

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
DECEMBER 6, 2011

Agenda Item	Resolution/ Ordinance		Page(s)
		<u>Presentations:</u>	
		1. Recognition Of Centennial Celebration Committee	1
		2. Community Appearance Board - Wow Award - District III	2
		3. Seminole Hard Rock Winterfest Celebration And Boat Parade Day- December 10, 2011	2
		4. Acceptance Of \$645,196 From Florida Inland Navigation District – Grant Funds	2
		5. Rick Case Bikes For Kids Day - December 6, 2011	2
		6. Employee Learning Week - December 5-9, 2011	3
		7. Outstanding City Employees	3
OB		Orange Bowl Day – December 6, 2011	2
OB	11-333	Award \$30,000,000 Special Obligation Taxable Bond, Series 2011c, Invitation to Bid 122-10890	37
CA		Consent Agenda	3
M-01		Event Agreements, Related Road Closings And Co-Sponsorship For Banners - Techsolve, Inc. - \$16,800	3
M-02		Agreement - 2012 Riverwalk Events - Riverwalk Fort Lauderdale, Inc.	4
M-03		Event Agreement - Full Sails In Fort Lauderdale	4
M-04		Winterfest Boat Parade - Winterfest, Inc. - \$2,099.70 - New River – Riverwalk Dockage Facility Use Agreement	4
M-05		Swimmer Statue At Aquatic Complex	4
M-06		Contract Award - Hardrives Of Delray, Inc. - Executive Airport – \$1,471,783.80 - Taxiways C And D And Airfield Lighting	5
M-07		Temporary Sanitary Sewer Agreement – 134Five3, LLC- Airport Pet Lodge - 2604 Federal Highway, Hollywood, Florida	5
M-08		Change Order 13 - Cardinal Contractors, Inc. - Add 289 Non-Compensable Days-Lohmeyer Wastewater Treatment Plant Improvements – Credit (\$113,849.78)	5
M-09		Change Order 4 (Final) - Burke Construction Group, Inc. – Credit- (\$5,802.40) - Tunnel Top Park South Improvements	6
M-10		Change Order 1 - M.V.P. Contractors, Inc. - \$120,454 - Add 60 Days Fire Station 46 Replacement Building	6, 16
M-11		Downtown Fort Lauderdale Transportation Management Association- Unused Fiscal Year 2011 City Local Option Gas Tax Funds – \$20,064.62	6
M-12		Supplemental Pay - Employee Reservists Called To Active Duty – \$167,355 - Ongoing Military Conflicts - Extension Of City Policy	6, 18
M-13		No Objection To Plat Note Amendment - Case 18-P-07A1- Comfort Suites Hotel - 2201 North Federal Highway Plat	7
M-14		Disbursement Of Funds/Joint Investigation/O.R. 11-47446 - \$125.61- Law Enforcement Trust Fund	7
CR-01	11-334	Fire-Rescue Facilities Bond Issue Blue Ribbon Committee – Term Extension	7
CR-02	11-335	Appropriation - Pump Station Rehabilitation - \$275,000	8
CR-03	11-336	Electric Utility Easement Deed To Florida Power And Light Company Electrical Service To Water Meter Testing Building At Compost Plant	8
CR-04	11-337	Bank Signatory Authorization	9
CR-05	11-338	Application - U.S. Department Of Commerce - Foreign-Trade Zones Board Changes To Foreign-Trade Zone 241 - Alternative Site Framework	9
CR-06	11-339	Federal Legislation Allowing Increased Weight Of Trucks	10
CR-07	11-340	Parcel 1A - Executive Airport - KAS Airport, LLC-Fourth Amendment To Lease Agreement - Term Extension	10
CR-08	11-341	Lean Permitting Process Improvement Exercise	11

PUR-01		Payment Of Conference Overage - \$7,687.67	12
		South Florida Citizen Corps Conference	
PUR-02		Fire Rescue Uniform Shorts - \$5,093.60 – Cancel Award to Screen Print Plus And Award To Absolute Screen Print	12
PUR-03		542-9029 - Delinquent Parking Citation Account Collections - \$85,000	12
PUR-04		525-10821 - Delinquent Parking Citation Collection Services - \$60,000	13
PUR-05		505-10531 - Increase Expenditure - Parking Lot Clean-Up Services – \$7,817.25	13
PUR-06		685-9960 - Access Control System Components And Services – \$39,675.87 - Upgrade Security System - Transportation And Mobility Office Space	13
PUR-07		195-10353 - State Legislative Lobbyist Services - \$23,999.52	14
PUR-08		Park Shade Structures - \$64,300.69-U.S. Communities Contract – City Of Charlotte, North Carolina -	14
PUR-09		Playground Apparatus And Surfacing - \$118,986.54 – Clay County Contract	14
PUR-10		775-9807 - New Contract Extension Period - Fort Lauderdale Aquatics Competitive Swim Team And Instructional Programming Services	15, 18
PUR-11		125-10854 - Self-Funded Group Health Plan Reinsurance – \$917,787	15
PUR-12		195-10309 - Termination Of Prescription Benefit Manager Contract	15
PUR-13		Housing Opportunities For Persons With HIV/Aids Program (HOPWA) Addendums To Participation Agreement - Broward House	16, 19
MD-01		City Commission Request For Review - Atlantech Plaza - Case 32-R-11	20
R-01	11-330	Site Plan With Allocation Of Post 2003 Dwelling Units- New River Yacht Club - Case 55-R-11	21
R-02	11-331	Board And Committee Appointments	25
CIT-01		Jim Moyer – Small Item Donation Centers – the Salvation Army	26
CIT-02		Art Seitz – Beach	27
CIT-03		Patricia Taime – Street Vendors and Outdoor Sales – Flowers and Holiday-Related Merchandise	27
PH-01	C-11-39	Vacation Of 14 Foot Alley - 2 South New River Drive West- New River Yacht Club - Case 7-P-11	28
PH-02	C-11-	Comprehensive Plan - Public Schools And Capital Improvement - Elements -Method - Measure Capacity And To Include Relocatables In Determining Capacity	29
PH-03	11-332	Dock Waiver Application - Distance Of Limitations - 1200 Seminole Drive- Reef Development Inc., C/O Romeu And Nayla Pradines	30
PH-04		Rezoning To Planned Unit Development - Case 4-ZPUD-08	31
O-01	C-11-40	Unified Land Development Regulations Amendment – A-1-A North Beach Area-Neighborhood Serving Uses - Case 6-T-11	32
O-02	C-11-41	Unified Land Development Regulations Amendment - Interim Uses – Case 7-T-11-A-1-A North Beach And Intracoastal Overlook Areas – Neighborhood Serving Uses	33
O-03	C-11-34	Code Amendment - Chapter 20 - Personnel - General Employees Retirement System - Bonus Incentive For Retirement Program	34

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

Meeting was called to order at 6:03 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 Jerry Williams

Invocation was offered by Reverend Kito March, Mount Nebo Baptist Church, followed by the recitation of the pledge led by Congressman Clay Shaw.

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

Motion made by Commissioner Roberts and seconded by Vice Mayor DuBose to approve the minutes of the October 4, 2011 and October 18, 2011 Conference Meetings. YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Presentations

1. RECOGNITION OF CENTENNIAL CELEBRATION COMMITTEE (PRES-01)

Commissioner Roberts presented a commendation, including plaques, to members of the Centennial Celebration Committee for their outstanding effort in creating a citywide Centennial celebration. Congressman Clay Shaw thanked the Commission and was proud to have been a working partner with this diligent committee. He recognized staff liaison, Shannon Vezina, Public Information Specialist, for her contribution.

ORANGE BOWL DAY – DECEMBER 6, 2011**(OB)**

Commissioner Roberts presented a proclamation designating December 6, 2011, as Orange Bowl Day in the City in recognition of 79 years of the Orange Bowl football game to Phil Smith, member of the Orange Bowl Committee, and Mascot Obie. Mr. Smith thanked the Commission. He noted that this committee has become an integral part of Broward County, and plays a role in attracting tourists and creating jobs for residents. He invited the public to attend the upcoming Orange Bowl game.

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

Vice Mayor DuBose recognized Frankie M. Foeman who resides in Golden Heights as the recipient of the WOW Award for District III. Ms. Foeman thanked the Commission.

3. RICK CASE BIKES FOR KIDS DAY - DECEMBER 6, 2011 (PRES-05)

Commissioner Rodstrom presented a proclamation designating December 6, 2011, as Rick Case Bikes for Kids Day in the City to Rita Case, Vice President, Rick Case Automotive Group. Ms. Case thanked the Commission. She invited the public to bring used bicycles to a Rick Case automotive location where they will be distributed to underprivileged children during the Holiday season.

4. SEMINOLE HARD ROCK WINTERFEST CELEBRATION AND BOAT PARADE DAY- DECEMBER 10, 2011 (PRES-03)

Commissioner Rogers presented a proclamation designating December 10, 2011, as Seminole Hard Rock Winterfest Celebration and Boat Parade Day in the City to Ken Ortner, Chair-Elect of Winterfest. Mr. Ortner thanked the Commission, City staff, and corporate sponsors for their support. He noted that this is the largest one-day event in the State, and the seventh largest one-day event in the country. This is an affordable event that positively impacts the City's economy.

5. ACCEPTANCE OF \$645,196 FROM FLORIDA INLAND NAVIGATION DISTRICT – GRANT FUNDS (PRES-04)

Commissioner Rogers accepted two ceremonial checks totaling \$645,000, from Tyler Chappel, Florida Inland Navigation District for Broward County, representing grant funds awarded to the City by Florida Inland Navigation District for marine related improvement, renovation, and capital projects. Mr. Chappel noted that this funding is for the Cooley's Landing Boat Launch and the New River Floating Day Dockage Phases I and II. Mayor Seiler thanked Mr. Chappel for this contribution.

6. EMPLOYEE LEARNING WEEK - DECEMBER 5-9, 2011**(PRES-06)**

Vice Mayor DuBose presented a proclamation designating December 5-9, 2011, as Employee Learning Week in the City to Steve Feinstein, President, South Florida American Society for Training and Development.

7. OUTSTANDING CITY EMPLOYEES**(PRES-07)**

The City Manager commended the City's Parks and Recreation Department for the monumental accomplishment of becoming accredited by the Commission for Accreditation of Park and Recreation Agencies with a score of 131 out of 132 items of compliance, including all mandatory items. Phil Thornburg, Parks and Recreation Director, thanked his staff, especially Gina Rivera, Grants and Special Projects Coordinator, for their effort.

Albert Carbon, Public Works Director, presented the STAR Award to Sheri Roberts, Administrative Assistant I, for her diligent work on the Florida Neighborhoods Conference and the professionalism and courtesy she displayed as a representative of the City at this event.

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, RELATED ROAD CLOSINGS AND CO-SPONSORSHIP FOR BANNERS**(M-01)****No budgetary impact.**

Event Agreements: 1) 33311 You Are Not Alone Walk, 2) Chanukah Fair On Las Olas, 3) Helping The Hungry For The Holidays, 4) Museum of Art/Fort Lauderdale National Art Fest, 5) 12th Annual Riverwalk Run.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1802

AGREEMENT - 2012 RIVERWALK EVENTS - RIVERWALK FORT LAUDERDALE, INC. (M-02)**No budgetary impact.**

Agreement with Riverwalk Fort Lauderdale, Inc. consolidating approval of outdoor events proposed along the Riverwalk by Riverwalk Fort Lauderdale, Inc. - January 1, 2012 through December 31, 2012.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1781

EVENT AGREEMENT - FULL SAILS IN FORT LAUDERDALE (M-03)**No budgetary impact.**

Event Agreement with Prince Media Development, Inc. for Full Sails in Fort Lauderdale - public art exhibit in the parks, public right of ways and private landscapes, to be held December, 2012 through July, 2013, contingent upon City Attorney's Office receiving proof that the corporation is authorized to conduct business within the State of Florida.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1839

**WINTERFEST BOAT PARADE - WINTERFEST, INC. - \$2,099.70
NEW RIVER - RIVERWALK DOCKAGE FACILITY USE AGREEMENT** (M-04)**Please see funding information attached to these minutes.**

Dockage Facility Use Agreement with Winterfest, Inc. - New River - Riverwalk dockage in conjunction with staging of vessels - 2011 Winterfest Boat Parade - December 10, 2011.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1841

SWIMMER STATUE AT AQUATIC COMPLEX (M-05)**No budgetary impact at this time.**

Request to retain Swimmer Statue at the new Aquatic Complex subject to certain conditions.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1754

CONTRACT AWARD - HARDRIVES OF DELRAY, INC. – EXECUTIVE (M-06)
AIRPORT - \$1,471,783.80 - TAXIWAYS C AND D AND AIRFIELD LIGHTING

Please see funding information attached to these minutes.

Contract with Hardrives of Delray, Inc., in the amount of \$1,471,783.80, for Taxiways Charlie and Delta Pavement Rehabilitation and Replace Airfield Lighting.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1778

TEMPORARY SANITARY SEWER AGREEMENT - 134FIVE3, LLC (M-07)
AIRPORT PET LODGE - 2604 FEDERAL HIGHWAY, HOLLYWOOD, FLORIDA

No budgetary impact.

Temporary Sanitary Sewer Agreement with 134Five3, LLC for sanitary sewer service to Airport Pet Lodge - 2604 Federal Highway, Hollywood, Florida.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1795

CHANGE ORDER 13 - CARDINAL CONTRACTORS, INC. - ADD 289 (M-08)
NON-COMPENSABLE DAYS - LOHMEYER WASTEWATER
TREATMENT PLANT IMPROVEMENTS - CREDIT (\$113,849.78)

Please see funding information attached to these minutes.

Change Order 13 with Cardinal Contractors, Inc., doing business as Widell, Inc., formerly doing business as Widell Associates, Inc., formerly known as Widell, Inc., to 1) decrease total contract amount by CREDIT (\$113,849.78); 2) addition of 289 non-compensable days to contract period - credit due to deduction of allowances not used during construction and material changes required due to existing conditions and increase contract period to allow for material procurement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1774

CHANGE ORDER 4 (FINAL) - BURKE CONSTRUCTION GROUP, INC. – (M-09)
CREDIT (\$5,802.40) - TUNNEL TOP PARK SOUTH IMPROVEMENTS

Please see funding information attached to these minutes.

Change Order 4 (FINAL), in the credit amount of (\$5,802.40), to close Tunnel Top Park South improvements project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1777

CHANGE ORDER 1 - M.V.P. CONTRACTORS, INC. - \$120,454 – ADD (M-10)
60 DAYS - FIRE STATION 46 REPLACEMENT BUILDING

Please see funding information attached to these minutes.

Change Order 1, in the amount of \$120,454, for unforeseen conditions and increased scope of work and the addition of 60 days to contract period - Fire Station 46 replacement building.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1860

DOWNTOWN FORT LAUDERDALE TRANSPORTATION MANAGEMENT (M-11)
ASSOCIATION - UNUSED FISCAL YEAR 2011 CITY LOCAL OPTION GAS TAX
FUNDS - \$20,064.62

No current year budgetary impact

Payment to Downtown Fort Lauderdale Transportation Management Association, in the amount of \$20,064.62 - unused fiscal year 2011 City Local Option Gas Tax funds - amended fiscal year 2011 budget.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1784

SUPPLEMENTAL PAY - EMPLOYEE RESERVISTS CALLED TO ACTIVE (M-12)
DUTY - \$167,355- ONGOING MILITARY CONFLICTS - EXTENSION OF CITY POLICY

Please see funding information attached to these minutes.

One-year extension of City policy providing supplemental pay to employee reservists called to active duty as a result of ongoing military conflicts that arose due to September 11, 2001 terrorist attacks - extension to December 30, 2012.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1792

**NO OBJECTION TO PLAT NOTE AMENDMENT - CASE 18-P-07A1 (M-13)
COMFORT SUITES HOTEL - 2201 NORTH FEDERAL HIGHWAY PLAT**

No Budgetary Impacts

Applicant: Judith Antweiler and John L. Rickel
Address: 2201 North Federal Highway
Zoning: Boulevard Business (B-1)
Future Land Use: Commercial

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1740

**DISBURSEMENT OF FUNDS/JOINT INVESTIGATION/O.R. 11-47446 – (M-14)
\$125.61-LAW ENFORCEMENT TRUST FUND**

Please see funding information attached to these minutes.

Equitable disbursement of \$125.61 with each of the eight participating law enforcement agencies to receive \$13.95 and Fort Lauderdale Police Department to receive an additional share for a total sum of \$27.96 due to additional assigned agent.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1809

CONSENT RESOLUTION

**FIRE-RESCUE FACILITIES BOND ISSUE BLUE RIBBON COMMITTEE – (CR-01)
TERM EXTENSION**

No budgetary impact.

A resolution amending Resolution 04-220, to extend term of Fire Rescue Facilities Bond Issue Blue Ribbon Committee for two-year period, to expire on December 31, 2013.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1731

RESOLUTION NO. 11-334

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 04-220, AS AMENDED, WHICH CREATED THE FIRE-RESCUE FACILITIES BOND ISSUE BLUE RIBBON COMMITTEE, TO EXTEND THE TERM TO DECEMBER 31, 2013.

APPROPRIATION - PUMP STATION REHABILITATION - \$275,000 (CR-02)

Please see funding information attached to these minutes.

Amend fiscal year 2012 final operating budget by appropriating \$275,000 for planning and designing of Phase III Pump Station Rehabilitation.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1788

RESOLUTION NO. 11-335

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.

ELECTRIC UTILITY EASEMENT DEED TO FLORIDA POWER AND LIGHT COMPANY- ELECTRICAL SERVICE TO WATER METER TESTING BUILDING AT COMPOST PLANT (CR-03)

No budgetary impact.

A resolution authorizing the proper City Officials to execute and deliver an electric utility easement deed to Florida Power and Light Company for electrical service to a Water Meter Testing Building at the Compost Plant.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1745

RESOLUTION NO. 11-336

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA,

AUTHORIZING EXECUTION AND DELIVERY BY THE PROPER CITY OFFICIALS OF AN EASEMENT DEED TO FLORIDA POWER AND LIGHT COMPANY FOR THE UPGRADE OF ELECTRICAL SERVICE TO THE NW ELECTRICAL SERVICE TO THE WATER TESTING BUILDING AT THE COMPOST PLANT, LOCATED AT 4400 SOUTH STATE ROAD 7, MORE PARTICULARLY DESCRIBED BELOW

BANK SIGNATORY AUTHORIZATION

(CR-04)

No budgetary impact.

A resolution rescinding Resolution 11-54, thereby removing Don Halquist, Senior Accountant, as bank signatory and authorizing Kirk W. Buffington, Deputy Director of Finance, as new bank signatory and Douglas R. Wood, Director of Finance, and Gloria LeClaire, Controller, to continue as signatories.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1751

RESOLUTION NO. 11-337

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 4.01(c) OF THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING DOUGLAS R. WOOD, DIRECTOR OF FINANCE, KIRK W. BUFFINGTON, DEPUTY DIRECTOR OF FINANCE, AND GLORIA LECLAIRE, CONTROLLER, TO SIGN CHECKS FOR THE PAYMENT OF MONEY BY THE CITY OF FORT LAUDERDALE, PRESCRIBING THAT SUCH EMPLOYEES SHALL BE UNDER FIDELITY BOND IN THE AMOUNT OF \$500,000, RESCINDING RESOLUTION NO. 11-54 AND ANY OTHER RESOLUTION OR PART OF ANY RESOLUTION IN CONFLICT HEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE.

APPLICATION - U.S. DEPARTMENT OF COMMERCE - FOREIGN-TRADE ZONES BOARD-CHANGES TO FOREIGN-TRADE ZONE 241 – ALTERNATIVE SITE FRAMEWORK

(CR-05)

No Budgetary Impact

A resolution authorizing submittal of revised application, in substantially the form provided, to United States Department of Commerce Foreign-Trade Zones Board,

making acreage adjustments to City's Foreign-Trade Zone 241 and reorganizing the grant of authority under the Alternative Site Framework.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1772

RESOLUTION NO. 11-338

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO SUBMIT A REVISED APPLICATION TO THE FOREIGN-TRADE ZONES BOARD OF THE UNITED STATES DEPARTMENT OF COMMERCE, REMOVING 68 ACRES FROM SITE #1, ADDING 9.22 ACRES TO SITE #2, REMOVING SITE #3, AND ADDING 35.98 ACRES TO SITE #4 OF THE CITY'S FOREIGN-TRADE ZONE AND REORGANIZING THE GRANT OF AUTHORITY UNDER THE ALTERNATIVE SITE FRAMEWORK.

FEDERAL LEGISLATION ALLOWING INCREASED WEIGHT OF TRUCKS (CR-06)

No budgetary impact.

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

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1827

RESOLUTION NO. 11-339

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.

PARCEL 1A - EXECUTIVE AIRPORT - KAS AIRPORT, LLC (CR-07)
FOURTH AMENDMENT TO LEASE AGREEMENT - TERM EXTENSION

No Budgetary Impact for current FY 11/12

A resolution authorizing proper City Officials to execute Fourth Amendment to Lease Agreement with KAS Airport, LLC, in substantially the form provided, for Parcel 1A at Executive Airport, commencing on January 1, 2012, extending the term seven years with modifications to annual rent.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1771

RESOLUTION NO. 11-340

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE EXECUTION OF A FOURTH AMENDMENT TO LEASE AGREEMENT WITH KAS AIRPORT LLC, PERTAINING TO PARCEL 1A AT FORT LAUDERDALE EXECUTIVE AIRPORT.

LEAN PERMITTING PROCESS IMPROVEMENT EXERCISE - TECHSOLVE, (CR-08) INC. - \$16,800

Please see funding information attached to these minutes.

Agreement with Techsolve, Inc. for Lean Permitting Process Improvement exercise in substantially the form provided and amendment to fiscal year 2011-2012 final operating budget appropriating the funds for this expenditure.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1819

The Procurement Services Division has reviewed this item and recommends approving the purchase from this non-profit agency.

RESOLUTION NO. 11-341

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AGREEMENT FOR DEVELOPMENT PERMITTING PROCESS IMPROVEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND TECHSOLVE, INC., 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 ATTACHED EXHIBIT, AND PROVIDING FOR AN EFFECTIVE DATE.

PURCHASING AGENDA

PAYMENT OF CONFERENCE OVERAGE - \$7,687.67 (PUR-01)
SOUTH FLORIDA CITIZEN CORPS CONFERENCE

Please see funding information attached to these minutes.

2011 South Florida Citizen Corps Conference Payment Overage.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1720

Procurement Services has reviewed this item and recommends approval of the overage payment.

FIRE RESCUE UNIFORM SHORTS - \$5,093.60 (PUR-02)
CANCEL AWARD TO SCREEN PRINT PLUS AND AWARD TO ABSOLUTE SCREEN PRINT

Please see funding information attached to these minutes.

Cancel award for Fire-Rescue uniform shorts to Screen Print Plus and award one-year contract, with three, one-year extension options, to Absolute Screen Print.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1786

Procurement Services has reviewed this item and recommends cancelling contract with Screenprint Plus, Inc. and awarding their portion of the contract (for shorts) to Absolute Screen Printing.

542-9029 - DELINQUENT PARKING CITATION ACCOUNT (PUR-03)
COLLECTIONS – \$85,000

Please see funding information attached to these minutes.

Payment of delinquent parking citation account collection fees.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1776

The Procurement Services Department has reviewed this item and recommends approval to pay collection fees.

525-10821 - DELINQUENT PARKING CITATION COLLECTION SERVICES - \$60,000 (PUR-04)

Please see funding information attached to these minutes.

Three-year contract for primary placement delinquent parking citation collection services, with one, one-year renewal option and authorize City Manager to approve related additional commission expenditures if necessary.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1787

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

505-10531 - INCREASE EXPENDITURE - PARKING LOT CLEAN-UP SERVICES - \$7,817.25 (PUR-05)

Please see funding information attached to these minutes.

Increase expenditure for parking lots and added garage clean-up services for September 2011.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1793

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

685-9960 - ACCESS CONTROL SYSTEM COMPONENTS AND SERVICES - \$39,675.87 - UPGRADE SECURITY SYSTEM – TRANSPORTATION AND MOBILITY OFFICE SPACE (PUR-06)

Please see funding information attached to these minutes.

Purchase additional access control system components and services to upgrade existing security system - Transportation and Mobility office space.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1755

The Procurement Services has reviewed this item and recommends purchase from contract.

195-10353 - STATE LEGISLATIVE LOBBYIST SERVICES - \$23,999.52 (PUR-07)

Please see funding information attached to these minutes.

Contract extension for state legislative lobbyist services through June 30, 2012.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1803

Procurement Services has reviewed this item and recommends approving the contract extension.

PARK SHADE STRUCTURES - \$64,300.69-U.S. COMMUNITIES (PUR-08)
CONTRACT - CITY OF CHARLOTTE, NORTH CAROLINA

Please see funding information attached to these minutes.

Purchase and installation of shade structures for Palm Aire Park, George English Park and Dottie Mancini Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1797

The Procurement Services Department has reviewed this item and recommends purchase from the US Communities Contract #110179.

PLAYGROUND APPARATUS AND SURFACING - \$118,986.54- (PUR-09)
CLAY COUNTY CONTRACT

Please see funding information attached to these minutes.

Purchase playground apparatus and artificial grass surfacing for George English Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1798

The Procurement Services Department has reviewed this item and recommends purchase from Clay County Contract #08/09-3.

**775-9807 - NEW CONTRACT EXTENSION PERIOD – FORT LAUDERDALE (PUR-10)
AQUATICS COMPETITIVE SWIM TEAM AND INSTRUCTIONAL
PROGRAMMING SERVICES**

No budgetary impact at this time - informational CAR.

Cancel contract extension with T.E.A.M. Elite Athletic Management International, Inc. d/b/a Fort Lauderdale Aquatics through November 30, 2012 for competitive swim team and instructional programming services and authorize extension through February 29, 2012, subject to all past due reports and payments be made by December 31, 2011.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1684

Procurement Services has reviewed this item and recommends canceling annual contract extension and awarding a 90 day extension only.

**125-10854 - SELF-FUNDED GROUP HEALTH PLAN REINSURANCE – (PUR-11)
\$917,787**

Please see funding information attached to these minutes.

One-year contract renewal for reinsurance policy - self-funded group health plan.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1794

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

**195-10309 - TERMINATION OF PRESCRIPTION BENEFIT MANAGER (PUR-12)
CONTRACT**

No budgetary impact.

Terminate for convenience - contract with Express Scripts for Prescription Benefit Manager - effective December 31, 2011.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1833

The Procurement Services Division has reviewed this item and recommends cancellation of this contract.

**HOUSING OPPORTUNITIES FOR PERSONS WITH HIV/AIDS PROGRAM (PUR-13)
(HOPWA) - ADDENDUMS TO PARTICIPATION AGREEMENT –
BROWARD HOUSE**

No budgetary impact at this time.

Third Year Addendum to 2009-2010 Participation Agreement with Broward House including changes requested by Broward House and subject to Broward House executing the Second Year Addendum - Housing Opportunities for Persons with HIV-AIDS Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1805

The Procurement Services Division has reviewed this item and agrees with staff recommendation.

Motion made by Commissioner Roberts and seconded by Vice Mayor DuBose that Consent Agenda Items M-10, M-12, PUR-10, and PUR-13 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

**CHANGE ORDER 1 - M.V.P. CONTRACTORS, INC. - \$120,454 – ADD (M-10)
60 DAYS - FIRE STATION 46 REPLACEMENT BUILDING**

This item was removed from the consent agenda at the request of Vice Mayor DuBose and Commissioner Rodstrom. Vice Mayor DuBose questioned the extent of this change order both in time and money when this project is only two percent complete. It seems to have to do with the soil. He questioned why this was not discovered in the original scope. The City Manager indicated this has to do with the soil that will be under the fire station's foundation. Initially, five soil borings were taken and did not show that the soil was in any way compromised. The contractor discovered a portion of where the station foundation would be placed had buried debris – tires, yard vegetation and so forth. Therefore more earth must be excavated than anticipated. Part of the length of extension has to do with the time necessary to bring a change order to the Commission in that work is halted. The dollar amount has to do with the excavation. Vice Mayor DuBose felt this should have been discovered in advance. He was concerned about the additional cost associated with the process. Albert Carbon, Director of Public Works, explained the soil boring that was done. Organic material of four percent was detected. The assigned structural and geotechnical engineers did not see any reason for additional boring. Bids were approximately \$500,000 less than anticipated. Actual excavation showed more organic materials - large tree limbs, stumps and tires. The first estimate from the contractor was \$235,000 to remove the material and dispose it. Staff determined that the material could be reused. No additional time would be needed. The 45 work days is removal and bringing new soil and 15 days to stop the contract. There is

also ten percent for overhead and profit in the quoted amount. Commissioner Rodstrom was also concerned for the same reasons. She explained that people in District II have expressed objection to a facility being placed in open green space. Vice Mayor DuBose asked who created the error. Mr. Carbon explained a reasonable amount of subsoil investigations based on the building use and footprint were conducted by the geotechnical engineer. Commissioner Rodstrom asked if there is a range for the number of borings. Mr. Carbon advised it is based on the building size. If the drilling had been in different locations, something would have been discovered. Vice Mayor DuBose wanted to be certain the City is doing its due diligence to prevent change orders. Mr. Carbon indicated if it had been known the City would have included the additional excavation, disposal and infill in the original bid documents. Vice Mayor DuBose pointed out that when something occurs after the fact, the City is almost backed into the corner. Mr. Carbon indicated that staff does not accept the contractor's first proposal, but rather negotiates the units and unit prices, material rates, labor rates and costs. Mayor Seiler thought documentation concerning the original estimate of \$235,000 should have been included in the backup provided the Commission. He did not like low bids and then subsequent change orders. Commissioner Rogers thought there should have been documentation on the original park development that may have revealed this. Mr. Carbon advised that there was no indication that this material existed. By word of mouth, he believed it is debris accumulated during Hurricane Andrew. Commissioner Roberts thought the period of time seems excessive for what has to be done. The only cost saving options that come to mind are shortening the period of time or reductions in scope. The extent of this change order is not acceptable. Vice Mayor DuBose agreed that the period of time is excessive. In response to Commissioner Rodstrom, Mr. Carbon indicated that the sixty day period would commence after approval of the change order. Mayor Seiler did not think the contractor is making any concession. The responsibility for fill removal was simply removed from the contractor. The savings is by the City keeping the fill onsite. The City Manager clarified that the 60 days is added to the length of the project. He agreed that the contractor is not giving up anything. Staff believes that either the geo-technical engineer or soil boring company may have some liability, limited to about \$20,000. If more borings needed to be taken, it does not negate the fact that the soil still needs to be removed. If more borings needed to be taken, the City would hold someone accountable for the additional mobilization (days) cost of the contractor, not for having to excavate and transfer soil. Vice Mayor DuBose thought the City might have gotten a more competitive rate for the work. Commissioner Rogers thought the City could bid the work, however Mr. Carbon advised it would delay the project and the contractor would have delay claims.

In response to Commissioner Roberts, the City Auditor indicated that he did not think there is any other choice. He did not know how much could have been saved. A portion of the cost is unavoidable because it is remediation work that would have had to be done regardless. He agreed that if it had been part of the overall bid package, it would have likely been less. Commissioner Rodstrom requested a historical listing of change orders from this contractor. Mr. Carbon advised that this contractor has not been used before.

Mayor Seiler asked that staff request the contractor shorten the time frame and the Commission be provided with their response.

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

Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: Commissioner Rodstrom.

**SUPPLEMENTAL PAY - EMPLOYEE RESERVISTS CALLED TO ACTIVE (M-12)
DUTY - \$167,355- ONGOING MILITARY CONFLICTS - EXTENSION OF CITY POLICY**

Dennis Ulmer, 1007 NW 11 Place, requested this item be removed from the consent agenda in order to commend the City for providing benefits and pay to reservists called to active duty since the September 11th terrorist attacks in order to make up any differential between their civilian and military pay. He described the blue star and gold star categories for certain members of the military and mentioned that the White House this year has decorated a Christmas tree with such star ornaments containing messages from the individual families.

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

**775-9807 - NEW CONTRACT EXTENSION PERIOD – FORT LAUDERDALE (PUR-10)
AQUATICS COMPETITIVE SWIM TEAM AND INSTRUCTIONAL
PROGRAMMING SERVICES**

The following individuals spoke on this item:

Jonathan Olsen, 2000 Sunrise Key Boulevard, supported the City's actions and recommendation on this matter.

Bill Korey, 2700 NE 29 Court, supported voiding the contract. He believed that the vendor is not adhering to provisions of the contract. He did not support a ninety day period until the vendor fulfills their part of the contract.

Art Seitz, 1905 North Atlantic Boulevard, felt the Aquatic Complex could and should pay its own way. He mentioned lack of maintenance, negligence and bad management. He questioned the RDC (Recreational Design and Construction, Inc.) second version proposal moving forward when there is no funding. He expressed support for the City's business plan that contains 8,000 square feet of restaurant, 3,000 square feet of kitchen, 3,000 square feet of multi-purpose deck on the roof. In contrast the RDC plan has no restaurant, kitchen or anything on the roof or anything that he felt would generate a daily stream of income. He criticized the RDC design in general. He contended there has been a lack of verification, certification and due diligence. He referred to information delivered in October to the Commission, Beach Redevelopment Board and the City Manager.

Sean Frampton, 2000 Sunrise Key Boulevard, was shocked that the vendor has not filed the last five reports due the City. He found it deplorable that payments have not been made despite the fact that the organization is profitable and continues to operate. He also found it impossible to fathom that the YMCA sent this vendor a check for

\$46,000.78 that was meant for the City. He believed this vendor has stolen \$46,000 of taxpayer dollars. Mayor Seiler clarified that the City has never forgiven \$75,000 on this matter. It was a credit.

There was no one else wishing to speak.

Commissioner Rodstrom asked the timeline for another RFP. The City Manager indicated staff will start putting something together including the option of handling this inhouse. Commissioner Roberts pointed out that provision needs to be made for current participants in the program. Further, he wanted to take steps to recoup the loss. At Commissioner Rodstrom's request, the City Manager gave an overview of the recommendation contained in Commission Agenda report 11-1684. If payment is not received by December 31, the contract is terminated January 1. Staff will be making preparations if payment is not received. In planning for the future including the anticipated renovations and a potential new vendor, Commissioner Rogers thought it should be made clear that the City's intent is to always keep one pool open. Commissioner Rodstrom emphasized that any contract award for these services would not be a guarantee of a place in the new facility. In response to Vice Mayor DuBose, the City Manager advised that staff's goal is not to interrupt service; a contingency plan is being developed. In response to Commissioner Roberts, the City Manager understood that the vendor has been notified of being on default; the thirty days has to do with termination for convenience provision.

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

**HOUSING OPPORTUNITIES FOR PERSONS WITH HIV/AIDS PROGRAM (PUR-13)
(HOPWA) - ADDENDUMS TO PARTICIPATION AGREEMENT –
BROWARD HOUSE**

Michael McGuigan, representing Broward House, advised that staff's proposal relates only to year three. Since it reflects the intent of the Commission as determined on October 6, 2009, he felt the language would be appropriate also for years one and two. He requested the new language apply to all three years of the contract. In response to Mayor Seiler, the City Manager advised that it is risky to go back to year one because it is complete. It could be applied to year two. Commissioner Rodstrom pointed out that the City has been in negotiations since year one. Mr. McGuigan advised that the change would not have any fiscal or programmatic impact. It has to do with how the City would monitor and hold Broward House accountable for outcomes that are different if the pre-negotiated language is used, which was not intended by the Commission, not anticipated by Broward House or awarded by the Commission in 2009. Mayor Seiler was not comfortable negotiating or change the contract in this forum without it first being presented to the City Attorney. Commissioner Roberts was concerned about requirements of the Department of Housing and Urban Development (HUD) and whether there would be feedback from HUD. Both Mayor Seiler and Commissioner Roberts wanted to hear from the City Attorney. Mr. McGuigan indicated that there have been discussions with HUD. There is no prohibition in the code or the law.

The City Attorney advised that the question is whether a contract that provides for payment for services not to exceed a certain amount per day requires documentation. The first two years of the contract provided for a not to exceed dollar amount and that Broward House document what they are reimbursed for. Broward House does not want to provide the documentation. It is a business decision whether to go forward prospectively and change the contract so that the documentation does not have to be provided. From HUD's response, it appears that they will hold the City's feet to the fire on the contract that was signed. The City could have to repay the money if the documentation is not received. The City and Broward House jointly agreed upon a letter that was sent to HUD in October, asking whether the not to exceed dollar amount contract provision could be amended to unit-based. The safest course of action is to defer until this question is answered by HUD. The next best course would be to follow staff's recommendation of proceeding prospectively only.

In response to Mr. McGuigan, Mayor Seiler suggested he pursue a solution that would be acceptable to the City Attorney. With the understanding that years one and two would come back to the Commission at a future point, Mr. McGuigan was agreeable to proceeding with year three at this time.

Motion made by Commissioner Rodstrom and seconded by Mayor Seiler to approve the item as amended to authorize the Third Year Addendum including changes requested by Broward House with the understanding that the first and second years would be presented to the Commission when the City has received a response from the U.S. Department of Housing and Development. Roll call showed: YEAS: Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: Commissioner Roberts.

MOTIONS

CITY COMMISSION REQUEST FOR REVIEW - ATLANTECH PLAZA – (MD-01)
CASE 32-R-11

No budgetary impact

Applicant:	New Boston Atlantech L.P.
Location:	6451 North Federal Highway
Zoning:	Boulevard Business (B-1)
Future Land Use:	Commercial

A motion approving a City Commission request to set a hearing for review of site plan with flex allocation for eight-story residential building consisting of 266 new multifamily residential units, five-story parking garage, 5,000 square foot retail building and 2,100 square foot credit union building.

Recommend: Motion to set hearing within 60 days.

Exhibit: Commission Agenda Report 11-1869

Hope Calhoun, representing the Applicant, indicated that this is a call-up request by Commissioner Roberts. This item was approved by the Planning and Zoning Board (board) in a four to one vote. Her attempts to contact Lauderdale One Condominium Association prior to this meeting were unsuccessful. If a rehearing is desired, she asked that it be held on December 20, 2011, so as not to further delay this matter. Mayor Seiler asked about whether notice was given to the building next door, she understood that effort was made to meet with all neighborhood associations, but some could not be reached. Members of Lauderdale One (Condominium Association) were present at the board meeting, and she attempted to speak with them then and to meet with them. She also unsuccessfully tried to communicate with a resident whom she was told had the greatest issue with this matter.

Commissioner Roberts noted that he had suggested a hearing date of January 17, 2012 which will allow residents time to prepare. He was told that notice was not given to everyone, including the condominiums close to this on one side and the Colonnades Condominium behind it. Since this item went before the board, none of the residential areas were contacted. There are potential negative impacts perceived by members of the community who were not contacted.

A **motion** was made by Commissioner Roberts and seconded by Commissioner Rodstrom to set a public hearing on this matter for January 17, 2012. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

RESOLUTIONS

SITE PLAN WITH ALLOCATION OF POST 2003 DWELLING UNITS (R-01)
NEW RIVER YACHT CLUB - CASE 55-R-11

No budgetary impact.

Applicant: TRG New River Ltd. and TRG New River II Ltd.
Location: 400 SW 1 Avenue
Zoning: Regional Activity Center-City Center (RAC-CC)
Future Land Use: Downtown RAC (D-RAC)

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1760

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.

Robert Lochrie, representing the Applicant, indicated that the standard of review for this application is for consistency with the City's ULDR (Unified Land Development Regulations) and the City's Downtown Master Plan, which was recently abridged with

the New River Master Plan. He recalled that the City's Regional Activity Center (RAC) zoning districts were adopted in 1997. These districts gave specific compliance criteria for projects. In 2003, the Commission changed the approval method for projects. In 2008, further restrictions were added. This Commission adopted additional restrictions in the form of the New River Master Plan. This project has been thoroughly vetted and reviewed by City staff. It meets ULDR requirements and the intent of the Downtown Master Plan and the New River Master Plan. He reviewed slides concerning this matter. A copy of the slides is attached to these minutes. The proposed is a 26-story, 251-unit residential building with additional ground-floor amenities and parking; the height to the rooftop is 260 feet. In accordance with the City's master plans, this project includes significant pedestrian and vehicular enhancements to Riverwalk and to the proposed site. There will be a 3,000 square foot restaurant on the northwest that was expanded at staff's request. The residential tower floor plate is about 12,000 square feet. The building and the tower steps back significantly from the properties in all directions. He noted the distances. Mr. Lochrie went on to provide a history of events relating to collaboration with City staff for the site plan design and approval process. This plan has since been presented at several public hearings, including the Property and Right-of-Way Committee; DRC (Development Review Committee); and received unanimous approval by the Planning and Zoning Board for the alley vacation. He submitted letters offering unanimous approval and support from the Riverwalk Trust and the Esplanade Condominium Association, dated November 4, 2011, and November 22, 2011, respectively, which were made part of the record. In addition, he submitted a letter from the Tarpon River Civic Association, dated November 30, 2011, which contained four recommendations. A copy of this letter is attached to these minutes. As to their recommendation on parallel parking, the master plan as well as the Riverwalk Plan show parallel parking. The Applicant believes that the parallel parking is important to the success of the retail and restaurants. There will also be valet parking for all uses in the building. As for reducing the length of the building base, this would significantly reduce the restaurant and retail space along the Riverwalk; inconsistent with the master plan and would reduce the parking. The other recommendations concerning parking during construction and additional bicycle racks have been agreed upon. He submitted affidavits, dated December 6, 2011, and resumes from the development team (Lawrence B. Freedman; Stephen F. Botek, P.E.; and Joaquin E. Vargas, P.E.) which were made a part of the record. He requested that the staff's recommendation of approval and indication that all guidelines of zoning and master plan requirements have been met be made a part of the record. He also submitted receipts of the application submittal dates and the DRC signoff dates for the record.

In response to Commissioner Rogers, Mr. Lochrie explained that the garage will be one hundred percent valet, and the desire is to also use a drop-off area outside of the restaurant for valet during peak hours. The stacking area inside of the garage is six cars in length, but will be practically larger. The (parallel) parking is on City right of way will be completed at the Applicant's expense. There would be a license agreement with the City. In further response, he verified that the tower's footprint is a little over 12,000 square feet. He offered to provide the dimensions of the building base. What drives the base is the requirement that along the Riverwalk, there are active uses from the property line on the east to where the plaza is located on the west. The plaza area is more than what was anticipated in the master plan, so the building was pushed back further. But, as for the west side, there are specific guidelines for the street design of 1 Avenue in terms of parallel parking, landscape aisles, and the sidewalk. If the building was pushed back 30 to 40 feet further, it would result in a no man's land, and would also mean a loss

of parking such that another floor would have to be added for this which would cause the project to exceed the seven-floor limit for the base. As for the recommendation pertaining to the base, he believed it is impractical and would not benefit the project. The majority of units will be one and two bedroom, and some three bedroom units. He indicated that this will be a luxury rental building, so the rental rates will be at the highest end downtown. He was uncertain of the exact rates. The plan is to commence construction in the second quarter of 2012 with an approximate 18-month construction process and completion in 2014. It is an \$80 million project that will include 300 immediate on-site construction jobs, and the park impact fees will total a minimum of \$470,000.

Mayor Seiler opened the floor for public comment.

Jordana Jarjura, representing New River Associates (New River), advised that a final determination was made by staff yesterday evening that this application would impact New River Associates' application. New River is not opposed to this application; but, errors have been made on the part of staff that place the City in breach of the settlement agreement with New River. She requested specific performance and compliance with the settlement agreement, and noted the communications stating as such that she has sent to the City. Pursuant to the settlement agreement, any amendments or changes of uses must be reviewed pursuant to the 1999 ULDR; any amendments to the (New River) Phase III site plan must be reviewed and approved by DRC only on an expedited basis. The expedited basis is a ten-day review process. New River submitted an application for the site plan approval on September 13 which included allocation of 195 residential units. Had the application been reviewed pursuant to the settlement agreement, the units would already be allocated and New River Yacht Club application would not have impacted New River. New River agreed to go before the Commission on the 21st upon assurance from staff that it would not impact or impair its rights under the settlement agreement. The City issued a letter to Broward County, dated October 14, giving assurance that New River was not part of the 2007 units. It is now staff's position that, pending approval of this request, they will have to reissue and revise the letter that was sent to Broward County and the School Board which would change the impact fees from \$13,000 to \$262,000. As set forth in the settlement agreement, New River requests specific performance with regard to the October 14 letter. She stressed that New River still does not have final approval for the application submitted on September 13 to DRC.

In response to Mayor Seiler, Mr. Lochrie explained that New River Yacht Club's application was submitted on August 18 which was fully accepted on August 25. Ms. Jarjura noted that they had pre-application meetings with staff in August. They agreed to make certain changes to the building, including changes to the Riverwalk area at their expense as long as it did not impact or impair their rights under the settlement agreement. She was surprised to hear staff's explanation that the delay was caused because they did not comply with the 1999 ULDR step-back requirements because staff indicated at the pre-application meeting that they liked the redesign and it was part of their application submitted on September 13. It was never raised until tonight now that staff has to amend the letter to the County which will increase New River's impact fees.

The City Attorney referred to the settlement agreement and explained that New River had units when the project was approved. They sold those units and decided to build a hotel. They then decided not to build a hotel and needed residential units. Staff informed

New River they needed to get an allocation of units because those assigned to the project were sold. Units have been allocated on a first come, first served basis. This developer is not without sin as far as the ability to get their project approved, that being issues encountered in the review. The problem is that this is the last of the 2003 units. The next tranch (2007) has amended school impact fees that are higher than those in 2003. If the settlement agreement was followed literally, staff could not approve their submittal. Some of the newer regulations must apply. Setbacks is one of them. Following the policy of first come, first served, staff believes that New River Yacht Club (Yacht Club) was first and should receive the units. In response to Mayor Seiler, the City Attorney advised that the Yacht Club will take all of the remaining 2003 units. Mr. Lochrie indicated that the code speaks about pre-2003 and post-2003 units. Because of the interlocal agreement, the fees increase after a certain level. The Yacht Club is seeking post-2003 units. It is important because it relates to an agreement that was pre-2003. The Yacht Club needs more units than are remaining in 2003 and will have to pay more for those.

Discussion turned to the impact fee amount and how it is calculated and whether it could be negotiated.

Ms. Jarjura requested that the Commission direct staff to work with New River pursuant to the settlement agreement so as not to further damage them with respect to \$262,000 of additional fees. New River had been assured throughout the process that there was no issue which was memorialized in writing on October 14.

Mr. Lochrie emphasized that the code provides that the units shall be allocated on a first come, first served basis. The Yacht Club is the only application before the Commission. It meets the zoning code, the master plans and staff recommends approval.

There was no one else wishing to speak.

In response to Commissioner Rogers, Greg Brewton, Director of Sustainable Development, elaborated upon the desire to retail activity along the New River that would include parking; staff has no problem with the proposed. As far as the potential for problems with the valet parking experienced in other areas, it is difficult to predict. Staff will examine how the project will integrate with what currently exists and attempt to mitigate any traffic circulation problems that might arise. Commissioner Rogers thought it might be helpful to have additional spaces available to eliminate any issue with flow and so forth. Mr. Brewton offered to look at that idea if something is submitted. Commissioner Rogers thought those six parallel parking spaces are a plus.

Commissioner Rogers introduced the following resolution.

RESOLUTION NO. 11-330

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT PLAN IN THE DOWNTOWN RAC INCLUDING ALLOCATION OF POST 2003 DWELLING UNITS TO DEVELOP A RESIDENTIAL DEVELOPMENT LOCATED ON THE SOUTH SIDE OF NEW RIVER BETWEEN ANDREWS AVENUE AND S.W. 1ST AVENUE,

FORT LAUDERDALE, FLORIDA IN A RAC-CC ZONING DISTRICT.

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

Mayor Seiler asked that staff meet with Ms. Jarjura and New River Associates with respect to the interlocal agreement and school impact fees in that their project will not have an impact on the school system. Mr. Brewton agreed to explore available options and present that information to the Commission.

BOARD AND COMMITTEE APPOINTMENTS

(R-02)

No budgetary impact

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 11-1815

Mayor Seiler pointed out that the Fire-Rescue Facilities Bond Issue Blue Ribbon Committee's term was extended tonight, and members will be reappointed on December 20, 2011.

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

Beach Redevelopment Board	Ina Lee (Mayor Seiler)
Cemetery System Board of Trustees	John Sykes (Commissioner Rogers)
Charter Revision Board	E. Clay Shaw (Commissioner Rogers)
Citizens Police Review Board	Marc Dickerman (Mayor Seiler) Roosevelt Walters (Vice Mayor DuBose) Eileen Helfer (Commissioner Roberts) Alan Stotsky (Commissioner Rogers) Jim Jordon (Consensus)
Community Appearance Board	Jason B. Blank (Mayor Seiler) Marni Canavan (Mayor Seiler) Tom Catalino (Mayor Seiler) Kelvin D. Curtis (Mayor Seiler) Cara Christine Pavalock (Mayor Seiler) Ayisah Gordon (Vice Mayor DuBose) Christine Jones (Vice Mayor DuBose) Larry Lee Nielsen (Vice Mayor DuBose) Barbara A. Van Voast (Commissioner Roberts) Karen Doyle (Commissioner Rogers) Marla Neufeld (Commissioner Rogers)

- Ryan Paton (Commissioner Rogers)
Barbra Stern (Commissioner Rogers)
- Economic Development Advisory Board Cary Goldberg (Mayor Seiler)
Cort A. Neimark (Commissioner Roberts)
- Insurance Advisory Board Steve Botkin (Consensus)
James E. Drake (Consensus)
Charles J. Grimsley (Consensus)
- Short Term Residential Use Committee Dwight Ledbetter (Mayor Seiler)
D.J. Parker (Vice Mayor DuBose)
Larry Isakowitz (Commissioner Roberts)
Eugenia "Genia" Ellis (Commissioner Rodstrom)
H. Collins Forman, Jr. (Commissioner Rogers)
Marilyn Mammano (Commissioner Rogers)
- Sustainability Advisory Board Jon Albee (Mayor Seiler)
Valerie J. Amor (Mayor Seiler)
Cathy Curry (Vice Mayor DuBose)
Jamie Castoro (Commissioner Roberts)
William F. Goetz (Commissioner Roberts)
Anthony Abbate (Commissioner Rogers)
Vicki Eckels (Commissioner Rogers)
Rebecca Jo Walter (Consensus)
- Visioning Committee Wiley D. Thompson (Commissioner Rogers)

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 11-331

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

CITIZEN PRESENTATIONS

JIM MOYER - SMALL ITEM DONATION CENTERS – THE SALVATION ARMY (CIT-01)

Mr. Moyer asked permission for the Salvation Army to place small item donation center

boxes at various locations which have been authorized by property owners. He cited statistical information about recycling, however only 15 percent of clothing is recovered. He emphasized the importance of an educational program and convenience. These boxes would be convenient. There are existing locations the City staff has deemed to be outside storage.

ART SEITZ – BEACH**(CIT-02)**

Mr. Seitz indicated that the Central Beach Alliance (CBA) unanimously voted to request that RDC's (Recreational Design and Construction, Inc.) bid be removed and a new aquatic complex redevelopment RFP issued. He recalled that about two years ago, a petition from CBA members requested a blue ribbon committee, and for Bruce Wigo (International Swimming Hall of Fame executive director) to be involved in the process. He went on to criticize the process and RDC, including their claim to have built Disney's Typhoon Lagoon. He submitted a payment bond, dated October 27, 2004, in which RDC is named a subcontractor. A copy of this payment bond is attached to these minutes. He indicated that RDC has a negative audit history. He went on to express dissatisfaction with Commissioner Rodstrom's performance.

**PATRICIA TAIME - STREET VENDORS AND OUTDOOR SALES –
FLOWERS AND HOLIDAY-RELATED MERCHANDISE****(CIT-03)**

Ms. Taime questioned whether Valentine's Day; Mother's Day; and New Year's Eve could be included in the City's Code of Ordinances (code) Section 47-18.15. which currently addresses only the Fourth of July; Halloween; and Christmas. She indicated that Valentine's Day and Mother's Day vendors currently circumvent the City's licensing process by selling merchandise from an existing business site. She wants to sell Mother's Day and Valentine's Day merchandise on a business property that she presently leases. In response to Vice Mayor DuBose, she explained that this leased property is a vacant commercial parcel located at 1264 State Road 7, from which she currently sells holiday merchandise for those permitted in the City's code. In further response, she indicated that she resides in Weston, but is not familiar with their regulations on this topic because she does not have access to a site. She also sells merchandise for Mother's Day and Valentine's Day in Deerfield Beach, Miami, and unincorporated Miami-Dade County.

In response to Commissioner Rogers, the City Manager explained that street sales are generally prohibited because they pose a traffic hazard as there is no provision for vehicles to safely pull off the road, and there is competition with brick and mortar businesses that have higher overhead. As to why Christmas, Fourth of July and Halloween are allowed, although uncertain, he rationalized that Christmas relates to Christmas tree sales; Fourth of July to fireworks; and Halloween to pumpkins. Ms. Taime questioned why three holidays would be permitted and not others. In response to Commissioner Rogers, Greg Brewton, Director of Planning and Zoning, thought that holiday vendors are assessed a business tax. He understood that the holidays currently permitted were a compromise to allow for (outdoor sales) of those items mentioned by the City Manager; but, it is customary to purchase merchandise associated with other holidays at a (brick and mortar) store. Ms. Taime pointed out that she carries out

licensed fireworks sales at the (State Road 7) property and would simply like to sell merchandise for additional (holidays). In response to the City Manager, she explained that she has a five-year lease on the property, and acknowledged with the property being vacant, it is assessed as unimproved.

Mr. Brewton pointed out that, historically, there have been complaints about the outdoor sales at vacant parcels taking place on holidays not permitted by the code. Adding more holidays throughout the year becomes overwhelming to citizens. Ms. Taime explained that she is trying to avoid conducting unlicensed sales. There should be rules in place and enforcement. Mayor Seiler explained that the revenue received by the City is not worth the effect of allowing widespread outdoor sales. The ordinance strikes a balance by allowing some on certain occasions. He asked Ms. Taime to send him any ordinance by Weston if they decide to permit it.

<p>PUBLIC HEARINGS</p>

VACATION OF 14 FOOT ALLEY - 2 SOUTH NEW RIVER DRIVE WEST (PH-01)
NEW RIVER YACHT CLUB - CASE 7-P-11

No Budgetary Impact

Applicant: TRG New River, LTD and TRG New River II, LTD.
Location: 2 South New River Drive West

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

Exhibit: Commission Agenda Report 11-1783

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.

Robert Lochrie, representing the Applicant, indicated this vacation is for the alley on the northern portion of this block; the alley on the southern portion has already been vacated as well as the next block to the south. A twenty foot easement on TRG's site will be dedicated for access purposes. This alley bisects and interrupts the streetscape of the Riverwalk. The adjusted access point is consistent with the City's master plan.

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

Commissioner Rogers introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-39

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF THE 14 FOOT ALLEY IN BLOCK 41, "TOWN OF FORT LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK, "B", PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING NORTH OF THE SOUTH LINE OF LOT 1, OF SAID BLOCK 41, LOCATED SOUTH OF SOUTH NEW RIVER DRIVE WEST, BETWEEN SOUTHWEST 1st AVENUE AND SOUTH ANDREWS 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: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler; NAYS: None.

COMPREHENSIVE PLAN - PUBLIC SCHOOLS AND CAPITAL IMPROVEMENT ELEMENTS - METHOD - MEASURE CAPACITY AND TO INCLUDE RELOCATABLES IN DETERMINING CAPACITY (PH-02)

No Budgetary Impact

Recommend: Open hearing, close hearing, introduce ordinance on first reading. Staff recommends approval - 75percent consent threshold representing 50percent of Broward County's population has been met.

Exhibit: Commission Agenda Report 11-1782

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

Vice Mayor DuBose indicated his position of opposition is the same as when the interlocal agreement was previously discussed. The School Board received a sufficient percentage approval in order to move forward with this amendment. He noted that the backup (Planning and Zoning Board minutes of September 21, 2011) for this item specifically mentions negative impact will result for Bayview Elementary, Rock Island and Riverland schools. Essentially the schools in the western part of the county are over-crowded and many on the eastern part are under enrolled. He felt that School Board has not addressed infrastructure for eastern schools. He did not think that Fort Lauderdale receives its fair share from the School Board. Mayor Seiler agreed, emphasizing that Fort Lauderdale is the single largest taxpayer to the School Board. Commissioner Rogers thought the new School Superintendent has good ideas. However, he felt it is important to let the School Board know that Fort Lauderdale would have to have its fair share. He agreed with Vice Mayor DuBose. Vice Mayor DuBose

felt this amendment is one step toward allowing more schools to be built in the west.

The City Manager understood that there is a certain threshold under the interlocal agreement that requires the City to amend the Comprehensive Plan otherwise the plan is out of compliance. Greg Brewton, Director of Sustainable Development, indicated that this could result in denial of any future amendments. Commissioner Rodstrom asked about making a concurrency amendment before making this amendment. Mr. Brewton suspected that would not play a major role in this. Commissioner Roberts was concerned that the Commission does not know what the potential negative impact could be. He was uncomfortable voting on this item. The City Attorney confirmed that Mr. Brewton's statement is accurate. In response to Commissioner Rogers, Mr. Brewton indicated that the deadline for action on this item has passed, but thus far it has not had any impact. In response to Vice Mayor DuBose, the City Attorney was not certain what remedy the County would decide upon; it could be decertification of the City's plan. Vice Mayor DuBose felt the impact would be more wide spread than just the three schools mentioned. He pointed out that this amendment will allow the School Board to address the issue in the west and not be concerned with the east. This matter will have an adverse effect on Fort Lauderdale schools regardless of whether this item passes. He felt a message needs to be conveyed. Commissioner Rogers wanted staff to provide information as to possible options.

A **motion** was made by Commissioner Rodstrom and seconded by Commissioner Rogers to defer this item to January 5, 2012. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler; NAYS: None.

Mayor Seiler requested information on January 5, 2012 from the City Attorney as to impact and possible courses of action.

ORDINANCE NO. C-11-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE 2008 FORT LAUDERDALE COMPREHENSIVE PLAN TO AMEND THE PUBLIC SCHOOL FACILITIES ELEMENT AND CAPITAL IMPROVEMENTS ELEMENT TO CHANGE THE METHOD FOR MEASURING CAPACITY AND TO INCLUDE RELOCATABLES IN DETERMINING CAPACITY.

**DOCK WAIVER APPLICATION - DISTANCE OF LIMITATIONS –
1200 SEMINOLE DRIVE - REEF DEVELOPMENT INC.,
C/O ROMEU AND NAYLA PRADINES**

(PH-03)

No budgetary impact.

Applicant: Reef Development Inc., c/o Romeu and Nayla Pradines
Location: 1200 Seminole Drive
Recommend: Staff supports Marine Advisory Board recommendation; introduce resolution.

Exhibit: Commission Agenda Report 11-1585

Members of the Commission announced site visit(s) made concerning this matter.

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

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

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-332

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING, SUBJECT TO CERTAIN TERMS AND CONDITIONS, A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3.C. & D. OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW REEF DEVELOPMENT, INC., A FLORIDA CORPORATION TO CONSTRUCT AND MAINTAIN A FIFTY FOOT (50') FINGER PIER AND DOLPHIN PILINGS EXTENDING A MAXIMUM DISTANCE OF FIFTY FEET (50') INTO THE WATERS OF SUNRISE BAY FROM THE PROPERTY LOCATED AT 1200 SEMINOLE DRIVE, SUCH DISTANCES AND PROPERTY AS BEING MORE PARTICULARLY DESCRIBED BELOW.

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

REZONING TO PLANNED UNIT DEVELOPMENT - CASE 4-ZPUD-08

(PH-04)

No Budgetary Impact.

Applicant: First Presbyterian Church of Fort Lauderdale

Location: 1224 East Las Olas Boulevard

Recommend: Application withdrawn by Applicant.

Exhibit: Commission Agenda Report 11-1812

A **motion** was made by Commissioner Rogers and seconded by Commissioner Roberts to accept withdrawal of the application. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

ORDINANCES

UNIFIED LAND DEVELOPMENT REGULATIONS AMENDMENT – (O-01)
A-1-A NORTH BEACH AREA - NEIGHBORHOOD SERVING USES –
CASE 6-T-11

No budgetary impacts

Recommend: Introduce ordinance on first reading. Staff recommends approval – consistent with City's Comprehensive Plan and Central Beach Master Plan.

Exhibit: Commission Agenda Report 11-1789

Commissioner Rodstrom asked about stipulating there would be no amplified sound, with the understanding that an event agreement could be sought if amplified sound was desired on occasion. Courtney Crush, representing Pan Capital (Pan Properties), indicated that language in the interim uses ordinance (Agenda Item O-02) defines programmed activities and provides that there is no amplified music unless approved as part of a development plan which would be presented to the Commission. With respect to the smaller neighborhood uses, because it is part of the NBRA and ABA zoning, in discussion with staff as well as the Central Beach Alliance, the conclusion was that it was not possible to change those zoning districts. However, in speaking with staff, it would be a new or accessory use or submitted as part of a site plan amendment and could be called out and reviewed by staff.

Mayor Seiler opened the floor for public comment.

John Weaver, president of Central Beach Alliance, supported the proposal and noted their involvement.

There was no one else wishing to speak.

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-40

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-12 CENTRAL BEACH DISTRICTS TO PERMIT RESIDENTIAL USES IN A PORTION OF THE ABA DISTRICT; TO PERMIT CERTAIN NON-RESIDENTIAL USES IN A PORTION OF THE ABA DISTRICT AND THE NBRA DISTRICT; TO PERMIT RESTAURANTS WITH OUTDOOR SERVICE IN THE NBRA; AND TO DECREASE THE NUMBER OF HOTEL ROOMS REQUIRED IN ORDER FOR A HOTEL TO HAVE A

RESTAURANT AND OTHER SECONDARY USES.

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

**UNIFIED LAND DEVELOPMENT REGULATIONS AMENDMENT – (O-02)
INTERIM USES - CASE 7-T-11- A-1-A NORTH BEACH AND INTRACOASTAL
OVERLOOK AREAS - NEIGHBORHOOD SERVING USES**

No budgetary impacts.

Recommend: Introduce ordinance on first reading. Staff recommends approval – consistent with City's Comprehensive Plan and Central Beach Master Plan.

Exhibit: Commission Agenda Report 11-1791

Mayor Seiler opened the floor for public comment.

Fred Carlson, Central Beach Alliance, expressed support of the item and the collaborative effort.

There was no one else wishing to speak.

In response to Commissioner Roberts, Ms. Crush indicated that the Planning and Zoning Board (board) recommended the Commission consider a two-year period with a two-year renewable given the extent of investment for infrastructure, landscaping, drainage and so forth. It is not a specific request of Pan Capital (Pan Properties). It has been drafted to provide for an extension if there is compliance. Commissioner Roberts explained his concern is about being able to attract the capital in the first place. Ms. Crush commented that this question was also posed by a member of the (board). Mayor Seiler thought with the support demonstrated and the broad base, there would not be a problem. Commissioner Roberts wanted to monitor it.

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-11-41

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-12 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS CENTRAL BEACH DISTRICTS TO ADD PERMITTED INTERIM USES TO PORTIONS OF THE ABA AND IOA DISTRICTS AND NBRA DISTRICT; PROVIDING THE PURPOSE AND INTENT, LIST OF PERMITTED INTERIM USES, DIMENSIONAL REQUIREMENTS, DEFINITIONS, PARKING, SIGN, LANDSCAPE AND OTHER DEVELOPMENT REQUIREMENTS; PROVIDING A

PERMIT PROCESS; PROVIDING 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, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

CODE AMENDMENT - CHAPTER 20 - PERSONNEL – (O-03)
GENERAL EMPLOYEES RETIREMENT SYSTEM - BONUS INCENTIVE FOR
RETIREMENT PROGRAM

Please see funding information attached to these minutes.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 11-1867

ORDINANCE NO. C-11-34*

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

*Ordinance was amended. See discussion below.

Mayor Seiler opened the floor for public comment.

Tim Eager, Fort Lauderdale resident and employee, indicated that the original eligibility date for the bonus incentive program was November 23, 2011, which was seven days after the second reading, including a seven-day rescission period. Since the second reading was postponed until this evening, he felt the eligibility date should also be moved to December 14, allowing time for the seven-day rescission period. All of the election forms previously submitted are no longer valid. If the goal is to have employees at the top of pay scales, currently receiving a longevity bonus and are in the General Employees Retirement System to take this bonus incentive, there could possibly be

more employees retiring. He requested the Commission consider changing the November 23 eligibility date. The City Manager and City Attorney noted that the dates to opt in have moved forward. Mr. Eager understood that an employee must still be eligible on November 13. Assistant City Attorney Bob Dunckel advised that because of the Older Workers Benefits Protection Act, some time frames were moved backward, however, the original eligibility date remains the same. There was a fear at the time that moving the eligibility date would trigger the need to revise the actuarial impact statement that would throw all of the time frames off. Stephen Palmquist of Gabriel Roeder Smith & Company, actuary for General Employees Retirement System (GERS), advised that this question was posed recently and their answer was that a change of one or two weeks would not change the figures. Mr. Eager advised that he was 55 on November 28. The City Manager did not object to moving the date if it does not change the actuarial calculation. With further dialogue, Mr. Palmquist advised that even four weeks would not have any actuarial impact. In response to Mayor Seiler, Mr. Palmquist indicated that Gabriel Roeder Smith & Company has been the actuary for the GERS since about 1994. There was no objection to such an amendment. The City Manager suggested December 1 as the new eligibility date.

There was no one else wishing to speak.

In response to Commissioner Rodstrom, Mr. Palmquist advised that for fiscal year 2010 there were thirty-two employees either retired or entered the DROP (Deferred Retirement Option Program) and twenty-seven for 2009. There are over four hundred employees eligible for the bonus incentive. Ms. Dorsett indicated that retiring employees will be taking pay for accumulated sick and vacation time. This was not budgeted. The City Manager advised that this amount will be charged to salary savings from the positions. Commissioner Rodstrom referred to information she believed the full Commission received via email and quoted some portions relating to the thirty months added to the retirement. The proposal encourages retirement earlier than the GERS Plan actuary has forecasted. Due to the Plan's closed status, each retirement permanently reduces the remaining active membership. Both of these conditions could lead to an increase in the unfunded pension liability. Mr. Palmquist advised that it will increase the unfunded pension liability. Some discussion ensued as to the actual amount and the correlation to which employees opt to retire. For Commissioner Rogers' benefit, Mr. Palmquist outlined the mathematical calculations that were performed. He explained there is an increase in the pension cost in the hopes of gaining larger payroll savings. If that is not occurring, there is no reason to proceed. He confirmed for Commissioner Rodstrom that the City anticipated 60 or so new retirements for the fiscal year that just ended without the incentive and therefore the goal is to have more than 60. In response to Commissioner Rodstrom, the City Manager advised that past practice has been for salary savings to roll into the fund balance and he would continue to follow that course. Commissioner Roberts referred to Exhibit 1 to Commission Agenda Report 11-1867 that shows savings projected inclusive of the increase in pension costs over a five year period of \$1.6 million if twenty-five percent of eligible employees opt in and eighty percent re-hire. Commissioner Rodstrom pointed out that there is an associated cost which is unknown. Mr. Palmquist confirmed that the actuarial is not exact. Commissioner Rogers pointed out that the impetus is to encourage one hundred percent participation, if looking purely at the number, because the impact is greater on the net savings than the unfunded liability. In response to Mayor Seiler, Mr. Palmquist advised that the City's actuary took into account not just the pension plan, but also the cost for the health plan and other factors, that is, the City as a whole. He believed that the

proposal makes sense. Jose Fernandez of Cavanaugh MacDonald Consulting, LLC, City actuary, explained this is based on assumptions, for example, eighty percent of those retiring will be replaced. The savings is coming from the benefits and payroll cost savings, not the pension plan. Replacements have to be employed at lower salary levels than those retiring. Commissioner Rogers noted that anything less than eighty percent is a net savings. The City Manager indicated he is aiming for fifty percent replacement. Commissioner Rogers noted that new hires have a nine percent pension cost versus thirty-five or forty percent. Mr. Fernandez indicated that is included in the net savings projection. Vice Mayor DuBose questioned whether consideration should be given as to what is done with the savings in view of the unfunded liability impact. Commissioner Rodstrom did not recall having information on the extent of unfunded liability impact during the closed door sessions. Mr. Fernandez noted that the GERS actuary provided that the unfunded liability increase would be paid back to the plan over a five-year period. The City could always contribute more to the pension plan. In response to Commissioner Rodstrom, Mr. Fernandez did not believe the City has every contributed more than the minimum to the plan.

In response to Commissioner Roberts, the City Auditor confirmed there will be additional costs related to the pension and more than sufficient payroll savings to offset them that will result in a net savings. These savings were contemplated as part of a budget balancing technique. Directing the savings toward the unfunded liability would create a gap in the budget.

Commissioner Rodstrom asked what would happen if the increased unfunded liability is not paid back in five years. Mr. Palmquist advised that passage of this ordinance is a commitment to pay back the actuarially required amount over the indicated period. If it is not possible, the City would have to renegotiate something with the union. In response to Commissioner Rogers, Mr. Palmquist explained payment of the unfunded liability increase over a period of five years, noting the payment would be fixed. In response to Commissioner Rodstrom, Mr. Palmquist advised that the actuarial impact statement was completed on November 8. The City Manager explained that Mr. Palmquist's role for the pension is to perform this work after contracts are negotiated whereas staff uses the City's actuary for its purposes. Commissioner Rodstrom was concerned about not knowing the liability of \$48 million during the closed door sessions. The City Manager advised that \$48 million is based upon one hundred percent participation. In response to Commissioner Rogers, Mr. Palmquist advised that this being a closed plan did not have any impact on the analysis because the effect of closing the plan has been taken into account since it was done in 2007.

A **motion** was made by Commissioner Rogers and seconded by Commissioner Roberts to amend the eligibility date to December 1, 2011. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: Commissioner Rodstrom.

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-11-34

AN ORDINANCE OF THE CITY OF FORT
LAUDERDALE, FLORIDA, RESPECTING THE CITY'S
GENERAL EMPLOYEES' RETIREMENT SYSTEM BY

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

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

Commissioner Rodstrom was concerned that the City is increasing its unfunded liability and only saving \$1 million plus.

Commissioner Rogers requested the City Manager to keep the Commission informed monthly on those opting in and rehires.

**Award \$30,000,000 Special Obligation Taxable Bond, Series 2011C, (OB)
Invitation to Bid 122-10890**

The City Manager referred to action taken by the Commission on October 18, 2011 and noted this matter deals with timing of the City's payment for the Police and Fire Pension Plan. The Plan operates on a calendar year. Historically the City has made its annual pension payment about ten months after the beginning of the pension plan year. The payment is being assessed interest of roughly 7.75 percent. If the payment is made in January instead of October, there would be a net savings of close to \$1.6 million in interest that will not have to be paid. The City would take out a bridge loan at roughly 1.4 percent.

In response to Mayor Seiler, the City Manager indicated he could substantiate the payment was made late as far back as the early 1990s. Under the law, the payment could be made any time during the plan year, so it was not actually late. In further response, Ed Stull of First Southwest Company, City's Financial Advisor, advised that interest rates have come down substantially since the City's budget time. The wait may not have hurt the City as much as if the rate had not changed.

Mr. Stull noted the City issued an RFP on November 16, 2011 with responses due on December 1, 2011. The goal was to obtain the lowest cost on a taxable fix rate financing with maturity on October 15, 2012. The advantages of a bank loan versus a bond issue are set forth in the backup. He noted the summary of the proposal responses (Exhibit 2 to City Manager's Memorandum 11-362), which is attached to these minutes. Bank of America is willing to lock in an interest rate today at 1.4 percent or 1.62 percent including

the cost of issuance (\$1,539,000). The proposed rate lock agreement was negotiated by the City's bond counsel. Mayor Seiler asked if there is any down-side to this. Mr. Stull indicated that the only down-side would be earning less than 1.62 percent, however, the rate is locked in. With the 7.75 percent, there is no market risk between now and October 15. The market could go up. He believed the proposal makes sense. In response to Commissioner Rodstrom, Lori Smith-Lalla, of Squire, Sanders & Dempsey, LLP, City's Bond Counsel, indicated this is a taxable loan unlike a bond issue and all of the City's remedies are contained in the loan agreement. Mr. Stull noted that the money will be turned over to the pension board who will be investing it. In response to Mayor Seiler, the City Auditor was fairly comfortable the pension board can earn more than 1.62 percent and with that occurring, it is a net positive to the City. He could not comment on whether it could be done in the next twelve months, but it is reasonably achievable over a long period of time. In response to Commissioner Rodstrom, the City Manager explained this proposal is to save on interest cost from January to October of 2012. Mayor Seiler noted the City could make the payment as it has in the past, but the proposal is to take this loan to make it less costly. By this transaction, the City Manager explained the City will be accruing 1.62 percent interest instead of 7.75 over the same period of time. Using the fund balance to do this would deplete the fund balance to roughly \$20 million. Ad valorem revenue will carry the City throughout the year. There is no short-term plan to make a double payment. In order to do so, \$30 million would have to be taken from the fund balance or from the budget. Commissioner Rodstrom recalled a couple years ago the City was \$30 million short, however Mayor Seiler questioned the statement. In further response to Commissioner Rodstrom, the City Manager advised that this matter will be evaluated every year; at this time it makes sense. Mr. Stull advised that the \$30 million will be reflected as a liability on the City's financial balance sheet. Commissioner Rodstrom went on to refer to an email from the City Manager, dated December 4, 2011, with respect to Standard and Poor's rating of the City's general obligation 2011A and B bonds relating to fire rescue facilities and refunding park bonds, indicating that the proposal will strengthen the City's rating. The City Manager and Mr. Stull advised that this proposal was discussed with both Standard and Poor's and Moody's as a cost-saving measure the City was considering. Mr. Stull felt this transaction will be viewed favorably by the rating agencies. This transaction specifically was not presented to the rating agencies; it is not a rated borrowing. In further response, he advised that the rating agencies are informed of such bank loans in the City's annual financial report. Commissioner Rodstrom pointed out that for loans the rating agencies are not informed until after the fact whereas they are informed before bonds are issued. Mr. Stull confirmed for Commissioner Rogers that this is a good financial move and he believed the bond rating agencies would view it as smart. A brief discussion followed concerning the general philosophy and Commissioner Rodstrom's concern about solving the dilemma, in other words, the end game.

Vice Mayor DuBose was not comfortable with this item being a walk-on. He continues to be concerned with this proposal and noted that the risk has not been discussed.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 11-333

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE
ENTERING INTO A LOAN AND PROVIDING FOR THE

ISSUANCE AND SALE OF A SPECIAL OBLIGATION TAXABLE BOND, SERIES 2011C, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$30,000,000 TO BANK OF AMERICA, N.A. ("LENDER") FOR THE PURPOSE OF (i) PROVIDING FUNDS TO PREPAY THE CITY'S ANNUAL CONTRIBUTION TO ITS POLICE AND FIRE PENSION FUND AND (ii) PAYING THE COST OF ISSUANCE OF SUCH BOND; MAKING FINDINGS AND DETERMINATIONS AS TO SAID BOND; ACCEPTING THE PROPOSAL OF LENDER; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A RATE LOCK AGREEMENT WITH THE LENDER RELATING TO SUCH LOAN AND BOND; PROVIDING FOR THE METHOD OF EXECUTION OF SUCH BOND; AUTHORIZING THE EXPENDITURE OF THE PROCEEDS OF SUCH BOND; APPROVING THE FORM OF A LOAN AGREEMENT WITH LENDER IN CONNECTION WITH SUCH BOND AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH LOAN AGREEMENT AND BOND; AUTHORIZING OTHER REQUIRED ACTIONS IN CONNECTION HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

There being no other matters to come before the Commission, the meeting was adjourned at 11:02 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk