

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING**  
**JANUARY 5, 2012**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE  
January 5, 2012**

Meeting was called to order at 6:01 p.m. by Mayor Seiler on the above date, in City Hall, 100 North Andrews Avenue, 1<sup>st</sup> floor Chambers.

Roll call showed:

Present: Commissioner Bruce G. Roberts  
Commissioner Charlotte E. Rodstrom  
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 Ed Stewart

Invocation was offered by Pastor Dwayne Black, Second Presbyterian Church, followed by the recitation of the pledge led by Gunner Sturman.

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

**Motion** made by Commissioner Rogers and seconded by Commissioner Roberts to approve the minutes of the October 6, 2011 Joint Meeting with Broward County, November 1, 2011 Conference Meeting, and November 1, 2011 and November 15, 2011 Regular Meetings. YEAS: Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, and Mayor Seiler. NAYS: None.

**Presentations**

**1. OUTSTANDING CITY EMPLOYEES**

**(PRES-01)**

Julie Leonard, Assistant Utilities Services Director, Operations, recognized the following employees for their sacrifice and dedication in working to restore water service following a water line break on Christmas Eve: Kris Kmon, Customer Services Field Chief; Lloyd Williams, Utilities Service Worker IV; Herman Williams, Jr., Utilities Service Worker; Paul Brown, Utilities Service Worker IV; Roger Clark, Utilities Service Worker III; Judson Hopping, Engineering Inspector I; Mark Darmanin, Distribution and Collections Systems Manager; Rafael Albino, Utilities Mechanic II; Edward Nance, Jr., Utilities Mechanic I; Robert "Allen" Ruark, Regional Chief Water Operator; Robert Burks, PBS Maintenance Chief; John Mahannah, Water Treatment Plant Operator II; Rick Johnson, Regional

Water Facilities Manager; Latasha Buchanan, Office Supervisor; Crystal Green-Griffith, Clerk II; Marla Donald, Administrative Aide; Gloria Coachman, Utilities Customer Service Aide; Debbie Smith, Clerk III; Rosemary Collette, Service Clerk; Reina Gonzalez, Administrative Assistant II; Monique Damiano, Public Information Specialist; Linda Gee, Customer Operations Manager; Barbara Stein, Service Clerk; Randy Rufrano, Service Clerk; Donnell Cunningham, Service Clerk; Rhona Cruickshank, Senior Utilities Customer Service Aide; Rafeela Persaud, Clerk III; Jolie Reed, Secretary II; Jina Moore, Service Clerk; Lonnie Johnson, Utilities Field Representative; Miguel Arroyo, Water & Wastewater Treatment Manager; Emerson "Toby" Schmidt, Water Treatment Plant Operator II; Andre Edwards, Water Treatment Plant Operator I; Deborah Dew, Water Treatment Plant Operator I; Kathy Brown-Wynn, Process Control Engineer; Pedro Berrios, Environmental Lab Technician; Ivelina Milanova, Environmental Lab Technician; Mark Friedland, Environmental Chemist; Elizabeth "Liz" Marone, Environmental Lab Technician; Yenny Quintero, Environmental Lab Technician; and Albert Carbon, Public Works Director. Mayor Seiler thanked the employees. In addition, the City Manager recognized the outstanding response of Public Information Department employees Chaz Adams and Matt Little.

Albert Carbon, Public Works Director, presented the STAR Award to Richard Harden, Jr., Utilities Service Worker, for improving productivity by utilizing information he obtained from software training. Also, Mr. Harden consistently displays a good attitude and strong work ethic at his job, and generously contributes to the community by participating in social programs and charitable events.

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**Community Services Board - Amending Duties and Composition****(OB)**

Mayor Seiler announced that the ordinance amending duties and composition of the Community Services Board was scheduled and advertised for first reading this evening, but has been rescheduled to January 17, 2012.

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**Consent Agenda****(CA)**

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

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

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**EVENT AGREEMENTS AND RELATED ROAD CLOSINGS****(M-01)**

**No budgetary impact.**

Event Agreements: 1) A Cry At Midnight, 2) Coral Ridge Green Market at Plaza 3000, 3) Duck Fest Derby, 4) Las Olas Gourmet Market, 5) LSU Championship Game, 6) Rough

Water Swim, 7) Trawler Fest Fort Lauderdale 2012.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1905

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**RENTAL FEE REDUCTION REQUEST - 2010 HALLOWEEN EVENT AT SNYDER PARK - \$16,000** (M-02)

**No current year budgetary impact**

Request of Brandano Displays, Inc. to reduce rental fee for 2010 Halloween event held at Snyder Park to \$5,000.

Recommend: Consideration of request.

Exhibit: Commission Agenda Report 11-1911

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**GRANT EXTENSION - HAZARD MITIGATION GRANT PROGRAM - \$1,149,689 - CITY HALL WIND RETROFIT - FLORIDA DIVISION OF EMERGENCY MANAGEMENT** (M-03)

**No budgetary impact.**

Hazard Mitigation Grant Program for City Hall Wind Retrofit - extension of Subgrant Agreement with Florida Division of Emergency Management through December 31, 2012, and authorization to execute all necessary documents to finalize extension.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1880

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**TASK ORDER 20 - KIMLEY-HORN AND ASSOCIATES, INC. – EXECUTIVE AIRPORT - \$205,580- TAXIWAYS C AND D - PAVEMENT REHABILITATION AND REPLACE AIRFIELD LIGHTING** (M-04)

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

Task Order 20 with Kimley-Horn and Associates, Inc., in the amount of \$205,580 - Executive Airport - Taxiways Charlie and Delta Pavement Rehabilitation and Replace Airfield Lighting.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1779

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**MODEL ACKNOWLEDGEMENT OF CONDITIONS FORM  
POLICE HEADQUARTERS RETROFIT - FLORIDA DIVISION  
OF EMERGENCY MANAGEMENT**

**(M-05)**

**NO BUDGETARY IMPACT.**

Authorization to execute Model Acknowledgement of Conditions for Mitigation of Property in a Special Flood Hazard Area with FEMA Grant Funds Form pertaining to Police Headquarters Retrofit Grant Project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1910

**CONSENT RESOLUTION**

**GRANT APPLICATION - ENHANCED MARINE LAW ENFORCEMENT  
GRANT PROGRAM - BROWARD COUNTY - \$144,018 - BOATING SAFETY  
INITIATIVES**

**(CR-01)**

**NO CURRENT YEAR BUDGETARY IMPACT.**

Grant application for 2013 Broward County Enhanced Marine Law Enforcement Grant Program, in the amount of \$144,018 to support boating safety initiatives.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 11-1895

RESOLUTION NO. 12-03

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A 2012-2013 ENHANCED MARINE LAW ENFORCEMENT GRANT (EMLEG) FROM THE BROWARD COUNTY MARINE ADVISORY COMMITTEE IN THE AMOUNT OF \$144,018 FOR THE ENHANCEMENT OF MARINE LAW ENFORCEMENT ACTIVITIES AND IMPROVE BOATING SAFETY.

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**NAMING OF PARK AT 500 SOUTH NEW RIVER DRIVE EAST –  
STRANAHAN LANDING**

**(CR-02)**

**No budgetary impact.**

Naming park located at 500 South New River Drive East as Stranahan Landing.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0009

RESOLUTION NO. 12-04

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, NAMING THE AREA LOCATED AT 500 SOUTH NEW RIVER DRIVE EAST "STRANAHAN LANDING".

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**CELEBRATE LITERACY WEEK, FLORIDA!**

**(CR-03)**

**No budgetary impact.**

Supporting and acknowledging the importance of January 23-27, 2012, as Celebrate Literacy Week, Florida!

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0056

RESOLUTION NO. 12-05

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING AND ACKNOWLEDGING THE IMPORTANCE OF JANUARY 23-27, 2012 AS CELEBRATE LITERACY WEEK, FLORIDA! .

<p><b>PURCHASING AGENDA</b></p>
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**PROPRIETARY - NEGOTIATOR ROBOT - \$32,854**

**(PUR-01)**

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

Purchase Negotiator Robot.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 11-1888

The Procurement Services Division has reviewed this item and recommends approving the proprietary purchase.

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**224-10874 - REJECT BIDS AND RE-BID - ELECTRONIC EVIDENCE  
MANAGEMENT SYSTEM****(PUR-02)****NO BUDGETARY IMPACT.**

Reject all bids for Electronic Evidence Management System and authorize re-bidding.

Recommend: Motion to reject and authorize re-bidding.

Exhibit: Commission Agenda Report 11-1898

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

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

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**NAMING OF PARK AT 500 SOUTH NEW RIVER DRIVE EAST –  
STRANAHAN LANDING****(CR-02)**

Commissioner Rodstrom indicated that residents have contacted her regarding the process for this park naming. She drew attention to an email to the Commission from Melinda Bowker, dated January 5, 2012, on the process as well and asked that it be made a part of the record. Ms. Bowker contends that if the neighborhood association opinion is being taken into account, they should have to state the number of current members and total number of households that reside in the association boundaries to get an idea of the percentage representation of the public in that neighborhood. Ms. Bowker also thought they should if notice has been given to all association members. Commissioner Rodstrom elaborated upon a homeowners association in 2007 which claimed to have 99 percent agreement on a decision before the Commission; however, there were only ten members present at the association meeting and the total membership was quite a bit larger.

Phil Thornburg, Parks and Recreation Director, thought it was noted in the Riverwalk master plan that the area on the north side of the river was to be called *Stranahan Landing*, but he was uncertain if it was an official designation. He was unaware of any connection with the naming of Laura Ward Plaza. The staff recommendation is to name the south side of the river, *Stranahan Landing*. Commissioner Rogers clarified that the Riverwalk master plan includes an area denoted as *Stranahan Landing* and he was not certain why it is labeled as such. He was unaware of any legal naming on the north side. Mr. Thornburg was only aware of the Laura Ward Plaza designation on the north side. Commissioner Rodstrom agreed with Ms. Bowker about the name of *Stranahan Landing* for the north side next to the Stranahan House. As for the City's policy regarding notice, Mr. Thornburg explained that staff contacts the area neighborhood (associations). A sign was also posted in the park. There was discussion at the Parks,

Recreation and Beaches Advisory Board (Parks Advisory Board), that the sign was inadequate, therefore a bigger was posted shortly after that meeting. The sign has been posted now for three, four weeks. Staff contacted Ron Centamore, president of the Downtown Fort Lauderdale Civic Association, who deferred to the Rio Vista Civic Association (RVCA) on this matter. Commissioner Rodstrom explained that her concern is that a process be followed and as many people as possible have weighed in and they are happy.

Vice Mayor DuBose believed this is reminiscent of the renaming of Civic Peoples Park in 2009. He thought a new procedure had been put in place since then. Mr. Thornburg explained that notification of the area neighborhood (associations) and posting a sign at the park is the new process. It is the neighborhood association's responsibility to alert all of the residents and obtain their input which is then brought forward to staff, the Parks Advisory Board and Commission. These steps have been taken. Discussion ensued between him and Vice Mayor DuBose about the recent policy revision pertaining to notice. Mr. Thornburg was uncertain if specific policy changes arose from the Civic Peoples Park renaming; but staff definitely followed the policy in 2009 and 2011. Vice Mayor DuBose indicated that the same issue that arose when Civic Peoples Park was renamed is still surfacing. Mr. Thornburg explained when the Parks Advisory Board reviewed the new policy, they wanted to make sure that the things that happened in 2009 were covered, that being more communication to the neighborhoods and signage for individuals who are not members of an association. What took place in 2009 was discussed at the meeting to make sure it would not reoccur. Commissioner Rodstrom did not think the issue is related to staff's actions as the (City's) policy was followed. The concern is about how many people weighed in on the decision. Mayor Seiler indicated that he has only received one communication about this topic, that being the individual who sent the email. It appears that it was addressed by the Parks Advisory Board, the Downtown Development Authority and the Downtown Civic Association. Commissioner Rodstrom indicated she received the mentioned email and a phone call from another individual. Commissioner Rodstrom explained that she would not be so concerned if it was not sort of designated for the north side.

Mayor Seiler opened the floor for public comment.

Gunner Sturman, representing Rio Vista Civic Association (RVCA), indicated that he presented the *Stranahan Landing* name to the Parks Advisory Board and they were concerned about notice. So, he attended the neighborhood holiday party of approximately 300 people, and collected some one hundred signatures of support of the name on a message board. A photograph of the message board was made a part of the record. He went on to present an article from the December 2011 – January 2012 Rio Vista newsletter entitled, *RVCA seeks to name park Stranahan Landing*, which was made a part of the record. The newsletter was sent to all 900 homes in the neighborhood. No objections were received. The 11-member RVCA Board of Directors voted unanimously in support of the *Stranahan Landing* name which was first suggested at the RVCA general meeting in 2009, and discussed again in 2010 and 2011; it was the only name discussed, there were no alternatives. In response to Commissioner Rodstrom, Mr. Sturman provided a verbal historical account relating to naming the park *Stranahan Landing*. He pointed out his attendance of three RVCA meetings wherein this topic was addressed. In further response, he confirmed that both the north and south sides of the river were historic boat landings. He did not see a problem with both sides having the same name since they were both landings. In response to Mayor Seiler, he



pursued obtaining signatures on the message board because the board was interested in assuring consensus. There were no other name ideas raised at the holiday party. Mayor Seiler understood that the Downtown Civic Association elected not to take position and the Downtown Development Authority supports the naming.

Cari McCormack, 824 North Rio Vista Boulevard, liked the *Stranahan Landing* name, but opposed the naming process. Specifically, she took issue with notification as only a letter-sized sign was posted at the park. She recalled Dr. Sturman (president of the RVCA) explaining to residents at the meeting that the proposed name has been featured on fliers; the (RVCA) website; and in an RVCA newsletter article. However, the RVCA newsletter was issued in mid-December, after the vote was taken. The name was not mentioned in any previous newsletters. Residents did not receive any fliers. She claimed that none of her neighbors, regardless of RVCA membership, were given notice. She asked that this be brought back to the RVCA to obtain consensus for the sake of transparency amongs the entire neighborhood. She claimed that four individuals played key roles in making this area a park, yet they were not asked to provide any input.

In response to Mayor Seiler, Ms. McCormack indicated that she was only aware of one alternative name. However, residents were not asked to submit a name suggestion. Commissioner Rodstrom thought a reasonable choice could be made by taking the top two suggestions after asking everyone in the neighborhood to submit suggestions. There should be certainty that everyone is given proper notice, not just members of the association. Ms. McCormack pointed out that 100 (signatures) out of 930 homes is a small percentage. She contended that this matter was not posted on the RVCA website, and, although email blasts are provided regardless of membership, none were sent. In response to Mayor Seiler, she indicated that she had asked the opinions of the four previously mentioned individuals, but their responses were neither here nor there. She identified three individuals as John Wilkes, Sam Poole, and Clay Wieland. She was unaware if any of them object to the proposed name; but, did not want to speak for them. Warren Sturman, MD, president of Rio Vista Civic Association, contended that Mr. Poole approves of the *Stranahan Landing* name, as does Fred Stresau, another instrumental individual and others which he elaborated upon. Commissioner Rogers thought the (park) architect, Joseph Abruzzio, should also weigh in, but Dr. Sturman had not been able to reach him. Dr. Sturman stressed that a naming process is in place and was closely followed. The naming matter has been on the RVCA agenda for the last three or four years, and is addressed at every meeting. He recalled that *Centennial Park* was raised as a possible name alternative last year, but was rejected. He noted that the RVCA cannot approach every resident to obtain their opinion. But, the meetings are open to all residents. He recalled that name ideas were solicited at the October RVCA meeting which is reflected in the meeting minutes. The RVCA meetings are noticed on a bulletin board; in the RVCA newsletter; on the RVCA website; and email blasts are provided. All of the issues to be addressed are not specified, but the meeting itself is noticed. The RVCA meetings are open to everyone in the community, regardless of membership. Commissioner Rogers thought that, if Mr. Wilkes objected to the proposed name, he would have (already) expressed it. He and Dr. Sturman recalled Mr. Wilkes' attendance at the (holiday) party. Dr. Sturman was uncertain how the north and south sides would be differentiated if both are called *Stranahan Landing*. In response to Commissioner Rodstrom, Dr. Sturman explained that the RVCA was charged with naming this park. After the name was presented, the RVCA was asked to document that everyone had been notified which was done via the message board petition. He noted that there was low attendance at the October RVCA meeting. Approximately one-third of

the 900 homes are members of the RVCA; but, every household receives the newsletter. In response to Mayor Seiler, he indicated that no phone calls or objections were received since the newsletters were circulated. Ms. McCormack reiterated that she received the newsletter after the holiday party. Dr. Sturman acknowledged that the newsletter was circulated after the holiday party. He indicated that the name was brought forward to the advisory board at the end of November. Discussion ensued regarding the RVCA newsletter article in terms of its purpose and whether it sought name suggestions. In response to Commissioner Rodstrom, Commissioner Rogers referred to the advisory board's recommendation to approve the name with the proviso to go back to the neighborhood. Dr. Sturman emphasized that this matter was noticed on the RVCA agenda specifically for naming in October. Anyone who wished to submit a name could do so. Commissioner Rogers pointed out that John Wilkes just now returned his text message, and indicated no objection to the *Stranahan Landing* name.

Clay Wieland, 513 SE 9 Avenue, had no objection to the name, but disapproved of the process. He noted his ten-year experience serving on the RVCA board. He was not notified. He elaborated upon the origins of this (park) project and his involvement in it. He agreed with Ms. McCormack that the letter-sized notice for the advisory board meeting was inadequate. In response to questions raised by Mayor Seiler and Commissioner Rodstrom, he confirmed that he expressed approval of the proposed name at the advisory board meeting. He was uncertain whether Stranahan House and Laura Ward Plaza representatives were notified. Commissioner Rodstrom thought the Stranahan House should have been notified.

Art Seitz, 1905 North Atlantic Boulevard, thought a naming process should be in place. He was pleased to see youth participating in this process. He recalled his previous suggestions to name a City parcel after Chris Evert, and to place electronic signs at beach entrances. There needs to be better communication channels and responsiveness in general.

April Kirk, executive director of Stranahan House, confirmed that she was contacted by the RVCA, and, both, the board and staff of Stranahan House believe the proposed name is historically accurate and support it. But, she could not speak to the process. There was no one else wishing to speak.

Commissioner Rodstrom reiterated that she has no objection to the name, but takes issue with the process. She thought it is problematic that the backup did not reflect whether a board-level vote had been taken by the Stranahan House. She will support this item, only if measures can be taken to improve the process before a similar policy decision is brought forward. Mayor Seiler thought the process had been clarified in terms of notice since the (Civic Peoples Park) renaming in 2009. He stressed that something must be done, and a checklist should be in place that includes all of the parties to be contacted. This should be completed when the item reaches the advisory board. In terms of the process, he agreed with Commissioner Rodstrom but was encouraged that the community leaders are in support.

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

**RESOLUTIONS**

**BOARD AND COMMITTEE APPOINTMENTS**

**(R-01)**

**No budgetary impact**

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0013

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

Beach Business Improvement District Advisory Committee      Marco Borrás (Consensus-Bahia Mar Representative)

Beach Redevelopment Board      Tim Schiavone (Vice Mayor DuBose)  
 Jordana L. Jarjura (Commissioner Roberts)  
 Melissa Milroy (Commissioner Roberts)  
 Mel Rubenstein (Commissioner Rodstrom)  
 Judith Scher (Commissioner Rodstrom)  
 Anthony Abbate (Commissioner Rogers)

Cemetery System Board of Trustees      Michael Ruddy (Commissioner Rodstrom)  
 Patricia S. Hayes (Commissioner Rogers)

Code Enforcement Board      Eugenia "Genia" Ellis (Consensus)

Nuisance Abatement Board      Louise Dowdy (Vice Mayor DuBose)

Sustainability Advisory Board      Alena Alberani (Commissioner Rodstrom)  
 Dana Pollitt (Commissioner Rodstrom)

Visioning Committee      Stanley Eichelbaum (Mayor Seiler)  
 Tim Smith (Mayor Seiler)  
 Randall Vitale (Vice Mayor DuBose)  
 Alan L. Gabriel (Commissioner Roberts)  
 Charles B. Ladd (Commissioner Rodstrom)  
 Gary T. Sieger (Commissioner Rodstrom)  
 Peg Buchan (Commissioner Rogers)

Commissioner Roberts introduced the following resolution:

**RESOLUTION NO. 12-01**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH IN THE EXHIBIT**

ATTACHED HERETO AND MADE A PART HEREOF.

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

<b>CITIZEN PRESENTATIONS</b>
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**LOUELLA MEREDITH - BUILDING DEPARTMENT'S LACK OF COOPERATION – FLOOD DAMAGE - FEMA**

**(CIT-02)**

**No budgetary impact**

Ms. Meredith explained that she was flooded out of her home on October 30. But, damages could not be assessed for two days as the water had not receded because the City had stopped pumping water out of the neighborhood. She is still not back in her home after 67 days. She felt the City has been unresponsive and uncooperative in this process as staff told her that building permits could not be issued because of FEMA's (Federal Emergency Management Agency) substantial damage clause. Further, FEMA's agent, Philadelphia Indemnity Insurance, has indicated that she may not be able to qualify for an ICC (Increased Cost of Compliance) claim. The only assistance the City has offered is an offer for a low-interest SBA (Small Business Administration) loan. She (and her husband) are retired and had more than adequate flood insurance to handle this claim, so she did not think that losing her home was a possibility. She contended that FEMA and the City's Building Department want the home to be demolished which will leave her homeless, broke, and responsible for a mortgage lien. She wanted to be compensated for her loss.

In response to Mayor Seiler, she pointed out that her address is 1819 SW 22 Street. The City Manager explained that Ms. Meredith approached the City's Building Department on November 23 to begin renovations. Staff examined the home's original plans and those for a 1997 addition. The National Flood Insurance Program and Title 44 of the Code of Federal Regulations in the FEMA guidelines state that, when a house is destroyed at a point of 50 percent or more of the assessed value, it must be brought up to the current flood elevation. The home's base flood elevation is seven; the current elevation is five. These stipulations apply because the home sustained about \$81,000 in damage which exceeds 50 percent of its market value by about \$7,000. Therefore, staff rejected Ms. Meredith's (permit) plans, and provided an explanation in the denial. Staff is willing to provide additional documentation for her insurance adjuster if requested. In further response to Mayor Seiler, Ms. Meredith acknowledged the regulation, and indicated that she is not requesting it to be waived. Mayor Seiler pointed out that this matter is caused by national guidelines, not the City. Ms. Meredith indicated that the problem is that her insurance company does not want to compensate for the property's cost, which would be the case even if the City provides them with proof (of the reason for rejecting the permit). The insurance company will only pay up to \$30,000 of the demolition cost. She noted that she is receiving approximately \$100,000 in insurance compensation for the physical damage caused by the flood water which would have been sufficient, if she

were able to move forward with renovations.

In response to Vice Mayor DuBose, she explained that the \$30,000 demolition coverage would be derived from a (FEMA) ICC claim; these funds are to elevate, relocate, or demolish the home. But, contractors have determined that it would not be sensible to elevate or relocate the home. She confirmed that the \$81,000 in damages was determined by the insurance adjuster, but was uncertain if it is for replacement costs or cash value. Vice Mayor DuBose noted his professional experience working with flood claims. He explained that a calculation must be done to determine a property valuation, it is not just (based on) market value. In response to the City Manager, Ms. Meredith confirmed that her contractor provided the \$81,000 figure as the cost for the work on the permit application, and she has been negotiating it. Vice Mayor DuBose questioned whether the \$81,000 is the final estimate, and whether it includes the ten percent overhead and ten percent profit (ten and ten). If so, Mayor Seiler clarified that, if the ten and ten is removed, the claim would be reduced to a level below the \$73,000 threshold. Ms. Meredith confirmed for Vice Mayor DuBose that the \$81,000 is the final amount that she would be required to pay the contractor. Vice Mayor DuBose pointed out that this may not be the actual cost for damages as it may include overhead and profit costs. Mayor Seiler indicated that the City would not have to reject the permit application based upon the elevation requirement if the damages estimate was \$72,000.

Vice Mayor DuBose explained to Ms. Meredith that her recovery cost will be derived from her insurance, not the City. There are stringent NFIP (National Flood Insurance Program) guidelines that must be followed. He agreed that she can resolve this matter by addressing the damages cost estimate with her contractor. Ms. Meredith noted that she obtained three different estimates. Vice Mayor DuBose indicated that the overhead and profit percentage varies among contractors. In response to Ms. Meredith, Mayor Seiler stressed that the City must enforce regulations with consistency. Further, he explained that staff did not inspect the property because her permit application had been rejected.

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**ART SEITZ - BEACH - RECREATIONAL DESIGN AND CONSTRUCTION, (CIT-01)  
INC. - RON JON**

**No budgetary impact.**

Mr. Seitz thought the Commission has a fiduciary responsibility to conduct due diligence. But, he felt this was not met in terms of the RDC (Recreational Design and Construction, Inc.) bid. He recalled the Commission rejecting a prior business plan submitted for the International Swimming Hall of Fame (ISHOF). He elaborated upon matters that he felt exemplify RDC's lack of financial accountability, including bribery allegations. Based upon his public records requests, Mr. Seitz indicated that RDC has not submitted a business plan to the Beach Redevelopment Board, nor the Commission; also, he claimed that no letters were submitted from hotel owners opposing a hotel being built at ISHOF. He contended that (RDC's) financier was foreclosed upon. He submitted an article which is attached to these minutes.

<b>PUBLIC HEARINGS</b>
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**COMPREHENSIVE PLAN - PUBLIC SCHOOLS AND CAPITAL IMPROVEMENT ELEMENTS - METHOD - MEASURE CAPACITY AND TO INCLUDE RELOCATABLES IN DETERMINING CAPACITY** (PH-01)

**No budgetary impact**

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

**Exhibit:** Commission Agenda Report 12-0071

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

In response to Commissioner Rodstrom, the City Attorney explained that staff recommends approval because, otherwise, the City's comprehensive (comp) plan, which is presently in compliance, would be out of compliance, and he was uncertain what the remedy for Broward County (County) or the School Board of Broward County (School Board) would be.

In further response to Commissioner Rodstrom, Vice Mayor DuBose noted that his position on this matter has not changed since it was previously brought forward. He thought this interlocal agreement (ILA) is not beneficial for the City and its schools. The City is the largest contributor to the district; but, the 75 percent threshold has been met. The schools in the western part of the county are over-enrolled, but those in the east are under-enrolled. So, the district had to examine this matter in terms of a whole capacity which has created a loophole. Mayor Seiler agreed, and suggested this item be deferred until the Commission has further examined the legal and public policy issues. Regardless of deferral, Vice Mayor DuBose indicated that his position is solid in that he will not support this item. Nonetheless, this is a done deal because the threshold has been reached. In response to Mayor Seiler, the City Attorney explained that the City would likely be in non-compliance if this is not approved. Mayor Seiler pointed out that he met with the School Board yesterday and thought there are issues that are being worked on.

**Motion** made by Commissioner Rodstrom and seconded by Commissioner Roberts to defer the item.

Commissioner Roberts recalled that the Commission voted against this item when it was previously brought forward because of the concerns expressed by Vice Mayor DuBose. However, he wanted to find out what the ramifications are. Commissioner Rogers noted that Florida Virtual School can be utilized in the event that a school is overcrowded and

there are insufficient funds to hire a new teacher. He wanted to know if virtual school is part of this equation; and, if not, whether it should be included being that it may satisfy some of the other regulated criteria. Vice Mayor DuBose reiterated that the threshold is met and this is a done deal, regardless of whether the Commission approves it. He pointed out that some grade levels require students to take an online class, so (virtual school) is more like a movement that was not captured within the proposed. Commissioner Rogers indicated that this is only a temporary fix. Vice Mayor DuBose noted his desire to protect the City's best interest as the City's under-enrolled and inadequately resourced schools had to be examined prior to the requirement being met for this ILA. In contrast, schools in the western part of the county are newer and better equipped. Mayor Seiler agreed about the difficulty in supporting this item.

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

ORDINANCE NO. C-12-

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.

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**COMMUNITY REDEVELOPMENT PLAN (PH-02)**  
**MIDDLE RIVER – SOUTH MIDDLE RIVER – SUNRISE BOULEVARD AREA**

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

**Exhibit:** Commission Agenda Report 12-0053

Mayor Seiler opened the public hearing.

Robert Smith, member of the South Middle River Civic Association, supported the item and thanked the Commission for their action.

Ray Thrower, South Middle River Civic Association, supported the item and thanked the Commission for their action.

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

Commissioner Rodstrom introduced the following resolution:

## RESOLUTION NO. 12-02

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A COMMUNITY REDEVELOPMENT PLAN PURSUANT TO SECTION 163.360, FLORIDA STATUTES, FOR THE COMMUNITY REDEVELOPMENT AREA DESCRIBED AS BEING BOUNDED BY SUNRISE BOULEVARD ON THE SOUTH, INCLUDING THE COMMERCIAL CORRIDOR OF SUNRISE BOULEVARD FROM PROGRESSO DRIVE TO I-95, FROM SUNRISE BOULEVARD TO NW 10 PLACE, NW 10 PLACE TO NW 10 AVENUE, NW 10 AVENUE TO CHATEAU PARK DRIVE, CHATEAU PARK DRIVE TO NW 9 AVENUE, NW 9 AVENUE TO NW 16 STREET, NW 16 STREET TO NW 7 AVENUE, NW 7 AVENUE TO NE 13 STREET, AND NE 13 STREET TO PROGRESSO DRIVE; REAFFIRMING THE FINDING OF THE EXISTENCE OF ONE OR MORE SLUM OR BLIGHTED AREAS IN THE CITY; DEFINING THE COMMUNITY REDEVELOPMENT AREA; MAKING CERTAIN FINDINGS AND DETERMINATIONS; FINDING CONFORMITY TO THE COMPREHENSIVE PLAN; AUTHORIZING AND DIRECTING THE COMMUNITY REDEVELOPMENT AGENCY TO IMPLEMENT THE PLAN; AND PROVIDING AN EFFECTIVE DATE.

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

<b>ORDINANCES</b>
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**CODE AMENDMENT - DELETION - CHAPTER 2, ARTICLE X –  
SOLICITATION OF DONATIONS**

(O-01)

**No budgetary impact.**

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

**Exhibit:** Commission Agenda Report 12-0038

Vice Mayor DuBose introduced the following ordinance on SECOND reading:

## ORDINANCE NO. C-11-43

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CITY OF FORT LAUDERDALE CODE OF ORDINANCES, CHAPTER 2,



ADMINISTRATION, BY DELETING ARTICLE X,  
SOLICITATION OF DONATIONS; AND PROVIDING FOR  
SEVERABILITY AND AN EFFECTIVE DATE.

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

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**CODE AMENDMENT - CHAPTER 2, ARTICLE VIII - LOBBYING ACTIVITIES (O-02)**

**No budgetary impact.**

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

**Exhibit:** Commission Agenda Report 12-0037

Vice Mayor DuBose introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-11-42

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CITY OF FORT LAUDERDALE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE VIII, LOBBYING ACTIVITIES, TO CONFORM TO CERTAIN PORTIONS OF THE BROWARD COUNTY CODE OF ETHICS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

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Note: There being no other matters to come before the Commission, the meeting was adjourned at 7: 50 p.m.

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John P. "Jack" Seiler  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk