

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING**  
**SEPTEMBER 20, 2011**

Agenda Item	Resolution/ Ordinance		Page(s)
		<u>Presentations:</u>	
		1. Choose Peace Week - September 19-23, 2011	1
		2. Community Appearance Board - Wow Award - District II	2
		3. Commendation - Michael Madfis-Sustainable Florida Best Practice Award	2
		4. Fire Prevention Week - October 9-15, 2011	2
PH-01	11-256	City Of Fort Lauderdale Millage Rate And Budget-	16
	11-257	Fiscal Year 2012	
PH-02	11-258	Sunrise Key Neighborhood Improvement District-Millage Rate	24
	11-259	And Budget - Fiscal Year 2012	
OB		Consent Agenda	3
M-01		Co-Sponsorship - Museum Of Art "Offering Of The Angels: Old Master Paintings And Tapestries From Uffizi Gallery" Exhibit - Banners	3
M-02		Event Agreements And Co-Sponsorship For Banners	3
M-03		International Alliance Of Theatrical Stage Employees (IATSE) War Memorial Auditorium - Termination Of Local 500 Working Agreement	4, 26
M-04		Executive Airport - Air Traffic Control Tower Operation Reimbursable Agreement - Federal Aviation Administration – \$426,307	4
M-05		Dockage Agreement - Fort Lauderdale International Boat Show- Las Olas Municipal Marina	4
M-06		Economic Development Incentive Agreement- \$59,000- Direct Cash Incentive - Altadis USA, Inc.	4
M-07		Broward County Cultural Division - Donation Of Cultural Heritage Markers	5, 27
M-08		Multi-Family Rehabilitation Loan Program - \$676,999 Broward County Minority Builders Coalition, Inc. And H.O.M.E.S., Inc.	5
M-09		Change Order 4 - Central Florida Equipment Rental, Inc. - \$336,317.04 NE/NE 6 Street - Sistrunk Boulevard Streetscape And Enhancement	5, 28
M-10		Community Bus Service Funding - \$773,016.96 – Downtown Fort Lauderdale Transportation Management Association	6, 28
M-11		Southside School - Architectural Services - \$90,000- Final Payment And Termination Of Agreement	6, 16, 28
M-12		First Amendment To Agreement - Broward County Water Service Interconnection Of C-12 And C-13 Canal Systems	6
CR-01	11-262	Amend Operating Budget - Appropriation - \$10,000-Sponsorship- July 4th Celebration	7
CR-02	11-263	Lot Clearing And Cleaning - Special Assessment Liens For Associated Cost	7
CR-03	11-264	Paul Coverdell Forensic Science Improvement Grant Acceptance – \$174,950	8
CR-04	11-265	Change Order 4 - Solution Construction, Inc.- \$51,331.12 – Add 165 Calendar Days - South Andrews Avenue Water Main Improvements	8
CR-05	11-266	Amend Operating Budget - Appropriation - \$15,000- Green Your Routine Awards	9
CR-06	11-267	Amend Operating Budget - Transfer And Appropriation - \$191,306.80 Floyd Hull Project	10
CR-07	11-268	Four Park Projects - \$573,965-Utilization Of 1997 Parks Bond Fund Available Fund Balance For Eligible Costs	10
CR-08	11-269	Temporary Easement And Purchase Agreement - Sunrise Boulevard Bridge Over Middle River	11
CR-09	11-270	Revised Construction Agreement - Florida Department Of Transportation Right Of Way Improvements - North Beach Restaurants And Shoppes	12

CR-10	11-271	Amendment - State Housing Initiatives Partnership Program Local Housing Assistance Plans 2007-2010, 2010-2013	12
CR-11	11-272	Waterworks 2011 Funding - Revolving Fund Loan Agreement – Amendment 1 - Florida Department Of Environmental Protection	13
CR-12	11-273	Waterworks 2011 Funding - Revolving Fund Loan Agreement – Final Amendment-Florida Department Of Environmental Protection	13
PUR-01		Purchase Sodium Hypochlorite - \$86,091-Peele Dixie Water Treatment Plant	14
PUR-02		512-10799 - Picnic Tables, Trash Cans, Park Benches And Grills – \$221,153	14, 16
PUR-03		Replacement Software And Hardware - Fire Terminal And Thin Clients – \$129,155.09	15
PUR-04		Replacement Laptop Computers And Mobile Printers - \$35,918- Fire Prevention Bureau	15
PUR-05		712-10830 - Exotic Removal And Habitat Restoration - \$138,941.25- Parcel D, Executive Airport Industrial Airpark	15
PUR-06		113-10824 - Replacement Portable Alarm Units - \$29,500	15
PUR-07		723-10846 - Holiday Decorations - \$68,881	16
MD-01		Proprietary - Buyspeed Procurement Software - \$24,890	29
MD-02		Proprietary - Community Plus Software - \$78,902.49	30
PH-03	11-261	Central Wastewater Region Large User Rate - Fiscal Year 2012	31
PH-04	11-	Appeal - Planning And Zoning Board Decision - Rezoning -24 Case 3-Z-11 - First Ebenezer Missionary Christian Church, Inc.-	2, 32
PH-05	11-	Rezoning To Planned Unit Development - 1224 East Las Olas Boulevard- First Presbyterian Church Of Fort Lauderdale - Case 4-ZPUD-08	2, 33
R-01	11-260	Board And Committee Appointments	30
O-01	C-11-22	Rezoning To South Regional Activity Center - South Andrews West City Of Fort Lauderdale - Case 4-Z-11	33
O-02	C-11-24	Unified Land Development Regulations Amendment-South Regional Activity Center - South Andrews - Case 4-T-11	34
O-03	C-11-23	Vacation Of 14 Foot Right Of Way - 2624 NE 23 Street-Alex Gheorghiu – Case 1-P-10	35
O-04	C-11-21	Water, Sewer, And Stormwater Rate Adjustments-Eliminating Interest On Utility Deposits	36
O-05	C-11-25	Code Amendment - Chapter 26 – Traffic-Parking Rates, Parking Holidays And Re-Naming Certain Parking Lots	37
O-06	C-11-26	Quorum Requirement - Budget Advisory Board	37
O-07	C-11-27	Term - Audit Advisory Board	38

**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE  
September 20, 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 Monica Ferrer

Invocation was offered by Pastor Phil Gray, New River Wesleyan Church, followed by the recitation of the pledge led by youth in the audience.

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

**Motion** made by Commissioner Roberts and seconded by Commissioner Rogers to approve the minutes of the August 23, 2011 Conference Meeting and August 25, 2011 Special Workshop: YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

**Presentations**

**1. CHOOSE PEACE WEEK - SEPTEMBER 19-23, 2011 (PRES-01)**

Vice Mayor DuBose presented a proclamation designating the week of September 19–23, 2011, as Choose Peace Week to Jon Quinton, Recreational Programmer II, and members of the City's Teen Advisory Board and the Teen Alliance Coalition of Lauderdale Manors and Carter Park. Mr. Quinton congratulated the teen members for their exemplary academic performance and behavior. He noted an upcoming event and thanked the Parks and Recreation Director for his support.

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**2. COMMUNITY APPEARANCE BOARD - WOW AWARD - DISTRICT II (PRES-02)**

Commissioner Rodstrom recognized Scott Hall and Randy Detirck who reside in Lake Ridge as the recipients of the WOW Award for District II. Mayor Seiler announced an upcoming event in this neighborhood.

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

Commissioner Rogers presented a commendation to Michael Madfis of The Madfis Group in recognition for the 2011 Sustainable Florida Best Practices Award he received from the Collins Center for Public Policy. Mr. Madfis recognized the individuals and organizations who were influential in this endeavor. He was proud to receive this award and hoped it is a beginning of local food in the City. Mayor Seiler thanked him for his efforts. In response to Mayor Seiler, Mr. Madfis mentioned the upcoming Urban Farms and Community Gardens public input workshop.

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**4. FIRE PREVENTION WEEK - OCTOBER 9-15, 2011 (PRES-04)**

Commissioner Roberts presented a proclamation designating the week of October 9-15, 2011, as Fire Prevention Week in the City to David Raines, Fire Marshal. Mr. Raines thanked the Commission. He urged the public to exercise good fire safety practices, such as replacing smoke detector batteries and establishing a home escape plan that includes an outdoor meeting place.

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**REZONING TO PLANNED UNIT DEVELOPMENT - 1224 EAST LAS OLAS BOULEVARD - FIRST PRESBYTERIAN CHURCH OF FORT LAUDERDALE - CASE 4-ZPUD-08 (PH-05)**

**No Budgetary Impact.**

**Motion** made by Vice Mayor Rogers and seconded by Commissioner Roberts to defer this item to December 6, 2011 (request of Applicant). Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

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**APPEAL - PLANNING AND ZONING BOARD DECISION - REZONING - CASE 3-Z-11- FIRST EBENEZER MISSIONARY CHRISTIAN CHURCH, INC. (PH-04)**

**No Budgetary Impacts.**

Greg Brewton, Director of Planning and Zoning, explained that with respect to notice on this item, the location map incorrectly displayed properties that were not included in the application, although the legal description language was accurate and therefore the notice was legally sufficient. Mayor Seiler was concerned about any potential confusion. The City Attorney verified that, if this item is deferred to a date certain, there would not

be any prejudice to either party and re-advertising would not be required. Commissioner Rodstrom agreed with a deferral if there is no harm and someone is complaining.

**Motion** made by Commissioner Rodstrom and seconded by Commissioner Roberts to defer this item to October 4, 2011. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

**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.

**CO-SPONSORSHIP - MUSEUM OF ART "OFFERING OF THE ANGELS:  
OLD MASTER PAINTINGS AN TAPESTRIES FROM UFFIZI GALLERY"  
EXHIBIT - BANNERS**

**(M-01)**

**No budgetary impact.**

Co-sponsorship of Offering of the Angels exhibit at Fort Lauderdale Museum of Art, to allow installation of light pole banners November 1, 2011 through April 8, 2012, at specified locations, subject to permitting regulations.

**Recommend:** Recommend motion to approve.

**Exhibit:** Commission Agenda Report 11-1354

**EVENT AGREEMENTS AND CO-SPONSORSHIP FOR BANNERS**

**(M-02)**

**No budgetary impact.**

Event Agreements and co-sponsorship of certain events to allow banners: 1) Bonnet House Orchid Fair; 2) Fright Night on Las Olas; 3) 18th Annual Cranberry Jam; 4) The Original "Save Our History" Show; 5) All Inclusive Cultural Show and Dance; 6) Light the Night Walk; 7) Shooters Annual Halloween Costume; 8) South Florida Scottish Festival/Games; 9) 13.1 Marathon Fort Lauderdale and 10) Winterfest Boat Parade.

**Recommend:** Recommend motion to approve.

**Exhibit:** Commission Agenda Report 11-1314

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**INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES (M-03)  
(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:** Recommend motion to approve.

**Exhibit:** Commission Agenda Report 11-1442

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**EXECUTIVE AIRPORT - AIR TRAFFIC CONTROL TOWER OPERATION (M-04)  
REIMBURSABLE AGREEMENT - FEDERAL AVIATION ADMINISTRATION -  
\$426,307**

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

Fiscal Year 2012 reimbursable agreement with Federal Aviation Administration for 24-hour Air Traffic Control Tower Service at Executive Airport.

**Recommend:** Recommend motion to approve.

**Exhibit:** Commission Agenda Report 11-1000

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**DOCKAGE AGREEMENT - FORT LAUDERDALE INTERNATIONAL BOAT (M-05)  
SHOW LAS OLAS MUNICIPAL MARINA**

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

Dockage agreement with Yachting Promotions, Inc. and Marine Industries Association of South Florida, Inc. for use of dockage at Las Olas Municipal Marina - 2011 Fort Lauderdale International Boat Show - October 26, 2011 through November 1, 2011.

**Recommend:** Recommend motion to approve.

**Exhibit:** Commission Agenda Report 11-1298

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**ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT- \$59,000 (M-06)  
DIRECT CASH INCENTIVE - ALTADIS USA, INC.**

**No budgetary impact FY's 2010/11 or 2011/12. Payments begin in FY 2012/13 for three years, at \$19,667 per year.**

Agreement with Altadis USA, Inc. for economic development incentive program and

direct cash incentive, in the amount of \$59,000 over a three-year period.

**Recommend:** Recommend motion to approve.

**Exhibit:** Commission Agenda Report 11-1304

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**BROWARD COUNTY CULTURAL DIVISION - DONATION OF CULTURAL HERITAGE MARKERS (M-07)**

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

Donation of Cultural Heritage Landmark Markers from Broward County Cultural Division, application for certificates of appropriateness from Historic Preservation Board and donation of associated application fees.

**Recommend:** Recommend motion to accept donation, apply to Historic Preservation Board and donate associated application fees.

**Exhibit:** Commission Agenda Report 11-1266

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**MULTI-FAMILY REHABILITATION LOAN PROGRAM - \$676,999 (M-08)  
BROWARD COUNTY MINORITY BUILDERS COALITION, INC.  
AND H.O.M.E.S., INC.**

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

State Housing Initiatives Partnership Program multi-family rehabilitation loans for Broward County Minority Builders Coalition, Inc., in the amount of \$394,000 and H.O.M.E.S., Inc., in the amount of \$282,999.

**Recommend:** Recommend motion to approve.

**Exhibit:** Commission Agenda Report 11-1366

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**CHANGE ORDER 4 - CENTRAL FLORIDA EQUIPMENT RENTAL, INC. - \$336,317.04 - NE/NE 6 STREET - SISTRUNK BOULEVARD STREETScape (M-09)  
AND ENHANCEMENT**

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

Change Order 4, in the amount of \$336,317.04, for additional and corrective work, contingent upon Community Redevelopment Agency approval.

**Recommend:** Recommend motion to approve.

**Exhibit:** Commission Agenda Report 11-1444

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**COMMUNITY BUS SERVICE FUNDING - \$773,016.96 (M-10)**  
**DOWNTOWN FORT LAUDERDALE TRANSPORTATION MANAGEMENT ASSOCIATION**

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

Contribution and appropriation of an amount not to exceed \$773,016.96 to Downtown Fort Lauderdale Transportation Management Association, for fiscal year 2012 operation of Sun Trolley community bus service, contingent upon appropriation of anticipated gas tax receipts and fiscal year 2012 related Community Redevelopment Agency operating budget funds.

**Recommend:** Recommend motion to approve.

**Exhibit:** Commission Agenda Report 11-1236

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**SOUTHSIDE SCHOOL - ARCHITECTURAL SERVICES - \$90,000 (M-11)**  
**FINAL PAYMENT AND TERMINATION OF AGREEMENT\***

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

Final payment of \$90,000 to R. J. Heisenbottle Architects, P.A. for redesign work to Southside School for Nova Southeastern University and termination of any current agreements with R.J. Heisenbottle Architects, P.A.

**Recommend:** Recommend motion to approve.

**Exhibit:** Commission Agenda Report 11-1349

\*This item (Commission Agenda Report 11-1349) was removed at the request of the City Manager in order to revise it. See announcement on page 16.

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**FIRST AMENDMENT TO AGREEMENT - BROWARD COUNTY (M-12)**  
**WATER SERVICE INTERCONNECTION OF C-12 AND C-13 CANAL SYSTEMS**

**No budgetary impact.**

First Amendment to Agreement, extending term to April 27, 2013, to construct a water service interconnection between C-12 and C-13 canal systems and the North Fork of the New River with the Middle River.

**Recommend:** Recommend motion to approve.

**Exhibit:** Commission Agenda Report 11-1362



**CONSENT RESOLUTION**

**AMEND OPERATING BUDGET - APPROPRIATION - \$10,000 (CR-01)  
SPONSORSHIP - JULY 4TH CELEBRATION**

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

Amendment of fiscal year 2011 final operating budget, by appropriating \$10,000 in cash sponsorship: \$5,000 from National Deli and \$5,000 from Stephens Distributing for 2011 July 4th celebration event including \$1,300 to pay Jan Beth Idelman, Inc., event fundraiser.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1291

RESOLUTION NO. 11-262

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.

**LOT CLEARING AND CLEANING - SPECIAL ASSESSMENT LIENS FOR (CR-02)  
ASSOCIATED COST**

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

Imposition of liens against various properties for costs associated with lot clearing and cleaning.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1302

RESOLUTION NO. 11-263

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, MADE PURSUANT TO CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE,

FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF LOT CLEARING AND IMPOSING A SPECIAL ASSESSMENT LIEN AGAINST EACH PROPERTY FOR THE ASSESSED AMOUNT, AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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**PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANT (CR-03)  
ACCEPTANCE - \$174,950**

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

Acceptance of fiscal year 2011 Paul Coverdell Forensic Science Improvement Grant from U.S. Department of Justice, in the amount of \$174,950; amendment of 2011 final operating budget by appropriating the funds and authorization of proper City Officials to execute all necessary documents to receive the funds.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1347

RESOLUTION NO. 11-264

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$174,950 FROM THE UNITED STATES DEPARTMENT OF JUSTICE FOR THE FY 2011 PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANTS PROGRAM, EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN SUCH GRANT FUNDING AND AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011, BY APPROPRIATING SUCH GRANT FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT.

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**CHANGE ORDER 4 - SOLUTION CONSTRUCTION, INC.- \$51,331.12 - (CR-04)  
ADD 165 CALENDAR DAYS- SOUTH ANDREWS AVENUE WATER MAIN  
IMPROVEMENTS**

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

Change Order 4, in the amount of \$51,331.12, for a new item, quantity increases and the addition of 165 calendar days to contract period and amendment of fiscal year 2011 final operating budget, appropriating funds.

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

**Exhibit:** Commission Agenda Report 11-1103

RESOLUTION NO. 11-265

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

**AMEND OPERATING BUDGET - APPROPRIATION - \$15,000**  
**GREEN YOUR ROUTINE AWARDS**

**(CR-05)**

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

Amendment of fiscal year 2011 final operating budget, by appropriating \$15,000 to fund Green Your Routine Program Awards.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1368

RESOLUTION NO. 11-266

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 - TRANSFER AND APPROPRIATION - (CR-06)**  
**\$191,306.80 - FLOYD HULL PROJECT**

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

Transfer of \$191,306.80 between parks projects and amendment of fiscal year 2011 final operating budget, by appropriating \$191,306.80 from Parks Bond Fund Unreserved Fund Balance to Floyd Hull Project.

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

**Exhibit:** Commission Agenda Report 11-1345

RESOLUTION NO. 11-267

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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**FOUR PARK PROJECTS - \$573,965- UTILIZATION OF 1997 PARKS BOND FUND AVAILABLE FUND BALANCE FOR ELIGIBLE COSTS (CR-07)**

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

Accounting entry, in the amount of \$573,965, of Holiday Park Maintenance Facility project expenditures from General Capital Projects Fund to Parks Bond Fund; transfer \$573,965 from General Capital Projects Fund Budget to four parks projects; and appropriate \$573,965 from Parks Bond Fund Unreserved Fund Balance to Holiday Park Maintenance Facility account in Parks Bond Fund to fund transferred expenses.

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

**Exhibit:** Commission Agenda Report 11-1296

RESOLUTION NO. 11-268

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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**TEMPORARY EASEMENT AND PURCHASE AGREEMENT  
SUNRISE BOULEVARD BRIDGE OVER MIDDLE RIVER**

**(CR-08)**

**No budgetary impact.**

Temporary easement to Florida Department of Transportation across southwest corner of George English Park for use during reconstruction of Sunrise Boulevard bridge over the Middle River and purchase agreement providing for enhancements valued at \$85,200 to project in exchange for easement.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1357

RESOLUTION NO. 11-269

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION AND DELIVERY BY THE PROPER CITY OFFICIALS OF A TEMPORARY EASEMENT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION WITH RESPECT TO THE SUNRISE BOULEVARD BRIDGE OVER MIDDLE RIVER FOR THE DEMOLITION AND REMOVAL OF THE EXISTING BRIDGE AND RELATED IMPROVEMENTS; CONSTRUCTION OF A NEW BRIDGE AND RELATIVE IMPROVEMENTS; CONSTRUCTION, OPERATION AND REMOVAL OF A TEMPORARY BRIDGE, ALL TO BE COMPLETED NO LATER THAN SEPTEMBER, 2017, THE EASEMENT AREA BEING MORE PARTICULARLY DESCRIBED BELOW; AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PURCHASE AGREEMENT IN CONJUNCTION WITH THE TEMPORARY EASEMENT.

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**REVISED CONSTRUCTION AGREEMENT - FLORIDA DEPARTMENT OF TRANSPORTATION - RIGHT OF WAY IMPROVEMENTS - NORTH BEACH RESTAURANTS AND SHOPPES (CR-09)**

**No budgetary impact.**

Revised Construction Agreement for entryway signage in right-of-way - North Beach Restaurants and Shoppes - Business Capital Improvement Program.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1364

**RESOLUTION NO. 11-270**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE A REVISED CONSTRUCTION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) IN CONNECTION WITH THE CONSTRUCTION AND INSTALLATION OF SIGN IMPROVEMENTS WITHIN THE STATE RIGHT-OF-WAY AT OAKLAND PARK BOULEVARD APPROXIMATELY 356 FEET FROM A1A FOR ENTRYWAY SIGNAGE FOR THE NORTH BEACH AREA OF FORT LAUDERDALE.

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**AMENDMENT - STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM (CR-10) LOCAL HOUSING ASSISTANCE PLANS 2007-2010, 2010-2013**

**No current year budgetary impact.**

Amendment of 2007-2010 and 2010-2013 State Housing Initiatives Partnership Program Local Housing Assistance Plans to 1) increase maximum award in the Multi-Family Development/Rental Rehabilitation Program to \$100,000 per unit and Utility Connection Program for WaterWorks 2011 to provide eligible homeowners \$1,000 connection fee and all associated costs to connect to water and sewer systems.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1348

**RESOLUTION NO. 11-271**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE 2007-2010 AND 2010-2013 STATE HOUSING INITIATIVE PROGRAM LOCAL HOUSING ASSISTANCE PLANS TO INCREASE THE MAXIMUM AWARD WITHIN THE MULTI-

FAMILY DEVELOPMENT/RENTAL REHABILITATION PROGRAM AND TO AMEND THE UTILITY CONNECTION PROGRAM FOR WATERWORKS 2011 PROJECTS TO PROVIDE FOR CONNECTION FEES AND ASSOCIATED COSTS.

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**WATERWORKS 2011 FUNDING - REVOLVING FUND LOAN AGREEMENT- (CR-11) AMENDMENT 1 - FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**None**

Amendment 1 to Revolving Fund Loan Agreement WW474420 for final administrative adjustments.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1344

RESOLUTION NO. 11-272

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AMENDMENT 1 TO THE STATE REVOLVING FUND LOAN AGREEMENT, NUMBER WW474420, BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE CITY TO ADJUST AND FINALIZE THE LOAN AMOUNT; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE FINAL AMENDMENT TO LOAN AGREEMENT AND PROVIDING AN EFFECTIVE DATE.

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**WATERWORKS 2011 FUNDING - REVOLVING FUND LOAN AGREEMENT - (CR-12) FINAL AMENDMENT - FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**None**

Final Amendment to Revolving Fund Loan Agreement WW474410 for final administrative adjustments.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 11-1346

RESOLUTION NO. 11-273

A RESOLUTION OF THE CITY COMMISSION OF

THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AMENDMENT 4 TO THE CLEAN WATER STATE REVOLVING FUND LOAN AGREEMENT, NUMBER WW474410 BETWEEN THE FLORIDA WATER POLLUTION CONTROL FINANCING CORPORATION AND THE CITY TO ADJUST AND FINALIZE THE LOAN AMOUNT; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE FINAL AMENDMENT TO LOAN AGREEMENT AND PROVIDING AN EFFECTIVE DATE.

**PURCHASING AGENDA**

**PURCHASE SODIUM HYPOCHLORITE - \$86,091- (PUR-01)**  
**PEELE DIXIE WATER TREATMENT PLANT**

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

Purchase sodium hypochlorite.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1267

The Procurement Services Department has reviewed this item and recommends approval of utilizing Pembroke Pines' contract PSUT-10-01.

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**512-10799 - PICNIC TABLES, TRASH CANS, PARK BENCHES AND (PUR-02)**  
**GRILLS - \$221,153**

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

Purchase amenities for various parks including the beach and Las Olas Boulevard.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1320

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

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

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**REPLACEMENT SOFTWARE AND HARDWARE - FIRE TERMINAL AND THIN CLIENTS - \$129,155.09 (PUR-03)**

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

Purchase replacement software and hardware for fire terminal servers and thin clients.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1208

The Procurement Services Department has reviewed this item and recommends purchasing from State of Florida and WSCA contracts.

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**REPLACEMENT LAPTOP COMPUTERS AND MOBILE PRINTERS - \$35,918 - FIRE PREVENTION BUREAU (PUR-04)**

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

Purchase replacement laptop computers and mobile printers for Fire Prevention Bureau.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1329

The Procurement Services Department has reviewed this item and recommends approving purchase from U.S. Communities Contract.

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**712-10830 - EXOTIC REMOVAL AND HABITAT RESTORATION - \$138,941.25 - PARCEL D, EXECUTIVE AIRPORT INDUSTRIAL AIRPARK (PUR-05)**

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

Two-year contract with two, one-year renewal options, of on-going maintenance, for exotic plant removal and habitat restoration on Parcel D at Executive Airport Industrial Airpark.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1330

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

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**113-10824 - REPLACEMENT PORTABLE ALARM UNITS - \$29,500 (PUR-06)**

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

Purchase replacement portable alarm units for Police Department.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1333

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

**723-10846 - HOLIDAY DECORATIONS - \$68,881** (PUR-07)

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

One-year contract for holiday decorations on Fort Lauderdale Beach for the 2011 holiday season.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 11-1307

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

**512-10799 - PICNIC TABLES, TRASH CANS, PARK BENCHES AND GRILLS - \$221,153** (PUR-02)

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

**SOUTHSIDE SCHOOL - ARCHITECTURAL SERVICES - \$90,000** (M-11)  
**FINAL PAYMENT AND TERMINATION OF AGREEMENT**

Mayor Seiler announced that staff has requested the following revised action: 1) authorize final payment of \$90,000 to R.J. Heisenbottle Architects, P.A. for services associated with redesign work for Nova's changes to Southside School, contingent upon the City Attorney's office approving an executed settlement agreement and 2) authorize staff to terminate any current agreements with R.J. Heisenbottle Architects, P.A. and 3) authorize the proper City Officials to execute the settlement agreement.

**PUBLIC HEARINGS BUDGET**

**CITY OF FORT LAUDERDALE TENTATIVE MILLAGE RATE AND BUDGET- (PH-01)**  
**FISCAL YEAR 2012**

**Recommend:** Open hearing, close hearing, introduce resolutions adopting:

1) tentative millage rate and 2) tentative budget.

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

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

The City Manager noted that the current operating millage rate of 4.1193 will not be increased in the proposed budget. The proposed total millage rate of 4.2888, which includes debt service, represents a 1.1 percent decrease from the current rate. In terms of the capacity to fund core services, excluding debt service, the proposed rate is 2.5 percent lower than the rollback rate. Since September 7, budget versions 2.2 and 2.3 were developed, and several adjustments were made upon the City Auditor's review. Modifications to version 2.2 are outlined in Exhibit 1 of Commission Agenda Report 11-1341 which is attached to these minutes. Further, he noted the revised general fund recommendations, version 2.3, in Memorandum 11-285 which is also attached to these minutes, including a change for pension payments as a result of the proposed pension bond savings from \$6 million to \$7 million (\$1,057,000 reduction for pension obligation bond program savings). The target amount of \$6 million from the fund balance remains unchanged.

Mayor Seiler opened the floor for public comment.

Fred Nesbitt, member of the Budget Advisory Board, expressed support of the proposed budget. He thought the return on investments for enterprise funds is a reasonable approach and a good example of government emulating the private sector. The reserve funds have been used for the past three years, but a lesser amount each year; nonetheless, the City remains above the 15 percent threshold. Despite his initial misgivings, he expressed support of utilizing pension obligation bonds because there is little risk within the proposed structure, and the savings is real. He felt the City would be more at risk if pension bonds are not used. He compared this bond financing to that of utilizing a second mortgage to pay off part of a first lien.

John E. Rodstrom, Jr., Broward County Vice Mayor, indicated that he is speaking as a private citizen. He noted his experience and credentials in the finance industry. He reviewed slides concerning the concept of pension obligation bonds. A copy of the slides is attached to these minutes. He elaborated upon an incident of alleged fraud regarding Pembroke Pines' pension obligation bonds. He emphasized that if there is a draw down on the principal in the first five years, it will not be possible to get that money back. He did not see how the City could anticipate a 5 percent return and let alone a 7.75 percent one. He recalled that, in 1982, when he served as a Commissioner in Fort Lauderdale, none of the City's pension fund was invested in the stock market; rather, it was all in a guaranteed investment contract or treasury bond. He strongly objected to pension obligation bonds as he believed they are very risky, and the taxpayers will have to cover the shortfall. In response to Commissioner Rodstrom, he elaborated upon a hypothetical \$200 million pension bond investment scenario in which 20 percent is lost during the first year, and 30 percent is gained during the second year which actually equates to a \$12 million shortfall, although it appears to be a five percent annual return. He stressed that actual calculations must be used to examine this concept, rather than hypothetical estimates.

Mary Riedel, representing Women In Distress, expressed gratitude for the City's previous support. She indicated that the agency has relocated to Deerfield Beach and doubled in capacity. She requested the City's continued financial support of \$12,000 yearly under the Community Development Block Grant Program (CDBG). She noted the level of the agency's clients that are Fort Lauderdale residents and that the level of usage by Fort Lauderdale residents has continued to increase since their relocation. She hoped that City funding will expand in the future. The agency did not qualify this year for City funds under the homeless category.

Bob Mays, Wilton Manors resident and employee, read a written statement concerning the proposed return on investment fee with respect to the Central Regional Wastewater Fund which is attached to these minutes.

David Archacki, Wilton Manors resident and employee, objected to the proposed return on investment fee concerning the Central Regional Wastewater Fund that would be charged to Wilton Manors and Oakland Park residents. He asked that the return on investment fee be removed from the proposed budget.

Police Lieutenant Michael Dew, chair of the Police and Firefighters Retirement System Board of Trustees, noted that the system's strict investment policy is imposed by the City Charter, Chapter 20 of the City's Code and State law. It requires that performance managers are hired to ensure that the investment managers are operating according to policy so the risk level is reasonable.

Stephen Schott, Investment Portfolio Manager for the Police and Firefighters Retirement System, indicated that he is managing director of CapTrust and noted the firm's size and oversight of several other Florida retirement plans. In response to Mayor Seiler, he expressed neither support nor objection to pension obligation bonds. He elaborated upon a general investment procedure that would be followed with the objective of earning the 7.75 percent. He did not disagree with Vice Mayor John Rodstrom's numbers in a well articulated presentation. He noted that the asset allocation created by CapTrust is consistent with generally accepted forecasts for stocks, bonds, and alternative markets. In response to Commissioner Rodstrom, he explained that the greatest benefit pension obligation bonds can provide the City's retirees is help for the City to meet the funds' obligations. Mr. Dew explained that the funds would be invested according to the City's investment policy and the earnings would help to decrease the City's unfunded liability of \$192 million, thereby also reducing the amount of interest paid on it. It would help with negotiating and lowering investment fees. By buying at a reasonable time, it is also possible to take advantage of the market volatility. He felt comfortable with the pension obligation bond proposal, although there is always risk. He pointed out that the board's top priority is to safeguard funds and make proper investments to ensure that the returns meet the 7.75 percent (unfunded liability) interest rate. He pointed out that the fund's 22 percent loss in 2008 was considerably less than the S&P and many other funds at the time. He indicated that the fund has since made some gains and is well diversified. He spoke of the assistance that CapTrust has provided since their retention a short time ago. In further response, he confirmed that the current investment policy differs from that of 2008, and the catalysts for revision were the 2008 loss and a desire to take advantage of additional investment opportunities. He elaborated upon the changes made.

Sean Siler, 1 Northwest 33 Terrace, noted that he is a volunteer at the Cooperative Feeding Program. He urged the Commission to support the Housing Authority's community bus program as it provides necessary travel assistance to homeless and elderly individuals. Commissioner Roberts indicated that a commitment was made at the last TMA (Downtown Fort Lauderdale Transportation Management Association) meeting to continue this program within the TMA structure; the funding source is being worked out, and there may be some route changes. He believed the DDA (Downtown Development Authority) will be funding it in the meantime.

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.

In response to Mr. Mays and Mr. Archacki, the City Manager explained that the return on investment fee for the Central Regional Wastewater Fund is based upon three percent of the Lohmeyer Wastewater Treatment Plant's net assets. He noted the rate increase that would result. Other affected municipalities were informed of the proposed increase in August. Eighty percent of the cost is being borne by Fort Lauderdale rate payers. In response to Mayor Seiler, he indicated that cities using the Fort Lauderdale system are not being treated differently. Mayor Seiler pointed out that the City is facing a \$2.7 million increase in wastewater treatment costs. The City Manager confirmed that Fort Lauderdale rate payers are paying \$2.2 million of the total \$2.7 million. The increase is twenty-seven cents per 1,000 gallons. He also confirmed rebates were paid for 18 of the past 20 years. He believed that even with this fee, Fort Lauderdale will continue to have the lowest water and sewer bill in Broward County. He noted other cities in Florida that also use such an investment approach. He went on to provide the following responses to questions raised by Vice Mayor DuBose, Mayor Seiler, and Commissioner Rodstrom: Rebates were not paid in 2004 and 2005. Water rates for non-City rate payers will be adjusted identical to Fort Lauderdale rate payers. He explained the concept is essentially the City taking a dividend on a proprietary asset, which will then be added to the general fund. An approximate \$11 million budget reduction will be necessary if this is not approved.

Vice Mayor DuBose recalled that, in 2009, he voted in favor of a 35 percent rate increase spread over a five-year plan that was based on a study. He objected to adding 1.75 percent to that already agreed upon increase. Mayor Seiler pointed out that the City Manager presented ideas of how to make ends. The Commission has had two months to present other approaches. Fort Lauderdale has the lowest water and sewer rate in Broward County and the second lowest millage rate of the 20 largest cities in Florida. At some point there is too much pressure on the budget. The City must cover its obligations. Regional expenses for the utility are increasing \$2.7 million. There have been numerous budget reductions made thus far, but there is a limit to how much can be absorbed. Vice Mayor DuBose recalled the same argument was made in 2009. He expressed discomfort with imposing a rate increase during this economic downturn, and emphasized that he receives constant constituent complaints regarding water and sewer rates including double-billing issues related to the new billing system.

In response to Commissioner Roberts, the City Manager confirmed that the proposed rate increase would equate to approximately \$2.93 per month. Commissioner Roberts emphasized that City services have a cost. He elaborated upon the City's money saving

measures, including budget reductions and reorganization; and that the City is at the bottom with respect to millage and the utility rate. He thought the City's services will possibly be cut next. Unless alternatives are presented, he will support the budget and specifically this item. Commissioner Rogers noted that he initially shared Vice Mayor DuBose's concerns. But, upon further consideration, he agrees with Commissioner Roberts that this is a basic City service which is being performed well, and, because it is water-related, he thought residents will accept its value. He thought the proposed rate increase is fair. The City Manager drew attention to the City being the first municipality to propose rebate rates for, both, City and non-City rate payers based upon a formula if certain financial goals are achieved. The proposed is to raise revenue in order to have a financially sustainable utility, and to close budget gaps utilizing innovative approaches. He confirmed for Mayor Seiler that the rebate on the utility charge would go to the municipality and it would be their choice to pass it along to the rate payer. The City Manager noted he has only heard from Oakland Park and Wilton Manors on this matter.

The City Manager was not clear on Broward County Vice Mayor Rodstrom's comment about the 7.75 percent actuarial rate of return. While it is a somewhat derived number, it must be justified by the actuary to the Board and the State. It has a real value in that it sets the interest rate that the City has to pay on the unfunded accrued liability. From this standpoint, the number is very real. The theory is that if the unfunded liability of \$200 million had been funded, it would have theoretically earned 7.75 percent.

The City Auditor indicated that in the industry pension obligation bonds are considered to be risky. Most of those issued since 1985 are in the red. He referred to a fact sheet provided to the Commission, highlighting some of the reasons and situations when they make sense. A copy of the fact sheet is attached to these minutes. Fort Lauderdale is proposing to replace the funding for the unfunded liability which is currently being amortized over thirty years with a 30-year bond which is a much different posture than other cities that have had a significantly negative experience. With timing being a factor, he remarked on a study which indicates that the market is currently near the bottom of an 18-year growth increment, which would suggest there will likely be an extended run in the equity markets over the next twenty years. He recommended that funds be committed in a series of tranches over two or three years in order to avoid poor market timing and a drop in assets all at once. Pension obligation bonds issued during dramatic stock market downturns have produced positive returns. Bonds issued when rates were particularly low have also performed well. With rates at forty-year lows, it is an opportune time. He elaborated upon the City's strengths in comparison with other cities that experienced problems with pension obligation bonds. The size of this borrowing will not constrain the City's additional borrowing capacity. The size of any borrowing should not exceed twenty percent of the plan's assets. The issue should be callable. He recommended the City's Financial Advisor to perform a stress test, examining the impact of varying market declines. This is a transfer of risk from current to future taxpayers. Although the City can manage risk, the total risk and long-term ramifications must first be known and this should be stress tested as well. Commissioner Roberts pointed out that, even if this concept is approved now, the bonds will not be issued until January at the earliest. In the interim, a study will be done to determine the most feasible course. As such he wanted to move forward, understanding it will not be a completed deal until analyses are completed and reviewed. He also wanted to hear from the City's financial advisor. The City Auditor suggested a full experience study be completed so expectations can be adjusted accordingly. Commissioner Roberts noted that some study assumptions are unrealistic, such as 4-8 percent pay increases every year or

everyone in the plan retiring at full retirement. The City Auditor confirmed for Commissioner Roberts that for now, only a concept is being brought forward. The final decision would not be made until after extensive analysis and then timing, level of risk and so forth will be considered. Commissioner Roberts noted that, historically, the City has had additional savings throughout the year. Mayor Seiler agreed with the City Auditor's measured approach and the ability to look at options. Discussion ensued between Commissioner Rogers and the City Manager about a \$1 million savings based on the timing of the City's (unfunded liability) payment, that is, utilizing a lower interest bridge loan of perhaps one percent instead of 7.75 until the due date. Commissioner Rogers pointed out that the front end of this concept is obvious, but the back end can give one heart burn. Therefore it must be filtered and tested. He agreed with Commissioner Roberts that this is an opportunity not to be missed, if it is thoroughly investigated.

The City Auditor emphasized that the approximate \$30 million current year contribution to the police and fire pension fund is one component that should absolutely be done without need for stress testing. A pattern has been established wherein the payment is made in arrears at the end of the year; 7.75 percent interest for a full year is included in the payment. However, the City can borrow a Revenue Anticipation Note (RAN) at approximately .75 percent which equates to a seven percent savings on \$30 million for one year. Commissioner Rodstrom agreed, but maintained her disagreement about pension obligation bonds.

Commissioner Rodstrom pointed out that the fees for this pension obligation bond issue would be approximately \$1.5 million. In response to Mayor Seiler, the City Manager advised that the fees are based upon the bond size. If this is done in tranches, the fees will be associated with the size of the issue and paid out of the bond proceeds as part of the cost of issuance and built into the debt service. Commissioner Rodstrom stressed that it is a cost nonetheless. Discussion ensued between Mayor Seiler and Commissioner Rodstrom regarding the possibility of finding savings in the budget as an alternative to the extent these bonds are utilized as well as achieving a smoothing of five percent or 7.75, which has not been achieved in four years. Commissioner Rodstrom emphasized that she did not want to approve something that may put taxpayers in harm's way.

Doug Wood, Director of Finance, explained that the \$30 million payment for the police and fire pension fund is made for the entire year on October 15, nine and a half months in arrears. The previously mentioned loan is in progress which will provide approximately \$1.5 million in savings in 2012. In July, a \$15 million payment was made in advance which saved \$290,000. Commissioner Rodstrom pointed out that these payments were even in arrears during the economic boom.

Vice Mayor DuBose wanted input from the City's financial advisor. The proposed bonds should be examined from all angles, and the primary element to consider is level of risk. He expressed discomfort with the concept. He believed that all of the necessary information to make this decision has not been provided. He noted that this budget includes \$6 million in variables, and taking this risk only moves the liability, which will eventually surface.

Ed Stahl, City's Financial Advisor, acknowledged this is about risk, but there is risk in doing nothing as well. A young individual saving at .05 percent interest will have to save

a lot of money in order to have enough for retirement. The concept of rate of return is very important. He referred to a 2008 Standard & Poor's study that claimed pension obligation bonds within a strategy have largely been successful over the past twenty years. The primary matter is whether an investment return in excess of the rate of the bonds can be achieved. He remarked on the current low interest rates and elaborated upon interest rates for some of the City's bonds recently obtained at 4.02 and 1.37 percent. The unfunded actuarial accrued liability (UAAL) will significantly increase if the assumption is lowered from 7.75, as will the payments. He agreed that extensive analysis is needed. Once the actuary study is completed in December, a stress test will be performed to examine various investment scenarios. If the Commission believes the stock market will not achieve the desired rate, they should not proceed. He confirmed for Mayor Seiler that the decision does not have to be made until November or December.

Discussion ensued between Mayor Seiler and Commissioner Rodstrom regarding the City's reserve level, the Commission fiscal conservatism, potential for various budget amendment options instead of these bonds and the time available before a decision has to be reached. Commissioner Rodstrom thought there should be a level of certainty to accompany the conservative approach to the budget. In response to Commissioner Rodstrom, Commissioner Roberts noted that a budget amendment will be necessary if the money reflected to be achieved from these bonds is not achieved. Commissioner Rodstrom stressed that it is unknown whether the number being plugged into the budget is factual. Vice Mayor DuBose thought a decision could be made when all of the information is available. Commissioner Rogers and Mayor Seiler emphasized that tonight's vote is not on pension bonds. Vice Mayor DuBose indicated that, although the City's millage rate is the lowest in the county, residents are facing the same economic downturn issues as those in cities with higher rates. He felt pension bonds are a gamble and he is uncomfortable with this part of the budget. In response to Commissioner Rodstrom, Mayor Seiler pointed out that the City never nails the exact projected revenues. As to the thought of this being a rolling of the dice, Mayor Seiler referred to the advice of experts has been obtained. Nonetheless, Vice Mayor DuBose stressed that it is a gamble. Commissioner Rodstrom referred to the losses in the last four years. With this investment, the City would have lost \$138 million. History reflects that the City's investments have not shown a profit, and the stock market will remain the same or decline. She was not willing to take this risk. Commissioner Roberts pointed out that all investments have a level of risk. If this proposal is not utilized, he questioned what budget cuts would be employed to cover the \$13 million shortfall. Vice Mayor DuBose believed that it is the City Manager's responsibility to develop the budget, and noted that his primary source of discomfort is the lack of pension bond information provided. Mayor Seiler noted that the City Manager has made a recommendation and the Budget Advisory Board has weighed in. If one opposes the proposed budget, he or she should bring forward alternative suggestions. Vice Mayor DuBose emphasized that these decisions have a long-term and cumulative effect. He does not have an alternative recommendation to cover the shortfall. Mayor Seiler asked Vice Mayor DuBose whether he would support this budget if the reserve was utilized, rather than the pension bonds. Vice Mayor DuBose questioned whether staff has exercised due diligence, examining alternatives.

The City Manager noted that return on investment and pension obligation bonds have been part of the budget from the beginning. The fire assessment item was removed after Version 1.0 as a result of public discussion. He emphasized that the pension



bonds would be structured in order to have minimal risk. There is risk in everything that the City does. He did not feel that the bonds are risky enough to preclude their use. It would be the City's responsibility to make the plan actuarially sound if funds are lost; and a loss of funds would increase the contribution, regardless of whether funds are injected into the plan. He did not believe the reserve fund balance should dip below \$50 million which is why use of reserve balance was limited to \$6 million. Also, the City should not use reserves repeatedly. He recommended the pension obligation bonds because they will provide a long-term effect by continuing to reduce the City's unfunded liability over a period of time. An alternative plan will be necessary to replace the \$6 million in savings if the bonds are not approved. He pointed out that all of the budget conditions imposed by the Commission were met, except for water and sewer. However, he believed that the current millage and fire assessment rate will not be sustainable long-term; some operational cuts including the reorganization will be necessary.

In response to Commissioner Rogers, Mr. Stahl explained what will be involved with the stress test. He mentioned that the pension obligation bonds issued in the early 1990's and in 2003 were extremely successful. Commissioner Rogers noted the City's pension plan history over the past twenty years of 9 percent. Mr. Stahl confirmed that the horizon of investment opportunities and risk will be part of the stress test. He quoted S&P's assertion that the success of pension obligation bonds is unknown until the final maturity date. He elaborated upon the host of factors to consider, besides the pension bonds themselves. He pointed out the detrimental effects caused by changes in benefit levels. In response to Commissioner Rodstrom, he thought the stress test results will be ready in less than six months. He hoped to present information by January.

The City Auditor suggested a unanimous or super-majority vote be required for any future benefit enhancements in order to protect the City's tail risk. He read the following excerpt of an article prepared by the Center for Retirement Research at Boston College entitled *Pension Obligation Bonds: Financial Crisis Exposes Risks*: "Nevertheless, it appears that pension obligation bonds have the potential to be useful tools in the hands of the right government, at the right time. Issuing a pension obligation bond may allow well-healed governments to gamble on the spread between interest rates and asset returns, or to avoid raising taxes during a recession." He thought the Commission's risk tolerance must be determined.

In response to Mayor Seiler, the City Manager indicated that, for the most part, he agrees with the City Auditor's recommendations. One is the 20 percent limitation on net assets. The City Auditor explained that essentially the size of any single borrowing should not exceed 20 percent of the pension fund assets. It is not a hard and fast rule, but, rather, a range recommendation. It is assigning a percentage figure with respect to a tranch. Commissioner Roberts wanted to address the percentage recommendation in the future when all of the data is available. Commissioner Rodstrom referred to the City Auditor's previous recommendation concerning use of the fund balance that was not implemented. She was concerned that his recommendations be implemented and elaborated upon some. She wanted the City Auditor recommendations to be voted upon individually.

For Mayor Seiler's benefit, Mr. Stahl confirmed that there were ten noteworthy bidders for the City's recently issued 30-year, \$20 million bond; and twelve for the refunding bonds. This will equate to a net savings for the City of approximately \$188,000 per year, although the projected amount was a savings of roughly \$140,000 per year. Mayor

Seiler noted that this is a good example of the actual revenue exceeding the projected amount. Mr. Stahl indicated that his expectations were exceeded.

Mayor Seiler announced that the final 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 final millage rate for debt service for the 2002/2011B General Obligation Refunding Bonds is .1125 mills. The final millage rate for debt service for the 2005 General Obligation Bonds is .0570 mills.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-256

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE 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.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-257

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE FINAL 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.

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**SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT  
TENTATIVE MILLAGE RATE AND BUDGET - FISCAL YEAR 2012**

**(PH-02)**

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

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

Mayor Seiler announced that this is the second of two public hearings held as required

by law on the Sunrise Key Neighborhood Improvement District millage rate and budget for fiscal year 2012. He opened the public hearing and noted its purpose.

The City Manager announced that the proposed millage rate of 1.0000 mills will generate revenue of \$79,500.

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 Mayor Seiler, the City Manager confirmed that security cameras in the recommended budget reflect a brand name because they will be tied into their existing system. Commissioner Rodstrom indicated that she has not received any feedback from anyone in the district.

Mayor Seiler announced that the final 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. 11-258

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE 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.

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 11-259

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE FINAL 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.

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**Motion** made by Commissioner Rodstrom and seconded by Commissioner Roberts that Consent Agenda Items M-03, M-07, M-09, M-10 and M-11 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

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**INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES (M-03)  
(IATSE) - WAR MEMORIAL AUDITORIUM - TERMINATION OF LOCAL 500  
WORKING AGREEMENT**

Alan Glassman, business manager of International Alliance of Theatrical Stage Employees (IATSE) Local 500, questioned whether negotiations with the City are possible in order to avoid job and healthcare benefit loss. He did not understand why a change is necessary after some fifty years of doing business this way. City staff advised the IATSE that the City cannot pay for benefits. Based on the City Attorney's advice, Mayor Seiler clarified that the City cannot pay for benefits for these part-time employees because it does not do so for any other part-time City employees. Mr. Glassman was concerned that no one has made an attempt to meet with the IATSE. Mayor Seiler stressed that the Commission desires to maintain the IATSE employees, but cannot fund healthcare for only one group of part-time employees. He noted that staff has worked to develop a compromise for the past three years. The City Manager pointed out that his staff has met with the IATSE and has been waiting for an alternative proposal for the past two weeks. Mr. Glassman was concerned that there has not been any communication; he does not know where to send their alternative proposal. The City Attorney advised that Paul Bangel, Senior Assistant City Attorney, met with IATSE's counsel yesterday, and explained that the contract's evergreen clause needs to be cancelled by a certain date; and, in order to have any negotiations, the contract itself must be cancelled. She indicated that she understood the City's position. He confirmed that moving forward with this item tonight will not preclude the parties from finding a solution by October 1. Mayor Seiler recommended Mr. Glassman contact the City Manager and City Attorney.

In response to Vice Mayor DuBose, the City Attorney clarified that the notice has already been given; this item is ratifying it. This must be done by October 1. Vice Mayor DuBose opposed this item. He wanted to take an alternate route if possible. These employees are also Fort Lauderdale residents, and this cancellation is essentially laying them off. He thought this should have been brought forward earlier as staff has been aware of this issue for the past three years. The City Manager provided a brief chronology of this matter. Staff has attempted to resolve this issue since the end of June when he became aware of it. There is a notice deadline, otherwise the contract will be automatically renewed for another year. He indicated that the union objected to the City's offer to continue these workers' employment by hiring them as part-time City employees because it would result in loss of benefits. Pay for healthcare benefits is actually paid to the union who then provides the benefit. The employees do a great job and it is the staff's desire to keep them. In response to Vice Mayor DuBose, he believed the union would not allow their members the option of keeping their jobs if this contract is

terminated.

Mayor Seiler questioned whether the union could pay for the employees' healthcare benefits if the City continues to provide the same amount of funds. Mr. Glassman explained it would involve increased financial obligations for the union such as a payroll service. They do not intend to request a pay raise although no increases have occurred since 2004. In response to Vice Mayor DuBose, he clarified that, if this contract is terminated, the union would allow these individuals to accept part-time employment with the City if offered.

Commissioner Rodstrom questioned how this came to light. The City Manager explained that this issue was first raised in an internal audit three years ago. In his conversations with part-time City employees, he commented that they would also like to have benefits. Given that the IATSE employees will be able to accept a part-time job option, Vice Mayor DuBose expressed support of this item.

**Motion** made by Vice Mayor DuBose and seconded by Commissioner Roberts to approve the item as presented. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None. Mayor Seiler reiterated that Mr. Glassman needs to get in touch with the City Manager and City Attorney.

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**BROWARD COUNTY CULTURAL DIVISION - DONATION OF CULTURAL HERITAGE MARKERS** (M-07)

In response to Vice Mayor DuBose, the City Manager noted the deadline was the Broward County Cultural Division's (Cultural Division) desired timeline, but they recognize the need to obtain legislative approval. Leslie Fordham, Broward County Cultural Division, wanted to establish a timeline as there are other cities wanting to move forward with their markers, but confirmed that no opportunities have been missed. In further response to Vice Mayor DuBose, Anthony Fajardo, Planning and Zoning, explained that the Cultural Division alerted staff that this project will be larger than the three locations shown in the Commission's backup, and has requested that the fee donation occur for future applications. This application will include the Snow-Reed (11<sup>th</sup> Avenue) Swing Bridge, West Side School, and Bonnet House at \$230 each. The City Manager clarified that this item is for participation in the Cultural Heritage Landmark Project for three city sites, and future sites will be funded out of current operating expenses. He offered to bring forward each future marker for authorization if the Commission wishes that to be done. Although Vice Mayor DuBose and Mayor Seiler agreed that the three selected sites are excellent; they wanted a notice requirement so that the Commission will be made aware of the Cultural Division's future selections. Vice Mayor DuBose thought the City should have parameters established. The City Manager believed that all locations would have to be approved by the Historic Preservation Board through the certificate of appropriateness process. Mr. Fajardo concurred and noted the Commission would have the benefit of the callup provision in those instances, but noted there may be sites that are not designated by this Commission. The Cultural Division could move forward with a site without it going through the Historic Preservation Board's process (not being designated by the Commission).

**Motion** made by Vice Mayor DuBose and seconded by Commissioner Roberts to approve the item as amended to specify it applies only to the three above-noted

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

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**CHANGE ORDER 4 - CENTRAL FLORIDA EQUIPMENT RENTAL, INC. - (M-09)**  
**\$336,317.04 - NE/NE 6 STREET - SISTRUNK BOULEVARD STREETSCAPE**  
**AND ENHANCEMENT**

Robert Walsh, 401 East Las Olas Boulevard, thought that jobs related to this project should be made available to residents living in the Northwest CRA (Community Redevelopment Agency) area. Vice Mayor DuBose agreed.

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

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**COMMUNITY BUS SERVICE FUNDING - \$773,016.96 (M-10)**  
**DOWNTOWN FORT LAUDERDALE TRANSPORTATION MANAGEMENT**  
**ASSOCIATION**

Robert Walsh, 401 East Las Olas Boulevard, questioned this cost and asked about a funding source. The City Manager outlined the funding sources and confirmed that no funds are coming from the general fund. Commissioner Rodstrom pointed out that there are fourteen trolleys. She went on to respond to Mr. Walsh's further questions as to whether the City is able to receive anything to offset the cost and remarked that perhaps there should be a ridership charge of some amount.

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

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**SOUTHSIDE SCHOOL - ARCHITECTURAL SERVICES - \$90,000 (M-11)**  
**FINAL PAYMENT AND TERMINATION OF AGREEMENT**

Vice Mayor DuBose advised that he removed this item from the consent agenda to vote no because it will delay several other City projects, including the Bass Park Pool upgrades (Bass Park) which have been ongoing for some time. The City Manager indicated that the delay has to do with the City taking this work inhouse which staff believes should be done and the fact that there are staffing limitations. Commissioner Rodstrom suggested that Bass Park be given priority over the other affected projects. Albert Carbon, Public Works Director, advised that the affected projects shown in Exhibit 1 of Commission Agenda Report 11-1349 are not listed in a prioritized order. He noted that the lead City architect for the affected projects will focus on Southside while two other City architects will work on the affected projects, with one being focused on the fire station projects. He pointed out that delays could be a month or months long. Staff has obtained a consultant to assist with the mechanical and electrical for Bass Park. Vice

Mayor DuBose indicated that this delay is problematic as the Bass Park project has been ongoing for approximately two years. Mr. Carbon offered to provide a status update. In response to Mayor Seiler, he clarified that Bass Park was initially funded two years ago, and then the plans and specifications were developed. In response to Commissioner Rodstrom, he explained that the bond funding for the fire station projects was just received today. In further response to Vice Mayor DuBose, he estimated that Bass Park would be delayed at least one month. He offered to provide a schedule.

In response to Mayor Seiler, Mr. Carbon explained that the architect of record (for Southside) is being changed and that individual need to spend more time at the site to be in a position to certify the project has been built according to the plans and specifications. Frank Snedaker, City Architect, indicated that the amount of time that Southside will take is unknown; there are extensive negotiations related to change orders. Due to staff limitations, any resources added to Bass Park would result in some taken from the fire station projects. In response to Vice Mayor DuBose, he did not believe that the number of delayed projects would increase. The City Manager went on to explain that when the architect for a project is changed, there is a process necessary for the new architect to be able to seal the plans. Understanding that Bass Park is a priority, he offered to have staff develop a plan that would avoid delay. Commissioner Rogers remarked that there are other projects on the list that will also likely be delayed, but he assumed they will be completed nonetheless. He supported this transfer of architects. He was disappointed with Nova Southeastern University's inaction.

In response to Commissioner Rodstrom, Mr. Carbon explained that some historic preservationists objected to the fence originally planned for Southside when the City dug trenches for it. Staff worked with the neighborhood and the preservationists to eliminate the fence and the trenches were since backfilled. Staff continues to work with the neighborhood and preservationists; fence will likely be replaced by shrubbery and trees. Play area has fencing, though it may be slightly reduced. Mayor Seiler requested information on the cost of the fence change. Discussion ensued regarding who would be responsible for the cost of the changes relating to the originally planned fence and measures for liability protection.

**Motion** made by Commissioner Rogers and seconded by Vice Mayor DuBose to approve the item as amended to be contingent upon the City Attorney's office approving an executed settlement agreement, and that there be no delay to the Bass Park swimming pool upgrades. 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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**PROPRIETARY - BUYSPEED PROCUREMENT SOFTWARE - \$24,890** (MD-01)

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

Renewal of annual maintenance, updates and support for procurement software subject

to approval and appropriation of fiscal year 2012 budget.

**Recommend:** Recommend motion to approve.

**Exhibit:** Commission Agenda Report 11-1339

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

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

Commissioner Roberts was not present for this vote. He left the meeting at approximately 9:47 p.m. and returned at approximately 9:51 p.m.

**PROPRIETARY - COMMUNITY PLUS SOFTWARE - \$78,902.49** (MD-02)

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

Renewal of annual maintenance, updates and support for Community Plus software subject to approval and appropriation of fiscal year 2012 budget.

**Recommend:** Recommend motion to approve.

**Exhibit:** Commission Agenda Report 11-1340

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

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

Commissioner Roberts was not present for this vote. He left the meeting at approximately 9:47 p.m. and returned at approximately 9:51 p.m.

**RESOLUTIONS**

**BOARD AND COMMITTEE APPOINTMENTS** (R-01)

**No budgetary impact**

**Recommend:** Introduce resolution.

**Exhibit:** Commission Agenda Report 11-1327



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

Budget Advisory Board	A.J. Cross (Mayor Seiler) Drew Saito (Commissioner Rodstrom)
Code Enforcement Board	Joan Hinton (Consensus)
Community Appearance Board	Marla Neufeld (Commissioner Rogers)
Education Advisory Board	Austin Edward Scott (Commissioner Roberts)
Northwest-Progresso-Flagler Heights Redevelopment Board	Scott Strawbridge (Commissioner Roberts)
Visioning Committee	Desorae Giles-Smith (Vice Mayor DuBose)

Mayor Seiler announced that the Commission is seeking an attorney for appointment to the Unsafe Structures Board.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-260

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

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

Commissioner Roberts was not present for this vote. He left the meeting at approximately 9:47 p.m. and returned at approximately 9:51 p.m.

**PUBLIC HEARINGS**

**CENTRAL WASTEWATER REGION LARGE USER RATE - (PH-03)**  
**FISCAL YEAR 2012**

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

Fiscal Year 2012 Central Wastewater Region Large User Rate effective October 1, 2011 at \$1.48 per 1,000 gallons of wastewater.

**Recommend:** Recommend approval, open hearing, close hearing,

introduce resolution.

**Exhibit:** Commission Agenda Report 11-1247

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

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-261

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SETTING A RATE PER 1,000 GALLONS OF WASTEWATER TREATED, DURING FISCAL YEAR 2011/2012, FOR ALL LARGE USER WASTEWATER CUSTOMERS OF THE CENTRAL WASTEWATER REGION AND PROVIDING AN EFFECTIVE DATE.

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

**APPEAL - PLANNING AND ZONING BOARD DECISION - REZONING - (PH-04)  
CASE 3-Z-11- FIRST EBENEZER MISSIONARY CHRISTIAN CHURCH, INC.**

**No Budgetary Impacts.**

**Applicant:** First Ebenezer Missionary Christian Church, Inc.  
**Location:** 312 NW 7 Street  
**Current Zoning:** Residential Multifamily Mid Rise/Medium Density RMM-25  
**Proposed Zoning:** Community Facility-House of Worship and School CF-HS  
**Future Land Use:** Northwest Regional Activity Center

**Recommend:** Introduce  
 1) motion upholding Planning and Zoning Board decision and denying rezoning for failure to meet requirements of Unified Land Development Regulations or  
 2) motion to hold de novo hearing immediately or  
 3) resolution setting de novo hearing within sixty days.

**Exhibit:** Commission Agenda Report 11-1312

This item was deferred to October 4, 2011. See page 2.

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COMMISSION OF

THE CITY OF FORT LAUDERDALE, FLORIDA, REGARDING THE APPEAL OF THE PLANNING AND ZONING BOARD'S DENIAL OF REZONING CERTAIN LANDS LOCATED BETWEEN N.W. 4<sup>TH</sup> AVENUE AND N.W. 3<sup>RD</sup> AVENUE, SOUTH OF N.W. 7<sup>TH</sup> STREET LOCATED AT 312 N.W. 7<sup>TH</sup> STREET IN AN RMM-25 ZONING DISTRICT (PZ CASE NO. 3-Z-11), MAKING CERTAIN FINDINGS AND SETTING A PUBLIC HEARING TO CONSIDER THE APPEAL BEFORE THE CITY COMMISSION AT 6:00 P.M. ON (choose one) OCTOBER 4, OCTOBER 18, NOVEMBER 1, OR NOVEMBER 15 , 2011.

**REZONING TO PLANNED UNIT DEVELOPMENT - 1224 EAST LAS OLAS (PH-05) BOULEVARD - FIRST PRESBYTERIAN CHURCH OF FORT LAUDERDALE - CASE 4-ZPUD-08**

**No Budgetary Impact.**

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

**Recommend:** Motion to defer to December 6, 2011.

**Exhibit:** Commission Agenda Report 11-1449

This item was deferred to December 6, 2011. See page 2.

**ORDINANCES**

**REZONING TO SOUTH REGIONAL ACTIVITY CENTER- (O-01) 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-SAe  
**Future Land Use:** South Regional Activity Center

**Recommend:** Recommend approval, introduce ordinance on second reading.

**Exhibit:** Commission Agenda Report 11-1163

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

Commissioner Rogers introduced the following ordinance on SECOND 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.

Which ordinance was read by title only. Roll called 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-02)**  
**SOUTH REGIONAL ACTIVITY CENTER - SOUTH ANDREWS - CASE 4-T-11**

**No budgetary impacts.**

**Applicant:** City of Fort Lauderdale

**Recommend:** Recommend approval, introduce ordinance on second reading.

**Exhibit:** Commission Agenda Report 11-1197

Commissioner Rodstrom introduced the following ordinance on SECOND 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 called 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  
ALEX GHEORGHU - CASE 1-P-10**

**(O-03)**

**No budgetary impact**

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

**Recommend:** Recommend approval, introduce ordinance on second reading.

**Exhibit:** Commission Agenda Report 11-1436

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

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

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**WATER, SEWER, AND STORMWATER RATE ADJUSTMENTS**  
**ELIMINATING INTEREST ON UTILITY DEPOSITS**

**(O-04)**

**Additional revenue to meet operating expenses, capital, debt service, reserve requirements and Return on Investment. Consistent with FY11/12 budget.**

**Recommend:** Recommend approval; introduce ordinance on second reading.

**Exhibit:** Commission Agenda Report 11-1237

Commissioner Rogers introduced the following ordinance on SECOND 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.

In response to Commissioner Rogers, the City Manager confirmed that the revision shown on page 3 (Note 1) of Exhibit 2, Commission Agenda Report 11-1237, is the rebate formula. He explained that these are real figures that should be obtainable. He went on to list the goals outlined in Exhibit 2 which is attached to these minutes. In further response, he clarified an objective to have \$10 million funding in water and wastewater reserve.

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

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**CODE AMENDMENT - CHAPTER 26 - TRAFFIC PARKING RATES,  
PARKING HOLIDAYS AND RE-NAMING CERTAIN PARKING LOTS****(O-05)****No budgetary impact at this time.****Recommend:** Recommend approval, introduce ordinance on second reading.**Exhibit:** Commission Agenda Report 11-1429

In response to Commissioner Rogers and Mayor Seiler, Diana Alarcon, Director of Parking and Fleet Services, confirmed that she will comply with a public records request by providing the completed survey which proves the appropriateness of a parking rate increase at the 15<sup>th</sup> Street boat ramp. A limited amount of annual passes are offered for sale; they are in high demand. Last year's permit holders will be given the first right to purchase this year. She listed who has been notified, including the homeowners association, some of the condominiums, including Caravel, and the Las Olas Marina about work commencing in October, rather than January. Commissioner Rogers suggested that notice of the construction work be given to the annual pass buyers before their purchases are made. Ms. Alarcon noted that the construction project will be split into two phases. Staff has requested that the Marine Industries Association of South Florida help with getting the word out. In further response, she pointed out that the City charges based on parking spaces, rather than launch.

Commissioner Rogers introduced the following ordinance on SECOND 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.

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

**QUORUM REQUIREMENT - BUDGET ADVISORY BOARD****(O-06)****No budgetary impact.****Recommend:** Recommend approval; introduce ordinance on first reading.

**Exhibit:** Commission Agenda Report 11-1352

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-26

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-96-62 WHICH CREATED THE BUDGET ADVISORY BOARD TO REDUCE THE QUORUM REQUIREMENT.

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

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**TERM - AUDIT ADVISORY BOARD** (O-07)

**No budgetary impact.**

**Recommend:** Recommend approval; introduce ordinance on first reading.

**Exhibit:** Commission Agenda Report 11-1353

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-27

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-03-46 WHICH CREATED THE AUDIT ADVISORY BOARD TO AMEND THE DATE A BOARD MEMBER'S TERM OF APPOINTMENT BEGINS AND ENDS TO COINCIDE WITH THE CITY'S FISCAL YEAR AND EXTENDING THE TERM OF APPOINTMENT OF EXISTING BOARD MEMBERS TO SEPTEMBER 30, 2012.

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

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There being no other matters to come before the Commission, the meeting was adjourned at 10:11 p.m.

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John P. "Jack" Seiler  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk