

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
FEBRUARY 7, 2012

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
February 7, 2012**

Meeting was called to order at 6:06 p.m. by Mayor Seiler on the above date, in City Hall, 100 North Andrews Avenue, 1st floor Chambers.

Roll call showed:

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

Absent: None.

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

Invocation was offered by Pastor Dan Tennis, Christian Romany Church, followed by the recitation of the pledge led by Commissioner Rodstrom.

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 Vice Mayor DuBose and seconded by Commissioner Roberts to approve the minutes of the November 15, 2011, December 6, 2011 and December 20, 2011 Conference Meetings and December 20, 2011 and January 5, 2012 Regular Meetings. YEAS: Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

MOMENT OF SILENCE – EXPRESSION OF SYMPATHY

(OB)

Mayor Seiler offered a moment of silence in memory of Richard Mancuso, the City's 2012 citizen of the year. Mr. Mancuso will be remembered for his service to the City as a civic activist. An expression of sympathy was offered to Mr. Mancuso's family and friends.

Presentations**1. NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION - MONTH – FEBRUARY, 2012 (PRES-01)**

Commissioner Rodstrom presented a proclamation declaring February, 2012, as National Teen Dating Violence Awareness and Prevention Month in the City to Patrick DeCarlo, Youth Prevention Coordinator, Women In Distress of Broward County, and Analilia Jimenez, Women In Distress of Broward County. Mr. DeCarlo thanked the Commission for their support in bringing visibility to survivors of domestic violence.

SITE PLAN LEVEL III WITH ALLOCATION OF FLEX UNITS – ATLANTECH PLAZA - CASE 32-R-11 (R-02)

No budgetary impact.

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom to defer this item to April 3, 2012 (request of Applicant). Roll call showed: YEAS: Commissioner Rodstrom, Commissioner Rogers, Vice Mayor DuBose, Commissioner Roberts, and Mayor Seiler. NAYS: None.

2. ROTARY CLUB OF FORT LAUDERDALE 90TH ANNIVERSARY DAY – FEBRUARY 7, 2012 (PRES-02)

Commissioner Rogers presented a proclamation declaring February 7, 2012, as Rotary Club of Fort Lauderdale 90th Anniversary Day in the City to Dr. Robert Easton, President, Fort Lauderdale Rotary Club. Dr. Easton thanked the Commission. He noted that the club is open for membership and invited the public to attend an upcoming event. He mentioned that over half of the funds raised by the club provide scholarships to local high school students.

3. EXCELLENCE IN FINANCIAL REPORTING CERTIFICATE – FINANCE DEPARTMENT (PRES-03)

The City Manager recognized the Finance Department for receiving the Certificate of Achievement for Excellence in Financial Reporting for fiscal year 2010 from the Government Finance Officers Association. He emphasized that the cornerstone of government transparency is accurate financial records that are presented to the public as reflected in the City's comprehensive annual financial report. Kirk Buffington, Deputy Director of Finance, thanked the City Manager and the Commission. He recognized Marian Dollard, Accountant II; Alethea "Dawn" Johnson, Accountant II; Lucretia Penrow, Senior Accounting Clerk; Bruce Freund, Senior Accounting Clerk; and Michael Aronson, Accountant II, for their efforts which contributed to this achievement.

TASK ORDER - CRAVEN THOMPSON & ASSOCIATES, INC. - \$28,700 (M-03)
FIVEASH WATER TREATMENT PLANT BOUNDARY AND TOPOGRAPHIC
SURVEY

Please see funding information attached to these minutes.

Pursuant to Memorandum 12-041, this item was revised to provide for funding to be contingent upon approval of Agenda Item CR-07.

TASK ORDER 12 - CDM SMITH INC. F/K/A CAMP DRESSER & (M-04)
MCKEE INC. - \$81,200 - PROCESS PIPING - LOHMEYER REGIONAL
WASTEWATER TREATMENT PLANT

Please see funding information attached to these minutes.

Pursuant to Memorandum 12-041, this item was revised to provide for funding to be contingent upon approval of Agenda Item CR-07.

FUNDS TRANSFER - \$100,000 (M-09)
MELROSE PARK IMPROVEMENTS - SHIRLEY SMALL PARK FENCING

Please see funding information attached to these minutes.

Mayor Seiler announced that the subject of this Commission Agenda Report (12-0140) was revised to reflect a transfer of \$100,000 from General Capital Projects Holding Account to Melrose Park Improvements for wall/fencing portion of the project (Memorandum 12-043).

GRANT APPLICATION - EDWARD BYRNE MEMORIAL JUSTICE (M-14)
ASSISTANCE GRANT - FLORIDA DEPARTMENT OF LAW ENFORCEMENT -
OPERATION TREND BUSTER II - \$68,911

No current year budgetary impact. Matching funds will be budgeted in FY 2012-2013 subject to appropriation of the FY 2012-2013 budget.

Mayor Seiler announced that the subject of this Commission Agenda Report (12-0135) was revised to reflect an authorization of grant application for 2012 Edward Byrne Memorial Justice Assistance Grant Program – Operation Trend Buster II, in the amount of \$68,911 with a local cash match of \$4,488 (Memorandum 12-044).

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**

(M-01)

No budgetary impact.

Event Agreements: 1) Art & Jazz In Victoria Park, 2) Where The Cars Are Antique Car Show, 3) ClueLess On Las Olas, 4) Corporate Run, 5) St. Patrick's Day Celebration (Downtown), 6) St. Patrick's Day Celebration (Maguire's Hill), 7) March For Cancer, 8) Florida Turkish Festival, 9) Red Bull Candola, and 10) 35th Annual Waterway Clean Up.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0110

**TRANSFER FUNDS - \$100,000
WAR MEMORIAL AUDITORIUM AIR CONDITIONING CHILLER UNITS**

(M-02)

Please see funding information attached to these minutes.

Transfer \$100,000 from General Capital Maintenance project to War Memorial Auditorium air conditioning project for purchase of chiller units.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0118

**TASK ORDER - CRAVEN THOMPSON & ASSOCIATES, INC. - \$28,700
FIVEASH WATER TREATMENT PLANT BOUNDARY AND TOPOGRAPHIC
SURVEY**

(M-03)

Please see funding information attached to these minutes.

Task Order with Craven Thompson & Associates, Inc. for Boundary and Topographic Survey at Fiveash Water Treatment Plant.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0023

This Commission Agenda Report (12-0023) was revised in accordance with Memorandum 12-041. See page 3.

TASK ORDER 12 - CDM SMITH INC. F/K/A CAMP DRESSER & MCKEE INC. - \$81,200 - PROCESS PIPING - LOHMEYER REGIONAL WASTEWATER TREATMENT PLANT (M-04)

Please see funding information attached to these minutes.

Task Order 12 with CDM Smith Inc. f/k/a Camp Dresser & McKee Inc. for engineering services associated with rehabilitation or replacement of large diameter process piping at Lohmeyer Regional Wastewater Treatment Plant.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0073

This Commission Agenda Report (12-0073) was revised in accordance with Memorandum 12-041. See page 3.

TASK ORDERS 7, 9, AND 10 - CDM SMITH INC. F/K/A CAMP DRESSER & MCKEE INC. - LOHMEYER REGIONAL WASTEWATER TREATMENT PLANT - \$52,450 (M-05)

Please see funding information attached to these minutes.

Task Orders 7, 9, and 10, with CDM Smith Inc., f/k/a Camp Dresser & McKee Inc., for accessing and reviewing inventory in Central Regional Wastewater Treatment Facilities and 2012 updates to Capacity Analysis Report and Large Users Renewal and Replacement Analysis Report.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0141

CHANGE ORDER 4 - CENTRAL FLORIDA EQUIPMENT RENTALS, INC. – CREDIT (\$165,940.21) - FORCE MAIN AND WATER MAIN INTERCONNECTS (M-06)

Please see funding information attached to these minutes.

Change Order 4 to Central Florida Equipment Rentals, Inc. for new items, quantity increases and credits and reduction of encumbrance by (\$165,940.21).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0101

CHANGE ORDER 2 - MOLLOY BROTHERS INC. - CREDIT (\$1,076) (M-07)
ADDITIONAL PIPE SUPPORTS IN WET WELL OF PUMP STATION B-14

Please see funding information attached to these minutes.

Change Order 2 to Molloy Brothers Inc., in net credit amount of (\$1,076) - 2012 Annual Utilities Restoration Contract.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0109

QUIT CLAIM DEED TO FLORIDA DEPARTMENT OF TRANSPORTATION (M-08)
STATE ROAD A-1-A RIGHT-OF-WAY - 3101 BAYSHORE DRIVE –
CAPRI HOTEL, LLC

No budgetary impact.

Authorize execution of Quit Claim Deed in favor of Florida Department of Transportation releasing City's interests in proposed 12-foot right-of-way dedication on State Road A-1-A.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0138

FUNDS TRANSFER - \$100,000 (M-09)
MELROSE PARK IMPROVEMENTS - SHIRLEY SMALL PARK FENCING

Please see funding information attached to these minutes.

Transfer \$100,000 from Harbordale Park Improvements to Melrose Park Improvements for wall/fencing portion of project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0140

The subject of this Commission Agenda Report (12-0140) was revised in accordance with Memorandum 12-043. See announcement on page 3.

GRANT EXTENSION - URBAN AREA SECURITY INITIATIVE (M-10)
INTERLOCAL AGREEMENT AMENDMENT - CITY OF MIRAMAR

No budgetary impact.

Extension of 2007 Urban Area Security Initiative grant agreement to June 30, 2012 and execution of all necessary documents.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0124

GRANT EXTENSION - URBAN AREA SECURITY INITIATIVE (M-11)
INTERLOCAL AGREEMENT AMENDMENT - CITY OF MIRAMAR

No Budgetary Impact.

Extension of 2008 Urban Area Security Initiative grant agreement to February 29, 2012 and execution of all necessary documents.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0126

GRANT ACCEPTANCE - FLORIDA EMT COUNTY GRANT PROGRAM – (M-12)
\$14,590 VALUE - INTRAOSSEOUS EQUIPMENT AND SUPPLIES

No budgetary impact.

Acceptance of grant funded intraosseous equipment and supplies from Florida Emergency Medical Services County Grant Program via City of Hollywood, valued at \$14,590, and authorization to execute all necessary documents to receive this equipment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0143

TASK ORDER 5 - MILLER LEGG & ASSOCIATES, INC. - BID ASSISTANCE - (M-13)
\$19,760- PARCELS B, C AND D - EXECUTIVE AIRPORT INDUSTRIAL AIRPARK

Please see funding information attached to these minutes.

Task Order 5 with Miller Legg & Associates, Inc., in the amount of \$19,760 for environmental restoration of Parcels B, C and D at Executive Airport Industrial Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0114

GRANT APPLICATION - EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT - FLORIDA DEPARTMENT OF LAW ENFORCEMENT - OPERATION TREND BUSTER II - \$68,911 (M-14)

NO CURRENT YEAR BUDGETARY IMPACT. MATCHING FUNDS WILL BE BUDGETED IN FY 2012-2013 SUBJECT TO APPROPRIATION OF THE FY 2012-2013 BUDGET.

Grant application for 2012 Edward Byrne Memorial Justice Assistance Grant Program - Operation Trend Buster II, in the amount of \$98,911 with a local cash match of \$4,488, acceptance and appropriation of grant funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0135

The subject of this Commission Agenda Report (12-0135) was revised in accordance with Memorandum 12-044. See announcement on page 3.

AMENDMENT TO INTERLOCAL AGREEMENT - FIRE ASSESSMENT BROWARD COUNTY PROPERTY APPRAISER (M-15)

No budgetary impact.

Amendment to interlocal agreement with Broward County Property Appraiser - fire assessment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0160

BAHIA MAR PLANNED UNIT DEVELOPMENT - APPRAISING MARKET VALUE (M-16)

Please see funding information attached to these minutes.

Authorization to retain services of Integra Realty Resources, in an amount not to exceed \$25,000, for appraising market value of Bahia Mar Planned Unit Development.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0434

AMENDMENT TO INTERLOCAL AGREEMENT - BEACH BUSINESS IMPROVEMENT DISTRICT ANNUAL ASSESSMENT - BROWARD COUNTY PROPERTY APPRAISER (M-17)

No budgetary impact.

Amendment to interlocal agreement with Broward County Property Appraiser - Beach Business Improvement District - annual assessment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0014

CONSENT RESOLUTION

SUPPORTING WORKFORCE BOARD ACCOUNTABILITY ACT (CR-01)

No budgetary Impact

Resolution supporting Workforce Board Accountability Act and urging Governor and Florida Legislature to maintain authority of local elected officials and regional workforce boards.

Recommend: Consider resolution.

Exhibit: Commission Agenda Report 12-0435

RESOLUTION NO. 12-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA SUPPORTING RECOMMENDATIONS RELATED FISCAL ACCOUNTABILITY IN THE PROPOSED WORKFORCE BOARD ACCOUNTABILITY ACT CS/HB 7023 AND SENATE BILL 1398 WHILE URGING THE GOVERNOR AND THE FLORIDA LEGISLATURE TO MAINTAIN THE AUTHORITY OF LOCAL ELECTED OFFICIALS AND THE REGIONAL WORKFORCE BOARDS TO PROVIDE DIRECT OVERSIGHT AND GUIDANCE OVER THEIR REGIONAL WORKFORCE AREAS; AND PROVIDING FOR AN EFFECTIVE DATE.

SUPPORTING DAN MARINO FOUNDATION FLORIDA VOCATIONAL COLLEGE (CR-02)

No budgetary impact

Resolution supporting Dan Marino Foundation efforts for legislation that would establish the Dan Marino Foundation Florida Vocational College.

Recommend: Consider resolution.

Exhibit: Commission Agenda Report 12-0436

RESOLUTION NO. 12-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING THE EFFORTS OF THE DAN MARINO FOUNDATION IN SEEKING LEGISLATION CREATING A VOCATIONAL SCHOOL FOR PEOPLE WITH DISABILITIES AND URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION ESTABLISHING THE DAN MARINO FOUNDATION FLORIDA VOCATIONAL COLLEGE.

SUPPORTING STUDENTS WORKING AGAINST TOBACCO

(CR-03)

No budgetary impact

Resolution supporting Students Working Against Tobacco (SWAT) - tobacco free partnership of Broward County and American Cancer Society to restrict sale of flavored tobacco products.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0431

RESOLUTION NO. 12-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING THE EFFORTS OF STUDENTS WORKING AGAINST TOBACCO (SWAT), THE TOBACCO-FREE PARTNERSHIP OF BROWARD COUNTY, AND THE AMERICAN CANCER SOCIETY TO RESTRICT THE SALE OF FLAVORED TOBACCO PRODUCTS; AND PROVIDING FOR AN EFFECTIVE DATE.

SUPPORTING IMPOSITION OF SALES TAX ON INTERNET-ONLY RETAILERS

(CR-04)

No budgetary impact

Resolution supporting Florida House Bill 321 and Senate Bill 430, imposing a sales tax on internet-only retailers.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0150

RESOLUTION NO. 12-23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING HOUSE BILL 321 AND SENATE BILL 430, IMPOSING A SALES TAX ON INTERNET-ONLY RETAILERS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SUPPORTING FUNDING OF LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (CR-05)

No budgetary impact

Resolution in support of funding Low Income Home Energy Assistance Program.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0151

RESOLUTION NO. 12-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, URGING UNITED STATES CONGRESS TO FUND THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM AT A LEVEL OF \$5.1 BILLION FOR FY 2012, AND AN ADVANCE APPROPRIATION FOR FY 2013 IN THE AMOUNT OF \$5.1 BILLION; AND PROVIDING FOR AN EFFECTIVE DATE.

FIREARMS RANGE FACILITY - USE BY OTHER LAW ENFORCEMENT AGENCIES (CR-06)

NO BUDGETARY IMPACT.

Authorizing City Manager and Chief of Police to execute license agreements for use of Firearms Range Facility by other law enforcement agencies including fees for such use.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0136

RESOLUTION NO. 12-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CHIEF OF POLICE TO EXECUTE LICENSE AGREEMENTS FOR THE USE OF THE FORT LAUDERDALE POLICE FIREARMS RANGE WITH OTHER LAW ENFORCEMENT AGENCIES.

CONSOLIDATED BUDGET AMENDMENTS – APPROPRIATION

(CR-07)

Please see funding information attached to these minutes.

Amendment of fiscal year 2012 final operating budget - appropriation.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0159

RESOLUTION NO. 12-26

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.

**PROGRESSO NEIGHBORHOOD IMPROVEMENTS
JOINT PARTICIPATION AGREEMENT - FLORIDA DEPARTMENT OF
TRANSPORTATION**

(CR-08)

No budgetary impact

Joint Participation Agreement with Florida Department of Transportation relating to Progresso Neighborhood Improvements Project.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0147

RESOLUTION NO. 12-27

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

THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) IN CONNECTION WITH THE PROGRESSO NEIGHBORHOOD IMPROVEMENT PROJECT.

**NORTHWEST COMMERCIAL REDEVELOPMENT PROJECT
FIRST AMENDED AND RESTATED ASSIGNMENT OF RIGHTS
AND ASSUMPTION OF OBLIGATIONS**

(CR-09)

No Budgetary Impact

First Amended and Restated Assignment of Rights and Assumption of Obligations and Conditional Consent under Development Agreement for Northwest Commercial Redevelopment Project Phase II to demonstrate evidence of site control for an application for low-income housing tax credits to Florida Housing Finance Corporation - Milton Jones Development Corporation and Village of the Arts, Ltd.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0393

RESOLUTION NO. 12-28

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION BY THE PROPER CITY OFFICIALS OF A FIRST AMENDED AND RESTATED ASSIGNMENT OF RIGHTS AND ASSUMPTION OF OBLIGATIONS UNDER PHASE II OF THE PROJECT AND CONDITIONAL CONSENT UNDER THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND MILTON JONES DEVELOPMENT CORPORATION, SAID ASSIGNMENT AND ASSUMPTION BEING BETWEEN MILTON JONES DEVELOPMENT CORPORATION, AS DEVELOPER/ASSIGNOR, AND VILLAGE OF THE ARTS, LTD., A FLORIDA LIMITED PARTNERSHIP, AS DEVELOPER/ASSIGNEE FOR PHASE II OF THE PROJECT, SUBJECT TO CERTAIN TERMS AND CONDITIONS; AND PROVIDING FOR TERMINATION OF CONSENT TO ASSIGNMENT UPON CERTAIN TERMS AND CONDITIONS; PROVIDING FOR REPEAL OF ANY AND ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

NORTHWEST COMMERCIAL REDEVELOPMENT PROJECT (CR-10)
AMENDED AND RESTATED FOURTH AMENDMENT TO DEVELOPMENT
AGREEMENT

No Budgetary Impact

First Amended and Restated Fourth Amendment to Development Agreement with MJDC AOA, LLC for Northwest Commercial Redevelopment Project to demonstrate evidence of site control for application for low-income housing tax credits to Florida Housing Finance Corporation.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0423

RESOLUTION NO. 12-29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE FIRST AMENDED AND RESTATED FOURTH AMENDMENT TO THE DEVELOPMENT AGREEMENT; RECONCILING TERMS AND CONDITIONS WITHIN THE DEVELOPMENT AGREEMENT AND TERMS OF A LEASE BETWEEN THE DEVELOPER AND BANK; PROVIDING FOR SEVERABILITY; PROVIDING FOR A JOINDER AND CONSENT BY MJDC VOA, LTD.; PROVIDING FOR REPEAL OF ANY AND ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

FIFTH AMENDMENT TO DEVELOPMENT AGREEMENT (CR-11)
NORTHWEST COMMERCIAL DEVELOPMENT PROJECT

No Budgetary Impact

Fifth Amendment to Development Agreement with Milton Jones Development Corporation for Phase II of Northwest Commercial Redevelopment Project - availability of buyer remedies in event of seller default.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0440

RESOLUTION NO. 12-30

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE FIFTH AMENDMENT TO THE DEVELOPMENT AGREEMENT; AMENDING CLAUSES RELATING TO

THE AVAILABILITY OF BUYER REMEDIES IN THE EVENT OF A SELLER DEFAULT; PROVIDING FOR REPEAL OF ANY AND ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

SPECIAL COUNSEL - KESSLER TOPAZ MELTZER & CHECK, LLP (CR-12)
GENERAL EMPLOYEES RETIREMENT SYSTEM - CLASS ACTION
SECURITIES FRAUD

No budgetary impact

Appointment of Kessler Topaz Meltzer & Check, LLP, as special counsel to General Employees' Retirement System to pursue lead plaintiff status in a class action securities fraud litigation filed in U.S. District Court, District of Vermont.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0137

RESOLUTION NO. 12-31

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING THE LAW FIRM OF KESSLER TOPAZ MELTZER & CHECK, LLP ("THE FIRM") TO ACT AS SPECIAL COUNSEL TO THE CITY ATTORNEY IN REPRESENTING THE BOARD OF TRUSTEES OF THE CITY OF FORT LAUDERDALE GENERAL EMPLOYEES' RETIREMENT SYSTEM ("THE PLAN") IN PURSUING LEAD PLAINTIFF STATUS IN A CLASS ACTION SECURITIES FRAUD MATTER, AND, IF THE PLAN IS APPOINTED LEAD PLAINTIFF STATUS THAT THE FIRM IS APPOINTED TO PROSECUTE THE CLASS ACTION AS ATTORNEYS FOR THE CLASS; COMPENSATION FOR THE FIRM TO BE DETERMINED BY THE RETAINER AGREEMENT PREVIOUSLY EXECUTED BETWEEN THE FIRM AND THE PLAN.

PURCHASING AGENDA

PROPRIETARY - FLORIDA WATER ENVIRONMENT ASSOCIATION, (PUR-01)
INC. - \$16,520 - MEMBERSHIP FEE AND SPECIAL ASSESSMENT

Please see funding information attached to these minutes.

Florida Water Environment Association Utility Council - annual membership fee and

special assessment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0057

Procurement Services has reviewed this item and recommends approval of this proprietary purchase.

**PROPRIETARY - PREVENTIVE MAINTENANCE SERVICE PROGRAM – (PUR-02)
\$59,100 - LOHMEYER REGIONAL WASTEWATER TREATMENT PLANT,
DIXIE WELLFIELD & PUMP STATIONS**

Please see funding information attached to these minutes.

Five-year contract for preventive maintenance service program for Caterpillar generators at Lohmeyer Regional Wastewater Treatment Plant, Dixie Wellfield and regional pump stations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0112

Procurement Services has reviewed this item and recommends approval of this proprietary five year maintenance agreement.

**DIGITAL SECURITY CAMERA SERVER AND LAPTOP EQUIPMENT – (PUR-03)
\$13,683.54**

Please see funding information attached to these minutes.

Purchase digital security camera server and laptop equipment for mobile digital video viewing and storage purposes.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0120

Procurement Services has reviewed this item and recommends purchase from the WSCA Contract as well as the Florida State Contract.

223-10928 - MOBILE CLOSED CIRCUIT TV SECURITY CAMERA SYSTEM - \$99,555.08 (PUR-04)

Please see funding information attached to these minutes.

Purchase digital mobile closed circuit television security camera system equipment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0154

Procurement Services has reviewed this item and recommends awarding to the lowest responsive, responsible bidders.

**ADDITIONAL FINANCIAL ADVISORY SERVICES - \$20,000 (PUR-05)
COMPREHENSIVE BANKING SERVICES**

Funds contingent upon approval of budget amendment, CAR 12-0159

Additional financial advisory services to assist with comprehensive banking services request for proposals.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0142

Procurement Services has reviewed this item and recommends approving the additional services.

CITY-WIDE HIGH-SPEED WIRELESS DATA SERVICES - \$266,204.88 (PUR-06)

Please see funding information attached to these minutes.

Contract extension for city-wide high-speed wireless services to September, 2012.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0125

The Procurement Services Division has reviewed this item and agrees with awarding from the State of Florida contract.

772-10904 - MINUTES SERVICES - ADVISORY BOARDS AND COMMITTEES (PUR-07)

Please see funding information attached to these minutes.

Three-year contract with one, one-year renewal option, for advisory board and committee minutes services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0176

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

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom that Consent Agenda Items M-16, CR-05, CR-07, CR-09, and PUR-07 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

BAHIA MAR PLANNED UNIT DEVELOPMENT - APPRAISING MARKET VALUE (M-16)

The City Manager indicated that this item was removed from the consent agenda (for clarification) at the City Auditor's advisement. The justification to utilize Integra Realty Resources (Integra) is that this firm recently completed a similar appraisal on Fort Lauderdale beach at the Harbor Beach Marriott Resort and Spa (Harbor Beach), so they have unique information regarding the economic conditions and how hotels operate. The purpose for the proposed appraisal is to obtain a true understanding of the (Bahia Mar) property's value, given the recent PUD (Planned Unit Development) designation. Commissioner Rogers agreed with the City Manager that Integra should be utilized because of their recent experience in completing the Harbor Beach appraisal.

Mayor Seiler opened the floor for public comment.

Art Seitz, 1905 N. Atlantic Boulevard, indicated that the Rock Bar on Fort Lauderdale beach near Bahia Mar was appraised at approximately \$25 million per acre six years ago. He thought experts should examine the potential value. He hoped the City would concentrate on a contiguous plan for these 20 acres along the beach. He believed the restaurant planned for Bahia Mar should be placed on a higher floor to prevent blocked views. He agreed that ISHOF and the Bahia Mar should be connected with a contiguous walkway.

There was no one else wishing to speak.

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

In response to Commissioner Rodstrom, Mayor Seiler thought bids should be solicited for this item.

Motion made by Commissioner Rodstrom to reconsider the item died for lack of a second.

Commissioner Rodstrom wanted a forensic audit of Bahia Mar's last three years of accounting. Mayor Seiler suggested the matter be discussed at a conference meeting.

SUPPORTING FUNDING OF LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (CR-05)

Commissioner Rogers thought the backup for this item lacks sufficient information. The resolution mentions \$5.1 billion minimum funding level in order for the program to be effective (Commission Agenda Report 12-0151), but there is no explanation. Mayor Seiler thought the resolution is a request for Congress to raise the LIHEAP (Low Income Home Energy Assistance Program) minimum funding level from \$4.7 billion to \$5.1 billion. Commissioner Rogers maintained that more extensive information is necessary to determine how these figures were derived.

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

CONSOLIDATED BUDGET AMENDMENTS – APPROPRIATION (CR-07)

Commissioner Rogers questioned why the budget is being amended for items that should have been included in the first place. The City Manager agreed, and explained that the City's former budgeting practice was to place capital repair items in a general holding account and then allocate them through a budget amendment process. Staff is now properly characterizing expenditures. It will be corrected in the upcoming budget. In the meantime, these operational needs must be met.

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

NORTHWEST COMMERCIAL REDEVELOPMENT PROJECT FIRST AMENDED AND RESTATED ASSIGNMENT OF RIGHTS AND ASSUMPTION OF OBLIGATIONS (CR-09)

Charles King, 105 North Victoria Park Road, recalled the Commission's decision in November to place on hold a proposed low income highrise in Flagler Village (Flagler) until the number of low income projects in the city had been determined. He questioned considering a low income project without giving the market a chance to take advantage of the Sistrunk renovations. Mayor Seiler confirmed for him that this project has been in the cue for over eighteen years. Mr. King spoke in opposition to this item.

Jessie Adderley, 443 NW 19 Avenue, resented the assertion that affordable housing residents all commit crimes. This project was promised to northwest residents long before Flagler was built. Housing in this area is needed. She urged approval. This developer's (Milton Jones Development Corporation) work is reflected in the Regal Trace apartments, and she wanted to see their work continue.

Mickey Hinton, president of Durrs Homeowners Association, indicated he has resided in the city since 1938. He remarked on racial issues that existed years ago and housing built for African Americans during that time. Currently, there is confusion in the (Durrs) neighborhood because there are too many zones. He emphasized the need for affordable housing and for zoning changes in (Durrs). He elaborated upon the history of the subject property. Development of this property will contribute toward a reduction in crime. He urged approval.

There was no one else wishing to speak.

Alfred Battle, Northwest Community Redevelopment Agency Director, explained that affordable housing was formerly located on this site, but, in the late 1970's or early 1980's, the City demolished it with a promise to bring back a mixture of affordable housing and commercial development to revitalize the neighborhood. The area was much larger previously, but development over time has resulted in the northwest commercial piece located on the corner of Sistrunk and 7 Avenue. This project is being developed in two phases, commercial (Phase I) and housing (Phase II). Greg Brewton, Director of Planning and Zoning, indicated that the City did not fulfill the promise to restore the affordable housing which consisted of about fifty dilapidated wooden homes. As for this project, there has been over twenty years of community outreach, including meetings and several charrettes. The changing market was recognized and made part of the plan. Citizens have welcomed the latest proposal. He confirmed that this should have already been built after the demolition in the late 1970's. The project has been vetted publicly on a number of occasions and approved. It is the re-establishment of affordable housing previously provided.

Commissioner Rodstrom indicated that, since 2009, this Commission took measures to ensure that this project move forward. In light of the community's desire to have this project built soon, Commissioner Rogers questioned the need to grant an extension to obtain financing. He recalled that Milton Jones agreed to tighten the timeline to apply (to the State), and that it was necessary to obtain financing by June. It seems counterproductive. The residential rental property market is strong now. Mr. Battle explained that this item's first amendment is related to the developer's assignee, Village of the Arts, Ltd. The City's agreement is with Milton Jones Development Corporation which has until October, 2013, to provide firm financing for Phase II. As it relates to the assignee, the agreement that the City gave conditional consent for the developer to use to apply for the tax credit expires on June 30. This is a request for an extension to allow time to secure that financing, but it is not extending the ability to get a firm financing commitment for Phase II. Sean Jones, representing Milton Jones Development Corporation (assignor) and Village of the Arts, Ltd. (assignee), explained that they applied (for tax credit financing) and the requested extension relates to the City's conditional consent of the assignment. If the developer does not obtain the firm financing and equity investment within the given time period which is currently June 30, then the City's conditional consent becomes null and void. However, the underlying development agreement is still with Milton Jones Development Corporation, and there is until October, 2013, to get the firm financing and equity investment. He recalled that Milton Jones requested an assignment and assumption agreement in June, 2011, in anticipation that the tax credit cycle would begin in September, but it was delayed. The (tax credit) application requires a term in the development agreement of at least seven months from submission, and submission occurred on December 6, 2011. The June 30 date does not allow for that period of time. The award period would not occur until June, 2012. This is

extending the conditional consent until (December 31), to provide for any future delays at the State level.

In response to Commissioner Rogers, Mr. Jones confirmed that preliminary scoring and ranking indicated that the Milton Jones did not pass a threshold issue and measures are being taken to correct this. He elaborated upon the State's timeline, and reiterated that the assignee's term must be seven months beyond December 6, 2011. Commissioner Rogers questioned why the requested extension is for six months, rather than 30 days. Mr. Jones explained it is to cover any delays, but the underlying development agreement with Milton Jones Development Corporation and the date of October, 2013. This date is not being changed. According to the development agreement, there is until January, 2014, to close on the firm financing commitments from the date financing is secured. If the tax credits are received in June, 2012, Commissioner Rogers questioned whether the Milton Jones would be willing to amend the closing date in order to expedite this process. Mr. Jones explained that the closing must occur within a given timeframe, otherwise the tax credits would be lost. The State will aim for a closing before (December 31). It is their desire to move forward as quickly as possible. He cannot respond to inquiries regarding amending the development agreement until he knows whether the tax credits have been awarded, and the process that the State will require. He and Mayor Seiler clarified that the proposed is an extension of the City's conditional consent.

Vice Mayor DuBose indicated that this project was meant to kick start the area's redevelopment; however, the streetscapes were completed first. This has been a strong issue in the city. A public forum was held to obtain the community's input. This is what the community wanted, and this Commission has done its due diligence to keep the project moving forward. The history of the project is deeper than commercial and residential property; it speaks to how far the city has come. There was a mandate that happened to a neighborhood. This project goes beyond the topic of affordable housing; it speaks to the city's future. He urged approval.

Mayor Seiler commented that the term, affordable housing, sometimes causes confusion. The Commission has made a commitment to revisit new affordable housing projects, however, he did not think that people understand that this project dates back to the 1970's. This is not a new affordable housing project; it should have been delivered in the 1980's.

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

**772-10904 - MINUTES SERVICES - ADVISORY BOARDS AND
COMMITTEES**

(PUR-07)

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts to defer the item to February 21, 2012. Roll call showed: YEAS: Commissioner Roberts, Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

RESOLUTIONS

SITE PLAN LEVEL IV AND PARKING REDUCTION - CASE 32-R-10 (R-01)
FOUR-STORY MIXED USE - 3132 NE 9 STREET

No budgetary impact

Applicant: Narain Lalwani
Address: 3132 NE 9th Street
Zoning: Sunrise Lane Area (SLA)
Future Land Use: Central Beach Regional Activity Center

Recommend: Introduce resolution. Staff recommends approval of site plan and parking reduction.

Exhibit: Commission Agenda Report 12-0128

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

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

Mayor Seiler opened the floor for public comment.

Fred Carlson, representing the Central Beach Alliance, expressed support of this item.

There was no one else wishing to speak.

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 12-17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT PERMIT FOR A RESIDENTIAL DEVELOPMENT WITH RETAIL AND RESTAURANT USES AND A PARKING REDUCTION LOCATED AT 3132 N.E. 9TH STREET, FORT LAUDERDALE, FLORIDA IN AN SLA ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

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

SITE PLAN LEVEL III WITH ALLOCATION OF FLEX UNITS – ATLANTECH PLAZA - CASE 32-R-11 (R-02)

No Budgetary Impact

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

Recommend: Motion to defer to April 3, 2012, at request of Applicant and concurrence of staff.

Exhibit: Commission Agenda Report 12-0367

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT PLAN WITH FLEX ALLOCATION TO CONSTRUCT A MIXED USE MULTI-FAMILY RESIDENTIAL DEVELOPMENT, PARKING GARAGE AND RETAIL USE, LOCATED AT 6451 NORTH FEDERAL HIGHWAY, FORT LAUDERDALE, FLORIDA IN A B-1 ZONING DISTRICT.

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DENYING A DEVELOPMENT PLAN WITH FLEX ALLOCATION TO CONSTRUCT A MIXED USE MULTI-FAMILY RESIDENTIAL DEVELOPMENT, PARKING GARAGE AND RETAIL USE, LOCATED AT 6451 NORTH FEDERAL HIGHWAY, FORT LAUDERDALE, FLORIDA IN A B-1 ZONING DISTRICT.

This item was deferred to April 3, 2012 at request of Applicant. See motion on page 2.

CITY CHARTER AMENDMENT – SALE OF CITY-OWNED PROPERTY AFFORDABLE HOUSING OR ECONOMIC DEVELOPMENT (R-03)

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0459

Mayor Seiler indicated that he spoke to the Broward County Supervisor of Elections. He believed the best option is to put this item on the November 6 general election ballot. Commissioner Roberts noted that this will provide a savings to the City, and allow for more vetting.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 12-18

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO DIRECT THE SUPERVISOR OF ELECTIONS TO WITHDRAW THE CITY CHARTER AMENDMENT FROM THE MARCH 13, 2012 GENERAL ELECTION BALLOT AND AMENDING RESOLUTION NO. 11-329 TO CHANGE THE DATE TO PLACE A PROPOSED CHARTER AMENDMENT ON THE BALLOT TO THE NOVEMBER 6, 2012 MUNICIPAL ELECTION.

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

BOARD AND COMMITTEE APPOINTMENTS

(R-04)

No budgetary impact

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0100

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

Community Services Board	Joseph E. Scerbo (Mayor Seiler)
Education Advisory Board	Wayne Neunie (Vice Mayor DuBose)
Nuisance Abatement Board	Sal Gatanio (Consensus) Tom Wolf (Consensus) Lorraine Saunders (Consensus/Alternate)
Planning and Zoning Board	Michael Ferber (Commissioner Rodstrom)
Sustainability Advisory Board	Robert Walters (Commissioner Rogers)

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 12-19

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

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

CITIZEN PRESENTATIONS

GINA HANKERSON – GENERAL PRICE LIST FOR SUNSET MEMORIAL GARDENS CEMETERY PRODUCTS (CIT-01)

No budgetary impact.

Ms. Hankerson of Angelic Monument Company, contended that a representative of Sunset Memorial Gardens Cemetery bullied, threatened and refused to provide the general price list of cemetery products to her. She claimed that Sunset Memorial has refused to provide this information to her on many occasions as well as to funeral homes and residents. She elaborated upon her difficulties with Sunset Memorial because she has requested the general price list. She wanted the Commission to ensure that this information is freely given to the community, and Angelic Monument Company will not be retaliated against for inquiring about a product. The City Manager offered to meet with Ms. Hankerson to review her complaint with regard to the vendor that provides services to Sunset Memorial. He pointed out that a couple of monuments are provided through the cemetery using different vendors. Price is determined based upon need.

FENEL ANTOINE - FRATERNAL ORDER OF POLICE, LODGE 31 – FUNDING REQUEST (CIT-02)

No budgetary impact.

Mr. Antoine noted that hunger is an issue for a number of Fort Lauderdale residents. As such, he indicated that Jack Lokeinsky of the Fraternal Order of Police (FOP) and members of the City's police department have used their personal funds during the Christmas season to support this cause. Being that there were not enough donations the last two holiday seasons, he asked the Commission to support this need.

ROBERT LEFFERTS – PEOPLE AGAINST SEXUAL SLAVERY IN OUR NATION – U. S. PASSION (CIT-03)

No budgetary impact.

Mr. Lefferts expressed gratitude for allowing the U.S. Passion Foundation to get started in Fort Lauderdale.

**ART SEITZ - CAMPAIGN DONATIONS, LOBBYIST INFLUENCE, (CIT-04)
 BAHIA MAR, INTERNATIONAL SWIMMING HALL OF FAME –
 AQUATIC COMPLEX, IRELAND'S INN, GRANT AND FUND RAISING –
SAFETY ISSUES.**

No budgetary impact.

Mr. Seitz recalled that before this Commission took office, there were six responses to a request to implement the LARC (Leisure and Recreation Concepts, Inc.) study. He elaborated upon several contractors whose proposals for the International Swimming Hall of Fame (ISHOF)/Aquatic Center project were not used. He believed the City is losing \$1 million per year (on the Aquatic Center) and thought Commissioner Rodstrom's recent request for an audit of this facility is overdue. He agreed with the City Auditor that new bids should be sought. He expressed support of the City's business plan.

Mr. Seitz claimed that, over the last two elections, Commissioner Rodstrom received \$7,000 and Mayor Seiler received \$2,000 in bundled campaign donations from Scott Rothstein. Mayor Seiler emphasized the falsity of this statement and urged Mr. Seitz to provide any supporting evidence to the City Attorney and the Florida Commission on Ethics for an investigation. Mr. Seitz noted that his opinion is based on information from Buddy Nevins' website which he emailed to the Commission earlier today.

CHRISTINE TIMMON - UNCONSTITUTIONAL IMMIGRATION (CIT-05)

No budgetary impact.

Ms. Timmon was not present.

PUBLIC HEARINGS

**COMMUNITY BUS SERVICE - GALT OCEAN MILE - EXPAND ROUTE (PH-01)
 SERVICE DAYS - DOWNTOWN FORT LAUDERDALE TRANSPORTATION
MANAGEMENT ASSOCIATION**

Funding information will be brought back to the Commission for review at a later date.

Recommend: Open hearing, close hearing, motion to approve.

Exhibit: Commission Agenda Report 12-0102

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

Motion made by Commissioner Roberts and seconded by Commissioner Rogers to

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

ORDINANCES

COMMUNITY SERVICES BOARD - ADDITIONAL DUTIES - CHANGING COMPOSITION OF BOARD - HOUSING OPPORTUNITIES FOR PERSONS WITH HIV/AIDS GRANT PROGRAM (O-01)

No current year budgetary impact at this time.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 12-0144

Commissioner Rodstrom introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-01

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING ORDINANCE NO. C-69-76 WHICH CREATED THE COMMUNITY SERVICES AND FACILITIES BOARD, AS AMENDED, TO CHANGE THE DUTIES AND COMPOSITION OF THE BOARD.

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

HOMELESS ASSISTANCE CENTER - 920 NW 7 AVENUE PERMIT SERVICES TO CLIENTS OF OTHER HOMELESS PROVIDERS (O-02)

No budgetary impacts

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 12-0129

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-03

AN ORDINANCE AMENDING ORDINANCE NO. C-97-21, AS AMENDED BY ORDINANCE NO. C-01-45, APPROVING THE USE OF PROPERTY AND A DEVELOPMENT PLAN FOR A HOMELESS

ASSISTANCE CENTER LOCATED AT 920 NW 7th AVENUE TO REVISE CONDITIONS OF THE DEVELOPMENT ORDER TO PERMIT SERVICES TO CLIENTS OF OTHER HOMELESS PROVIDERS; REVISING THE DATE FOR THE ANNUAL REPORT; DELETING PROVISIONS NO LONGER APPLICABLE AND REVISING OTHER CONDITIONS.

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

VACATION OF RIGHT-OF-WAY - DELETING CONDITION (O-03)
BROWARD HEALTH - 1531 SOUTH ANDREWS AVENUE - CASE 6-P-11

No budgetary impact

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 12-0407

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-02

AN ORDINANCE AMENDING ORDINANCE NO. C-11-35 VACATING, ABANDONING AND CLOSING THAT 8.5 FOOT RIGHT-OF-WAY LYING ALONG THE NORTH SIDE OF SOUTHWEST 16TH STREET TO DELETE THE CONDITION REQUIRING CONVEYANCE OF A VEHICULAR ACCESS EASEMENT.

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

Note: There being no other matters to come before the Commission, the meeting was adjourned at 7:42 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk