

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING**  
**SEPTEMBER 7, 2011**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE  
September 7, 2011**

Meeting was called to order at 6:05 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 Steven Greenlaw

Invocation was offered by Chaplain Rick Braswell, Broward Sheriff's Office, followed by the recitation of the pledge led by Rick Braswell.

**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 August 23, 2011 Regular Meeting. YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

**Presentations**

**1. SPIRIT OF FREEDOM DAYS - SEPTEMBER 16 AND 17, 2011 (PRES-06)**

Commissioner Rodstrom presented a proclamation to Melissa Aiello, president of Junior Achievement of South Florida, designating September 16 and 17, 2011, as Spirit of Freedom Days in the City and recognizing Junior Achievement of South Florida in partnership with the Spirit of Freedom Experience for being chosen to host five monuments containing the U.S. Constitution and Bill of Rights at Huizenga Center. Ms. Aiello thanked the Commission and invited the public to attend their upcoming event on U.S. Constitution Day.

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**2. NATIONAL MOMENT OF REMEMBRANCE DAY - SEPTEMBER 11TH (PRES-01)**

Commissioner Roberts presented a proclamation recognizing National Moment of Remembrance Day on September 11<sup>th</sup> in commemoration of the 10<sup>th</sup> anniversary of the September 11, 2001 terrorist attacks to Assistant Police Chief, Steve Kinsey; Fire Rescue Chief, Jeff Justinak; FOP (Fraternal Order of Police) President and Sergeant, Jack Lokeinsky; and IAFF (International Association of Fire Fighters) President and Lieutenant, Will Humphrey. Chief Justinak recalled the September 11<sup>th</sup> terrorist attacks, and emphasized the importance of the public's reflection upon these events and maintaining awareness to help prevent future terrorism. Mayor Seiler announced upcoming events in commemoration of September 11<sup>th</sup>.

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**3. COMMUNITY APPEARANCE BOARD - WOW AWARD - DISTRICT III (PRES-02)**

Vice Mayor DuBose recognized Delores McKinley who resides in Lake Aire Estates as the recipient of the WOW Award for District III.

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**4. COMMENDATION - MICHAEL MADFIS-SUSTAINABLE FLORIDA BEST PRACTICE AWARD (PRES-03)**

This item was deferred.

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**5. 110 TOWER DAY - SEPTEMBER 7, 2011 (PRES-04)**

Commissioner Rogers presented a proclamation to David Castilla, president of Genesis Capital Partners XI, Ltd., designating September 7, 2011, as 110 Tower Day in the City in recognition of their LEED (Leadership in Energy and Environmental Design) Gold Certificate award from the U.S. Green Building Council. Mayor Seiler noted the significance of this retrofitted building obtaining this certification as it is typically granted to new construction. Mr. Castilla thanked the Commission for their support, and pointed out that, although the building's investors faced challenges during the economic downturn, the current outlook has improved.

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**6. OUTSTANDING CITY EMPLOYEES (PRES-05)**

Albert Carbon, Public Works Director, presented the STAR Award to Scott Chapman, Fabricator-Welder, for sharing his welding expertise by assisting in the development and application of a City training program.

He presented the STAR Award to Edgar Lattimore, Utilities Service Worker IV, for the positive impression he made on a visitor to the City who had become lost by courteously and patiently providing her directions.

He presented the STAR Award to Norman Schwartz, Architect, for having his conceptual design for an American Fallen Warrior Memorial selected out of several entries in a national competition.

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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 - ART WALK LAS OLAS****(M-01)****No budgetary impact.**

Event Agreement with Las Olas Association, Inc., for Art Walk Las Olas, to be held on Thursdays: October 20, November 17 and December 15, 2011, 6 PM - 9 PM.

**Recommend:** Motion to approve.**Exhibit:** Commission Agenda Report 11-1239

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**EVENT AGREEMENT - BIZARRE-B-Q - CLOSING SW 28 STREET****(M-02)****No budgetary impact.**

Event Agreement with National Marine Suppliers, Inc., for Bizarre-B-Q, to be held October 29, 2011, 6 PM - 12 Midnight, at 2800 SW 2 Avenue and closing SW 28 Street, from SW 1 Terrace to SW 2 Avenue.

**Recommend:** Motion to approve.**Exhibit:** Commission Agenda Report 11-1240

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**EVENT AGREEMENT - ROCCO'S TACOS FIESTA FABULOSO****(M-03)****No budgetary impact.**

Event Agreement with Fort Taco Ltd., for Rocco's Tacos Fiesta Fabuloso, to be held on September 16, 2011, 5 PM - 11 PM.

**Recommend:** Motion to approve.**Exhibit:** Commission Agenda Report 11-1259

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**EVENT AGREEMENT - LAS OLAS GOURMET MARKET  
CLOSING SE 12 AVENUE**

**(M-04)**

**No budgetary impact.**

Event Agreement with Las Olas Association, Inc. for Las Olas Gourmet Market, to be held in 2011 on Sundays during October, November and December, 9 AM - 3 PM, at 1201 East Las Olas Boulevard and closing SE 12 Avenue.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1260

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**EVENT AGREEMENT - 52ND ANNUAL FORT LAUDERDALE  
INTERNATIONAL BOAT SHOW - CLOSING SE 5 STREET  
AND LAS OLAS CIRCLE**

**(M-05)**

**No budgetary impact.**

Event Agreement with Yachting Promotions, Inc. for 52nd Annual Fort Lauderdale International Boat Show, to be held October 27-30, 2011, 10 AM - 7 PM, and October 31, 2011, 10 AM - 5 PM and closing SE 5 Street and Las Olas Circle.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1250

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**EVENT AGREEMENT - VILLAGE OF HORRORS  
HALLOWEEN FESTIVAL AND HAUNTED HOUSES**

**(M-06)**

**No budgetary impact.**

Event Agreement with AEG Live SE, LLC, for Village of Horrors at War Memorial Auditorium and in the north parking lot on October 13-15, 20-22, 27-29, 2011, 7 PM - 12 Midnight, contingent upon approval of a license agreement for uses of city facilities.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1253

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**EXTENSION TO AGREEMENT WITH PARTNERS IN ACTION, INC. D/B/A  
KIDS ECOLOGY CORP - NATURE PROGRAMMING AT SNYDER PARK**

**(M-07)**

**No budgetary impact.**

First one-year extension to agreement with Partners in Actions, Inc., d/b/a Kids Ecology Corps, to provide nature-programming services at Snyder Park.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1241

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**CHANGE ORDER 3 - LMK PIPE RENEWAL, LLC - \$55,860 (M-08)**  
**WASTEWATER CONVEYANCE SYSTEM LONG-TERM**  
**REMEDATION PROGRAM - ADD 45 DAYS**

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

Change Order 3, in the net amount of \$55,860, for quantity adjustments, the addition of 45 non-compensable calendar days to contract period, increase encumbrance by \$55,860 and authorize \$6,703.20 for 12 percent engineering fees - Wastewater Conveyance System Long-Term Remediation Program Project.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1223

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**TASK ORDER 2011-02 WITH HAZEN AND SAWYER, P.C. - \$24,874 (M-09)**  
**WATER DISTRIBUTION SYSTEM MONITORING**

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

Task Order 2011-02, in the not-to-exceed amount of \$24,874, for Water Distribution System Monitoring Design and transfer \$445,874 for design, equipment and construction.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1210

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**CONTRACT AWARD - B.K. MARINE CONSTRUCTION, INC. - \$183,702.50 (M-10)**  
**ANNUAL MARINE FACILITIES MAINTENANCE CONTRACT**

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

Contract with B.K. Marine Construction, Inc., in the amount of \$183,702.50, for 2012 Annual Marine Facilities Contract plus 17% engineering fees and transfer funds.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1200

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**SETTLEMENT OF VEHICLE ACCIDENT GENERAL LIABILITY FILE - \$49,000 (M-11)**

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

Settlement of Vehicle Accident General Liability File VA GL 10-352 (Norbert Keim) - \$49,000.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1280

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**AMENDMENT TO CITY'S HEALTHCARE AND BENEFIT PLANS FOR DOMESTIC PARTNERS** (M-12)

**No budgetary impact.**

Eligibility amendments to City's Healthcare and Benefit Plans to cover domestic partners.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1155

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**HOUSING OPPORTUNITIES FOR PERSONS WITH HIV/AIDS GRANT ADMINISTRATION-INCREASE FACILITY BASED HOUSING RATE - \$65 PER CLIENT PER DAY** (M-13)

**No current year budgetary impact. Funds budgeted in 2011-2012 Fiscal Year.**

Increase facility based housing rate, as requested by sub-recipient and service provider - Shadowood II, Inc. for fiscal year 2012.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1265

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**CONTRACT - HALLOWEEN FESTIVAL AND HAUNTED HOUSES - AEG LIVE SE LLC-WAR MEMORIAL AUDITORIUM** (M-14)

**No budgetary impact to FY 2010/2011. Budgetary impact to proposed FY 2011/2012 budget: Revenue budgeted at \$35,000 and expenditures budgeted at \$14,000.**

Contract with AEG Live SE LLC for Halloween Festival and Haunted Houses for the term of October 3, 2011 - November 3, 2011.



**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1238

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**INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES (M-15)  
(IATSE) - WAR MEMORIAL AUDITORIUM - TERMINATION OF LOCAL 500  
WORKING AGREEMENT**

**It is estimated that \$13,000 will be saved annually.**

Termination of International Alliance of Theatrical Stage Employees Local 500 Working Agreement for War Memorial Auditorium.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1008

This item was removed from the agenda, and addressed during the conference meeting, where it was deferred to September 20, 2011.

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**FIRST AMENDMENT TO LEASE AGREEMENT WITH (M-16)  
AMARCO TREATS, INC. - SHOP 140 AT CITY PARK MALL -  
140 SE 1 STREET - \$1,259 PER MONTH FIRST YEAR**

**No budgetary impact at this time, as this is a request to extend "rent-free" period.**

First Amendment to five-year Lease Agreement with Amarco Treats, Inc. at City Park Mall to extend rent free period for an additional sixty days or until Amarco Treats, Inc. receives their certificate of occupancy, whichever comes first.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1248

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**ASSIGNMENT OF LEASE AND ASSUMPTION AGREEMENT - (M-17)  
FIRST AMENDMENT TO LEASE - SHOP 108 AT CITY PARK MALL -  
108 SE 1 STREET**

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

Assignment of Lease and Assumption Agreement between Firekid Publishing, LLC, Assignor, and Stephenick G, Inc., Assignee for Shop 108 at City Park Mall and First Amendment to Lease for five-year term extension.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1334

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**BANKATLANTIC BANCORP INC. - DIRECT CASH INCENTIVE - \$50,000** (M-18)

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

Payment, in the amount of \$50,000, to BankAtlantic Bancorp Inc. - sixth year payment pursuant to terms of Direct Cash Incentive Grant Agreement.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-0989

<b>CONSENT RESOLUTION</b>
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**SIDEWALK REPAIRS** (CR-01)

**No budgetary impact.**

Authorization to repair sidewalks abutting private property at the cost of property owners - 900 SW 19 Street and 6751 NW 27 Way.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1230

RESOLUTION NO. 11-251

A RESOLUTION REQUIRING THE OWNERS OF CERTAIN PARCELS OF REAL PROPERTY TO RECONSTRUCT OR REPAIR SIDEWALKS ABUTTING THEIR PROPERTIES LOCATED AT 900 SW 19 STREET AND 6751 NW 27 WAY 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.

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**FLORIDA DEPARTMENT OF TRANSPORTATION BRIDGE PROJECT** (CR-02)  
**FIESTA WAY, ISLE OF VENICE, ROYAL PALM DRIVE, NURMI DRIVE  
AND SUNRISE KEY**

**No budgetary impact with this action. Funding for relocating City utilities from Water & Sewer Enterprise funds. Funding for relocating franchise utilities TBD.**

A resolution supporting Florida Department of Transportation projects for the reconstruction of five City-owned bridges.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1202

RESOLUTION NO. 11-252

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO FIVE SEPARATE PROJECTS COLLECTIVELY KNOWN AS THE "BRIDGES OF THE ISLES PROJECT" WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION PERTAINING TO THE REHABILITATION AND RECONSTRUCTION OF FIVE (5) INDIVIDUAL BRIDGES LOCATED IN THE CITY OF FORT LAUDERDALE.

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**AMENDED AND RESTATED LEASE AGREEMENT - PARCEL 2 - EXECUTIVE AIRPORT - ZELEY AVIATION, INC.** (CR-03)

**No Budgetary Impact for Current Fiscal Year**

Amendment to Lease Agreement and Amended and Restated Lease Agreement with Zeley Aviation, Inc. concerning improvements to be made on Parcel 2, Executive Airport.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-0209

RESOLUTION NO. 11-253

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE ORIGINAL LEASE AGREEMENT AND ENTER INTO AN AMENDED AND RESTATED LEASE AGREEMENT SUBJECT TO CERTAIN TERMS AND CONDITIONS, PERTAINING TO PARCEL 2 AT FORT LAUDERDALE EXECUTIVE AIRPORT.

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**COMMUNITY CHALLENGE PLANNING GRANT APPLICATION - \$250,000 NORTHWEST PROGRESSO FLAGLER HEIGHTS COMMUNITY REDEVELOPMENT AGENCY PLAN** (CR-04)

**Match 20%**

Regional Planning and Community Challenge Grant Application to U.S. Department of Housing and Urban Development, Office of Sustainable Housing and Communities - authorization of proper City Officials to execute all necessary documents to receive funds if awarded contingent upon Community Redevelopment Agency Board approval.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1286  
RESOLUTION NO. 11-254

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR REGIONAL PLANNING AND COMMUNITY CHALLENGE GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S OFFICE OF SUSTAINABLE HOUSING AND COMMUNITIES IN THE AMOUNT OF \$250,000; AND, IF AWARDED, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ANY DOCUMENTS REQUIRED TO RECEIVE SUCH GRANT FUNDS, CONTINGENT UPON APPROVAL BY THE CRA BOARD OF CRA MATCHING FUNDS/CONTRIBUTIONS.

<b>PURCHASING AGENDA</b>
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**TICKETMASTER - TICKETING SERVICES - WAR MEMORIAL AUDITORIUM (PUR-01)**

**No budgetary impact.**

Contract extension for ticketing services at War Memorial Auditorium.

**Recommend:** Motion to approve.  
**Vendor:** Ticketmaster L.L.C.  
Beverly Hills, CA  
**Amount:** \$250.00 (estimated revenue)  
**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 11-1229

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

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**28-086N - INCREASE EXPENDITURE - BUS TRANSPORTATION - (PUR-02)  
\$10,000-SCHOOL BOARD OF BROWARD COUNTY CONTRACT**

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

Increase expenditure for bus transportation services for recreation programs.

**Recommend:** Motion to approve.  
**Vendor:** A1A Transportation, Inc.  
Miami Gardens, FL  
**Amount:** \$10,000.00 (estimated)  
**Bids Solicited/Rec'd:** N/A  
**Exhibit:** Commission Agenda Report 11-1242

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

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**612-10802 - WASTEWATER FLOW AND RAINFALL MONITORING (PUR-03)  
- AND SUMMARY INFLOW AND INFILTRATION REPORT - \$277,780.49**

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

Purchase services for wastewater flow and rainfall monitoring and summary inflow and infiltration report.

**Recommend:** Motion to approve.  
**Vendor:** ADS LLC  
Huntsville, AL  
**Amount:** \$277,780.49  
**Bids Solicited/Rec'd:** 358/2  
**Exhibit:** Commission Agenda Report 11-1152

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

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**413-10797 - CORROSION INHIBITOR - PEELE DIXIE WATER (PUR-04)  
TREATMENT PLANT - \$60,840**

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

One-year contract with three, one-year renewal options to supply corrosion inhibitor at Peele Dixie Water Treatment Plant.

**Recommend:** Motion to approve.

**Vendor:** F2 Industries, LLC  
Nashville, TN

**Amount:** \$60,840.00 (annual, not to exceed)

**Bids Solicited/Rec'd:** 324/3

**Exhibit:** Commission Agenda Report 11-1233

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

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**606-10482-2 - GENERAL WASTEWATER CONSULTANT CONTINUING (PUR-05)  
CONTRACT - PROFESSIONAL ARCHITECTURAL -  
ENGINEERING SERVICES**

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

Assignment of Contract for General Wastewater Consultant Professional Architectural - Engineering Services from CH2M Hill, Inc. to CH2M Hill Engineers, Inc. and Continuing Contract with CH2M Hill Engineers, Inc. for General Wastewater Consultant Professional Architectural - Engineering Services.

**Recommend:** Motion to approve.

**Vendor:** CH2M Hill Engineers, Inc.  
Englewood, CO

**Bids Solicited/Rec'd:** 779/5

**Exhibit:** Commission Agenda Report 11-1122

The Procurement Services Department has reviewed this item and recommends approval and execution of the contract Agreement with CH2M Hill Engineers, Inc.

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**413-10827 - CLAMPS AND SERVICE SADDLES - WATER DISTRIBUTION (PUR-06)  
SYSTEM - \$113,700**

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

Purchase of clamps and service saddles for water distribution system.

**Recommend:** Motion to approve.

**Vendor:** Ferguson Industries Inc  
Deerfield Beach, FL

**Amount:** \$113,700.00 (annual, not to exceed)

**Bids Solicited/Rec'd:** 263/5

**Exhibit:** Commission Agenda Report 11-1227

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

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**INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES (M-15)  
(IATSE) - WAR MEMORIAL AUDITORIUM - TERMINATION OF LOCAL 500  
WORKING AGREEMENT**

**It is estimated that \$13,000 will be saved annually.**

This item was removed from the agenda, and addressed during the conference meeting, where it was deferred to September 20, 2011.

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**Motion** made by Commissioner Rogers and seconded by Commissioner Rodstrom that Consent Agenda Items M-12, CR-02, CR-04, and PUR-03 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

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**AMENDMENT TO CITY'S HEALTHCARE AND BENEFIT PLANS (M-12)  
FOR DOMESTIC PARTNERS**

Marc Dickerman, 1417 SW 2 Street, expressed support of this item. He felt the requirements outlined in the backup are fair and thorough.

Miriam Richter, 6700 NW 28 Terrace, thanked the Commission for supporting this matter as she believed it will impact a number of people.

Robert Walsh, 401 East Las Olas Boulevard, expressed guarded support of this item. He stressed that eligibility be regulated, and was concerned that cost may increase. Mayor Seiler pointed out requirements set forth in Commission Agenda Report 11-1155.

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

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**FLORIDA DEPARTMENT OF TRANSPORTATION BRIDGE PROJECT (CR-02)  
FIESTA WAY, ISLE OF VENICE, ROYAL PALM DRIVE, NURMI DRIVE  
AND SUNRISE KEY**

Commissioner Rodstrom noted this item may or may not inure to her benefit, and, therefore, she will abstain from voting.

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

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**COMMUNITY CHALLENGE PLANNING GRANT APPLICATION - \$250,000 (CR-04)  
NORTHWEST PROGRESSO FLAGLER HEIGHTS COMMUNITY  
REDEVELOPMENT AGENCY PLAN**

Alfred Battle, Director, Community Redevelopment Agency (Northwest), confirmed for Commissioner Rodstrom that this grant will complement the (2008) Northwest-Progresso-Flagler Heights Plan as it will be used to implement a number of its recommendations, and it is an opportunity to implement some of the City's Sustainability Action Plan Initiatives. The minimum required match is 20 percent, and staff recommends funding from the NPF CRA (Northwest-Progresso-Flagler Heights Community Redevelopment Agency). Additional grant points are awarded if the match exceeds 20 percent.

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

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**612-10802 - WASTEWATER FLOW AND RAINFALL MONITORING (PUR-03)  
- AND SUMMARY INFLOW AND INFILTRATION REPORT - \$277,780.49**

Albert Carbon, Public Works Director, responded to Commissioner Rodstrom's inquiry about the funding source. For the benefit of the public, he elaborated upon this program. Thirteen neighborhoods (low-hanging fruit) known to contribute to the inflow will be monitored to determine the most effective reduction program. There will be decreased need to expand the wastewater treatment plant if inflow and infiltration are reduced; therefore, this is a cost saving endeavor.

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

<p><b>BUDGET PUBLIC HEARINGS AND OTHER RELATED ITEMS</b></p>
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**CITY OF FORT LAUDERDALE TENTATIVE MILLAGE RATE AND BUDGET- (PH-01)  
FISCAL YEAR 2012**

**No Current Year Budgetary Impact**



**Recommend:** Open hearing, close hearing, introduce resolutions adopting: 1) tentative Millage rate and 2) tentative budget.

**Exhibit:** Commission Agenda Report 11-1254

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

Mayor Seiler announced that this is the first of two public hearings to be held as required by law on the millage rate and budget for fiscal year 2012. He opened the hearing and noted its purpose.

The City Manager noted that the proposed millage rate of 4.1193 has remained unchanged for the last three years. He pointed out that the proposed budget has evolved from two prior versions. He went on to highlight information set forth in Exhibit 1 of Commission Agenda Report 11-1254 which is attached to these minutes. He pointed out that the City's operating expenditures have decreased for three consecutive years. He noted the proposed reserve with the budget using \$5.8 million, as well as funds derived from the voted debt millage rate. Staff will continue to review the fire assessment rate and seek full cost recovery over the coming years. He will be meeting with the City Auditor on his concerns about certain revenue items, and as such, there may be another version of the budget forthcoming by September 20.

Mayor Seiler opened the floor for public comment.

Edith Lederberg, representing the Area Agency on Aging, explained how the agency calculates the amount of funding to request along with matching fund levels from other governmental entities. She noted that the City will provide the same amount of funding to the agency as last year. The agency provided the City with \$3.2 million in services last year. Of the \$3.2 million, over \$490,000 funded meals. She indicated that the City's population of residents over the age of 60 has increased by 829 to 36,472.

Ainsworth Geddes, chief financial officer of Family Central, provided an overview of the organization's services, and noted that it served over 3,100 families in the City last year.

Laurie Sallarulo, representing 2-1-1 Broward, provided an overview of the organization's services. She noted a recent trend of lengthier calls due to the economic downturn and people slipping into poverty. She submitted and reviewed statistical information on the program which is attached to these minutes.

Marc Dickerman, 1417 SW 2 Street, hoped this will be the last year that reserves are utilized to balance the budget. He expressed support of the budget as presented.

Robert Walsh, 401 East Las Olas Boulevard, expressed concern about a newspaper article regarding City funds being invested at what he believes is an unrealistically high assumed rate of return. He opposed raising utility rates during this economic downturn.

Mark Budwig, chair of the Riverwalk Trust, requested the City's continued partnership in Riverwalk holiday lighting and other planned events.

Tam English, Executive Director, Housing Authority, noted that the authority has taken over the operation of a commuter bus program for the City's low income northwest area residents. The agency will not receive the same CDBG (Community Development Block Grant) funds that it did last year to cover a shortfall. He requested that the City provide, either, \$56,000 to continue the same service, or \$58,000 to add some Saturday service. In response to Commissioner Rogers, he pointed out their commitment to work with the TMA (Downtown Fort Lauderdale Transportation Management Association) to ensure that routes are not overlapped and that all residents are served. In further response, he noted that a survey showed that over 90 percent of the program's riders are low-income, northwest area residents. Commissioner Rogers stressed that it must be determined whether services are being duplicated.

Alan Hooper, chair of the TMA (Downtown Fort Lauderdale Transportation Management Association), noted that the TMA supports funding the Housing Authority's approximate \$50,000 commuter bus program shortfall with gas tax revenue for one year which would allow time to locate suitable funding. The TMA is more equipped with this function than the Housing Authority. The goal is to save the route and not duplicate. Mayor Seiler agreed with this approach. Commissioner Rogers indicated that there may be some alternatives to explore. Mayor Seiler suggested that the TMA be included in discussions when this matter is addressed.

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

Mayor Seiler announced that the proposed millage rate for all general City purposes exclusive of debt service will be 4.1193 which represents a 2.50 percent decrease in the millage rate under the rolled-back rate of 4.2265 mills. The proposed millage rate for debt service for the 2002/2011B General Obligation Refunding Bonds is .1125. The proposed millage rate for debt service for the 2005 General Obligation Bonds is .0570.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-239

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE TENTATIVE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012.

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

In the future, Commissioner Rodstrom thought a hardcopy of the presentation should be made available to the public, being that the budget was presented differently this year.

At Commissioner Rodstrom's request, the City Manager elaborated upon the proposed pension obligation bond concept and the City's anticipated annual payment to fund pensions based upon the actuarial rate of return that is set by the actuary. The actuary's assumed rate of return for both of the City's pension plans is 7.75 percent, so the City's annual contribution is approximately \$26.2 million. Money can be borrowed at lower interest rates than 7.75 percent in today's market; taxable bonds are at approximately five percent. The proposal is that the City will borrow 75 percent of the unfunded liability, approximately \$200 million, and pay it off at 5 percent instead of 7.75 percent, which leaves only 25 percent of the unfunded liability at the higher rate of 7.75 percent. This would provide an approximate savings of \$6.9 million. There is a chance that the \$200 million could be reduced in value due to poor management by the pension boards or a market collapse. He thought this is unlikely based on the plans' performance record and his initial impression that the boards would properly invest the funds. There is no recommendation to discharge 100 percent of the unfunded liability because it is possible that the pension plans will earn more than 7.75 percent, as it has achieved previously. This is a conservative approach to minimize risk, but it is not risk free. If the Commission does not wish to proceed in this direction, he will need to address the \$6 million resulting shortfall.

In response to Commissioner Rodstrom's expressed concerns about the idea, the City Manager went on to explain that, if 20 to 30 percent is lost during the first year, the City would be legally obligated to make the plan actuarially sound; the City would still have to match the 7.75 actuarial assumption. Discussion ensued between Commissioner Rodstrom and the City Manager regarding the pension boards' membership as well as the funds' professional management. Commissioner Rodstrom pointed out that no percentage of the principal is guaranteed in terms of being protected. She elaborated upon a hypothetical smoothing of this investment over a five-year period which indicated that it is perilous for the plan for the entire period of time if funds are lost during the first year. Because the stock market is currently so volatile, any funds lost would likely be up front. The obligation to make these payments would then be passed on to the taxpayers. She asked about a sensitivity study as to the future. The City Manager explained that the State requires plans to justify their actuarial rate of return. He has seen justified rates as high as 8.5 percent. A sensitivity study could be completed. He pointed out that there is a possibility of earning a much higher rate than 7.75 percent upfront; but, there is no guaranteed minimum rate of return. Given the current economic downturn, Commissioner Rodstrom did not foresee a large rate of return, and thought it is not a good time to invest in the stock market. She felt investment of the funds will come down to timing. Taxpayers would be responsible ultimately for losses caused by any mistakes. The City Manager clarified that the pension boards do not solely invest in the stock market; historically, they have not made risky investments. The boards are already responsible for making investment decisions. Commissioner Rodstrom noted substantial losses in 2008 and 2009. Commissioner Roberts noted the recent years' over 12 percent gain. Commissioner Rodstrom believed the proposal is a risky venture and preferred that it had not been utilized as a means to balance the budget.

Commissioner Rogers recalled his six-year service on the Board of Trustees of the Police and Firefighters Retirement System and noted the professional management. The City's contribution will be benchmarked by the fund's performance regardless of whether the proposed measure is utilized. He thought this is a prudent measure to address the \$6 million gap. This is a long-term issue.

Vice Mayor DuBose noted the validity of Commissioner Rodstrom's concerns. He indicated that there is always an element of risk. In response to Vice Mayor DuBose, the City Manager advised that the 75/25 split in use of these bonds is somewhat arbitrary. There would be less savings with a 50/50 split. With 100 percent, the City would lose the opportunity to have market earnings above the actuarial assumption pay down some of the unfunded liability, in the event that the market outpaces the actuarial assumption. He believed that any split within the ranges of 70/30 or 80/20 would be suitable.

Commissioner Roberts supported the proposal and elaborated upon balancing investment strategies.

In response to Commissioner Rodstrom, the City Manager offered to provide information on the 2008 loss on September 20. He elaborated upon why he believes this proposal is not a margin account. Paying 7.75 percent interest is high. In this market environment, the City has an opportunity to take advantage of a lower payment. Taxable bonds are about at a thirty-year low which he did not think will happen again for awhile. Ed Stahl, City's Financial Advisor, noted that pension obligation bonds can be used to manage pension cost. There is a benefit if the bonds' interest rate is lower than the rate of return on the plan proceeds. A hypothetical analysis showed that the current taxable rates for both plans are approximately 4.5 to 5 percent. It is a little less for police and fire, between 4 and 4.5 percent, because of a shorter amortization. There is risk involved. If 7.75 percent return is not achieved, savings is affected. If the 7.75 percent rate of return is lowered, the unfunded liability will increase; the annual contribution will increase. The proposed would make an off-balance-sheet liability into a solid debt issue. It does not appear that this would impact the City's credit rating. As to the split, it may not be wise to go with 100 percent because a fully funded plan would likely bring pressure to increase benefits. This is one reason to have a split. In further response, Mr. Stahl indicated that quite a few cities have expressed interest in pension obligation bonds because of the low rates. Not all cities can go this route, but Fort Lauderdale can do so of its AA credit rating. Although there is a level of risk, he thought the proposal should be considered if it is possible to lock in a rate that is significantly less than 7.75 percent. Therefore, the funds' historical rates of return should be reviewed to see if the 7.75 percent target was met. He acknowledged that this is in the early, preliminary stage, so there are still issues to address. One example is the new GASB (Governmental Accounting Standards Board) requirements and is \$200 million the correct number. Some dialogue followed about how they will go about fine-tuning the proposal. He commented that there are two components to the 7.75 percent: the inflation rate and the real rate of return. The analysis will not be completed in time for the final budget hearing because the 2011 actuarial reports are needed. As the City's financial advisor, he confirmed for Commissioner Rogers that from what is known today, this strategy seems to make sense.

In response to Commissioner Rodstrom's question about the financial advisor's contract concerning this proposal, the City Manager elaborated upon his experience in prior dealings with Mr. Stahl and that his advice is not predicated upon the amount of fees that his firm would stand to make. Commissioner Rodstrom noted that the proposal is not at a final stage and the budget has to be voted upon. Mr. Stahl advised that it is a easy call, but an exact number in terms of savings is not yet available. He thought it may be possible to invest the funds by mid-December or at the latest, the end of January, depending upon when the actuarial report is available. He confirmed for Commissioner Rogers that it is the right course of action without knowing an exact dollar

amount of the savings. Mr. Stahl responded to Commissioner Rodstrom's questions about previous bond closings including one with the City Manager in another municipality and not being familiar with one that occurred in Pembroke Pines. She cautioned against following any approach similar to Pembroke Pines.

In response to questions raised by Vice Mayor DuBose and Commissioner Rodstrom, Mr. Stahl elaborated what information is needed in the analysis as well as other factors. The analysis will allow for a variety of approaches so a risk comfort level can be determined. Vice Mayor DuBose wanted to see a number of levels in order to decide upon a risk comfort level. The interest rate will be fixed and may be less than thirty years. He confirmed for Commissioner Rogers that there may be some impact as a result of the GERS plan being closed. Basically the amortization of the unfunded annual liability and the bonds should match in order to have an apples to apples comparison on the savings. The City Manager explained when jurisdictions do not make that match, there is a problem.

Mayor Seiler opened the floor for public comment.

Police Sergeant Jack Lokeinsky, president of the Fraternal Order of Police, summarized what happened in Pembroke Pines. Also, he thought a new GASB regulation will require listing unfunded liabilities on the spreadsheet, therefore a lower interest rate will probably help the City's bond rating. Commissioner Rodstrom noted that those who decide to invest the money will be different than those who could possibly have to pay for the poor investments. Sergeant Lokeinsky pointed out with or without the bonds, money would be lost if the market goes down. Plan investment is governed by state statute. Over the last twenty years, the plan has had only two negative years. He recognized the pension board members' qualifications. Commissioner Rodstrom explained her concern lies with the unknown factor of the market and its volatility, not with the pension boards.

Commissioner Rogers asked for the City Auditor's input. The City Auditor explained that historically, there has been resistance to pension obligation bonds because they would make the unfunded liability a real debt on the balance sheet; however, this has become a moot point because the new GASB regulations will require that the total unfunded liability be included on the balance sheet. This proposal makes sense, as long as the investor understands the risks involved and has adequate liquidity if the market fails. He cautioned that this model can fail, even though the pension plans have historically been well managed and have shown good performance. This would not be the appropriate model if the City chooses a conservative approach; but, it is suitable if there is willingness to accept risk and trust the fund managers. The proposal offers an opportunity for savings, but at a greater risk than the current model. There is a tendency to pressure elected officials to enhance benefits when the plan appears to be fully or over-funded.

Commissioner Rodstrom asked whether other options to balance the budget were explored. The City Manager noted that version one of the budget was published on his twelfth day on the job. Next year's budget will differ in terms of format and assumptions. He elaborated upon other options including an increase of the fire assessment.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-240

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA ADOPTING THE TENTATIVE BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012.

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

Mayor Seiler announced the date, time and place of the final hearing on this matter.

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**SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT (PH-02)**  
**TENTATIVE MILLAGE RATE AND BUDGET - FISCAL YEAR 2012**

**No Current Year Budgetary Impact**

**Recommend:** Open hearing, close hearing, introduce resolution adopting: 1) tentative Millage rate and 2) tentative budget.

**Exhibit:** Commission Agenda Report 11-1255

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

Mayor Seiler announced that this is the first of two public hearings to be held as required by law on the millage rate and the Sunrise Key Neighborhood Improvement District budget for Fiscal Year 2012. He opened the hearing and noted its purpose.

There was no one wishing to speak.

The City Manager explained that the Sunrise Key Neighborhood Improvement District voted their millage at 1.0000 mill for 2012 fiscal year. The district's budget will include a \$37,000 reserve.

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

Mayor Seiler announced that the proposed millage rate for all Sunrise Key Neighborhood Improvement District purposes will be 1.0000 mill which represents an increase of 99.92 percent over the rolled-back rate of .5002 mills.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-241

A RESOLUTION OF THE CITY COMMISSION OF

THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE TENTATIVE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012.

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

In response to the City Auditor, the City Attorney explained that this is a special taxing district which taxes by benefit and equates it to millage so advertising is not required.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-242

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FOR FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012.

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

Mayor Seiler announced the date, time and place of the final hearing on this matter.

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**LAUDERDALE ISLES WATER MANAGEMENT DISTRICT (PH-03)**  
**PROPERTY ASSESSMENT RATE AND BUDGET - FISCAL YEAR 2012**

**No Current Year Budgetary Impact**

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

**Exhibit:** Commission Agenda Report 11-1256

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

Mayor Seiler opened the hearing on the Lauderdale Isles Water Management District no-ad valorem assessment and budget and noted its purpose.

The City Manager noted that the district adopted their 2012 fiscal year budget in June. The non-ad valorem assessment will remain the same at \$15 per parcel with 551 parcels which will generate \$8,265. The district's total budget is \$76,065.

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

Mayor Seiler announced that the proposed Lauderdale Isles Water Management non-ad valorem assessment will be \$15.00 annually for each property within the district.

Vice Mayor DuBose introduced the following resolution:

RESOLUTION NO. 11-243

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, LEVYING A NON-AD VALOREM SPECIAL ASSESSMENT FOR FISCAL YEAR 2012 ON BEHALF OF THE LAUDERDALE ISLES WATER MANAGEMENT DISTRICT AND APPROVING THE BUDGET FOR THE DISTRICT.

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

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**BEACH BUSINESS IMPROVEMENT DISTRICT-ANNUAL RATE (PH-04)  
ASSESSMENT AND ASSESSMENT ROLL - FISCAL YEAR 2012**

**The assessment generates \$506,000 plus future project earnings in FY 2011/2012; funding details are attached to these minutes.**

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

**Exhibit:** Commission Agenda Report 11-1101

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

Mayor Seiler opened the hearing on the Beach Business Improvement District special assessment and noted its purpose.

The City Manager indicated that the Beach Business Improvement District assessment imposes a fee on certain portions of beach property within the City. The assessment fee will remain the same at \$0.8525 per \$1,000 of assessed value which will generate \$558,454.

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

Mayor Seiler announced that the proposed Business Improvement District special



assessment rate will be \$0.8525 per \$1,000 of assessed value annually for each business property used for commercial purposes as provided in the resolution approving the Beach Business Improvement District special assessment.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-244

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF BEACH BUSINESS IMPROVEMENT SERVICES IN A PORTION OF THE CITY; REIMPOSING BEACH BUSINESS IMPROVEMENT ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE ASSESSMENT AREA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011; ESTABLISHING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

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**2012-2016 FIVE-YEAR CAPITAL IMPROVEMENT PLAN**

**(R-01)**

**No Current Year Budgetary Impact**

**Recommend:** Introduce resolution.

**Exhibit:** Commission Agenda Report 11-1257

Mayor Seiler opened the floor for public comment.

Sal Gatano, president of South Middle River Civic Association, recalled the Commission's approval in July for an environmental study and survey for the unpaved streets in South Middle River. He noted that these rights-of-way were never paved by the developer and were not maintained by the City. Approximately 20 years ago, barricades were installed because of crimes occurring on those streets. The police cannot patrol on unpaved streets because of the damage their vehicles would sustain, not because of the barricades. He noted that RAIDS (Regional Analysis and Information Data Sharing) Online indicates a 70 percent rise in crime in the neighborhood of this area in comparison with the other side of Andrews Avenue. He hoped the City will move forward with allocating funds for improvements. In response to Mayor Seiler, he clarified that South Middle River had the highest crime of all neighborhoods in the city in July; 70 percent applies to the neighborhood and about 60 percent on the streets. Commissioner Roberts agreed that it is necessary to pave these streets to reduce crime. But, he did

not want this to take away from other areas waiting for repaving. Commissioner Rodstrom clarified that CDBG (Community Development Block Grant) funds will be utilized for this work.

Other than this year's CIP (Capital Improvement Plan) budget, Commissioner Rogers was concerned that the plan equates to a five-year wish list. He believed the items should be prioritized and reflect a dedicated funding source. Commissioner Roberts agreed, but thought the priority system must be flexible. Commissioner Rogers also felt there has not been enough planning time. Even if there is not enough funding for implementation, he thought it is still wise to set aside funds for planning. The same approach used for the beach area projects should be followed for other parts of the city. Mayor Seiler pointed out that the CRA is inherently a dedicated funding source. He stressed out that the City's tax rate is the second lowest of the state's twenty largest cities. Funds could be created for capital projects if the City's current conservative approach is changed. Considering the current economy, he did not want to raise taxes. Being that the City's revenue has decreased 25 percent in the last five years, Commissioner Rogers noted the paradigm has changed and he wanted to dedicate more time at a conference meeting to plan funding allocation and be more prudent with planning dollars. Vice Mayor DuBose agreed that flexibility is necessary. He cautioned that the items in this plan were likely included because of prior commitments or expectations, but deferred due to lack of funding. Commissioner Rogers thought that items would not be removed, but rather placed in another category. Mayor Seiler did not object to having a list of projects in the CIP because it could be beneficial for obtaining grants. Commissioner Rogers noted significant differences between the 2011, 2012, and 2013 CIP budget amounts. He did not want to abandon the plan, but to make it more realistic. Vice Mayor DuBose wanted more clarity on Commissioner Rogers' idea. The City Manager explained that the CIP must include a ranking and scoring process, and more defined projects. There should be a list for each year of the CIP into the future that would be updated each year to accommodate new priorities. It is staff's intent to submit a CIP that is fully funded through expected revenues so that there is a true five-year picture of what can be done. There would also be a column for projects that the City would like to do but there is no funding identified in that a consideration of many grant programs is whether the project is listed in the CIP. He would like to present the CIP for Commission approval in the spring.

Commissioner Rodstrom pointed out that all of the other capital improvement funds, including the CRA and CDBG, go through the CIP, which could explain an increased CIP budget. She elaborated upon her approach and reasoning for utilizing various funding sources for improvement projects and how this interrelates with the general fund. She thought that neighborhoods wishing to utilize a special assessment approach should be allowed, and a vehicle to do so should be established for it. If these funds are not taken from the general fund, more funding will be available for areas that cannot implement a special assessment. In response to her question, the City Manager explained that the procedure relating to the Las Olas Isles special assessment for utility undergrounding would be by amending the CIP and a budget amendment. He went on to explain how it would work if there was a fully funded CIP.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-245

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, 2011 AND ENDING SEPTEMBER 30, 2012, UPON ADOPTION OF THE 2011/2012 BUDGET, BY APPROPRIATING FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT AND ADOPTING THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) PLAN, AS AMENDED FOR 2012-2016.

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

<b>MOTIONS</b>
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**EXCESS WORKERS' COMPENSATION INSURANCE POLICY RENEWAL - (MD-01)  
\$328,212**

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

Renewal of excess workers' compensation insurance policy.

**Recommend:** Motion to approve.

**Vendor:** Star Insurance Company of Southfield, MI  
via City's Broker of Record,  
Risk Management Associates, Inc., d/b/a  
Public Risk Insurance Agency  
Daytona Beach, FL

**Amount:** \$328,212.00

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 11-1137

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

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

## RESOLUTIONS

**DISPOSITION OF CITY OWNED PROPERTY - BID OF \$3,000  
1711 SW 12 AVENUE**

**(R-02)**

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

**Recommend:** Introduce resolution accepting bid of \$3,000 from John D. Leland and authorize execution of purchase and sale contract and deed of conveyance.

**Exhibit:** Commission Agenda Report 11-1214

Commissioner Rodstrom introduced the following resolution:

**RESOLUTION NO. 11-246**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8.04 OF THE CITY CHARTER, ACCEPTING THE OFFER OF THREE THOUSAND AND NO/100 DOLLARS (\$3,000.00) BY JOHN D. LELAND, A SINGLE MAN, FOR THE PURCHASE OF SURPLUS PROPERTY IDENTIFIED AS PARCEL SP 11-09, MORE PARTICULARLY DESCRIBED BELOW, WITH AN APPROXIMATE STREET ADDRESS OF 1711 SW 12<sup>TH</sup> AVENUE, FORT LAUDERDALE, FLORIDA AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR PURCHASE AND SALE OF THE PROPERTY; AUTHORIZING EXECUTION AND DELIVERY OF A QUIT CLAIM DEED OF CONVEYANCE AND FURTHER AUTHORIZING EXECUTION AND DELIVERY OF ANY AND ALL INSTRUMENTS NECESSARY OR INCIDENTAL TO COMPLETION OF THE TRANSACTION; 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 EXHIBIT "A" ATTACHED HERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

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

In response to Mayor Seiler, Victor Volpi, Real Estate Division, agreed to look into the City-owned parcel located across from Riverside Park which he believed had not yet been put out for bid. He also explained the form of notice used. Mayor Seiler requested a list of all available properties be provided to the Commission.

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**DISPOSITION OF CITY OWNED SURPLUS PROPERTY - BID OF \$2,531.25 (R-03)  
1116 NW 8 AVENUE**

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

**Recommend:** Introduce resolution accepting bid of \$2,531.25 from 910 NE 2nd LLC and authorize execution of purchase and sale contract and deed of conveyance.

**Exhibit:** Commission Agenda Report 11-1212

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-247

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8.04 OF THE CITY CHARTER, ACCEPTING THE OFFER OF TWO THOUSAND FIVE HUNDRED THIRTY-ONE AND 25/100 DOLLARS (\$2,531.25) BY 910 NW 2<sup>ND</sup> LLC, A FLORIDA LIMITED LIABILITY COMPANY FOR THE PURCHASE OF SURPLUS PROPERTY IDENTIFIED AS PARCEL SP 11-08, MORE PARTICULARLY DESCRIBED BELOW, WITH AN APPROXIMATE STREET ADDRESS OF 1116 NW 8<sup>TH</sup> AVENUE, FORT LAUDERDALE, FLORIDA AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR PURCHASE AND SALE OF THE PROPERTY; AUTHORIZING EXECUTION AND DELIVERY OF A QUIT CLAIM DEED OF CONVEYANCE AND FURTHER AUTHORIZING EXECUTION AND DELIVERY OF ANY AND ALL INSTRUMENTS NECESSARY OR INCIDENTAL TO COMPLETION OF THE TRANSACTION; 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 EXHIBIT "A" ATTACHED HERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Seiler. NAYS: None.

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**VACATION OF 15 FOOT UTILITY EASEMENT - SHOPPES ON ARTS AVENUE - 540 NW 7 AVENUE-MJDC AOA, LLC - CASE 2-M-11** (R-04)

**No budgetary impact.**

**Applicant:** MJDC AOA, LLC  
**Location:** 540 NW 7 Avenue  
**Recommend:** Introduce resolution.  
**Exhibit:** Commission Agenda Report 11-1203

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-248

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE UTILITY EASEMENT RETAINED BY THE VACATION OF THE ALLEY IN BLOCK 13, "NORTH LAUDERDALE" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 48, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED BETWEEN NORTHWEST 5 STREET AND NORTHWEST 6 STREET (SISTRUNK BOULEVARD), EAST OF NORTHWEST 7 AVENUE AND WEST OF NORTHWEST 6 AVENUE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

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**AUTHORIZATION - ISSUANCE AND SALE OF SPECIAL OBLIGATION BONDS-NOT TO EXCEED \$7.240 MILLION AND \$2.560 MILLION** (R-05)

**No budgetary impact.**

**Recommend:** Introduce resolution.  
**Exhibit:** Commission Agenda Report 11-1351

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-238

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE ISSUANCE AND SALE OF SPECIAL OBLIGATION BOND, SERIES 2011A, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$7,240,000 (THE "SERIES 2011A BOND") AND OF SPECIAL OBLIGATION BOND, SERIES 2011B IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$2,560,000 (THE "SERIES 2011B BOND") TO PINNACLE PUBLIC FINANCE, INC. ("PPF") FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF ACQUISITION, CONSTRUCTION, RENOVATION, IMPROVEMENT AND EQUIPPING CERTAIN CAPITAL IMPROVEMENTS (DESCRIBED HEREIN) AND (II) PAYING THE COST OF ISSUANCE OF SUCH BONDS; MAKING FINDINGS AND DETERMINATIONS AS TO SAID BONDS; ACCEPTING THE PROPOSAL OF PPF; PROVIDING FOR THE METHOD OF EXECUTION OF SUCH BONDS; AUTHORIZING THE EXPENDITURE OF THE PROCEEDS OF SUCH BONDS; APPROVING THE FORM OF A LOAN AGREEMENT WITH PPF IN CONNECTION WITH SUCH BONDS AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH LOAN AGREEMENT AND BONDS; AUTHORIZING OTHER REQUIRED ACTIONS IN CONNECTION HEREWITH'; AND PROVIDING FOR AN EFFECTIVE DATE.

In response to Mayor Seiler, Ed Stahl, City's Financial Advisor, confirmed that, of the twenty RFP's sent out, five responses were received. He noted that the interest rates are fifteen years at less than three percent. Neither series (2011A and 2011B) has a prepayment penalty. He highlighted information about the loans' purposes as set forth on page 2, Exhibit 4 of Commission Agenda Report 11-1351 which is attached to these minutes.

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

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**BOARD AND COMMITTEE APPOINTMENTS**

**(R-06)**

**No budgetary impact.**

**Recommend:** Introduce resolution.

**Exhibit:** Commission Agenda Report 11-1273

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

Beach Business Improvement District  
Advisory Committee

Kenyata Allain (Consensus)  
Bill Cunningham (Consensus)  
Jim Oliver (Consensus)  
Amaury Piedra (Consensus)  
Dale Reed (Consensus)  
Scott Brooks (Consensus/Alternate)  
Alfred Rosenthal (Consensus)  
William Stanton (Consensus)

Budget Advisory Board

Frederick H. Nesbitt (Mayor Seiler)

Community Appearance Board

Kenneth Green (Vice Mayor DuBose)

Community Services Board

James H. Currier (Mayor Seiler)  
Richard Whipple (Mayor Seiler)  
Erika Baer (Commissioner Roberts)  
Wendy Gonsler (Commissioner Roberts)  
Kenneth Staab (Commissioner Roberts)  
Earl Bosworth (Commissioner Rodstrom)

Parks, Recreation and Beaches Board

Curtiss Berry (Mayor Seiler)  
Tommy Knapp (Mayor Seiler)  
Richard Zaden (Mayor Seiler)  
Bruce Quailey (Commissioner Roberts)  
Betty Shelley (Commissioner Roberts)

Unsafe Structures Board

Joseph P. Crognale (Consensus)

Commissioner Rodstrom introduced the following resolution:

**RESOLUTION NO. 11-249**

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

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

**CITIZEN PRESENTATIONS**



Mr. Ulmer recognized Patriot Day and noted the upcoming tenth anniversary of September 11, 2001. He acknowledged the Navy Seal Team 6 soldiers for their role in bringing Osama bin Laden to justice. He announced an upcoming local remembrance ceremony at the Fort Lauderdale Fire and Safety Museum. He recognized the many patriots who sacrificed their lives for this country, including the victims of September 11th.

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**CHRISTINE TIMMON - PUBLIC ACCESS TV- ENGLISH ONLY AND (CIT-02)**  
**IMMIGRATION**

Ms. Timmon expressed concern about unavailability of public access television as she believes it is a means to exercise the right of freedom of speech. As for Public, Education and Government Television (PEG), she noted that only government access television is offered locally, and she questioned whether this is beneficial for residents. Mayor Seiler pointed out that the Broward County School Board made similar modifications to PEG. Ms. Timmon claimed that PEG funding would not be derived from City funds, rather it would be paid by cable subscribers. She expressed a desire to communicate her ideas on television. As for immigration, she noted that this is within the states' authority.

<p><b>PUBLIC HEARINGS</b></p>
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**REZONING TO SOUTH REGIONAL ACTIVITY CENTER - (PH-05)**  
**SOUTH ANDREWS WEST- CITY OF FORT LAUDERDALE - CASE 4-Z-11**

**No budgetary impacts.**

**Applicant:** City of Fort Lauderdale  
**Location:** Properties fronting on east side of SW 1 Avenue between SW 13 Street and SW 14 Street  
**Current Zoning:** South Regional Activity Center - South Andrews East (SRAC-S Ae)  
**Proposed Zoning:** South Regional Activity Center - South Andrews West (SRAC-S Aw)  
**Future Land Use:** South Regional Activity Center  
**Recommend:** Open hearing, close hearing, introduce ordinance on first reading.  
**Exhibit:** Commission Agenda Report 11-1162

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

ORDINANCE NO. C-11-22

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM SOUTH REGIONAL ACTIVITY CENTER – SOUTH ANDREWS EAST (SRAC-SAe) TO SOUTH REGIONAL ACTIVITY CENTER – SOUTH ANDREWS WEST (SRAC-SAw), LOTS 1 AND 2 AND LOTS 11 THROUGH 16, BLOCK 22, “CROISSANT PARK”, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ALONG THE EAST SIDE OF SOUTHWEST 1<sup>ST</sup> AVENUE, BETWEEN SOUTHWEST 13<sup>TH</sup> STREET AND SOUTHWEST 14<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.

Members of the Commission announced the disclosures were the same as those indicated on prior consideration.

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

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**VACATION OF 14 FOOT RIGHT OF WAY - 2624 NE 23 STREET (PH-06)**  
**ALEX GHEORGHIU - CASE 1-P-10**

**No budgetary impact.**

**Applicant:** Alex Gheorghiu  
**Location:** 2624 NE 23 Street  
**Zoning:** Residential Single Family/Low Density District (RS-4.4)

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

**Exhibit:** Commission Agenda Report 11-1177

Mayor Seiler and Commissioner Roberts announced with whom they had spoken with and/or site visit(s) made concerning this matter.

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

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-23

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE RIGHT-OF-WAY AT THE SOUTHWEST INTERSECTION OF NORTHEAST 23 STREET AND BAYVIEW DRIVE; BEING A PORTION OF THE CORNER RADIUS OF SAID INTERSECTION, AS SHOWN ON THE PLAT OF "CORAL RIDGE GALT ADDITION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 27, PAGE 48, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

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**APPEAL - HISTORIC PRESERVATION BOARD - CASE 8-H-11**  
**ALTERATION TO EXCHANGE LOFTS - 115 NE 3 AVENUE**

**(PH-07)**

**No Budgetary Impacts**

**Applicant:** GS Exchange, LLC  
**Location:** 115 NE 3 Avenue  
**Zoning:** Regional Activity Center-City Center (RAC-CC)  
**Future Land Use:** Downtown Regional Activity Center

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

**Exhibit:** Commission Agenda Report 11-1331

Mayor Seiler announced that this is a de novo hearing of an appeal from the July 12, 2011, decision of the Historic Preservation Board denying the Applicant's, GS Exchange, LLC, request for a Certificate of Appropriateness for Alteration.

Vice Mayor DuBose announced with whom he had spoken with concerning this matter; other members of the Commission announced the disclosures were the same as those indicated on prior consideration.

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

Anthony Fajardo, Planning and Zoning, introduced the item and responded to Mayor Seiler's question that he is not aware of any opposition.

Stephanie Toothaker, representing the Applicant, asked that her presentation from the August 23, 2011 Commission meeting be incorporated into the record.  
Mayor Seiler opened the floor for public comment.

In response to Mayor Seiler, Merrilyn Rathbun, Fort Lauderdale Historical Society and Historic Preservation Board consultant, indicated that no changes have taken place since the August 23 meeting. Although the building maintains a historic designation, she noted that all or most of its historic character, such as the fill wall, has been removed or destroyed. The stucco cladding is new. The only remaining historic elements are a foundation wall and one of the limestone arches. She pointed out the difficulty is such that a historic review is being applied to a building that is basically new construction.

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

RESOLUTION NO. 11-250\*

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA APPROVING A CERTIFICATE OF APPROPRIATENESS FOR ALTERATION OF A MULTI-FAMILY STRUCTURE LOCATED AT 115 NE 3<sup>RD</sup> AVENUE.

\*Resolution title was revised.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-250

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA APPROVING A CERTIFICATE OF APPROPRIATENESS FOR ALTERATION IN CONNECTION WITH THE PROPERTY LOCATED AT 115 NE 3<sup>RD</sup> AVENUE AND AUTHORIZING THE PROPER CITY OFFICIALS TO ISSUE THE NECESSARY PERMITS.

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

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**AMENDMENTS TO ANNUAL ACTION PLANS - \$474,805.69**  
**HOME INVESTMENT PARTNERSHIP PROGRAM**

**(PH-08)**

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

Program Amendments to 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2008-2009 and 2010-2011 Annual Action Plans of the 2000-2005, 2005-2010 and 2010-2015 Consolidated Plans - HOME Investment Partnership Program.

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

**Exhibit:** Commission Agenda Report 11-1176

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

In response to Commissioner Roberts, the City Manager indicated that the HOME Investment Partnership Program (HOME) funds cannot be used for the Housing Authority's community bus program. In further response, Jonathan Brown, Housing and Community Development Manager, explained that these (HOME) funds will be utilized to provide down payment assistance for NSP (Neighborhood Stabilization Program) home purchases, which stretches the NSP funds and allows more to be rolled over. In response to Commissioner Rogers, he confirmed that that there is no requirement that the HOME funds only be used for NSP home purchases. However, there are a number of NSP buyers that need down payment assistance. The application process is on a first-come, first-ready basis, because lender approval is necessary. He maintained that this funding is available to any qualified individual, not just NSP buyers.

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

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**MOMENT OF SILENCE**

**(OB)**

Mayor Seiler offered a moment of silence in memory of Don McClosky, former local attorney.

<p><b>BUDGET PUBLIC HEARINGS AND OTHER RELATED ITEMS</b></p>
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**WATER, SEWER AND STORMWATER RATE ADJUSTMENTS**  
**ELIMINATING INTEREST ON UTILITY DEPOSITS**

**(O-01)**

**Additional revenue to meet operating expenses, capital, debt service, reserve requirements and Return on Investment. Consistent with proposed FY 11/12 budget.**

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

**Exhibit:** Commission Agenda Report 11-1235

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-21

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED WATER, WASTEWATER AND STORMWATER, TO PROVIDE FOR CURRENT AND FUTURE INCREASES TO WASTEWATER USER RATES, TAPPING CHARGES, WATER RATES, SPRINKLING METER CHARGES, PRIVATE FIRE SERVICE PROTECTION CHARGES, STORMWATER MANAGEMENT PROGRAM RATES, SERVICE AVAILABILITY CHARGES, SERVICE AVAILABILITY RECONNECTION CHARGES; PROVIDING FOR REVISIONS TO INTEREST PAID ON UTILITY DEPOSITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Rogers was concerned about the multiplier. In his discussions with the City Manager, he agreed to present a proposal wherein if 5 percent was an over-estimate, the profit would be applied to lower the rate. Mayor Seiler agreed with the idea. The City Manager explained that, each year, staff would conduct a review to ensure that debt service coverage was met; that there were adequate reserves; that the renewal and replacement fund was fully funded; and that the return on investment to the general fund was made. Any additional revenues would be rebated back in the form of lower rates for the subsequent year. Mayor Seiler, Commissioner Rogers and Commissioner Roberts supported the idea. The City Attorney agreed that it could be incorporated for second reading consideration. In response to Commissioner Rodstrom, the City Manager explained that the basis for the proposed concept is to avoid accumulating funds that have no purpose.

Vice Mayor DuBose left the meeting and returned momentarily.

In response to Commissioner Rodstrom, the City Manager advised that the cities of Lauderdale-by-the-Sea, Oakland Park, Sea Ranch Lakes, and Wilton Manors were provided the same notice as the City's customers.

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

**ORDINANCES**

**READOPTION OF DEVELOPMENT PLAN - GEORGIAN OAKS -  
CASE 1-Z-PUD-03**

**(O-02)**

**No budgetary impact.**

**Applicant:** Centerline Homes Group Seven LLC

**Address:** 1624 SW 23 Street  
**Zoning:** Planned Unit Development(PUD)  
**Future Land Use:** Residential-Medium

**Recommend:** Recommend approval of expired development plan, based on prior approvals of this plan, by Planning and Zoning Board and City Commission; introduce ordinance on second reading.

**Exhibit:** Commission Agenda Report 11-1275

Members of the Commission announced the disclosures were the same as those indicated on first reading, with additional communications announced by Mayor Seiler and Commissioner Rodstrom.

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

Commissioner Rodstrom introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-11-19

AN ORDINANCE READOPTING A DEVELOPMENT PLAN THAT HAS EXPIRED FOR THE PROJECT KNOWN AS GEORGIAN OAKS APPROVED PURSUANT TO ORDINANCE NO. C-04-21, REZONING PROPERTY FROM RD-15 TO PLANNED UNIT DEVELOPMENT (PUD) AND ESTABLISHING THE DEVELOPMENT STANDARDS FOR THE PROPERTY LOCATED SOUTH OF SOUTHWEST 20<sup>TH</sup> STREET, NORTH OF SOUTHWEST 24<sup>TH</sup> STREET, BETWEEN SOUTHWEST 17<sup>TH</sup> AVENUE AND SOUTHWEST 15<sup>TH</sup> AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

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

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**UNIFIED LAND DEVELOPMENT REGULATIONS AMENDMENT (O-03)**  
**SOUTH REGIONAL ACTIVITY CENTER - SOUTH ANDREWS - CASE 4-T-11**

**No budgetary impact.**

**Applicant:** City of Fort Lauderdale

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

**Exhibit:** Commission Agenda Report 11-1164

Commissioner Rogers introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-24

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-13.10, SRAC-SA TABLE OF PERMITTED AND CONDITIONAL USES TO INCLUDE CERTAIN USES PERMITTED IN THE PREVIOUS CB AND B-3 ZONING DISTRICTS AND COMBINE USE SUBCATEGORIES; SECTION 47-13.47 AND 47-24 TABLE 1. TO REVISE THE REVIEW PROCESS AND 47-27.4 TO REVISE SIGN NOTICE; PROVIDING SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

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

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**CODE AMENDMENT - CHAPTER 26 - TRAFFIC PARKING RATES, PARKING HOLIDAYS AND RE-NAMING CERTAIN PARKING LOTS**

**(O-04)**

**No budgetary impact at this time.**

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

**Exhibit:** Commission Agenda Report 11-1181

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-25

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO PARKING; AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO ESTABLISH OR INCREASE PARKING RATES FOR CERTAIN ON AND OFF-STREET PARKING IN THE CITY OF FORT LAUDERDALE; TO INCLUDE TWO ADDITIONAL DAYS AS PARKING HOLIDAYS; AND TO RE-NAME CERTAIN PARKING LOTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

In response to Commissioner Rogers' concern about disincentivizing special events



by increasing parking rates, Diana Alarcon, Director of Parking and Fleet Services, explained that a memorandum will be circulated outlining suggested special event parking rates which are not to exceed \$20. The rates will first have to be approved by the Commission. This allows some flexibility to compete with private parking companies that charge up to \$50 on some occasions and be able to offer a rate of \$5 for others.

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

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**CODE AMENDMENT - REVERSE AUCTIONS (O-05)**  
**CHAPTER 2, ARTICLE V, DIVISION 2**

**No budgetary impact.**

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

**Exhibit:** Commission Agenda Report 11-1232

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-11-20

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTIONS 2-173 AND 2-180 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING AND ADDING A DEFINITION OF "REVERSE AUCTION" AND AUTHORIZING THE USE OF REVERSE AUCTION FOR THE PROCUREMENT OF COMMODITIES, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

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**REZONING TO RESIDENTIAL LOW-RISE MULTIFAMILY - (O-06)**  
**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:** Introduce ordinance on second reading.

**Exhibit:** Commission Agenda Report 11-1158

In response to Mayor Seiler, Vice Mayor DuBose requested a 30-day deferral.

**Motion** made by Vice Mayor DuBose and seconded by Commissioner Rodstrom to defer the item to October 18, 2011. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, 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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Note: The City Commission adjourned the regular meeting at 9:55 p.m. and returned to the conference meeting agenda, City Manager Reports, from 9:55 p.m. to 10:42 p.m.

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John P. "Jack" Seiler  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk