#### **BOARD AND COMMITTEE APPOINTMENTS**

**(R-04)**

**No budgetary impact.**

**Recommend:** Introduce resolution.

**Exhibit:** Commission Agenda Report 11-1035

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

Beach Business Improvement District Advisory Committee      Scott Brooks (Consensus)

Cemetery System Board of Trustees      Michael Ruddy (Commissioner Rodstrom) (effective September 1, 2011)

Education Advisory Board      Cici Kelly (Commissioner Rogers)

The City Clerk announced that Mr. Brooks was recommended by the W Hotel to serve as their alternate for the Beach Business Improvement District Advisory Committee. Mr. Ruddy requested that his appointment be made effective on September 1, 2011.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-210

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

**CITIZEN PRESENTATIONS**

**CHRISTINE TIMMON - U.S. CONSTITUTION AND IMMIGRATON** (CIT-01)

**No budgetary impact.**

Ms. Timmon was not present.

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**DENNIS ULMER - A "NEIGHBOR" WELCOMES CITY MANAGER** (CIT-02)  
**LEE FELDMAN**

**No budgetary impact.**

Mr. Ulmer recalled meeting Mr. Feldman during the City Manager selection process. He indicated that Mr. Feldman recognizes the importance of neighborhoods. He believes the Commission made the right choice in hiring him. He welcomed the City Manager and expressed excitement to work with him.

<b>PUBLIC HEARINGS</b>
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**2011-2012 HUD ANNUAL ACTION PLAN  
GRANT FUNDING - CDBG, HOME, ESG, AND HOPWA PROGRAMS**

**(PH-01)**

**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 recommendations of Community Services Board for Public Services projects and activities, 3) authorize proper City Attorney's Office to prepare all necessary documents, 4) authorize Housing and Community Development Manager and City Attorney's Office to execute all necessary documents, subject to award and appropriation of funds by City Commission, 5) authorize staff to submit plan to U.S. Department of Housing and Urban Development, 6) direction as to whether staff should provide payments to agencies/subrecipients that are not in compliance with program guidelines and, or federal regulations and 7) direction on establishing advisory board or committee for HOPWA program.

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

**Exhibit:** Commission Agenda Report 11-0999

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

Jonathan Brown, Housing and Community Development Manager, confirmed that Item 6 of staff's recommendation, concerning payments to agencies/subrecipients that are not in compliance with program guidelines and, or federal regulations, is requested be deferred so that they can work out contractual issues with one agency, Broward House (Memorandum 11-202 which is attached to these minutes). The City Manager indicated it will be presented in August. Mr. Brown noted that the fiscal year starts in October and as such, there will be time to get direction from the Commission in August on what to do when an agency is not in compliance. He responded to Mayor Seiler concerning the seriousness of the non-compliance and U.S. Department of Housing and Urban Development's (HUD) involvement. The City Attorney advised that his office has looked at this matter and believe that necessary adjustments can be made in August or September. There is nothing to stop the Commission from moving forward with the other recommendations this evening. Mayor Seiler requested staff's response to Broward House's email which is attached to Memorandum 11-202 and provided to the Commission. He wanted to assure compliance with all state and federal regulations, local ordinances and HUD requirements. Also, he wanted to make sure those who deserved are receiving the benefits and there is no waste. Provided no rights are being waived and no estoppel situation is being created, he had no objection to moving

forward with the exception of Item 6. There was a consensus on this point.

In response to Commissioner Rodstrom, Albert Carbon, Director of Public Works, advised \$225,000 is proposed to continue the WaterWorks connection program to low-income; \$300,000 for Community Development Block Grant Program (CDBG) capital improvements of which \$200,000 would be designated for Neighborhood and Business Capital Improvement programs and \$100,000 for design, survey and environmental work concerning unimproved rights of way in the South Middle River area. He confirmed for Vice Mayor DuBose that the \$100,000 for South Middle River is in addition to \$250,000 allocated last year. As to impact to other parts of the city, this is the last year a contribution to the WaterWorks Connection Program will be necessary, thus these funds would be available for other CDBG projects. In response to Commissioner Rogers, Mr. Carbon provided some estimates on funding for the WaterWorks (connection) Program this year. It is projected that all funds allocated for this program will be expended by the end of this month. The program is for neighborhoods receiving new sewers and applicants (in those neighborhoods) who meet certain income criteria. Commissioner Rogers wanted to see how the pool of potential applicants is determined including more data detail because there is a need citywide. For next year, Vice Mayor DuBose wanted to certain the funding previously used for WaterWorks is available for other projects. The City Manager noted that the funding is contingent upon Congress allocating CDBG funds; the latest signals are that there will be a further decline. Mr. Carbon confirmed for Commissioner Rodstrom that the \$557,000 (\$557,322.80) of Public Works Department projects under Other CDBG Activities includes WaterWorks, but also ADA and other projects. Staff makes recommendations to the Commission as to how these funds should be allocated. In response to Commissioner Rogers, the City Manager explained when the Capital Improvement Plan is approved in September, the Commission will have the ability to move \$557,322.80 as it sees fit for CDBG eligible activities. Staff is indicating now that their plan submission will include \$100,000 for South Middle River, but the Commission will have discretion to reallocate then. Mr. Carbon offered to compile a report in response to Commissioner Rogers with respect to assistance to citizens for WaterWorks connections.

In response to Commissioner Roberts, Mr. Brown advised that those items not recommended by the Community Services Board. Commissioner Roberts recalled there were two agencies not recommended for funding, but scored overall higher than another agency that was recommended for funding. He had requested consideration be given to reallocating funds to those two agencies (Broward Housing Solutions and Women in Distress). Mr. Brown explained there was a difference in categories. Commissioner Roberts was frustrated that the final outcomes are not known to the Commission. There is no data showing why Women in Distress, for example, is not funded. Until hard data is available, he wanted funding allocated to Broward Housing Solutions and Women in Distress. He recalled previous discussion about there being a focus on outcomes and not just complying with grant requirements. Mr. Brown advised that for the category in which Broward Housing Solutions competed, the Community Services Board (CSB) recommended Childnet, Inc. and for the category in which Women in Distress competed, the CSB recommended Broward Partnership for the Homeless. Commissioner Rodstrom agreed that funding allocations should be based on outcomes. Mr. Brown indicated that the Commission has been provided with what the agencies have produced to date as well as their compliance issues. The agencies would have to be requested to provide additional information. However, their current contracts have compliance requirements and goals to be met.

In response to Mayor Seiler, Mr. Brown pointed out that based on the three-year rule (no funding to agencies for three consecutive years), the City would not have received applications for those agencies that would have been excluded. Every agency that applied competed and the CSB ranked them competitively. Mayor Seiler thought the Commission was going to discuss the three-year rule. The City Manager advised that staff was to provide a recommendation which he had indicated would be in the September time frame with regard to policy for the next cycle. At that time, Commissioner Rogers requested the application and scoring sheet used by the CSB and the Commission will develop criteria. Commissioner Roberts indicated he would vote for the item this year, but not again without more scientific ranking using outcomes. He questioned how the CSB makes recommendations without outcome information. Commissioner Rogers reiterated his concern that there was no detail for the Public Works Department Projects category. Mr. Brown explained that this is a budget; projects have to ultimately be approved by the Commission.

Vice Mayor DuBose referred to Item 4 of staff's recommendation and questioned why the Housing and Community Development Manager instead of the City Manager is executing documents relating to the action plan. Mr. Brown advised that this has been the practice for the last two years based on Commission approval. It expedites processing of the applications. Mayor Seiler suggested document signed be shifted to the City Manager.

Mayor Seiler opened the public hearing.

Regine Kanzki of Broward Regional Health Planning Council, thanked the Commission and staff for allowing their program to go forward and serve their clients. She highlighted their goal.

Daphne Creary of Esther's Resource, questioned why there was so little funding for community programs. There is a need for community programs in the inner-city. Funding for social and community programs should have been divided more equally.

Richard Desiderio indicated he has been a part of Broward House's housing program for the last month which has allowed him to move to a safe area and his sobriety is no longer jeopardized by his surroundings. He supported the continued funding allocation for Broward House. Broward House has changed his entire situation. He encouraged the same level or a higher level of funding for Broward House.

Sal Gatano, president of South Middle River Civic Association, displayed a map and photographs of nineteen streets in South Middle River that are unpaved and have been neglected for over fifty years, which were made part of the record. The streets are barricaded and block off police patrol. They are a safe haven for criminals. Commissioner Rodstrom clarified that they are portions of streets and not the entire lengths.

Vivian Dempsey of South Middle River Civic Association, advised that she has resided in the city since 1953. The unpaved streets under discussion have been in this condition for the entire time that she has resided in the city. Years ago, adjacent property owners were given the opportunity to acquire that piece of the street for \$3,000, but not all property owners did this. Those areas where the property was not transferred to



adjacent property owners are in bad condition. The police patrol is blocked.

Both Mayor Seiler and Commissioner Rodstrom commented on the unacceptable condition. Commissioner Roberts recalled that years ago, a police strategy was to block off areas to prevent traffic and crime. He thought these may be the residual from that era when that strategy was used. Mr. Gatano did not believe the police ever consented to proposals for the areas to become breezeways and parks due to safety concerns. He emphasized the number of burglaries and robberies in South Middle River. Commissioner Roberts agreed it needs to be examined. Greg Brewton, Director of Planning and Zoning, concurred with Commissioner Roberts' historical recollection of street closures on both sides of Sunrise Boulevard in order to provide more security. The application fee for street vacation was \$3,000. He did not think any more than one or two streets were permanently vacated. Mr. Gatano responded to Mayor Seiler's question as to the streets that were permanently vacated 1) 14<sup>th</sup> Street between NW 4 and 5 Avenues and 2) 15<sup>th</sup> Street at NW 4 Avenue.

Greg Pentecost, member of South Middle River Civic Association, emphasized that the road closure areas are used loitering, drug use and dealing and monitoring residences for burglaries. There is a serious public safety issue. He has had experience with prospective homebuyers refusing properties adjacent to road closures. Opening the closures would fight the crime problem, mitigate the blighted appearance, increase property values and hopefully tax revenues. He believed opening the closures is supported by the police and utility crews.

Rob Smith, member of South Middle River Civic Association, commented on the savings of police time that would result with the road closure areas being addressed. As to comments that South Middle River is receiving too much, he pointed out that there have been too many years of this neighborhood receiving too little or nothing.

Cindy Day, member of South Middle River Civic Association, advised that she owns five properties in Fort Lauderdale. One of the properties is located at the corner of NW 14 Street and 7 Avenue. In the last twelve months, there have been five break-ins. She has incurred thousands of dollars in repairs and loss of a tenant. The police recommended removing the air conditioner compressor while the house was empty because it would be stolen. If this problem is addressed, there will be reduced police resources used. In terms of fairness, she felt there are other areas of the city where this would simply not be allowed to occur. It is not acceptable for paving of these streets to take five years to accomplish.

Michael Rajner, P.O. Box 2133, commended the City for their accomplishments in securing HOPWA funding awards from the federal government and in restoring integrity to the program throughout the county. However, there is more to be done. For example, Fort Lauderdale could be more a part of efforts focusing on HIV prevention.

There was no one else wishing to speak.

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

**Motion** made by Commissioner Rodstrom and seconded by Commissioner Rogers, to approve the item as presented with the exception of Item 4 being revised to City Manager instead of the Housing and Community Development Manager and deferring Item 6. Roll call showed: YEAS: Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

**CONVENIENCE AND LIQUOR STORE MORATORIUM  
NORTHWEST PROGRESSO FLAGLER HEIGHTS COMMUNITY  
REDEVELOPMENT AREA**

**(PH-02)**

**No budgetary impact.**

An ordinance imposing a moratorium within the Northwest Progresso Flagler Heights community redevelopment area of the City on the acceptance of an application for or issuance of a permit for a liquor store or convenience store for a period of one year and providing for a study of these uses and their impact on the area and related regulations. Anyone wishing to speak on this item must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

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

**Exhibit:** Commission Agenda Report 11-0668

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

Vice Mayor DuBose introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-17

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, IMPOSING A MORATORIUM WITHIN THE CITY OF FORT LAUDERDALE ON THE ACCEPTANCE BY CITY OF AN APPLICATION FOR OR CONVENIENCE STORE ON PROPERTY LOCATED WITHIN THE NORTHWEST-PROGRESSO-FLAGLER HEIGHTS COMMUNITY REDEVELOPMENT AREA FOR A PERIOD OF ONE YEAR; PROVIDING FOR A STUDY OF THESE USES AND THEIR IMPACT ON THE AREA, AND RELATED REGULATIONS; AND PROVIDING AN EFFECTIVE DATE.

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

<b>ORDINANCES</b>
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**REZONING TO RESIDENTIAL LOW-RISE MULTIFAMILY – (O-01)**  
**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:** Motion to defer second reading to August 16, 2011.

**Exhibit:** Commission Agenda Report 11-1053

The Commission announced the disclosures were the same as those indicated on first reading.

**Motion** made by Vice Mayor DuBose and seconded by Commissioner Rodstrom, to defer second reading to September 7, 2011. Roll call showed: YEAS: Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

## 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 13<sup>TH</sup> AVENUE AND NORTHWEST 9<sup>TH</sup> STREET, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

**No Budgetary Impact.**

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

**Exhibit:** Commission Agenda Report 11-1012

Commissioner Rodstrom introduced the following ordinance on SECOND 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. NON-MOTORIZED VEHICLES, AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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

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**CODE AND ULDR AMENDMENTS - BOARDS AND COMMITTEES  
RESIDENCY MEMBERSHIP REQUIREMENTS AND REORGANIZATION** (O-03)

**No budgetary impact.**

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

**Exhibit:** Commission Agenda Report 11-1018

Commissioner Roberts questioned the provision that prohibits employees from serving on boards when they also reside in the city. The City Attorney explained the City Manager is an ex-officio member of every board. Having one of the City Manager's subordinates also on a board would result in two representatives from the City's management on a board. Commissioner Roberts continued to have a concern. Mayor Seiler felt it is a good policy especially if the individual takes a position different than what the Commission is asking the Manager to take.

Commissioner Rodstrom noted the term, commission, in Section 2-217(d) where it provides for forfeiture of office and questioned if this poses a conflict for members of the

City Commission. The City Clerk explained that it is speaking to boards. The City Attorney called attention to the section heading and confirmed that this section applies to advisory boards. In further response, he believed that the pronouns of his and her are interchangeable.

In response to Mayor Seiler, the City Clerk explained that the ordinance clarifies the definition of advisory board because there are several boards that are not advisory. The residency requirements are addressed for non-advisory boards in their individual legislation. Mayor Seiler questioned why advisory boards are not proposed to be listed in the code along with those that are not advisory. The City Clerk indicated in such case, the code would need to be amended each time a board was created. With this proposal, the code would only need to be amended if a non-advisory board was created. Language for (individual) advisory boards is being removed and will be covered by their individual legislation that enacted them.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-18

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 2, ARTICLE VII. BOARDS, COMMISSIONS ETC.; DELETING DIVISIONS 3, 5 AND 8 OF CHAPTER 2, ARTICLE VII. BOARDS, COMMISSION, ETC.; AMENDING SECTION 7-32, COMPOSITION, QUALIFICATIONS, APPOINTMENT, QUALIFICATIONS, COMPENSATION, AND SECTION 9-258, ENFORCEMENT; SERVICE OF NOTICES AND ORDERS; APPEALS BOARD; HEARINGS OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA; AMENDING ORDINANCE NO. C-71-56 ORDINANCE NO. C-96-16 AND ORDINANCE NO. C-10-48 OF THE CITY OF FORT LAUDERDALE, FLORIDA; AND AMENDING CHAPTER 47, ARTICLE IX, ADMINISTRATION AND BOARDS, OF THE UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR) OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO PROVIDE UNIFORM BOARD AND COMMITTEE MEMBERSHIP REQUIREMENTS, REVISE THE METHOD FOR CODIFICATION OF ADVISORY BOARDS, AND PROVIDING FOR CODIFICATION, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS AND AN EFFECTIVE DATE.

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

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**RESCHEDULING AUGUST 16, 2011 CITY COMMISSION MEETINGS**

**(OB)**

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-211

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDAE, FLORIDA, RESCHEDULING THE AUGUST 16, 2011, REGULAR AND CONFERENCE MEETINGS OF THE CITY COMMISSION TO AUGUST 23, 2011.

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

Vice Mayor DuBose was not present for this vote. He left the meeting at approximately 8:10 p.m. and returned during the conference meeting at approximately 8:58 p.m.

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Note: The City Commission adjourned the regular meeting at 8:12 p.m. and returned to the conference meeting agenda, item I-G, from 8:12 p.m. to 10:41 p.m. The Commission then convened as the Community Redevelopment Agency Board of Directors from 10:41 p.m. to 10:43 p.m. The Commission then returned to the conference meeting agenda, Commission Reports, from 10:43 p.m. to 10:57 p.m.

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John P. "Jack" Seiler  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk