

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
NOVEMBER 1, 2011

Agenda Item	Resolution/ Ordinance	Page(s)
	<u>Presentations:</u>	
	1. Community Appearance Board - Wow Award - District II	1
	2. Pancreatic Cancer Awareness Month - November, 2011	1
	3. Stepping Out To Cure Scleroderma Day - November 5, 2011	2
	4. Carroll's Jewelers Day - November 5, 2011	2
	5. Red Ribbon Week - October 22-30, 2011	2
	6. Limited Giclee Edition – Fort Lauderdale's 100 th Anniversary	2
	7. Outstanding City Employees	2
OB	Read-A-Thon Challenge	26
OB	National Family Literacy Month – November 2011	26
OB	Friends of Shippey House	39
OB	E911 Call Taking and Dispatch Services	40
CA	Consent Agenda	3
M-01	Event Agreements And Related Street Closings	3, 17
M-02	Fitness And Wellness Classes - One-Year Extension To Agreement – \$49,741	3
M-03	Lease Agreement - Apex Marine, LLC – Private Vessel Storage - South Side Of New River Riverwalk	3
M-04	First Amendment To Agreement - Camp Dresser & McKee Inc. – \$22,808 - Executive Airport - Master Drainage Study And Plan	4
M-05	Contract Award - D.W. Recreation Services, Inc. - \$50,397 - Peter Feldman Park Shade Structure	4
M-06	Contract Award - D.W. Recreation Services, Inc. - \$74,166 - Hortt Park Shade Structure	4
M-07	Change Order 6 - Thunder Demolition, Inc. - Add 3 Work Days – \$5,807.05 - Holiday Park Maintenance And Storage Building	5, 17
M-08	Change Order 2 (Final) - Tomasiou Enterprises, Inc. - \$35,045.16 Eula Johnson House Renovation	5, 17
M-09	Change Order 5 - Central Florida Equipment Rental, Inc. – Credit (\$4,759.30) - NE/NW 6 Street - Sistrunk Boulevard Streetscape And Enhancement Project	5
M-10	ADA Modifications, Parking Lot Repair And Construction - Sun-Up Enterprises, Inc. And Homestead Concrete & Drainage, Inc.	5
M-11	Emergency Expenditure - Transfer Funds - \$952,500 - 48 Inch Wastewater Force Main Replacement	6
M-12	Grant Extension - Urban Area Security Initiative – Interlocal Agreement Amendment - City Of Miramar	6
M-13	Agreement - City Of Hollywood - \$500 – Training Facility For Driver Engineer Promotional Testing	6, 18
M-14	Contract Award - Straightline Engineering Group, LLC - \$276,300 - Flagler Neighborhood Improvements	7
M-15	January 31, 2012 And March 13, 2012 Municipal Elections Pollworker Services	7
CR-01	Grant Application - Development Of Four Parks - \$75,000 – Broward County Land Stewardship Program - Parks For People	7
CR-02	Purchase And Installation Of Influent Screening Equipment – \$1,465,500	8
CR-03	Coatings Inspection Services - Second Avenue Water Storage Tank – \$35,160	9
CR-04	Florida Homeland Security Grant Acceptance - \$9,000	9
CR-05	Edward Byrne Memorial Justice Assistance Grant Acceptance – \$61,912	10, 17
CR-06	Amend Operating Budget - Appropriation - \$628,000 Emergency Expenditure - 54 Inch Wastewater Force Main Repair	11

CR-07	Reimbursement To State Of Florida - \$2,327,294.80 – Improvements To Fort Lauderdale Stadium - Spring Training Franchise	11
CR-08	Amendments To Investment Policy	11
CR-09	Federal Legislation Allowing Increased Weight Of Trucks	12, 18
PUR-01	2010-012-1 - Increase Expenditure - Top Soil Mix - \$65,000 Co-Op Contract - City Of Margate	12
PUR-02	512-10799 - Picnic Tables, Trash Cans, Park Benches And Grills – \$221,153	13, 17
PUR-03	616-10755 - Architectural - Engineering Consultant Services Contract - Beach Master Plan - Intracoastal Parking Lot, Almond Avenue And A-1-A	13, 19
PUR-04	616-10753 - Architectural - Engineering Consultant Services Contract - Beach Master Plan Project - Channel Square	14
PUR-05	616-10754 - Architectural - Engineering Consultant Services Contract - Beach Master Plan Project – Sebastian/Alhambra And Oceanside Parking Lots	14
PUR-06	505-10495 - Revised Vehicle Parts Contract	14
PUR-07	Proprietary- Official Records Of Broward County - Recording Fees – \$20,000	15
PUR-08	112-10768 - Rejects Bids - Temporary Employment Services – Stable Attendant(s)	15
PUR-09	Reject Bids - Holiday Tree, Ice Skating Rink Rentals And Artificial Ice Skating Rink Rentals	15
PUR-10	Proprietary - Home Investment Partnership Program – Housing Enterprises Of Fort Lauderdale, Inc. - \$522,325.04	16
PUR-11	592-8108 - Proprietary - Payroll, Personnel And Pension Software System - Contract Assignment FromAccero, Inc.	16
PUR-12	Proprietary - Maintenance And Support - \$320,511.76 – 800 Mhz Public Safety Radio Communications System	16
R-01	Amendment To Site Plan Level Iv - Q Club Hotel - Case 26-R-11	19
R-02	Site Plan Level III - Extension Of Time - The Sails - Case 79-R-06	21
R-03	Disposition Of City Owned Property - Bid Of \$9,000	22
R-04	Disposition Of City Owned Surplus Property - Bid Of \$36,000 1101 NE 6 Avenue	23
R-05	Disposition Of City Owned Property - 604 SW 12 Avenue – Surplus	24
R-06	Board And Committee Appointments	24
CIT-01	John E. Ambrosio– Speed Humps on NE 32 Street	25
CIT-02	Robert Rothenberger- Speed Humps on NE 32 Street	27
CIT-03	John Laspino- Speed Humps on NE 32 Street	27
CIT-04	Robert Walsh – Broward Sheriff's Office 911 Dispatch Services	27
CIT-05	Art Seitz – International Swimming Hall of Fame, Ireland's Inn and Birch State Park, Winterfest Boat Parade – North Gate Access	28
PH-01	Vacation Of 8.5 Foot Right Of Way - 1531 South Andrews Avenue Broward Health - Case 6-P-11 - 3715 SW 14 Street	29
O-01	2012 Regular Triennial Municipal Primary Election Modification Of Date And Qualifying Period	30
O-02	City Charter Amendment - March 13, 2012 General Election Ballot Sale Of City-Owned Property - Affordable Housing Or Economic Development	30
O-03	Additions To Purpose And Duties Of Sustainability Advisory Board	31
O-04	Code Amendment - Chapter 26 - Valet Parking	32
O-05	Pay Plan And Special Pay Practice Amendments - New Section To Code Of Ordinances	33
O-06	City Commission Redistricting	34

**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
November 1, 2011**

Meeting was called to order at 6:02 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
 Commissioner Romney Rogers
 Vice Mayor Bobby B. DuBose
 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 Jeff Brull

Invocation was offered by Reverend Dr. Robert Griffin, Sunshine Cathedral, 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 Rodstrom and seconded by Commissioner Roberts to approve the minutes of the September 20, 2011 Conference Meeting. YEAS: Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

Presentations

1. COMMUNITY APPEARANCE BOARD – WOW AWARD - DISTRICT II (PRES-01)

Commissioner Rodstrom recognized Jim and Cheryl White who reside in Dolphin Isles as the recipients of the WOW Award for District II. Mr. White thanked the Commission.

2. PANCREATIC CANCER AWARENESS MONTH – NOVEMBER, 2011 (PRES-02)

Commissioner Rogers presented a proclamation designating November, 2011, as Pancreatic Cancer Awareness Month in the City to Denise Bartle, Pancreatic Cancer Action Network. Ms. Bartle invited the public to attend the upcoming Purple Stride South Florida 2011 walk.

3. STEPPING OUT TO CURE SCLERODERMA DAY – NOVEMBER 5, 2011 (PRES-03)

Vice Mayor DuBose presented a proclamation designating November 5, 2011, as Stepping Out to Cure Scleroderma Day in the City to Jerry Lance and Ferne Robin, President and Executive Director, respectively, Scleroderma Foundation of Southeast Florida. Mr. Lance thanked the Commission. He remarked that 90 percent of the funds raised by this foundation support research. He noted support groups in the South Florida area, and elaborated upon the two types of scleroderma.

4. CARROLL'S JEWELERS – NOVEMBER 5, 2011 (PRES-04)

Commissioner Rogers presented a proclamation designating November 5, 2011, as Carroll's Jewelers 50th Anniversary Day in the City to Robert Moorman and Luke Moorman of Carroll's Jewelers.

5. RED RIBBON WEEK – OCTOBER 22-30, 2011 (PRES-05)

Vice Mayor DuBose presented certificates of appreciation to Red Ribbon Week Student Ambassadors for the SWAT (Students Working Against Tobacco) training they provided to other students, and a proclamation designating October 22-30, 2011, as Red Ribbon Week in the City to Nara Chaffin, District III, Parks and Recreation Advisory Council and Jon Quinton, Recreational Programmer II. Ms. Chaffin commended the student ambassadors for their participation in SWAT training.

6. LIMITED GICLEE EDITION – FORT LAUDERDALE'S 100TH ANNIVERSARY (PRES-06)

Commissioner Roberts accepted a limited giclee edition of *Fort Lauderdale's 100th Anniversary* by J. Scott Nicol, from Janice Hamilton, Hamilton Gallery. Ms. Hamilton noted her experience in auction fundraising. She pointed out the opening of her latest gallery on Las Olas, and invited the public to attend. She provided details about this artwork piece.

7. OUTSTANDING CITY EMPLOYEES (PRES-07)

Albert Carbon, Public Works Director, presented the STAR Award to Steven Schenck, Utilities Mechanic I; Kevin Scott, Utilities Mechanic II; and Greg Duty, Public Works Maintenance Chief, for their knowledge, initiative, and dedication in developing and implementing upgrades at the City's Central Maintenance Shop (CMS) which increased efficiency and savings.

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 AND RELATED STREET CLOSINGS**(M-01)**

No budgetary impact.

Event agreements: 1) Boys and Their Toys, 2) CCA 5K, 3) Dash through the Past, 4) Day of the Dead, 5) Dolphins Cycling Challenge, 6) Float Parade, 7) Healthy Lifestyle-Longer Life Health Fair, 8) New Hope Annual Fest, 9) November Fest 2011, 10) PNC Bank Imperial Point Health and Wealth Event, 11) Skate Las Olas, 12) Home For the Holidays 13) Get Amped and 14) Cadillac Culinary Challenge.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1595

This Commission Agenda Report (11-1595) was revised. See announcement on page 17.

FITNESS AND WELLNESS CLASSES - ONE-YEAR EXTENSION TO AGREEMENT - \$49,741**(M-02)**

Please see funding details attached to these minutes.

One-year extension to agreement with North Broward Hospital District for fitness and wellness classes at Beach Community Center.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1544

LEASE AGREEMENT - APEX MARINE, LLC PRIVATE VESSEL STORAGE - SOUTH SIDE OF NEW RIVER RIVERWALK**(M-03)**

Please see funding details attached to these minutes.

Lease agreement with Apex Marine, LLC, for private vessel storage in conjunction with a repair and maintenance facility on the south side of New River Riverwalk retroactive from October 1, 2011 to September 30, 2012.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1338

FIRST AMENDMENT TO AGREEMENT - CAMP DRESSER & MCKEE INC. – (M-04)
\$22,808 – EXECUTIVE AIRPORT - MASTER DRAINAGE STUDY AND PLAN

Please see funding details attached to these minutes.

First Amendment to Agreement with Camp Dresser & McKee Inc., in an amount not to exceed \$22,808, for Executive Airport Master Drainage Study and Plan and transfer the funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1473

CONTRACT AWARD - D.W. RECREATION SERVICES, INC. - \$50,397 (M-05)
PETER FELDMAN PARK SHADE STRUCTURE

Please see funding details attached to these minutes.

Contract with D.W. Recreation Services, Inc., in the amount of \$50,397, for Peter Feldman Park shade structure and transfer the funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1571

CONTRACT AWARD - D.W. RECREATION SERVICES, INC. - \$74,166 (M-06)
HORTT PARK SHADE STRUCTURE

Please see funding details attached to these minutes.

Contract with D.W. Recreation Services, Inc., in the amount of \$74,166, for Hortt Park shade structure and transfer the funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1572

CHANGE ORDER 6 - THUNDER DEMOLITION, INC. - ADD 3 WORK DAYS -\$5,807.05- HOLIDAY PARK MAINTENANCE AND STORAGE BUILDING (M-07)

Please see funding details attached to these minutes.

Change Order 6, in the amount of \$5,807.05, for increased scope of work to closeout Holiday Park Maintenance and Storage building project, the addition of 3 work days to contract period and transfer the funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1547

**CHANGE ORDER 2 (FINAL) - TOMASIOU ENTERPRISES, INC. - \$35,045.16 (M-08)
EULA JOHNSON HOUSE RENOVATION**

Please see funding details attached to these minutes.

Change Order 2 (FINAL), in the amount of \$35,045.16, for an increased scope of work and closeout Eula Johnson House renovation project and transfer the funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1546

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

CHANGE ORDER 5 - CENTRAL FLORIDA EQUIPMENT RENTAL, INC. – CREDIT (\$4,759.30) - NE/NW 6 STREET - SISTRUNK BOULEVARD STREETScape AND ENHANCEMENT PROJECT (M-09)

Please see funding details attached to these minutes.

Change Order 5, in the CREDIT amount of (\$4,759.30), for additional work and deletion of work - Sistrunk Boulevard Streetscape and Enhancement Project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1573

**ADA MODIFICATIONS, PARKING LOT REPAIR AND CONSTRUCTION (M-10)
SUN-UP ENTERPRISES, INC. AND HOMESTEAD CONCRETE & DRAINAGE, INC.**

Please see funding details attached to these minutes.

Second and final 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 throughout the city.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1710

EMERGENCY EXPENDITURE - TRANSFER FUNDS - \$952,500 (M-11)
48 INCH WASTEWATER FORCE MAIN REPLACEMENT

Please see funding details attached to these minutes.

Transfer funds, in the amount of \$952,500, for emergency replacement of wastewater force main at Lohmeyer Regional Wastewater Treatment Plant.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1612

GRANT EXTENSION - URBAN AREA SECURITY INITIATIVE (M-12)
INTERLOCAL AGREEMENT AMENDMENT - CITY OF MIRAMAR

NO BUDGETARY IMPACT.

Extension of 2008 Urban Area Security Initiative grant agreement to December 31, 2011 and authorization of proper City Officials to execute all necessary documents.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1575

AGREEMENT - CITY OF HOLLYWOOD - \$500 (M-13)
TRAINING FACILITY FOR DRIVER ENGINEER PROMOTIONAL TESTING

Please see funding details attached to these minutes.

Agreement with City of Hollywood to utilize Hollywood Fire Rescue training facility for driver-engineer promotional testing.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1735

**CONTRACT AWARD - STRAIGHTLINE ENGINEERING GROUP, LLC – (M-14)
\$276,300 - FLAGLER NEIGHBORHOOD IMPROVEMENTS**

Please see funding details attached to these minutes.

Contract with Straightline Engineering Group, LLC, in the amount of \$276,300, for Flagler Neighborhood Pedestrian and Lighting Improvements contingent upon funds transfer approval by Community Redevelopment Agency Board.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1529

**JANUARY 31, 2012 AND MARCH 13, 2012 MUNICIPAL ELECTIONS (M-15)
POLLWORKER SERVICES**

Funds in the amount of \$274,034 are budgeted in the FY 2012 General Funds - Fund 01 Subfund 001 Index CLK010201 Subobject 3199 - Other Professional Services

Agreement with Broward County Supervisor of Elections to engage, train and assign pollworkers for City's elections.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1721

CONSENT RESOLUTION

**GRANT APPLICATION - DEVELOPMENT OF FOUR PARKS - \$75,000 (CR-01)
BROWARD COUNTY LAND STEWARDSHIP PROGRAM - PARKS FOR PEOPLE**

No budgetary impact.

Grant application for Parks for People funds from Broward County Land Stewardship Program, in the amount of \$75,000 for each park: Mills Pond, Gore Betz, Coral Ridge and Southside School Parks; authorization of proper City Officials to execute all necessary documents to receive funds and amendments to such documents extending grant term; and amendment of fiscal year 2012 budget by appropriating the funds contingent upon the actual amount awarded.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1584

RESOLUTION NO. 11-307

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR GRANT FUNDS FROM THE BROWARD COUNTY LAND STEWARDSHIP PROGRAM IN THE AMOUNT OF \$75,000 EACH FOR MILLS POND, CORAL RIDGE, GORE BETZ AND SOUTHSIDE SCHOOL PARKS; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ANY DOCUMENTS REQUIRED TO ACCEPT SUCH GRANT FUNDS AND AMENDMENTS TO SUCH DOCUMENTS EXTENDING THE TERM OF THE GRANT PERIOD; AND FURTHER AUTHORIZING AMENDING THE FINAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012 BY APPROPRIATING THE GRANT FUNDS CONTINGENT UPON THE ACTUAL AMOUNT AWARDED BY THE BROWARD COUNTY LAND STEWARDSHIP PROGRAM.

PURCHASE AND INSTALLATION OF INFLUENT SCREENING EQUIPMENT - \$1,465,500

(CR-02)

Please see funding details attached to these minutes.

Purchase and installation of influent screening equipment for Lohmeyer Regional Wastewater Treatment Plant and amend fiscal year 2012 final operating budget by appropriating the funds.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-1555

The Procurement Services Department has reviewed this item and recommends an award to the highest ranking firm, Cardinal Contractors, Inc.

RESOLUTION NO. 11-308

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.

COATINGS INSPECTION SERVICES - SECOND AVENUE WATER STORAGE TANK - \$35,160

(CR-03)

Please see funding details attached to these minutes.

Purchase coatings inspection services for rehabilitation and painting of Second Avenue Water Storage Tank and amend fiscal year 2012 final operating budget by appropriating \$40,434 to complete funding of \$35,160 plus 7 percent engineering fees, 5 percent inspection fees, 2 percent administration fees and 1 percent purchasing fees and authorization to execute all necessary documents.

Recommend: Motion to approve and adopt resolution.

Exhibit: Commission Agenda Report 11-1527

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

RESOLUTION NO. 11-309

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.

FLORIDA HOMELAND SECURITY GRANT ACCEPTANCE - \$9,000

(CR-04)

Please see funding details attached to these minutes.

Acceptance of fiscal year 2010 Homeland Security Grant from Florida Department of Financial Services, in the amount of \$9,000; 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 11-1556

RESOLUTION NO. 11-310

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 \$9,000 FROM THE STATE OF FLORIDA, DEPARTMENT OF FINANCIAL SERVICES THROUGH THE 2010 STATE HOMELAND SECURITY GRANT 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, 2011 AND ENDING SEPTEMBER 30, 2012, BY APPROPRIATING SUCH GRANT FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT.

**EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
ACCEPTANCE - \$61,912**

CR-05)

Please see funding details 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 \$61,912; amendment of 2011 final operating budget by appropriating the funds and authorization to execute all necessary documents to receive and disburse the funds.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1552

RESOLUTION NO. 11-311

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 \$61,912 FROM THE UNITED STATES DEPARTMENT OF JUSTICE, VIA THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT, UNDER THE 2011 EDWARD BYRNE/JUSTICE ASSISTANCE GRANT (JAG), 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 (11-1552) was revised. See announcement on page 17.

AMEND OPERATING BUDGET - APPROPRIATION - \$628,000 (CR-06)
EMERGENCY EXPENDITURE - 54 INCH WASTEWATER FORCE MAIN REPAIR

Please see funding details attached to these minutes.

Amendment of fiscal year 2011 final operating budget by appropriating \$628,000 to fund 54 inch force main emergency repair.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1523

RESOLUTION NO. 11-312

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.

REIMBURSEMENT TO STATE OF FLORIDA - \$2,327,294.80 (CR-07)
IMPROVEMENTS TO FORT LAUDERDALE STADIUM –
SPRING TRAINING FRANCHISE

No Budgetary Impact.

Reimbursement, in the amount of \$2,327,294.80 inclusive of accrued interest, received from Florida Office of Tourism, Trade and Economic Development for Baltimore Orioles spring training facility at Fort Lauderdale Stadium.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1489

RESOLUTION NO. 11-313

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DIRECTING PAYMENT OF \$2,327,294.80 TO THE STATE OF FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE.

AMENDMENTS TO INVESTMENT POLICY (CR-08)

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 11-1708

RESOLUTION NO. 11-314

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.

FEDERAL LEGISLATION ALLOWING INCREASED WEIGHT OF TRUCKS (CR-09)

No budgetary impact

Opposition to federal legislation allowing for increased weight of trucks on interstate highways and roadways in the City and supporting legislation freezing current weight and size.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1714

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, OPPOSING FEDERAL LEGISLATION THAT SEEKS TO INCREASE THE WEIGHT OF TRUCKS THAT ARE AUTHORIZED TO UTILIZE THE INTERSTATE SYSTEM IN THE STATE OF FLORIDA AND ROADWAYS IN THE CITY OF FORT LAUDERDALE AND SUPPORT LEGISLATION THAT FREEZES CURRENT WEIGHT AND SIZE.

PURCHASING AGENDA

2010-012-1 - INCREASE EXPENDITURE - TOP SOIL MIX - \$65,000 (PUR-01)
CO-OP CONTRACT - CITY OF MARGATE

Please see funding details attached to these minutes.

Increase expenditure for top soil mix for Hardy Park athletic field renovation.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1477

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

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

Please see funding details attached to these minutes.

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

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1562

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 Manager.

616-10755 - ARCHITECTURAL - ENGINEERING CONSULTANT SERVICES CONTRACT - BEACH MASTER PLAN – INTRACOASTAL PARKING LOT, ALMOND AVENUE AND A-1-A (PUR-03)

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

Consultants' Competitive Negotiation Act Selection Committee's recommendation of ranking firms - architectural - engineering services for a feasibility and conceptual design study and related work of Intracoastal Parking Lot, Almond Avenue and A-1 -A projects and commencement of contract negotiations with top ranked firm, Sasaki Associates Inc., in an amount not to exceed \$200,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1423

The Procurement Services Division has reviewed this item and recommends approval of ranking firms and commencement of contract negotiations.

**616-10753 - ARCHITECTURAL - ENGINEERING CONSULTANT (PUR-04)
SERVICES CONTRACT –BEACH MASTER PLAN PROJECT –
CHANNEL SQUARE**

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

Consultants' Competitive Negotiation Act Selection Committee's recommendation of ranking firms - architectural - engineering services for a feasibility and conceptual design study and related work of Channel Square and commencement of contract negotiations with top ranked firm, IBI Group Inc., in an amount not to exceed \$200,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1424

Procurement Services has reviewed this item and recommends approval of ranking firms and commencement of contract negotiations.

**616-10754 - ARCHITECTURAL - ENGINEERING CONSULTANT (PUR-05)
SERVICES CONTRACT - BEACH MASTER PLAN PROJECT -
SEBASTIAN/ALHAMBRA AND OCEANSIDE PARKING LOTS**

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

Consultants' Competitive Negotiation Act Selection Committee's recommendation of ranking firms - architectural - engineering Services for a feasibility and conceptual design study and related work of Sebastian/Alhambra and Oceanside parking lots and commencement of contract negotiations with top ranked firm, Zyscovich, Inc., in an amount not to exceed \$200,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1425

Procurement Services has reviewed this item and recommends approval of ranking firms and commencement of contract negotiations.

505-10495 - REVISED VEHICLE PARTS CONTRACT (PUR-06)

No budgetary impact.

Revised vehicle parts contract relating to the supplier and invoicing for fuel usage in substantially the form provided.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1561

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

**PROPRIETARY- OFFICIAL RECORDS OF BROWARD COUNTY – (PUR-07)
RECORDING FEES - \$20,000**

Please see funding details attached to these minutes.

Recording documents in official records of Broward County, estimated at \$20,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1548

Procurement Services has reviewed this item and agrees with approving the proprietary purchase.

**112-10768 - REJECTS BIDS - TEMPORARY EMPLOYMENT SERVICES – (PUR-08)
STABLE ATTENDANT(S)**

No Budget Impact

Reject all bids for temporary employment services for Stable Attendant(s).

Recommend: Motion to reject.

Exhibit: Commission Agenda Report 11-1522

Procurement Services has reviewed this item and recommends rejecting all bids submitted.

**REJECT BIDS – HOLIDAY TREE, ICE SKATING RINK RENTALS AND (PUR-09)
ARTIFICIAL ICE SKATING RINK RENTALS**

No budgetary impact

Reject all bids for a holiday tree, ice skating rink rentals and artificial ice skating rink rentals.

Recommend: Motion to reject.

Exhibit: Commission Agenda Report 11-1543

The Procurement Services Department has reviewed this item and recommends rejecting all proposals submitted.

PROPRIETARY - HOME INVESTMENT PARTNERSHIP PROGRAM (PUR-10)
HOUSING ENTERPRISES OF FORT LAUDERDALE, INC. - \$522,325.04

Please see funding details attached to these minutes.

New agreement with Housing Enterprises of Fort Lauderdale Inc., Community Housing Development Organization, in the amount of \$522,325.04, for continuation of HOME Investment Partnership Program, enabling acquisition of two properties contracted to purchase and complete rehabilitation of those properties and establishing a new expiration date of June 30, 2012.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1505

The Procurement Services Department has reviewed this item and recommends executing a new proprietary agreement.

592-8108 - PROPRIETARY - PAYROLL, PERSONNEL AND PENSION (PUR-11)
SOFTWARE SYSTEM - CONTRACT ASSIGNMENT FROM ACCERO, INC.

No budgetary impact.

Assignment of contract for license and support of City payroll, personnel and pension software system, subject to execution of assignment by assignor and assignee in substantially the form provided.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1534

The Procurement Services Department has reviewed this item and recommends assignment of contract.

PROPRIETARY - MAINTENANCE AND SUPPORT - \$320,511.76 (PUR-12)
800 MHz PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM

Please see funding details attached to these minutes.

Renewal of annual maintenance and support contract for 800 MHz Public Safety Radio Communications System in substantially the form provided.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1565

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

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 Manager.

CHANGE ORDER 2 (FINAL) - TOMASIOU ENTERPRISES, INC. - \$35,045.16 (M-08)
EULA JOHNSON HOUSE RENOVATION

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

EVENT AGREEMENTS AND RELATED STREET CLOSINGS (M-01)

Mayor Seiler announced a correction that the following contingency should be added to the requested action: Authorization for the execution of the agreement with Intersport, Inc., for the Cadillac Culinary Challenge, event #14, is contingent upon the City Attorney's office receiving and approving a validly executed agreement.

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT ACCEPTANCE - \$61,912 (CR-05)

Mayor Seiler announced a correction that the subject of Commission Agenda Report 11-1552 should reflect that the 2012 budget is being amended.

Motion made by Commissioner Roberts and seconded by Commissioner Rogers that Consent Agenda Items M-07, M-13, CR-09, and PUR-03 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

CHANGE ORDER 6 - THUNDER DEMOLITION, INC. - ADD 3 WORK DAYS - \$5,807.05- HOLIDAY PARK MAINTENANCE AND STORAGE BUILDING (M-07)

Commissioner Roberts questioned why this project was not built to meet the ULDR (Unified Land Development Regulations) in the first place. He was satisfied that the City Manager will address this in order to avoid such change orders in the future. Mayor Seiler agreed.

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

NAYS: None.

AGREEMENT - CITY OF HOLLYWOOD - \$500 (M-13)
TRAINING FACILITY FOR DRIVER ENGINEER PROMOTIONAL TESTING

Commissioner Rogers thought it would have been more efficient to utilize a purchase order than a contract, considering this item's minimal cost. The City Manager explained that Commission action is currently required for items that are not budgeted, but staff is working to streamline. Kirk Buffington, Director of Procurement Services, explained that Hollywood required an agreement with release of liability language and because of that language the City Attorney wanted the matter to come before the Commission. The City Manager noted the City's current rule that Commission action is required for any contract that creates liability. Commissioner Rogers understood that this could fall in that guise, but both cities are under sovereign immunity. He was concerned about the amount of staff time used for this item. The City Attorney clarified that the City is agreeing to indemnify Hollywood, not to waive sovereign immunity.

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

FEDERAL LEGISLATION ALLOWING INCREASED WEIGHT OF TRUCKS (CR-09)

Commissioner Rodstrom requested either a deferral or that it be included on a conference agenda because she thought more information is needed. Commissioner Roberts recalled raising this issue at conference. He pointed out that the backup, Commission Agenda Report (11-1714), contains the information that was presented to him. Commissioner Rodstrom had concerns about the item.

Diana Alarcon, Director of Transportation and Mobility, explained that the topic will be addressed by the state legislation on November 9 and Congress on the 15th. In response to Commissioner Rodstrom, she indicated that Broward County and Davie and St. Petersburg have approved this legislation. Commissioner Rodstrom was concerned that consumers would bear rising prices if transporting goods is made more difficult. In response to Mayor Seiler, Ms. Alarcon confirmed that this legislation opposes increasing truck weight that would create more infrastructure issues. Commissioner Rogers shared Commissioner Rodstrom's concern. He believed that a railroad-supported advocacy group is promoting this legislation. He questioned the cost impact on the end user. Commissioner Roberts reiterated that this legislation addressed permitting increased truck weight which not only causes infrastructure damage, but poses a safety issue related to braking; it is not changing anything that exists in the current marketplace. Commissioner Rodstrom clarified that this legislation also opposes adding more weight to existing vehicles. She pointed out that trucking must be relied upon, not just rail, because of the City's geographic location. She thought this legislation hinders economic development and poses a possible price increase for consumers, and she did not see any information in the backup that proves otherwise.

In response to Vice Mayor DuBose, Ms. Alarcon confirmed that the 80,000 pound limit is in align with the State requirement and Florida Department of Transportation's recommendation. This action would oppose anything that would allow the number of pounds to be increased. There is no way to measure the infrastructure impact, but there are already impacts being discovered with the existing 80,000 pound limit. The request is to allow time to analyze the impact before changing the limit. She offered to find out when this analysis will be completed. Being that only a policy position is being requested, and this does not directly impact the city, Mayor Seiler thought a deferral is appropriate as there are unanswered questions.

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

Mayor Seiler asked that this item be presented on a conference agenda.

**616-10755 - ARCHITECTURAL - ENGINEERING CONSULTANT (PUR-03)
SERVICES CONTRACT - BEACH MASTER PLAN – INTRACOASTAL
PARKING LOT, ALMOND AVENUE AND A-1-A**

Commissioner Roberts remarked that concerning this item, as well as PUR-04 and PUR-05, Fort Lauderdale companies were not awarded the contracts. He was interested in a local preference. The City Manager explained that staff is working on including a local preference in the City's purchasing ordinance. He believed location is a valid criteria for CCNA (Consultants' Competitive Negotiation Act); points can be assigned based on the firm's proximity to the project. This can be included in future CCNA proposals. In response to Vice Mayor DuBose, he explained that staff will bring forward a draft ordinance in the near future. Commissioner Roberts also thought there should be diversification among the awarded contractors wherein a contractor with a current contract would not be awarded the same type of contract again. Mayor Seiler agreed with both points.

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

RESOLUTIONS

AMENDMENT TO SITE PLAN LEVEL IV - Q CLUB HOTEL - CASE 26-R-11 (R-01)

No Budgetary Impacts

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1485

The Commission announced with whom he or she had spoken with and/or site visit(s) made concerning this matter.

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

Heidi Davis, representing the Applicant, reviewed slides concerning this matter. A copy of the slides is attached to these minutes. In response to Mayor Seiler, Ms. Davis explained that the three shade structures which will be part of the La Marche Café are 3.8 feet from the property line; not on the sidewalk. She indicated that the Board of Adjustment approved rooftop use of the wind turbines without screening on September 14, and, on September 21, the Planning and Zoning Board unanimously approved all the site plan modifications brought forward tonight. She also noted the approval of the Sustainability Advisory Board and the Utility Advisory Committee, as well as the support of the condominium association board of directors and the Central Beach Alliance. She referred to information that depicts how this project meets ULDR requirements and the parking study in Exhibit 1 of Commission Agenda Report 11-1485 which is attached to these minutes that concludes that the hotel has adequate capacity to accommodate a ten space reduction to accommodate the restaurant at the top of the hotel. Information has been provided by the wind turbine manufacturer and engineers.

Mayor Seiler opened the floor for public comment.

John Weaver, president of the Central Beach Alliance, expressed support of this item.

Fred Carlson, representing the Central Beach Alliance (CBA), noted that the CBA examined this issue in detail, including noise and efficiencies, and supports this item.

Art Seitz, 1905 North Atlantic Boulevard, expressed support of utilizing rooftops and suggested it be done also at the International Swimming Hall of Fame. If outdoor activities are to be held on roofs, any possible conflicts related to the surrounding residential areas must be addressed. If there is to be less parking, he questioned whether at least 16 bicycle racks could be installed. After some discussion between him and Mayor Seiler about this issue, Ms. Davis confirmed that there currently is a bicycle rack that holds about 6-10 bikes.

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

Commissioner Rodstrom was satisfied with the Planning and Zoning Board's review of this item, including the noise issue.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-302

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT PLAN FOR A HOTEL TO INCLUDE ADDITIONAL USES AND

STRUCTURES, A MODIFICATION OF YARD AND A PARKING REDUCTION ON PROPERTY LOCATED AT 505 NORTH FORT LAUDERDALE BEACH BOULEVARD, FORT LAUDERDALE, FLORIDA IN AN ABA ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

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

SITE PLAN LEVEL III - EXTENSION OF TIME - THE SAILS - CASE 79-R-06 (R-02)

No budgetary impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1602

The Commission announced with whom he or she had spoken with and/or site visit(s) made concerning this matter.

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

Ron Mastriana, representing the Applicant, elaborated upon how the real estate market downturn has affected this project. He contended that The Sails provides millions of dollars to the City via the income generated by the vessels. It has not been possible to develop the rest of the parcel to supplement the marina, but hope to do so in the near future. A two-year extension is requested.

Commissioner Rodstrom liked the new fence placed around the lot. She thought this area should be aesthetically pleasing to the neighborhood for the next two years. A reasonable amount of landscaping should be added and perhaps a sprinkler system. Mr. Mastriana indicated that ground coverage like xeriscape is being explored. Furthermore, when the first phase of the project is started, a (ground) cover on the hotel parcel would be provided. The reason ground coverage has not been planted up to this point is because this area is utilized for supplemental parking for area hotels, the convention center and the boat show. He noted that any issues raised by the neighborhood are immediately addressed. Commissioner Rogers remarked that the neighborhood is satisfied with the Applicant's responsiveness. Commissioner Rodstrom elaborated upon the Bonnet House parking lot which is grassed with a rock bed in certain areas. Her concern is also for passers-by.

Commissioner Rodstrom thought direction had previously been given for a collective traffic study of the four corners of the port. Mr. Mastriana explained that staff requested The Sails have FDOT (Florida Department of Transportation) to review and approve how those intersections work. At The Sails' cost, traffic studies were combined and a solution was reached which was approved by FDOT in 2009. Those FDOT improvements were incorporated into the site plan that was approved by the DRC (Development Review Committee). The Sails was requested to change some of the site configurations, based on the traffic for all four developments (at the four corners). All of

the area's improvements were taken into account. He offered to provide a copy of the documentation on these improvements.

In response to Commissioner Rogers, Mr. Mastriana explained that during the season, from October to April, the occupancy rate at the marina's important docks was about 80 percent, but not along the canal; and close to zero occupancy during the summer. He confirmed his desire for the marine portion to be the first phase of the project. He elaborated upon some issues related to financing the project, and indicated that this is still being worked out. In response to Commissioner Rodstrom, he indicated that the project includes only hotel rooms, not condominiums. Commissioner Rogers questioned whether there has been any interest in the site. Mr. Mastriana indicated that many people would like to see apartments here, but he is sticking with the originally intended hotel and marina. Mayor Seiler emphasized the need for marina space. On the issue of marina space, Commissioner Rodstrom noted the lack of full occupancy. In response to Mayor Seiler, Mr. Mastriana explained that the waterway currents have little effect on the large boats that utilize this marina. Commissioner Rogers noted the uniqueness of the site in accommodating yachts. If financing cannot be obtained, Mr. Mastriana noted that it may be necessary to revisit the idea of adding more mega yacht slips.

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 11-304

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN EXTENSION OF THE EXPIRATION DATE OF A DEVELOPMENT PLAN APPROVING A DEVELOPMENT ON PROPERTY LOCATED AT 2150 S.E. 17TH STREET, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

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

DISPOSITION OF CITY OWNED PROPERTY - BID OF \$9,000
3715 SW 14 STREET

(R-03)

Please see funding details attached to these minutes.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1540

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-304

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8.04 OF THE CITY CHARTER,

ACCEPTING THE OFFER OF NINE THOUSAND AND NO/100 DOLLARS (\$9,000.00) FROM WILLIE D. PETERSON, A SINGLE MAN, FOR THE PURCHASE OF SURPLUS PROPERTY, BEING MORE PARTICULARLY DESCRIBED BELOW, WITH THE APPROXIMATE STREET ADDRESS OF 3715 SW 14TH STREET, FORT LAUDERDALE, FLORIDA AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR PURCHASE AND SALE OF THE PROPERTY, A QUIT CLAIM DEED OF CONVEYANCE AND FURTHER AUTHORIZING EXECUTION AND DELIVERY OF ANY AND ALL INSTRUMENTS NECESSARY OR INCIDENTAL TO THE COMPLETION OF THE TRANSACTION.

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

DISPOSITION OF CITY OWNED SURPLUS PROPERTY - BID OF \$36,000 (R-04)
1101 NE 6 AVENUE

Please see funding details attached to these minutes.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1541

In response to Commissioner Rodstrom, the City Attorney confirmed that the Religious Land Use and Institutionalized Persons Act will not allow restrictions to be placed on City property being sold, that would not apply generally to any other owner. Commissioner Rodstrom questioned whether the Philadelphia Fundamental Baptist Church (PFBC) would be willing to voluntarily place conditions on the property. Victor Volpi, Real Estate Division, explained that the Reverend previously indicated to him that he would be happy to do so, and that it does not necessarily have to be made into a halfway house. Commissioner Rodstrom noted that the terms are SSRF (Social Service Residential Facility) or a feeding site. Mr. Volpi and the City Manager noted that staff is not authorized to speak on the Reverend's behalf. In further response to Commissioner Rodstrom, the City Attorney explained that this follows the current charter requirements for disposing of City-owned property which requires that it be placed out for bid and sold to the highest bidder. Commissioner Rodstrom indicated that she cannot support the item unless the Reverend is willing to put in writing that he will not use the site for an SSRF or feeding site. Mr. Volpi offered to pass along this message.

In response to Commissioner Roberts pointing out a scrivener's error in the backup, the City Manager clarified that the correct address is 1101 NE 6 Avenue.

Motion made by Commissioner Rodstrom and seconded by Commissioner Rogers to defer the item to November 15, 2011. Roll call showed: YEAS: Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8.04 OF THE CITY CHARTER, ACCEPTING THE OFFER OF THIRTY-SIX THOUSAND AND NO/100 DOLLARS (\$36,000.00) FROM PHILADELPHIA FUNDAMENTAL BAPTIST CHURCH, A FLORIDA NOT FOR PROFIT CORPORATION, FOR THE PURCHASE OF SURPLUS PROPERTY, BEING MORE PARTICULARLY DESCRIBED BELOW, WITH THE APPROXIMATE STREET ADDRESS OF 1101 NE 6TH AVENUE, FORT LAUDERDALE, FLORIDA AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR PURCHASE AND SALE OF THE PROPERTY, A QUIT CLAIM DEED OF CONVEYANCE AND FURTHER AUTHORIZING EXECUTION AND DELIVERY OF ANY AND ALL INSTRUMENTS NECESSARY OR INCIDENTAL TO THE COMPLETION OF THE TRANSACTION.

DISPOSITION OF CITY OWNED PROPERTY - 604 SW 12 AVENUE – SURPLUS

(R-05)

No budgetary impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1542

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 11-305

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING, PURSUANT TO CITY CHARTER SECTION 8.04, CERTAIN PARCEL SP 11-11, MORE PARTICULARLY DESCRIBED BELOW, NOT NEEDED FOR PUBLIC USE AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE CITY THAT SUCH PARCEL BE OFFERED FOR SALE FOR MINIMUM BIDS AS SET FORTH BELOW, WITH BIDS TO BE SUBMITTED BY JANUARY 17, 2012 AND SCHEDULED FOR FURTHER PROCEEDINGS BEFORE THE CITY COMMISSION ON FEBRUARY 1, 2012 TO CONSIDER A RESOLUTION ACCEPTING THE BEST OFFER FOR SAID PARCEL AND AUTHORIZING CONVEYANCE OF PARCEL OR REJECTING ANY AND ALL OFFERS; REQUIRING THE CITY CLERK TO PUBLISH THIS

RESOLUTION IN ONE (1) ISSUE OF THE OFFICIAL NEWSPAPER OF THE CITY WITHIN SEVEN (7) DAYS OF THE ADOPTION HEREOF; REPEALING ANY RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

BOARD AND COMMITTEE APPOINTMENTS

(R-06)

No budgetary impact

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1581

The City Clerk clarified that, according to the recently adopted ordinance, Community Services Board members are required to live, work, or own property in the city, but this is not required of Economic Development Advisory Board members.

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

Aviation Advisory Board	Ron Carlson (Vice Mayor DuBose)
Cemetery System Board of Trustees	Susan Telli(Commissioner Rodstrom)
Northwest Progresso-Flagler Heights Redevelopment Board	Samuel Williams (Vice Mayor DuBose)
Utility Advisory Committee	Terri Murru(Mayor Seiler) Ruchel Louis (Commissioner Rogers)

Although he has always supported the residency requirement, Mayor Seiler was concerned that it will make it difficult to locate three HOPWA (Housing Opportunities for Persons with HIV/AIDS) appointments for the Community Services Board. The City Manager indicated that the live, work or own property in the city criteria could be removed in the upcoming amendatory ordinance for the Community Services Board. Mayor Seiler thought the members should adhere to the criteria.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-306

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

BROWARD COUNTY PUBLIC SCHOOLS' READ-A-THON CHALLENGE (OB)

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-315

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING BROWARD COUNTY PUBLIC SCHOOLS' READ-A-THON CHALLENGE OF 600 MINUTES OF READING TIME FOR BROWARD FAMILIES DURING THE MONTH OF NOVEMBER, 2011 IN RECOGNITION OF NOVEMBER, 2011 AS NATIONAL FAMILY LITERACY MONTH.

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

NOVEMBER, 2011 – NATIONAL FAMILY LITERACY MONTH (OB)

Vice Mayor DuBose introduced the following resolution:

RESOLUTION NO. 11-316

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING AND ACKNOWLEDGING THE IMPORTANCE OF NOVEMBER, 2011 AS NATIONAL FAMILY LITERACY MONTH.

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

CITIZEN PRESENTATIONS

JOHN E. AMBROSIO - Speed Humps on NE 32 Street

(CIT-01)

No budgetary impact

Exhibit: Commission Agenda Report 11-1594

Mr. Ambrosio noted that he resides on NE 32 Street. Vehicles use excessive speed on this street between the (Coral Ridge) mall and Bayview Drive. The street structure on Oakland Park (Boulevard) was changed so that all of the mall traffic exits out 26 Avenue to the right. He thought all of the vehicles exiting the mall and theater have used 32 Street as an alternative to Oakland Park Boulevard, and it probably has the largest amount of traffic of any residential street east of Federal Highway. A speed study was conducted that resulted in a recommendation that speed humps be installed; but, this could take several years. In the meantime, the situation is worsening. He asked the Commission to support moving forward so that speed humps can be installed in 2012.

ROBERT ROTHENBERGER - Speed Humps on NE 32 Street

(CIT-02)

No budgetary impact

Exhibit: Commission Agenda Report 11-1597

Mr. Rothenberger noted that he resides on NE 32 Street, and fears for the safety of his elderly tenant who walks to the (Coral Ridge) mall on this street. He recalled a hit-and-run incident that occurred with another of his tenants. He stressed that it is critical to public safety that something be installed to reduce speeds. Although the posted speed is 25 miles per hour, vehicles can be seen traveling at about 45 miles per hour. This street is a shortcut from Bayview Drive to the rear of the mall. He asked for the Commission's support to take action sooner rather than later, before someone is hurt.

JOHN LASPINO - Speed Humps on NE 32 Street

(CIT-03)

No budgetary impact.

Mr. Laspino noted that he has resided on 32 Street for 22 years and has seen many speeding vehicles. This matter should be addressed as (speed humps) are needed; otherwise, someone will get hurt.

Mayor Seiler advised that this area is ninth on the list. Commissioner Roberts agreed that something must be done. He recalled that the updated speed study completed in February proved the need exists. This is a shortcut from the mall to Bayview Drive. Staff has provided residents with three options. If the option for the City to provide all of the funding is selected, the installation will take about three years. The other options are to

utilize NCIP (Neighborhood Capital Improvement Program) funds where the City shares the cost with the neighborhood; or, for the neighborhood association to pay \$3,500 for the speed hump installation. The City Manager was unaware of any other options. Mayor Seiler clarified that this is closer to being completed in two, rather than three years. He lives nearby and is familiar with the mall cut-through traffic. However, he and Commissioner Roberts pointed out that the second ranked neighborhood is dealing with three times as many vehicles per day. Commissioner Roberts understood the residents' frustration, but the City must handle these projects in a fair and equitable manner. Mayor Seiler wanted staff to examine funding options, and advised the residents to stay in contact with Commissioner Roberts. In response to Commissioner Rodstrom, Commissioner Roberts explained that it would take four months to install the speed humps if the neighborhood provides the funding. Commissioner Rodstrom thought perhaps the Coral Ridge Mall would be interested in providing the neighborhood with some help, being that it is the source of the traffic. Commissioner Roberts offered to pursue that possibility with the mall management. He also noted that it appears that the first study was conducted in 2007. Mayor Seiler asked residents to allow the City a couple of weeks to see if something could be worked out.

ROBERT WALSH - Broward Sheriff's Office 911 Dispatch Services

(CIT-04)

No budgetary impact

Exhibit: Commission Agenda Report 11-1598

Mr. Walsh recalled that he utilized 9-1-1 services twice this year. He thought the City should have addressed this matter at a special meeting. He believed that Broward County will not respond to or pay the City (for these services). He recalled the City Attorney indicating that the City pursuing litigation with the County is a moot point because it has been over a year. He elaborated upon how he thought the City should handle any demand letters. He suggested the City take a four month reprieve and utilize funds from the reserve. Rather than approximately \$600,000, he thought the cost will be about \$1.4 million. He indicated that Wilton Manors utilizes 9-1-1 services but is not paying and should be. In general, he was displeased with the Broward County Sheriff.

ART SEITZ -International Swimming Hall Of Fame, Ireland's Inn and Birch State Park, Winterfest Boat Parade - North Gate Access

(CIT-05)

No budgetary impact.

Exhibit: Commission Agenda Report 11-1692

Mr. Seitz expressed support of the City's financial plan for the International Swimming Hall of Fame (ISHOF). He also supports issuing a new. He mentioned the idea of including shady areas at ISHOF which Mayor Seiler thought could be worked into the plan. Mr. Seitz noted that there are four t-shirt stores on the north side of east Las Olas by the Elbo Room, and questioned the idea of including another (Ron Jon) during this economic downturn. He believed this land is worth approximately \$25 million per acre, and thought the City should be performing their due diligence for this matter. He

elaborated upon elements of the City plan that pleased him. However, bicycles and greenways are not included in the ISHOF and Bahia Mar plans. He disagreed with the parking study results as he believes more parking is needed. He would like about 8,000 square feet of restaurants like the 15th Street Fisheries to be included.

PUBLIC HEARINGS

VACATION OF 8.5 FOOT RIGHT OF WAY - 1531 SOUTH ANDREWS AVENUE - BROWARD HEALTH - CASE 6-P-11 (PH-01)

No Budgetary Impact

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

Exhibit: Commission Agenda Report 11-1560

The Commission announced with whom he or she had spoken with and/or site visit(s) made concerning this matter.

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

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

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

Exhibit: Commission Agenda Report 11-1560

Commissioner Rogers introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-35

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT 8.5 FOOT RIGHT-OF-WAY LYING ALONG THE NORTH SIDE OF AND ADJACENT TO THE PLATTED RIGHT-OF-WAY LINE OF SOUTHWEST 16TH STREET, NOW VACATED, BETWEEN SOUTH ANDREWS AVENUE AND SOUTHWEST 1ST AVENUE, 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 Rodstrom, Vice Mayor Dubose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

ORDINANCES

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

(O-01)

No budgetary impact**Recommend:** Introduce ordinance on second reading.**Exhibit:** Commission Agenda Report 11-1716

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

**CITY CHARTER AMENDMENT - MARCH 13, 2012 GENERAL
ELECTION BALLOT - SALE OF CITY-OWNED PROPERTY –
AFFORDABLE HOUSING OR ECONOMIC DEVELOPMENT**

(O-02)

No budgetary impact.**Recommend:** Introduce ordinance on first reading.**Exhibit:** Commission Agenda Report 11-1630

In response to Mayor Seiler, the City Attorney explained that the charter currently requires surplus property be sold to the highest bidder. This amendment will allow the Commission to negotiate the sale price of property for affordable housing only with a developer, and not require that it be sold to the highest bidder. He confirmed that the City can still select the highest bidder if it chooses. But, this amendment does not require that the property be sold to a developer with the highest bid that is not going to build affordable housing. However, if the property is not sold to the highest bidder in an auction-type sale, it must be made certain that the project is for affordable housing. Mayor Seiler did not want property to be designated for affordable housing by staff without it being brought before the Commission. The City Attorney explained that a

Commission vote is required in order to sell the property, whether it is to the highest bidder or for affordable housing. Mayor Seiler wanted a procedure in place that assures the Commission will decide where affordable housing will be located after public hearings. The City Attorney clarified that this establishes a principle whereby the City may sell property for affordable housing using a process that does not require highest bidder. Associated policies could be adopted by ordinance or resolution. Commissioner Rogers noted the only reason for this amendment is that the charter currently states that surplus property can only be addressed through an appraisal and highest bid process. In response to Mayor Seiler, the City Attorney thought the resolution referenced in the charter amendment could set up such a process for Commission-designation of affordable housing. Commissioner Rodstrom asked if other types of housing, such as workforce housing are being addressed. In response to Commissioner Rogers, the City Attorney confirmed that the Commission must first vote to designate a property as surplus before using a sale method. In response to Commissioner Rodstrom, the City Attorney confirmed that a unanimous vote is required (for the sale). The City Attorney explained that this exact method has been used for surplus properties in the CRA (Community Redevelopment Agency) circuitously, wherein the property is transferred to the CRA which is a governmental entity that is not bound by the charter requirement. This proposal would allow the City to use the same process citywide that has already been accomplished for affordable housing properties in the CRA. In response to Mayor Seiler, the City Attorney reiterated his confirmation that the ordinance language includes a requirement for the Commission's vote to designate the property as surplus, and for a vote to determine whether it will be used solely for affordable housing or economic development, and then a unanimous vote for the sale - only the sale requires a unanimous vote.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-36

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE SALE OF SURPLUS REAL PROPERTY FOR AFFORDABLE HOUSING OR ECONOMIC DEVELOPMENT PURPOSES; PROVIDING FOR APPROVAL BY THE ELECTORS; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

ADDITIONS TO PURPOSE AND DUTIES OF SUSTAINABILITY ADVISORY BOARD (O-03)

No budgetary impact.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 11-1545

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-37

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SUBSECTION 4(2), OF ORDINANCE NO. C-10-48 OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO PROVIDE ADDITIONS TO THE PURPOSE AND DUTIES OF THE SUSTAINABILITY ADVISORY BOARD; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

CODE AMENDMENT - CHAPTER 26 - VALET PARKING

(O-04)

No budgetary impact.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 11-1690

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

PAY PLAN AND SPECIAL PAY PRACTICE AMENDMENTS
NEW SECTION TO CODE OF ORDINANCES

(O-05)

These actions will result in a net budget savings. Estimated savings for certain positions are described in the funding exhibit attached to these minutes.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 11-1715

The City Manager explained that this ordinance will begin to implement the reorganization by adding nine new classes of employees; deleting eight classes of employees; and by adding language to the special pay practices to allow management and confidential employees to take advantage of the early retirement program as pertains to the health insurance benefit. Assistant to the city manager is being redefined to include: neighborhood services manager, public affairs manager, and budget manager. Lastly, two new temporary fulltime positions are being added to serve as interns for under-graduate and graduate students.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-38

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SCHEDULE I OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING AND ADDING NEW CLASSES, DELETING CLASSES, AND CHANGING THE TITLE OF ONE CLASS; AMENDING SPECIAL PAY PRACTICES OF SCHEDULES I AND II OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO PROVIDE FOR A SPECIAL HEALTH AND DENTAL BENEFIT FOR RETIREES UNDER THE 2011/2012 BONUS INCENTIVE FOR RETIREMENT PROGRAM; CREATING SECTION 20-83 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO DEFINE "ADMINISTRATIVE ASSISTANTS TO THE CITY MANAGER"; AMENDING SCHEDULE VI OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING AND ADDING NEW CLASSES AND PAY RANGES; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

CITY COMMISSION REDISTRICTING**(O-06)****No budgetary impact.****Recommend:** Introduce ordinance on second reading.**Exhibit:** Commission Agenda Report 11-1694

The City Attorney explained that he spoke with the Supervisor of Elections (SOE) on October 19, and Mary Cooney (SOE Office) responded by email that there would not be enough time to make the changes to be adopted tonight for the January 31 primary election because moving the election date caused the City qualifying period to November 8-22. The SOE has been resolute in her response. Commissioner Rodstrom believed there are two issues to be examined: time for the SOE to complete the changes and communications of the Clerk and City Attorney offices over the past several months. From the several emails, it appears that Ms Cooney contacted the City Attorney's Office and the Clerk in early July. Apparently a deadline date was given to someone in early July. Even so, there have been four public hearings on this issue. She noted that the information was needed by the middle of August. A workshop was held on August 25 at which time the Commission was not made aware of the mid-August deadline. She questioned why discussions continued if the intention was not to get it done.

The City Attorney advised that he sent a letter to the Commission, indicating that staff had received the census data in late June. At that time, the SOE indicated via telephone conversations that, if the City had redistricting information in August, that was the deadline. In his June memorandum, he suggested several options that would minimally adjust the districts. The SOE had told him that they would work with the City after the August date if there were minimal adjustments. At that time, the presidential preference primary was in March. During all the conversations, the presidential preference primary was not established by the legislature, and the City was working toward having a primary election in February and a general election in March. When the presidential preference primary was set for January 31, the Commission decided to move the primary election to coincide with it because the SOE told staff that they would be unable to handle the City's primary election in February because of the presidential preference primary election. On October 18 (first reading), he told the Commission that it was unlikely those changes could be made because the presidential preference primary date had been changed, and that it would be very difficult, depending upon the types of changes. The Commission made a minimal change; staff called the SOE and received an email on October 19, stating that they would not be able to make any changes in time for the January 31 election because of the November 8-22 qualifying period. He did not believe there was an attempt to waste time. There was a concerted effort to get the redistricting done in time for the election; but it was not possible when the presidential preference primary was moved from March to January 31.

Commissioner Rodstrom noted that when she questioned Ms. Cooney she determined that there was nothing in writing about it not being possible. It was a telephone conversation. She thought communication amongst legal, the Clerk, the Commission and SOE was unclear and handled poorly in terms of providing the Commission with necessary information for the public. However, there have been numerous public hearings. She went on to highlight some of the chronology. In response to

Commissioner Rodstrom, the City Attorney reiterated that the information he was provided from the SOE is that the changes could not be made (in time). In response to Mayor Seiler, Commissioner Rodstrom indicated that she has not since spoken to the SOE, but felt it (the changes) could be done. She recalled speaking with the SOE prior to the last vote and she (SOE) indicated that she would take a look at it, if there were minimal changes. The SOE had no idea that the City was still working on it because there was communication to City staff in June to hurry that was not heeded. The State's redistricting deadline is June 18, 2012 for the August 14, 2012 election; a 58-day window. If approved tonight, the SOE would have a total of 92 days, from November 1, 2011, to January 31, 2012, to make the changes. She emphasized that this is about Districts II and IV and the next ten years of people being under-served. District IV has more population and it is being inhibited from representation they deserve. This is the purpose of the census, redistricting and getting it done before the election. Voters will not be able to vote for the individual that will represent them for the next three years. It would be a disservice to redistrict after the election.

Noting that the SOE is a constitutional officer, Mayor Seiler sought the City Attorney's thoughts on the City directing her. The City Attorney advised that the SOE's duty is to conduct an election. Precincts are set by the County Commission after receiving the SOE's recommendation. The City redistricts based on population which districts are assigned precincts by the SOE. The SOE is not required to hold the City's election; the City could conduct its own election. The SOE is not within the City's dominion and control. The City is not required to have this done by this election. He went on to note when it was last done, there was two years to get it accomplished, but this time there was less than a year. In response to Commissioner Rodstrom's question as to whether 58 days is reasonable, the City Attorney pointed out that end of qualifying is November 22, so it is really a couple weeks and not 58 days. Commissioner Rodstrom contended it is only about 1,600 people in terms of notice and not an unusual task for the SOE. Commissioner Rodstrom felt it should be sent to the SOE to see what she will do.

Mayor Seiler opened the floor for public comment.

Bob Huebner, representing Rivercrest Apartments, noted some time ago citizens were asked to submit maps. Eight maps have been submitted equating to 50-100 hours of concentration. There has been discussion on the map submitted by the City Attorney's Office. There was opposition at the first hearing. At the second hearing people were sent home and told it would not appear on the agenda after which it was raised and approved. No time has been spent on discussing other alternatives. He felt the reasonable course of action would be to consider all of the maps. With respect to Option 2 submitted by the City Attorney's Office, Rivercrest has great concerns. It splits Rivercrest between two commissioners. Rivercrest believes they are more in tune and has the same issues as all of the downtown. The beach and the Isles have different issues. Rivercrest would like one commissioner. Rivercrest is part of the downtown. He urged the Commission not to rush. He did not think there is any need to pass anything tonight. There has not been time for citizens to have dialogue with the Commission.

In response to Commissioner Rodstrom's question about people being sent home and the item then being discussed, Mr. Huebner believed he was told by people in the room at the start of the regular meeting that the item was not going to be heard. Commissioner Rodstrom did not recall publicly deferring the item. In further response, Mr. Huebner explained that Rivercrest views downtown as a unit and commented that an

area west of Federal Highway would be represented by another district. Commissioner Rodstrom elaborated upon the diversity in District II population and mentioned that Colee Hammock has indicated a desire to move to District II because of their more residential nature. She also reiterated that the next time this could be discussed would be at the 2015 election. She did not think that is why the census was instituted. Mr. Huebner explained Rivercrest's point is that the eight maps have never been discussed. He elaborated upon the delays. He wanted the Commission to take time and do this correctly.

Nicholas Sakhnovsky, 455 SW 5 Avenue, agreed with the philosophy that this is about equal representation and fairness, but it has really been about the schedule. It is not the Commission's role to second-guess the SOE. The law is not just about doing it now, but also about making sure that minorities in a district have a reasonable chance to get an individual of their choice elected. The 2010 census revealed that over fifty-one percent of the city is non-white, yet eighty percent of the Commission is white. Redistricting will impact the election of 2021. He believed the trend is for the non-white percentage to increase. He did not support the proposal. He advocated using the census block information which is the City's obligation. It requires more time.

In response to Vice Mayor DuBose's question, Mr. Sakhnovsky advised he secured the percentage data from the census data website. Some dialogue followed between Mr. Sakhnovsky and Commissioner Rodstrom as to the tools and methodology used by the City Attorney in developing the proposal before the Commission.

Trudy Palin, vice president of Beverly Heights Association as well as representing her condominium of fifty units on SW 8 Avenue, District IV, advised that they consider themselves part of downtown and want to remain with the other downtown associations. She was disturbed that she does not know what the Commission is voting on this evening and planning for Beverly Heights. She wanted transparency. She wanted all of the downtown associations to remain together. She wanted to know what has happened to the maps that were submitted. In response to Commissioner Rodstrom, Ms. Palin indicated that she has not had any conversation with her district commissioner on this topic specifically but went on to elaborate upon other collaborative achievements for the Beverly Heights' area. Commissioner Rodstrom gave assurances as to representation.

Carmine Melchionna, president of Riverview Gardens Condominium, indicated that Riverview Gardens is behind Mango's Restaurant on the New River with about 77 units. Riverview Gardens would like to remain in District IV. He noted that he submitted a petition on behalf of Riverview Gardens previously, requesting to remain in District IV, because of common interests, coordinated area vision, transit opportunities and our urban core location, they do not want to be separated from other downtown neighbors. He submitted nineteen more signatures to be added to it and made a part of the record. The additional signatures were made part of the record. He asked that the Commission consider the several maps that have been submitted.

Birch Willey, 818 SE 4 Street, believed there is a difference between urban downtown and urban. He felt it would be difficult to have good representation if the downtown urban multi-units, less the Las Olas Isles, were taken away from the downtown. They are different than the beach and most of what comprises District II. He hoped the Commission would give the citizens the representation they want. Ten years from now this will be even more important.

Wendy Walker, 1000 SE 4 Street, indicated she is a resident of Riverview Gardens Condominium, asked that more time be afforded to this matter.

Ron Centamore, president of Downtown Civic Association, believed the process needs to be delayed so that there can be discussion on all of the maps that were submitted. He elaborated upon the time and effort spent in developing the eight maps that were submitted. He was unclear of what the Commission is considering this evening. He believed that Las Olas should be in one district. He felt it would be easier to work with one commissioner. Commissioner Rodstrom pointed out that all of the maps were provided in the agenda backup on September 9 and October 18. Some dialogue followed between Mr. Centamore and Commissioner Rodstrom in response to Commissioner Rodstrom's question of whether Mr. Centamore was aware of the seated commissioners in Districts II and IV ten years ago.

Robert Saugstad, a member of the Rivercrest Apartments Board of Directors, objected to redistricting that would move Precinct 49 from District IV to District II. He supported the previous comment about wanting one representative. He supported Richard Mancuso's proposal. He believed this is being rushed.

In response to Commissioner Rodstrom, Mr. Centamore advised that he represents the Downtown Civic Association, however, he resides in District II.

Ed Smoker, 2309 Sunrise Key Boulevard, was concerned that the process is being rushed and the work done by citizens has not been discussed. Their work was done in a non-partisan way, not speaking to any member of the Commission. Their objective was to eliminate split neighborhoods and irregular boundaries. As a member of the Beverly Heights Association Board of Directors, they are consistent in their desire to have one commissioner in the downtown for representation. Commissioner Rodstrom outlined the chronology on the topic and emphasized her goal is to make this change with respect to representation before 2015. Mr. Smoker asked the item be deferred so that their maps may be discussed in the sunshine.

Ann Shubert, 1620 SE 4 Street of Cooley Hammock, noted that Cooley Hammock has requested to be moved to District II because they are not part of the downtown, but rather a transition area leading into an entirely residential area. She referred to three commissioners representing the beach and indicated that similarly they feel that having two commissioners represent Las Olas would better serve the needs of the community.

Robert Walsh, 401 East Las Olas Boulevard, felt there has been transparency and plenty of time. He felt the Commission should move forward and take action on the item this evening.

Jackie Scott, 1626 SE 1 Street, pointed out that there was a public hearing on this matter and the maps have been included in the agenda backup. It is not about one individual or another or about matters of personal interest, but rather about equalizing the districts for each commissioner has time to do the job. She would like Precinct 49 to be in District II where it was previously and where there are natural boundaries. She felt her area has more in common with that of District II. She felt there has been adequate time. She urged the item be passed this evening. There was no one else wishing to speak.

Commissioner Roberts indicated that he continues to have concerns about redrawing precinct lines that split neighborhoods. Because of the compressed timeline due to the election process, he did not think there is a rush to do this now. He wanted to take time to examine each map and have more discussion. He disagrees with some points in Richard Mancuso's maps. There has obviously been some miscommunication.

Vice Mayor DuBose commented that aside from comments about miscommunication and not having the opportunity to be heard, the information and maps were available on the website. The City does not draw the precinct lines. A lot of it is determined by voter turnout. He cautioned against getting caught up on the precinct component. He had concerns about some of the maps. They could lead to eliminating (minority) representation on the Commission because of how a demographic falls within the city. Cracking could occur. The voting population says something completely different than the raw numbers. Some of the maps create what is being argued against in other areas of the city. He is supportive of the current proposal outside of the fact that people have indicated they did not have an opportunity to be heard. He felt the Commission owed it to all of the residents to see if it was possible to get the changes made, knowing that there would be a second reading.

Commissioner Rogers thought it is apparent that there is a lot to look into. This should be a citywide analysis in order to provide proper representation to everyone. Because the City Attorney has advised that whatever action is taken tonight will not be done for the next election, it is even more reason to slow down, be thoughtful and get as much input as possible. He did not think there has been a full and fair hearing. It may take a few hearings, but it is important enough.

Commissioner Rodstrom commented that it did only pass on a 3-2 vote (first reading). The maps have been available in the backup and on the website. She did not think anything has been hidden. There has been conversation at district meetings. There have been several meetings and it is on the website. If it does not pass, a decision will not be necessary until 2015. She emphasized that people are not being asked to move out of the downtown; it will just be a different person representing those things enjoyed by people in the downtown. It is a mandated change every ten years. She was not supportive of a deferral. She preferred to send this to the Supervisor of Elections and allow her to make the decision.

Mayor Seiler noted the City received the census information in April and there were communications with the Supervisor of Elections about redistricting, but the next significant communication was last month when the state legislature moved up the presidential preference primary which has created this squeeze and impacted the ability to work the process in a transparent manner. Redistricting must be open, in the sunshine and driven by the community. He had thought something could be done quickly but as maps were submitted he realized more input was needed. As to representation, he felt all of the commissioners have been hard-working and dedicated. As to redistricting, the process is just as important as the product. The focus needs to be on good public policy and not on political issues. The County as well as the State are taking a lot longer than the City to redistrict. He emphasized that the voters should elect and select their elected officials and on that basis, he agreed with deferral of this item.

Commissioner Roberts felt a good target completion date for redistricting would be the

general election in November of 2012.

Motion made by Commissioner Roberts and seconded by Commissioner Rogers to defer the item to January 17, 2012. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: Commissioner Rodstrom and Vice Mayor DuBose.

Mayor Seiler suggested this matter be scheduled on the conference and regular meeting agendas. Commissioner Rodstrom felt and Mayor Seiler agreed that it would be appropriate to entertain more map submittals. Commissioner Rodstrom commented that the City of Jacksonville established a committee to work on this. There was consensus agreement and Mayor Seiler suggested at the January meeting, staff provide information as to what other cities have done and consideration as to creation of a committee at that time. There would then be public workshops in the districts.

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.

Note: The City Commission recessed the regular meeting at 9:57 p.m. and returned to the conference meeting agenda, item II-A, and then convened as the Community Redevelopment Agency Board of Directors at 10:30 p.m. and returned to the regular meeting at 12:16 a.m. to address walk-on items.

Friends of the Shippey House Relocation

(OB)

In response to Commissioner Rogers, Assistant City Attorney Dunckel advised that \$1 million insurance coverage is standard for all irrevocable licenses. It was required for the Annie Beck House. Alysa Plummer has no objection to this. Jackie Scott had some concern about coverage for worker compensation, but it is as provided by law. Commissioner Rogers raised a question about insurance for contractors involved in construction and Assistant City Attorney advised it is the responsibility of the contractor, not the licensee. Commissioner Rogers was concerned about volunteers being required to comply with this provision. Assistant City Attorney Dunckel advised that volunteers would not be considered contractors. This language has been included for other non-profits. Commissioner Rogers did not think it is reasonable and did not think the City is put at risk. Mayor Seiler felt paid contractors should have adequate coverage.

Motion made by Commissioner Rogers and seconded by Commissioner Roberts to approve the proposed Revocable License with the Friends of Shippey House, Inc. Roll call showed: YEAS: Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

E911 Call Taking and Dispatch Services**(OB)**

Based upon discussion at the conference meeting and that this evening the Broward County Commission approved a thirty-day funding and indicated they would not support this venture moving forward, the City Manager requested authorization to continue negotiations with the County and Sheriff if necessary to commit to funding for the next thirty days through the Sheriff and to authorize the City Attorney to take the appropriate legal action in order for the City to recoup this thirty-day allotment as well as the previous allotment of roughly \$175,000 and seek declaratory action to determine responsibility. Mayor Seiler did not want to only seek declaratory action, but rather to authorize appropriate legal action. Under Chapter 164 (Florida Statutes), the City Attorney explained that there are actions the City cannot file without joint meeting without joint meeting with the other governmental entity and having presented the City's grievances in essentially a mediation meeting. In a declaratory action, the City may seek whatever legal remedies are available. Dialogue ensued between the City Attorney and Mayor Seiler on what is available under a declaratory action versus appropriate legal action wherein the City Attorney agreed with authorizing any appropriate legal or equitable remedy or action.

Motion made by Commissioner Rogers and seconded by Commissioner Roberts authorizing the City Manager to continue negotiations with Broward County and the Broward County Sheriff, and, if necessary, to commit to funding for the next thirty days through the Sheriff and authorizing the City Attorney to take appropriate legal or equitable remedy or action in order to recoup the last thirty days and the next thirty days of funding.

In response to Vice Mayor DuBose, the City Manager advised that the cost for last thirty days was \$175,000 and the next thirty days is estimated at \$525,000. In response to Commissioner Roberts, the City Manager advised that the long-term agreement funding would be part of his continued negotiations with the Sheriff. Mayor Seiler felt there is a clear understanding amongst all parties that the current system is not equitable. Vice Mayor DuBose asked how the Commission will be kept up to date. The City Manager advised that he will telephone each member of the Commission after each step. Vice Mayor DuBose asked about option three. The City Manager indicated his intention would be to proceed with all three simultaneously. Mayor Seiler advocated giving the City Manager rather than the Commission authority to negotiate this matter. He did not favor public discussions of every aspect. Vice Mayor DuBose explained he did not want to find out the status until the end of the thirty days. Commissioner Rogers felt the Commission will have to ratify whatever action the Manager reaches. Mayor Seiler suggested the Manager report the status at the next meeting. The City Manager advised that if litigation is filed, an executive session could be called as well. The City Attorney advised that the litigation will be ready to file by the next meeting and he could make a (verbal) report on it at that time. Commissioner Roberts asked if thirty days is sufficient. Mayor Seiler felt the Commission could grant an extension at the next meeting if there are good faith negotiations.

In response to Commissioner Rodstrom, the City Attorney indicated that she would not have a conflict voting on this matter.

Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: Commissioner Rodstrom.

Note: There being no other matters to come before the Commission, the meeting was adjourned at 12:35 a.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk