

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
OCTOBER 18, 2011

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
October 18, 2011**

Meeting was called to order at 6:04 p.m. by Mayor Seiler on the above date, in City Hall, 100 North Andrews Avenue, 1st floor Chambers.

Roll call showed:

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

Absent: None.

Also Present: City Manager Lee R. Feldman
City Auditor John Herbst
City Clerk Jonda K. Joseph
City Attorney Harry A. Stewart
Sergeant At Arms Sergeant Monica Ferrer

Invocation was offered by Pastor Mark Caldwell, First United Methodist Church, followed by the recitation of the pledge led by Robert Walsh.

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 Rodstrom and seconded by Commissioner Roberts to approve the minutes of the September 7, 2011 Regular Meeting: YEAS: Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

Presentations

1. LIGHTS ON AFTERSCHOOL DAY – OCTOBER 20, 2011 (PRES-01)

Commissioner Roberts presented a proclamation designating October 20, 2011, as Lights On Afterschool Day in the City to Tina Concepcion, After School Programs. Ms. Concepcion was pleased to help local families through this organization. She thanked the Commission.

2. RECOGNITION OF OUTSTANDING COMMUNITY POLICING (PRES-02)

Commissioner Rodstrom presented certificates of appreciation to Major Raul Diaz; Acting Police Captain Robert Borowski; Sergeant Jaime Costas; and Officer Rolando Rivera for their outstanding law enforcement work in the Lake Ridge neighborhood. Mary Pat

Rhodes, president of the Lake Ridge Civic Association, expressed gratitude to these officers for their efforts which have contributed to the success of the Lake Ridge neighborhood walks.

3. COMMUNITY APPEARANCE BOARD – WOW AWARD- DISTRICT IV (PRES-03)

Commissioner Rogers recognized Brett and Nadia Stefansson who reside in downtown Fort Lauderdale as the recipients of the WOW Award for District IV. Mr. Stefansson thanked the Commission and the Community Appearance Board.

**26th Annual Fort Lauderdale International Film Festival Days – (OB)
October 21, 2011-November 22, 2011**

Vice Mayor DuBose presented a proclamation declaring October 21, 2011- November 22, 2011, as the 26th Annual Fort Lauderdale International Film Festival Days to David Hoskinson, member of the Broward County Film Society board of directors. Mr. Hoskinson elaborated upon upcoming film festival events.

Consent Agenda (CA)

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

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

EVENT AGREEMENTS (M-01)

No budgetary impact.

Event Agreements: 1) Rocco's Tacos Halloween Fiesta, 2) VIBE's Halloween Masquerade Party, 3) Homeless Give Back Day and 4) Boat Show Kick-Off Party.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1495

The Rocco's Tacos Halloween Fiesta event agreement was removed from the agenda at the request of the Applicant.

OCEAN REGULATORY BUOYS AND NAVIGATIONAL SIGNS

(M-02)

No budgetary impact.

Cancellation of contract extension with Palm Beach Marine Construction, Inc. for 2012 Ocean Regulatory Buoys and Navigational Signs.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1441

**ADA MODIFICATIONS, PARKING LOT REPAIR AND CONSTRUCTION
SUN-UP ENTERPRISES, INC. AND HOMESTEAD
CONCRETE & DRAINAGE, INC.**

(M-03)

Please see funding information attached to these minutes.

Second one-year extension to contracts with Sun-Up Enterprises, Inc. and Homestead Concrete & Drainage, Inc., in the total amount of \$300,000 (\$150,000 each) for 2012 Annual ADA modifications, parking lot repairs and construction.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1448

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

**CONTRACT AWARD - INTERCOUNTY ENGINEERING INC. - \$354,776
NORTH FORK NEW RIVER POLLUTION CONTROL DEVICES**

(M-04)

Please see funding information attached to these minutes.

Contract with Intercounty Engineering Inc., in the amount of \$354,776, for construction of two pollution control devices for North Fork New River.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1452

**POINT EXCAVATION (POTHOLING) AND UTILITY DESIGNATION \$106,400 –
SERVICES - F.R. ALEMAN AND ASSOCIATES, INC.**

(M-05)

See Exhibit 1 for funding information.

Contract with F.R. Aleman and Associates, Inc., in the amount of \$106,400, for 2012 Annual Point Excavation (Potholing) and Utility Designation Services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1459

CONTRACT AWARD - MBR CONSTRUCTION - \$477,883.41 (M-06)
FLAGLER DRIVE GREENWAY AND BICYCLE FACILITY

Please see funding information attached to these minutes.

Contract with MBR Construction, in the amount of \$477,883.41, for Flagler Drive Greenway and Bicycle Facility.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1487

TASK ORDER 5 - CAMP DRESSER & MCKEE INC. - \$9,070 (M-07)
LOHMEYER REGIONAL WASTEWATER TREATMENT PLANT

Please see funding information attached to these minutes.

Task Order 5, in the not-to-exceed amount of \$9,070, for technical assistance in replacement of influent screening equipment at Lohmeyer Regional Wastewater Treatment Plant.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1460

CHANGE ORDER 2 - WEEKLEY ASPHALT PAVING, INC. - \$155,621.00 (M-08)
STREET RESURFACING - KNOLL RIDGE AND IMPERIAL POINT

Please see funding information attached to these minutes.

Change Order 2, in the amount of \$155,621, for additional street resurfacing and transfer of funds to 2012 Annual Asphaltic Concrete Street Resurfacing Contract.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1536

REVOCABLE LICENSE - HERITAGE LANDINGS ASSOCIATION (M-09)
RESURFACING AND INCIDENTAL ROADWAY WORK - NE 51 STREET

No budgetary impact

Authorization for City Manager to execute Revocable License with Heritage Landings Association for construction of asphalt resurfacing and incidental roadway work in paved swale area of NE 51 Street right-of-way abutting Heritage Landings.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1589

39TH ANNUAL THANKSGIVING FOOD DRIVE

(M-10)

No Budgetary Impact.

Authorization of 39th Annual Thanksgiving Day Food Drive.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1462

**MEMORANDUM OF UNDERSTANDING - COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM - REPAYMENT TO LINE OF CREDIT**

(M-11)

No budgetary impact

Memorandum of Understanding with Fort Lauderdale Community Redevelopment Agency for repayment to City's Community Development Block Grant Program line of credit.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1549

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

**THIRD AMENDMENT TO SERVICES AGREEMENT - FIVE-YEAR TERM
CITY OF FORT LAUDERDALE AND COMMUNITY REDEVELOPMENT AGENCY**

(M-12)

No budgetary impact

Third Amendment to Services Agreement between City of Fort Lauderdale and Community Redevelopment Agency, providing for a new five-year term, effective October 1, 2011, retroactively.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1610

This Commission Agenda Report (11-1610) and the corresponding Community Redevelopment Agency (CRA) Commission Agenda Report (11-1551) were revised. See announcement on page 19.

FUNDING ALLOCATION - LAUDERDALE AIR SHOW - \$75,000

(M-13)

Please see funding information attached to these minutes.

Allocation of Beach Business Improvement District funding, in the amount of \$75,000, for Lauderdale Air Show promoted by Lauderdale Air Show, LLC.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1588

CONSENT RESOLUTION

CONTRACT AWARD - D.W. RECREATION SERVICES, INC. - \$40,472
SHIRLEY SMALL PARK PAVILION

(CR-01)

Please see funding information attached to these minutes.

Contract with D.W. Recreation Services, Inc., in the amount of \$40,472, for Shirley Small Park Pavilion and amendment of fiscal year 2012 final operating budget by appropriating \$51,399.44 to fund the contract and other associated costs on bid tab - Shirley Small Park Pavilion.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-1476

RESOLUTION NO. 11-291

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012 BY APPROPRIATING FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED, AND PROVIDING FOR AN EFFECTIVE DATE.

CONTRACT AWARD - GLOBETEC CONSTRUCTION, LLC. - \$2,292,325
DIXIE WELLFIELD RAW WATER MAIN REPLACEMENT

(CR-02)

Please see funding information attached to these minutes.

Contract with GlobeTec Construction, LLC., in the amount of \$2,292,325, and amendment of fiscal year 2012 final operating budget by appropriating \$2,521,557.50 to complete funding, plus five percent engineering inspection, three percent survey and two percent engineering administration fees.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-1526

RESOLUTION NO. 11-292

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012, 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.

SIDEWALK REPAIRS

(CR-03)

No budgetary impact.

Authorization to repair sidewalks abutting private property at the cost of property owners - 1635 North Federal Highway, 521 NE 4 Avenue, and 151 NE 16 Avenue.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1467

RESOLUTION NO. 11-293

A RESOLUTION REQUIRING THE OWNERS OF CERTAIN PARCELS OF REAL PROPERTY TO RECONSTRUCT OR REPAIR SIDEWALKS ABUTTING THEIR PROPERTIES LOCATED AT 1635 N. FEDERAL HIGHWAY, 521 NE 4TH AVENUE AND 151 NE 16TH AVENUE WITHIN SIXTY (60) DAYS AND, IN THE EVENT SUCH OWNERS FAIL TO DO SO, AUTHORIZING CITY WORK CREWS OR CONTRACTORS, OR BOTH, TO RECONSTRUCT OR REPAIR SAID SIDEWALKS WITH THE COST OF PERFORMING SUCH WORK CONSTITUTING A CHARGE AND LIEN AGAINST SAID PROPERTIES.

**MUNICIPAL PRIMARY AND GENERAL ELECTIONS
JANUARY 31, 2012 AND MARCH 13, 2012**

(CR-04)

\$456,638.00 is budgeted in Fund 001 Subfund 01 CLK010201 Subobject 3299 Other Services.

Calling regular triennial municipal primary and general elections for January 31, 2012 and March 13, 2012, respectively, contingent upon modification of primary election date.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1582

RESOLUTION NO. 11-294

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CALLING THE REGULAR MUNICIPAL PRIMARY ELECTION TO BE HELD ON JANUARY 31, 2012, TO NOMINATE OR ELECT QUALIFIED PERSONS FOR THE OFFICES OF MAYOR-COMMISSIONER AND CITY COMMISSIONERS FROM COMMISSION DISTRICTS 1 THROUGH 4, RESPECTIVELY, AND CALLING THE REGULAR MUNICIPAL ELECTION TO BE HELD ON MARCH 13, 2012, TO ELECT A MAYOR-COMMISSIONER AND FOUR CITY COMMISSIONERS.

**EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
ACCEPTANCE - \$114,897**

(CR-05)

Please see funding information attached to these minutes.

Acceptance of fiscal year 2011 Edward Byrne Memorial Justice Assistance Grant from U.S. Department of Justice, in the amount of \$114,897; amendment of 2011 final operating budget by appropriating the funds and authorization to execute all necessary documents to receive the funds.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1469

RESOLUTION NO. 11-295

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 \$114,897 FROM THE UNITED STATES DEPARTMENT OF JUSTICE, UNDER THE 2011 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG), VIA THE BROWARD SHERIFF'S OFFICE, 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, 2011 AND ENDING SEPTEMBER 30, 2012, BY APPROPRIATING SUCH GRANT FUNDS AS SET

FORTH IN THE ATTACHED EXHIBIT.

This Commission Agenda Report (11-1469) was revised. See announcement on page 18.

MEMORANDUM OF AGREEMENT - FEDERAL AVIATION ADMINISTRATION - WEATHER REPORTING AND AIR NAVIGATIONAL AID EQUIPMENT AT EXECUTIVE AIRPORT (CR-06)

No Budgetary Impact.

Memorandum of Agreement with Federal Aviation Administration to accommodate the continued installation and maintenance of weather reporting and air navigational aid equipment at Executive Airport.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1385

RESOLUTION NO. 11-296

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A NO COST LAND ON AIRPORT MEMORANDUM OF AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION PROVIDING FOR THE USE OF PROPERTY AT FORT LAUDERDALE EXECUTIVE AIRPORT FOR WEATHER REPORTING AND AIR NAVIGATIONAL AID EQUIPMENT.

PARCEL 15 - EXECUTIVE AIRPORT - FXE PARCEL 15, LLC. (CR-07)

No Budgetary Impact for Current Fiscal Year

Consent to Assignment of Lease Agreement from Macaulay Investments Corporation to FXE Parcel 15, LLC and Amended and Restated Lease Agreement with FXE Parcel 15, LLC concerning improvements to be made on Parcel 15 at Executive Airport.

Recommend: Adopt resolutions.

Exhibit: Commission Agenda Report 11-1479

RESOLUTION NO. 11-297

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONSENT TO ASSIGNMENT OF LEASE AGREEMENT FOR PARCEL 15 FROM MACAULAY

INVESTMENTS, CORPORATION AS ASSIGNOR TO FXE
PARCEL 15, LLC AS ASSIGNEE, AT THE FOR
LAUDERDALE EXECUTIVE AIRPORT.

CONFLICT OF INTEREST WAIVERS - 2012 LAUDERDALE AIR SHOW (CR-08)
ECONOMIC DEVELOPMENT ADVISORY BOARD & BEACH
REDEVELOPMENT BOARD MEMBERS

No budgetary impact.

Waiving conflict of interest for Beach Redevelopment Board Vice Chair Ramola Motwani and Economic Development Advisory Board Chair Dev Ramesh Motwani to enter into an agreement with City concerning 2012 Lauderdale Air Show.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1510

This item was removed from the agenda at the request of the Motwani's. See announcement on page 18.

AMENDMENTS TO INVESTMENT POLICY (CR-09)

No budgetary impact.

Amendments to City's Investment Policy, increasing the number of investment managers and maximum amount of each portfolio managed to \$100 million.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1350

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF FORT LAUDERDALE, FLORIDA,
AMENDING THE CITY'S INVESTMENT POLICY BY
INCREASING THE NUMBER OF INVESTMENT
MANAGERS AND THE MAXIMUM AMOUNT OF
EACH PORTFOLIO MANAGED TO \$100,000,000.

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

DOWNTOWN DEVELOPMENT AUTHORITY (CR-10)
LEVY OF AD VALOREM TAXES - FISCAL YEAR 2012

No Budgetary Impact

Levy of ad valorem tax for fiscal year 2012 on behalf of Downtown Development Authority.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1478

RESOLUTION NO. 11-299

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, LEVYING AN AD VALOREM TAX FOR FISCAL YEAR 2011/2012 ON BEHALF OF THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO CHAPTER 2005-346, LAWS OF FLORIDA.

COMMUNITY BUS SERVICE FUNDING - \$14,141.84

(CR-11)

Please see funding information attached to these minutes.

Amendments to Agreements with Broward County and Downtown Fort Lauderdale Transportation Management Association and increased appropriation of \$14,141.84 for expansion of Sun Trolley community bus service routes for fiscal year 2011 fourth quarter services.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-1494

RESOLUTION NO. 11-300

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.

TAXABLE SPECIAL OBLIGATION NOTES - POLICE AND FIRE PENSION FUND - \$30 MILLION - INVITATION TO BID AND APPOINTMENT OF BOND COUNSEL **(CR-12)**

Please see funding information attached to these minutes.

Invitation to bid for sale of taxable special obligation notes to fund Police and Fire Pension Fund annual required contribution in advance; appointment of Squire, Sanders & Dempsey, LLP. as bond counsel; and amendment of fiscal year 2012 final operating

budget by appropriating the funds.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1500

RESOLUTION NO. 11-301

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012, TO APPROPRIATE FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED, AUTHORIZING ISSUANCE OF AN INVITATION TO BID FOR THE SALE OF TAXABLE SPECIAL OBLIGATION NOTES FOR ANNUAL FUNDING OF THE POLICE AND FIRE PENSION FUND; AND APPOINTING THE LAW FIRM OF SQUIRE, SANDERS & DEMPSEY L.L.P. AS SPECIAL COUNSEL AND PROVIDING FOR AN EFFECTIVE DATE.

This Commission Agenda Report (11-1500) was revised. See announcement on page 19.

PURCHASING AGENDA

785-10058 - BEACH EQUIPMENT RENTAL CONCESSION - \$41,095.80 (PUR-01)

Please see funding information attached to these minutes.

Sixty-day contract extension for beach equipment rental concession.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-0843

The Procurement Services Department has reviewed this item and recommends awarding the 60 day extension.

595-10207 - JULY 4TH FIREWORKS - \$82,425 (PUR-02)

Please see funding information attached to these minutes.

One-year contract extension, with price increase due to increased product cost, for July 4th fireworks display.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1475

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

A clarification was announced for this item (Commission Agenda Report 11-1475). See page 19.

725-10837 - COMMUNITY HOUSING DEVELOPMENT ORGANIZATION – (PUR-03)
\$621,186.45 - HOME PROGRAM

Please see funding information attached to these minutes.

Award of HOME Community Housing Development Organization funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1332

The Procurement Services Department has reviewed this item and recommends awarding to the two highest ranked proposers.

POLICE TRAINING - \$95,750 (PUR-04)

Please see funding information attached to these minutes.

Police recruit training and mandatory retraining classes.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1470

The Procurement Services Department has reviewed this item and recommends awarding purchase order to a local educational agency.

PROPRIETARY - REVISED LIFEPAK TECHNICAL SERVICE SUPPORT (PUR-05)

No budgetary impact.

Revised LifePak 12 Technical Service Support Agreement to substitute LifePak 12 units with LifePak 15 units.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1215

The Procurement Services Department has reviewed this item and recommends approving the contract revision / amendment.

**PROPRIETARY - EMS COMPUTER AIDED DISPATCH SOFTWARE (PUR-06)
MAINTENANCE - \$17,968.50**

Please see funding information attached to these minutes.

One-year contract extension for emergency medical services computer aided dispatch software maintenance.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1391

The Procurement Services Department has reviewed this item and recommends approving the Proprietary purchase.

**PROPRIETARY - EMS PATIENT STRETCHER ANNUAL MAINTENANCE – (PUR-07)
\$15,000**

Please see funding information attached to these minutes.

Annual maintenance for emergency medical services patient stretchers.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1392

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

**202-10621 - BEACH HOLIDAY DECORATIONS - 100 YEAR CENTENNIAL (PUR-08)
DISPLAY - \$14,800**

Please see funding information attached to these minutes.

Contract extension for beach holiday decorations - 100 Year Centennial Display.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1491

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

**PROPRIETARY - FINANCIAL MANAGEMENT AND BUDGET
SOFTWARE SUPPORT - \$182,085**

(PUR-09)

Please see funding information attached to these minutes.

Purchase annual maintenance, updates and support for Financial Management and Budget Preparation Software (FAMIS/BPREP).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1456

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

**EMAIL AND DATA MANAGEMENT SOFTWARE MAINTENANCE
AND SUPPORT - \$32,791.72**

(PUR-10)

Please see funding information attached to these minutes.

Annual maintenance and support for Symantec software products to manage data and emails.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1457

The Procurement Services Department has reviewed this item and recommends awarding from the Government Services Administration (GSA) Schedule 70 contract.

**722-10855 - IBM INFORMIX DATABASE SOFTWARE SUPPORT –
\$53,206.34**

(PUR-11)

Please see funding information attached to these minutes.

Annual renewal of IBM Informix database software support and licenses for Department of Sustainable Development.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1461

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

423-10850 - KNEE MILL MACHINE - \$21,174.70

(PUR-12)

Please see funding information attached to these minutes.

Purchase knee mill machine for Public Works Distribution and Collection Division.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1466

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

413-10844 - ASPHALT AND BITUMINOUS MATERIALS - \$157,000 (PUR-13)

The department will spend in accordance with per unit pricing secured through the competitive bid process and available budget.

Purchase of asphalt and bituminous materials.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1471

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

696-10223 - CIVIL ENGINEERING CONSULTANT SERVICES – CONTINUING CONTRACTS (PUR-14)

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

Contract extensions for civil engineering consultant services with Corzo Castella Carballo Thompson Salman, P.A., Atkins North America, Inc. (formerly known as Post, Buckley, Schuh and Jernigan) and CSA Central, Inc.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1411

Procurement Services has reviewed this item and recommends approval of a sixty-day (60) contract extension with Corzo Castella Carballo Thompson Salman, P.A., Atkins North America, Inc. and CSA Central, Inc.

WATER DISTRIBUTION SYSTEM INFRASTRUCTURE (PUR-15)

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

Purchase proprietary items for Water Distribution System Infrastructure.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1458

The Procurement Services Department has reviewed this item and recommends approval of the proprietary vendors and equipment.

715-10818 - EXECUTIVE AIRPORT GROUND – LANDSCAPING (PUR-16)
MAINTENANCE - \$149,885

Please see funding information attached to these minutes.

Three-year contract with one, one-year renewal option for ground - landscaping maintenance at Executive Airport.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1474

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

EVENT AGREEMENTS (M-01)

No budgetary impact.

Mayor Seiler announced that the Rocco's Tacos Halloween Fiesta event agreement was removed from the agenda at the request of the Applicant.

ADA MODIFICATIONS, PARKING LOT REPAIR AND CONSTRUCTION (M-03)
SUN-UP ENTERPRISES, INC. AND HOMESTEAD
CONCRETE & DRAINAGE, INC.

Mayor Seiler announced that this item was removed from the agenda at the request of the City Manager.

MEMORANDUM OF UNDERSTANDING - COMMUNITY DEVELOPMENT (M-11)
BLOCK GRANT PROGRAM - REPAYMENT TO LINE OF CREDIT

No budgetary impact.

Mayor Seiler announced that this item was removed from the agenda at the request of the City Manager.

CONFLICT OF INTEREST WAIVERS - 2012 LAUDERDALE AIR SHOW (CR-08)
ECONOMIC DEVELOPMENT ADVISORY BOARD & BEACH
REDEVELOPMENT BOARD MEMBERS

No budgetary impact.

Mayor Seiler announced that this item was removed from the agenda at the request of the Motwanis. The City Clerk has received resignations from Ramola and Dev Motwani from the Beach Redevelopment Board and Economic Development Advisory Board, respectively.

AMENDMENTS TO INVESTMENT POLICY (CR-09)

Mayor Seiler announced that this item was removed from the agenda at the request of the City Manager.

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (CR-05)
ACCEPTANCE - \$114,897

Mayor Seiler announced a correction to this item, that the subject and background of Commission Agenda Report 11-1469 should reflect the fiscal year 2012 budget.

TAXABLE SPECIAL OBLIGATION NOTES - POLICE AND FIRE PENSION (CR-12)
FUND - \$30 MILLION - INVITATION TO BID AND APPOINTMENT OF BOND
COUNSEL

Mayor Seiler announced a correction to this item (Commission Agenda Report 11-1500), that a funding exhibit was added to the resolution.

595-10207 - JULY 4TH FIREWORKS - \$82,425 (PUR-02)

Mayor Seiler announced that the cost for this item (Commission Agenda Report 11-1475) is \$82,425, not \$84,000.

THIRD AMENDMENT TO SERVICES AGREEMENT - FIVE-YEAR TERM (M-12)
CITY OF FORT LAUDERDALE AND COMMUNITY REDEVELOPMENT AGENCY

No budgetary impact.

Pursuant to the email provided to the Commission, the City Clerk announced a correction to the funds appropriation for this item and the corresponding Community Redevelopment Agency (CRA) Item 3.

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom that Consent Agenda Items M-01, M-13, CR-12, PUR-02, PUR-06, and PUR-14 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

EVENT AGREEMENTS**(M-01)**

Motion made by Commissioner Rogers and seconded by Commissioner Rodstrom to approve all event agreements except Rocco's Tacos Halloween Fiesta which was removed from this item at the Applicant's request. Roll call showed: YEAS: Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

FUNDING ALLOCATION - LAUDERDALE AIR SHOW - \$75,000**(M-13)**

In response to Commissioner Rodstrom, Mayor Seiler thought this item differs from its counterpart CRA (Community Redevelopment Agency) item. Commissioner Rogers agreed. Commissioner Rodstrom and Vice Mayor DuBose questioned whether this funding will be increased if a lower allocation is approved for the CRA item. The City Manager explained that the BID would always have the option to bring back another funding recommendation. Vice Mayor DuBose thought this item and CRA Item 1 are contingent upon one another.

This item was momentarily deferred until CRA Item 1 was addressed. See page 20.

TAXABLE SPECIAL OBLIGATION NOTES - POLICE AND FIRE PENSION FUND - \$30 MILLION - INVITATION TO BID AND APPOINTMENT OF BOND COUNSEL**(CR-12)**

Commissioner Rodstrom removed this item from the consent agenda to vote no, and her related comments were made during the conference meeting. Commissioner Roberts thought this is a good deal that will save the City over \$1 million. Mayor Seiler understood Commissioner Rodstrom's opposition to this item on a long-term basis, but a substantial savings is possible in the short-term. He recognized the City should not have started down the path several years ago of not paying for this upfront. Commissioner Rodstrom indicated that another reason for her opposition is that she was not made aware that this will be a recurring loan over a possible four to five-year period. Vice Mayor DuBose hoped that moving forward this could be discussed with the budget. This plan seemingly offers savings, but the \$28 million actually includes the cost to acquire the bonds. There is a cost. He offered the following motion on the premise that in the future this matter will be addressed earlier on.

Motion made by Vice Mayor DuBose and seconded by Commissioner Roberts to approve the item as presented. Roll call showed: YEAS: Commissioner Roberts, Vice Mayor DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: Commissioner Rodstrom.

595-10207 - JULY 4TH FIREWORKS - \$82,425**(PUR-02)**

Commissioner Rodstrom recalled her repeated requests that this event be funded by the Beach Community Redevelopment Agency (CRA), rather than the general fund. If a CRA funding designation is not assigned, she was concerned that this allocation frees up money in the CRA that could lead to approval of an event not originally contemplated in the budget. She supported a fireworks event, but wanted the cost negotiated down and funded by the Beach CRA. She questioned why this item's CRA counterpart (Item 2) was removed from the CRA agenda. The City Manager explained that \$82,425 of the \$84,000 funding request was for fireworks, and the remaining \$1,575 was for other parks and recreation event-related expenses. The item was not approved by the Beach Redevelopment Board (advisory board) because of concern about the \$1,575 cost; staff was asked to review that portion. Although it is not customary to include an item on the CRA agenda that was not approved by the advisory board, this was presented today added because of a timeline to purchase the fireworks. Discussion ensued regarding a suitable approach to move forward with this item wherein Mayor Seiler indicated he does not want to move forward without the advisory board's recommendation. He suggested that approval be subject to the funds being derived from the CRA. Commissioner Rodstrom was concerned that funding this and the Air and Sea Show (CRA Item 1) would result in a \$25,000 shortfall in CRA marketing funds. If less funding is available, she did not want it to be the fireworks event.

Phil Thornburg, Parks and Recreation Director, stressed that a decision is needed tonight so staff can lock in a good fireworks price by providing a response to the vendor by October 21. Staff had hoped that the advisory board would make a recommendation in time for this evening. This is an extension to the agreement to which the vendor can opt out, thereby requiring another RFP. If so, staff believes it would equate to a higher cost for the City. In response to Vice Mayor DuBose, he confirmed that the City has utilized this vendor for three years, and this is the first contract extension. Kirk Buffington, Director of Procurement Services, explained that the vendor's five percent price increase can be attributed to increased market demand for Chinese commodities, such as these fireworks and increased shipping costs. This vendor has performed well, and this is their first request for a price increase in three years. This price can only be held if the fireworks are purchased this week. The original bid was \$92,000 which staff negotiated at that time to \$84,000. In further response, he noted that staff has vetted this price increase request, and found it to be fair and appropriate.

In response to Commissioner Rogers, Mr. Buffington verified that the City has the option to take five percent less fireworks, which would save approximately \$2,500; but staff did not think a five percent price reduction was worth changing the show. Commissioner Rogers preferred the five percent savings option. Mr. Thornburg cautioned that the five percent reduction would be taken entirely from the fireworks as the barge equates to more than half of the total cost. Commissioner Rodstrom clarified that her objection is not necessarily based on the cost, but rather from where the funds are derived. Commissioner Rogers agreed that CRA funding is appropriate for this event, and recalled that it has previously been included in the CRA budget. The City Manager clarified that a five percent price reduction will equate to more than a five percent reduction in the show.

Commissioner Roberts suggested approval be subject to it being funded from the CRA. Commissioner Rodstrom recalled that the Mayor wanted a recommendation from the advisory board before proceeding. Don Morris, Beach Community Redevelopment

Agency Director, explained that this event was not included in the Beach CRA budget. He believed the advisory board does not object to funding this, but, rather, wanted the Parks and Recreation Department to secure as much promotional funds as possible before using CRA funds. Commissioner Rodstrom was willing to fund this item, but not the Air and Sea show. Two items that the advisory board did not budget for were the air and sea show and the fireworks. If they see the Commission's endorsement on the fireworks together with their prior approval of \$100,000 for the air and sea show, their budget will be \$25,000 short. Consequently, she did not want these events to be mixed together. The fireworks is a citywide event. The City Attorney advised that making an approval contingent upon a subsequent condition does not equate to an approval, until the contingency occurs; that is, this would not achieve a funding appropriation tonight. The City Auditor added that statute prohibits the City from contracting without an authorized appropriation and a contingent appropriation is not an authorized one. In response to Vice Mayor DuBose, the City Attorney explained that, if the Commission does not want to fund this with Beach CRA funds without the advisory board's approval, it could be approved tonight with funding from the general fund; and Beach CRA funds could be substituted later. However, an appropriation must be made tonight so that the fireworks can be ordered within the timeline. Commissioner Rodstrom emphasized that this will be the third year that she objects to this item because it is not being funded by the Beach CRA.

There was unanimous consensus to defer this item until CRA Item 2 is addressed.

Continued on page 34

696-10223 - CIVIL ENGINEERING CONSULTANT SERVICES –

(PUR-14)

Commissioner Rodstrom wanted staff to continue their review of the procurement code and go out for bid on these services provided such services are not needed in the next sixty days. She expressed support of language that has been incorporated in Broward County's procurement code which includes parameters that are more accepting of local vendors. The City Manager explained that staff was originally going to request a one-year extension because these firms are currently providing services on a continuing contract. Staff can go out for bid under the Consultant Competitive Negotiation Act (CCNA), but the process takes four to six months. If the intent is to attract new firms, he recommended an extension greater than 60 days. In further response, he clarified that, within the proposed 60 days, staff will be amending the procurement code, which will not affect how the City deals with the CCNA as it is governed by State law. He is insisting that contracts include language confirming the contracting engineers' ultimate responsibility to the City for cost overruns incurred as a result of their errors. If the contractors do not agree, he will recommend termination. Otherwise their contract would be extended. If given the directive, staff can go out for bid now, but some service providers must be maintained until new contracts are awarded.

In response to Commissioner Rodstrom, Albert Carbon, Public Works Director, explained that the only firm with any current task orders is CSA Central, Inc. (CSA). The task orders are related to compliance with the City's FDOT (Florida Department of Transportation) grants; and to complete some preliminary design work on the River Oaks Stormwater Park. These contracts were originally awarded for two years with a one-year extension, but only a 60 day extension is recommended so that the contract

language can be amended. If the firms agree to the revised language, the 60 day period would be included in the extension timeline, such that it would not exceed one year. Since the contractual terms are being revised, Mayor Seiler suggested a four month extension and go out for bid with the new terms. In response to Commissioner Rodstrom, the City Manager explained that these contracts are not affected by the procurement code amendments. Mr. Carbon offered to provide a list of task orders for these firms. In response to Commissioner Rodstrom, he clarified that the new RFP's purpose will be to obtain a new library of civil engineering firms for continuing contracts. As for other services, the City Manager indicated that he will not bring forward any extensions unless the language is accepted. Understanding the Commission's philosophy, staff will take appropriate action.

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom to extend civil engineering consultant services continuing contracts for four months with the understanding that the City will then rebid. Roll call showed: YEAS: Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

PROPRIETARY - EMS COMPUTER AIDED DISPATCH SOFTWARE (PUR-06)
MAINTENANCE - \$17,968.50

Robert Walsh, 401 East Las Olas Boulevard, expressed support of this item. He wanted to send a message to the Broward County Sheriff's Office that the City has adequate funds to independently handle public safety matters.

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

RESOLUTIONS

DOCK PERMIT APPLICATION - ANTHONY FASANO - 350 RIVIERA DRIVE (R-01)

No budgetary impact.

Applicant: Anthony Fasano
Location: 350 Riviera Drive

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1431

Commissioner Rodstrom noted Las Olas Isles residents' desire for seawalls to be raised in the lower lying areas, and questioned whether this initiative could be put forth when applicants seek dock permits or waivers. Andrew Cuba, Marine Facilities Manager, offered to follow up with the City Attorney's office. Mayor Seiler agreed and thought it should be part of the dock permit/waiver process on a citywide basis.

Commissioner Rodstrom introduced the following resolution:
RESOLUTION NO. 11-288

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING, PURSUANT TO SECTION 8-144 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PERMITTING THE REPAIR, MAINTENANCE AND USE OF AN EXISTING 5' W X 20' L FINGER PIER ON PUBLIC PROPERTY ABUTTING THE WATERWAY, ADJACENT TO 350 RIVIERA DRIVE, OWNED BY ANTHONY FASANO, THE LEGAL DESCRIPTION OF WHICH IS MORE PARTICULARLY DESCRIBED BELOW, UNDER CERTAIN TERMS AND CONDITIONS.

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

ATLANTECH PLAZA PLAT - CASE 1-P-11

(R-02)

No budgetary impact

Applicant: New Boston Atlantech Limited Partnership
Location: 451 North Federal Highway
Zoning: Business Boulevard B-1
Future Land Use: Commercial C

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1490

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

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

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-289

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA APPROVING A PLAT KNOWN AS "ATLANTECH PLAZA".

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

BOARD AND COMMITTEE APPOINTMENTS

(R-03)

No budgetary impact

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1484

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

- Board of Adjustment Roger Bond (Consensus/Alternate)
- Budget Advisory Board Brady Cobb (Commissioner Rodstrom)
- Parks, Recreation and Beaches Board Brad Hubert (Commissioner Roberts)
Angela Ward (Commissioner Rogers)

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-290

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

Mayor Seiler announced that applicants for the Enterprise Zone Development Agency are being sought.

ORDINANCES

CITY COMMISSION REDISTRICTING

(O-01)

No budgetary impact.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 11-1506

The City Clerk announced that this is a first reading, not a second. The City Attorney explained that the first reading of this ordinance was deferred from October 6 to this meeting; so, although the second reading was advertised for this meeting, it cannot be

heard because first reading did not occur. In order to have a second reading, it is necessary to have a map with a legal description that would be prepared after first reading. Prior to a date being adopted for the Presidential Preference Primary, there was some urgency to complete this ordinance and staff thought it could be done in time for the election in March. But, the election date has been moved. The Commission will consider later this evening moving the City's primary election to coincide with the Presidential Preference Primary. In doing this, the City's qualification time for running for Commission is moved to November 8-22. There is not adequate time for staff to get the ordinance adopted; the information to the Supervisor of Elections (SOE); and the records and the maps changed, notification to the voters and to the possible candidates before November 8. Therefore, staff is seeking direction about how to proceed.

Commissioner Rodstrom thought there is still a sense of urgency based on the City's moral obligation to complete the redistricting before the election. District 2 will be most impacted. In speaking with the Supervisor of Elections (SOE), she suggested proceeding and after first reading she would let the Commission know what she could do. She expressed desire to move forward with Option 2 as set forth in Exhibit 1 of Commission Agenda Report 11-1506 which is attached to these minutes.

Motion made by Commissioner Rodstrom and seconded by Vice Mayor DuBose to approve Option 2 as set forth in Commission Agenda Report 11-1506, moving Precincts R030 and R049 from District 4 to District 2.

Commissioner Rogers recalled that there has been significant community input regarding this matter, and pointed out that the public may have thought this would not be brought forward tonight due to the City Attorney's email to that effect. The desire is to get it done correctly, not to rush. He thought this should be based on a citywide review, not just a shift of neighborhoods. He believed the previously presented plan involving eight maps with various options was the best approach because it involved all of the districts. He recalled the conclusion that more representation in the beach area is better. It was also believed that one vision for Las Olas is likely better for the city. Therefore, he wanted to take more time to fully vet all of the options, and give the public opportunity to address the matter. Commissioner Rodstrom felt sure that the City Attorney's office met the charge of showing the deviations and population correctly and that the options were based upon mathematical calculation that met the redistricting criteria. There has been a public meeting on this matter and included on the agenda several times; redistricting is occurring throughout the state. She referred to a letter in the Commission Agenda Report from the president of the Colee Hammock Homeowners Association endorsing this neighborhood's move from District 4 to District 2.

Vice Mayor DuBose supported moving forward with Option 2 which has been well vetted, and allows for compliance with the census mandate. Being that his district is the least affected, Commissioner Roberts felt comfortable with Option 2 or waiting. He was concerned about missing an opportunity to redraw the currently out-of-balance precincts by neighborhoods, as opposed to splitting neighborhoods. Commissioner Rodstrom thought the precincts are handled by the SOE. Commissioner Roberts indicated that he was uncertain about second reading, but would support this first reading. Although he previously thought this issue could be handled in a timely fashion, Mayor Seiler thought moving forward now will create controversy and the SOE will still likely determine that there is not enough time. He preferred a thoughtful discussion. There has been a lot of public input. He agreed that the public likely thought this item would be deferred tonight. He will not support this item now, nor on the second reading.

Commissioner Rodstrom introduced the following ordinance on FIRST reading :

ORDINANCE NO. C-11-31

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING, PURSUANT TO SECTION 7.12 OF THE CITY CHARTER, GEOGRAPHICAL BOUNDARIES OF THE FOUR CITY COMMISSION DISTRICTS SO THAT SUCH DISTRICTS SHALL BE AS APPROXIMATELY EQUAL IN POPULATION AS IS PRACTICABLE.

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

The City Attorney indicated that the second reading should be deferred to November 1. Commissioner Rodstrom suggested that a special meeting be held in ten days which will allow the SOE time to make a decision; if the SOE determines that it can be done, it will be brought forward for second reading. Mayor Seiler indicated that he would not be available for a special meeting. The City Attorney noted that the SOE can be advised of the first reading's outcome within a couple of days. Staff will prepare a legal description of the maps and boundaries and provide it to the SOE to obtain her feedback. Mayor Seiler pointed out that there are fourteen maps which will be considered on November 1. The City Attorney clarified that the ordinance on November 1 will have one map attached to it which can be amended in conformity with any of the other fourteen. Commissioner Roberts noted that in order to move the process along, it will have to be with this map, however, he was not convinced it is where he wants to go ultimately. The City Attorney responded to Commissioner Rogers' questions about the backup indicating that each map has a list of the associated precincts and narrative. Commissioner Rogers questioned whether this is sufficient in order to vote this evening because the law provides for divisions by the number of people and not precincts. The City Attorney explained that staff used the census data, block by block, and added it into the precinct information, precinct by precinct. The SOE provides voter registration precinct information. But, the maps staff provided use block census data received from the federal government. He thought this information is as accurate as possible. Commissioner Rogers did not see the map in the backup. The City Attorney indicated that after complaints about the size of the first map distribution, he provided the Commission with a map of 3' x 5'. Commissioner Rogers believed the vote occurred without the map in front of the Commission; he felt that is necessary for the vote to be legal. The City Attorney contended that it should be in the backup. In response to Mayor Seiler, the City Clerk clarified that Commission Agenda Report 11-1506 includes the following: Exhibit 1 which describes the City Attorney's Memorandum 11-0365 with attachments; the City Attorney's Memorandum 11-0519; the proposed ordinance; Commissioner Roberts' analysis; Tim Smith's analysis; Richard Mancuso's analysis; and an analysis of the Collee Hammock Homeowners Association. Mayor Seiler concluded that all of the redistricting proposals will be addressed on November 1.

CODE AMENDMENT - CHAPTER 15, ARTICLE IX - PAIN CLINICS

(O-02)

No budgetary impact.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 11-1570

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-11-29

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 15, BUSINESS TAX RECEIPTS AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE IX, PAIN MANAGEMENT CLINIC, SECTION 15-254 TO INCLUDE LICENSED HEALTH CARE CLINICS PURSUANT TO STATE LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The City Clerk announced that the ordinance for Agenda Item O-03 was provided with this item by mistake and consequently the correct ordinance, C-11-29 was distributed.

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

CODE AMENDMENT - REGULATION OF FIREARMS AND AMMUNITION

(O-03)

NO BUDGETARY IMPACT

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 11-1564

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-11-28

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 16-52, DISCHARGE OF FIREARMS, SECTION 15-57, LOCAL BUSINESS TAX, INDOOR FIREARMS RANGE, SECTION 15-204, SECOND HAND DEALERS, SECTION 47-18.18, INDOOR FIREARMS RANGE, AND SECTION 26-202.1, PARADE AND PUBLIC ASSEMBLY PROHIBITIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR COMPLIANCE WITH FLORIDA HOUSE

BILL 45, REGULATION OF FIREARMS AND
AMMUNITION, AND FURTHER PROVIDING FOR
SEVERABILITY AND AN EFFECTIVE DATE.

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

REZONING TO RESIDENTIAL LOW-RISE MULTIFAMILY – (O-04)
MEDIUM DENSITY - CASE 2-Z-10 - CITY OF FORT LAUDERDALE –
1305-1335 NW 9 STREET

No budgetary impact

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

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 11-1537

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

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

In response to Mayor Seiler, the City Manager advised that this item is not being withdrawn. Vice Mayor DuBose expressed a desire to vote on the item. He was concerned about increasing the density of housing in this area, and an existing significant demand on Joseph C. Carter Park. He did not want to lose green and open space which would occur if this is approved. He wanted to vote on the matter and not leave it open by only withdrawal of the item. Discussion ensued about whether a unanimous vote is required for this action. In response to Mayor Seiler, the City Clerk advised that a unanimous vote is only required on second reading. Vice Mayor DuBose pointed out that action taken now will preserve the Parks zoning for the future. In response to Commissioner Rogers, Vice Mayor DuBose explained that the community's facts on this matter conflict with those of the Housing Authority. The former district commissioner has indicated that this parcel was supposed to be zoned Parks. However, it is still now clear how it came to have this designation. The Housing Authority owns the property and existing improvements on it.

Motion made by Vice Mayor DuBose and seconded by Commissioner Rodstrom to deny Ordinance C-11-15 on final reading. Roll call showed: YEAS: Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose and Mayor Seiler. NAYS: Commissioner Rogers.

ORDINANCE NO. C-11-15

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

REZONING WITH ALLOCATION OF COMMERCIAL FLEX (O-05)
WOOL PLUMBING - PARKING LOT - 1321 NE 12 AVENUE - CASE 5-ZR-11

No Budgetary Impact

- Applicant:** Wool Plumbing LTD.
- Location:** 1321 NE 12 Ave
- Current Zoning:** Heavy Commercial Light Industrial Business B-3 and Residential Multifamily Low Rise Medium Density District RM-15
- Proposed Zoning:** Heavy Commercial Light Industrial Business B-3 and Parking Lot X-P Future Land Use: Medium Residential
- Recommend:** Introduce ordinance on second reading.
- Exhibit:** Commission Agenda Report 11-1563

The Commission announced the disclosures were the same as those indicated on first reading, with the inclusion of a site visit announced by Commissioner Rodstrom.

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

Commissioner Rodstrom introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-11-30

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RM-15 TO X-P, LOTS 1 AND 2, BLOCK 3, "HOLIDAY HEIGHTS", PLAT BOOK 27, PAGE 11; LYING ON NORTHEAST 12 AVENUE NORTH OF NORTHEAST 13 STREET AND SOUTHERLY OF THE FEC RAILROAD, WITH COMMERCIAL FLEX ALLOCATION AND

DEVELOPMENT PLAN APPROVAL FOR A PARKING LOT, 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 Roberts, Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

CODE AMENDMENT - CHAPTER 26 - VALET PARKING

(O-06)

No budgetary impact.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 11-0967

Diana Alarcon, Director of Transportation and Mobility, explained that this ordinance is based upon staff's collaboration with the community in the form of several charrettes which she elaborated upon. It will be effective thirty days after second reading. Staff requests a six-month period to bring current operations into compliance. There is an application process. She explained for Commissioner Rogers how violations are addressed. This ordinance's design is based on staff's review of other cities and community collaboration to specifically meet the City's needs. In response to Commissioner Roberts, she confirmed that there are limitations to how much public space can be leased.

The City Attorney announced a correction on page 5 of the ordinance in Section 26-223, Paragraph (a), Section 26-231 should instead read Section 26-232, as set forth in Exhibit 1 of Commission Agenda Report 11-0967.

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-32

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING CHAPTER 26, "TRAFFIC" BY CREATING A NEW ARTICLE VIII, OF THE CODE OF THE CITY OF FORT LAUDERDALE, FLORIDA, "VALET PARKING ON RIGHTS-OF-WAY AND PUBLIC PARKING FACILITIES", TO PERMIT VALET PARKING ON PORTIONS OF PUBLIC RIGHTS-OF-WAY AND PUBLIC PARKING FACILITIES; PROVIDING FOR PERMITS, FEES, RULES AND REGULATIONS; PROVIDING FOR APPEALS, ENFORCEMENT PROVISIONS AND FINES; PROVIDING A TERMINATION DATE FOR THE ORDINANCE, SEVERABILITY AND AN EFFECTIVE DATE.

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

**2012 REGULAR TRIENNIAL MUNICIPAL PRIMARY ELECTION
MODIFICATION OF DATE AND QUALIFYING PERIOD**

(O-07)

No budgetary impact.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 11-1576

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-33

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR MODIFICATION OF THE DATE TO HOLD THE CITY'S REGULAR TRIENNIAL MUNICIPAL PRIMARY ELECTION IN 2012; PROVIDING THE QUALIFYING PERIOD AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

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

**CODE AMENDMENT - CHAPTER 20 - PERSONNEL – GENERAL
 EMPLOYEES RETIREMENT SYSTEM - BONUS INCENTIVE FOR RETIREMENT
PROGRAM**

(O-08)

PLEASE SEE EXHIBIT 2 FOR FUNDING DETAILS.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 11-1611

The City Manager explained this ordinance will allow for the bonus incentive or early retirement program adopted as part of the Teamsters and Federation contracts approved on October 4. It will also apply to members of the General Employees Retirement System. It essentially allows up to thirty months of retirement credit and one year of health insurance. Employees would have to retire by March 16, 2012. Mayor Seiler opened the floor for public comment.

Robert Walsh, 401 East Las Olas Boulevard, cautioned the City about the possibility of multiple simultaneous retirements. He did not think this option should be offered to high level employees; a salary cap should be established for eligibility.

There was no one else wishing to speak.

Commissioner Rodstrom referred her vote against the employee raise and the budget and explained that there are too many variables on this item concerning the cost of doing business. Vice Mayor DuBose noted that part of the difficulty in determining how many employees and the numbers had to do with the collective bargaining not being concluded. With the ratification, he asked about the impact. The City Manager explained that the exact number of employees taking part will not be known until they make their election. Significant interest has been expressed. He believed the actuary's estimates will be met. Averill Dorsett, Director of Human Resources, confirmed that the employees have expressed a strong interest. There would be 416 eligible GERS (General Employees Retirement System) employees eligible. Approximately sixty individuals attended the first informational meeting; more sessions are scheduled.

Commissioner Rodstrom wanted to know the cost associated with the proposal. Commissioner Roberts pointed out that the backup indicates an estimated savings based on 25 percent participation and 80 percent rehire. There will be a savings; but the exact amount will not be known until the number of participating employees is known. The City Manager explained that the savings is a net figure based on the theoretical costs. The savings are greater than the costs. Mayor Seiler confirmed that there is a percentage of savings out of the theoretical costs. The City Manager indicated that the savings will be greater than the costs. Commissioner Roberts referred again to the savings information set forth in Exhibit 2 of the Commission Agenda Report which is attached to these minutes. The City Manager explained that the savings and cost would be applied to the existing personnel budget. Mayor Seiler noted that there will be a net savings in the personnel budget.

In response to Mr. Walsh, Mayor Seiler advised that there is no salary cap as far as eligibility.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-34

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESPECTING THE CITY'S GENERAL EMPLOYEES' RETIREMENT SYSTEM BY AMENDING CITY OF FORT LAUDERDALE CODE SECTION 20-109, ENTITLED "RETIREMENT DATES, BY DELETING SUBSECTION (d) THEREOF, ENTITLED "EARLY WINDOW FOR NORMAL RETIREMENT; BONUS INCENTIVE" AND SUBSTITUTING THEREFOR A NEW SUBSECTION (d), ENTITLED "BONUS INCENTIVE FOR RETIREMENT PROGRAM" BY CREATING DEFINED TERMS AND PROCEDURES AND CONDITIONS FOR RECEIVING A BONUS INCENTIVE FOR A NORMAL RETIREMENT PENSION, AN EARLY RETIREMENT PENSION OR A SERVICE RETIREMENT PENSION FOR MEMBERS ESTABLISHING ELIGIBILITY AS OF THE ELIGIBILITY DATE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

**Closing of Fort Lauderdale Mail Processing Facility (OB)
at 1900 West Oakland Park Boulevard –
Leading to Loss of the Fort Lauderdale Postmark, Employee Layoffs,
and Slower Mail Delivery**

Mayor Seiler explained there is consideration of closing the main post office on West Oakland Park Boulevard that could lead to the loss of the Fort Lauderdale postmark. He supported joining with many other entities and individuals in support of maintaining the Fort Lauderdale postmark and the Fort Lauderdale processing center staying open. He requested the following resolution be presented this evening.

Vice Mayor DuBose introduced the following resolution:

RESOLUTION NO. 11-287

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA TO THE FLORIDA CONGRESSIONAL DELEGATION PERTAINING TO THE POTENTIAL CLOSING OF THE FORT LAUDERDALE MAIL PROCESSING CENTER AT 1900 W. OAKLAND PARK BOULEVARD WHICH COULD LEAD TO A LOSS OF THE "FORT LAUDERDALE" POSTMARK; HUNDREDS OF EMPLOYEE LAYOFFS; AND SLOWER MAIL DELIVERY.

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

Mayor Seiler asked the City Manager to assign a staff member to present this resolution tomorrow evening at the public workshop.

Note: The Commission convened as the Community Redevelopment Agency Board of Directors at 8:14 p.m. The Commission returned to the regular meeting, Agenda Items M-13 and PUR-02, at 9:31 p.m.

FUNDING ALLOCATION - LAUDERDALE AIR SHOW - \$75,000 (M-13)

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts to approve the item as presented. Roll call showed: YEAS: Commissioner Roberts, Commissioner Rogers, and Mayor Seiler. NAYS: Commissioner Rodstrom and Vice Mayor DuBose.

595-10207 - JULY 4TH FIREWORKS - \$82,425

(PUR-02)

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts to approve the item with the corrected contract amount of \$82,425, with the funds being derived from the CRA (Community Redevelopment Agency). Roll call showed: YEAS: Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

Note: The City Commission adjourned the regular meeting at 9:34 p.m. and reconvened as the Community Redevelopment Agency Board of Directors.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk