

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
MARCH 6, 2012

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
March 6, 2012**

Meeting was called to order at 6:02 p.m. by Mayor Seiler on the above date, in City Hall, 100 North Andrews Avenue, 1st floor Chambers.

Roll call showed:

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

Absent: None.

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

Invocation was offered by Commissioner Rogers, followed by the recitation of the pledge led by members of the South Middle River Civic Association and the Middle River Terrace Neighborhood Association.

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 Commissioner Rodstrom to approve the minutes of the January 17, 2012 and February 7, 2012 Conference Meetings and February 7, 2012, Regular Meeting. YEAS: Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

Presentations

1. ANNUAL GREEN YOUR ROUTINE GRANT AWARDS - \$20,644.20 (PRES-01)

Commissioner Roberts recognized 22 neighborhood associations for their participation in the annual Green Your Routine Recycling Incentive Grant Program. These volunteers contributed over 1,500 hours of service to educate the public and promote recycling, energy conservation, and sustainable living. Loretta Cronk, Recycling Program Coordinator, presented grant funds to representatives of the neighborhood associations.

2. JOE AND SUE MOLNAR DAY – MARCH 16, 2012**(PRES-02)**

Commissioner Rogers presented proclamations declaring March 16, 2012, as Sue and Joe Molnar Day and Joe and Sue Molnar Day in the City to Joe and Sue Molnar. Mr. and Mrs. Molnar thanked the Commission and City residents. Members of the Commission and staff expressed gratitude to Mr. and Mrs. Molnar for their service to the City.

3. OUTSTANDING CITY EMPLOYEES**(PRES-03)**

Phil Thornburg, Parks and Recreation Director, presented Laura Voet, Aquatic Complex Manager; Jeff Stafford, Assistant Aquatic Complex Manager; and Corynna Keen, Assistant Aquatic Complex Manager with the Employee of the Month Award for the diligent efforts they put forth in establishing the City's swim team, Swim Fort Lauderdale.

MARCH FOR MEALS MONTH – MARCH, 2012**(OB)**

Commissioner Rodstrom presented a proclamation declaring March, 2012, as March for Meals Month in the City to Peggy Miller, Executive Director and National Chair, Broward Meals on Wheels; and Amber VanBuren, Public Relations and Marketing Coordinator, Broward Meals on Wheels. Ms. Miller noted that the community's needs have increased, so this organization is currently promoting more extensive services. She invited the public to attend an upcoming event.

NATIONAL CONSUMER PROTECTION WEEK – MARCH 4-10, 2012**(OB)**

Vice Mayor DuBose presented a proclamation declaring March 4-10, 2012, as National Consumer Protection Week in the City to Phillip Carratala, Regional Vice President, AML (anti-money laundering) Compliance, Western Union. Mr. Carratala thanked the Commission. He noted that this is a week for government agencies and national organizations to share tips and information to help consumers protect their privacy, manage finances, and avoid fraud. He announced Western Union's upcoming awareness tour.

Consent Agenda**(CA)**

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

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

EVENT AGREEMENTS AND RELATED ROAD CLOSINGS**(M-01)****No budgetary impact.**

Event Agreements: 1) International Food and Music Festival, 2) "Palm 100" Ultramarathon, 3) Coral Ridge Association Annual Easter Egg Hunt and 4) Board Up 2012.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0521

USE OF SCHOOL BUSES FOR CITY RECREATIONAL PROGRAMS AND EVENTS - SCHOOL BOARD OF BROWARD COUNTY **(M-02)****Please see funding information attached to these minutes.**

Agreement with School Board of Broward County for use of school buses for City recreational programs and events, May 17, 2012 through May 16, 2013.

Recommend: Motion to approve

Exhibit: Commission Agenda Report 12-0519

REJECT PROJECT - NE 14 STREET SIDEWALK - SAFE ROUTE TO SCHOOL GRANT **(M-03)****No budgetary impact.**

Rejection of Safe Route to School - NE 14 Street Sidewalk Grant project from Florida Department of Transportation - Bennett Elementary and Sunrise Middle Schools.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0555

CHANGE ORDER 1 - WALKER DESIGN & CONSTRUCTION CO. - \$38,161.65 MILLS POND PARK IMPROVEMENTS **(M-04)****Please see funding information attached to these minutes.**

Change Order 1 to Walker Design & Construction Co., in the amount of \$38,161.65, to compensate contractor for additional scope of work - Mills Pond Park improvements.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0452

**CHANGE ORDER 6 - VALCOM DESIGN & CONSTRUCTION, INC. – (M-05)
\$47,132.87 - POLICE DEPARTMENT BUILDING HURRICANE WIND RETROFIT**

Please see funding information attached to these minutes.

Change Order 6 to Valcom Design & Construction, Inc., in the amount of \$47,132.87, to compensate contractor for additional scope of work - Police Department Building hurricane wind retrofit.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0454

**CHANGE ORDER 2 - GONZALEZ & SONS EQUIPMENT, INC. - \$16,125.85 (M-06)
RIVERLAND ANNEX - SANITARY SEWER IMPROVEMENTS –
ADD 120 CALENDAR DAYS**

Please see funding information attached to these minutes.

Change Order 2 to Gonzalez & Sons Equipment, Inc., in the amount of \$16,125.85, for the addition of minor storm drainage improvements and 120 non-compensable calendar days to contract period - Riverland Annex sanitary sewer improvements.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0153

**CHANGE ORDER 2 (FINAL) - MBR CONSTRUCTION, INC. - \$85,003.28 (M-07)
FORT LAUDERDALE PARK WALL REPLACEMENT AND ADA IMPROVEMENTS**

Please see funding information attached to these minutes.

Change Order 2 (FINAL) to MBR Construction, Inc., in the amount of \$85,003.28, for modifications based on unforeseen conditions - Fort Lauderdale Park Wall Replacement and ADA improvements, contingent upon approval of consolidated budget amendment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0420

**CHANGE ORDER (FINAL) - PIONEER CONTRACTING, INC. – (M-08)
ADD 28 WORK DAYS - \$6,164 - TUNNEL TOP PARK**

Please see funding information attached to these minutes.

Change Order 2(FINAL) to Pioneer Contracting, Inc., in the amount of \$6,164, for irrigation and site lighting and the addition of 28 work days to contract period - Tunnel Top Park Phase II.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0421

CHANGE ORDER 6 - CENTRAL FLORIDA EQUIPMENT RENTALS, INC. – (M-09)
\$91,419.85 - NE/NW 6 STREET - SISTRUNK BOULEVARD STREETScape
AND ENHANCEMENT PROJECT

Please see funding information attached to these minutes.

Change Order 6 to Central Florida Equipment Rentals, Inc., in the amount of \$91,419.85, for additional work and deletion of work and increase project encumbrance by \$91,419.85 plus 7% engineering fees - Sistrunk Boulevard Streetscape and Enhancement Project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0422

The background/detail of this Commission Agenda Report (12-0422) was revised. See announcement on page 15.

GRANT ACCEPTANCE - LOCAL AGENCY PROGRAM AGREEMENT – (M-10)
\$106,924 - SAFE ROUTE TO SCHOOL - NW 24 AVENUE SIDEWALK

Please see funding information attached to these minutes.

Local Agency Program Agreement with Florida Department of Transportation for Safe Route to School Grant, in the amount of \$106,924, for construction of sidewalk on NW 24 Avenue and transfer \$28,869.48 to fund project engineering and contingency costs - Dillard Elementary and High schools.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0502

SETTLEMENT OF WORKERS' COMPENSATION FILE WC-10-14296 – (M-11)
\$55,000

Please see funding information attached to these minutes.

Settlement of Workers' Compensation File WC-10-14296 (Robert Yontz) - \$55,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0377

DISBURSEMENT OF FUNDS/JOINT INVESTIGATION/O.R. 11-81947 – (M-12)
\$176.31 - LAW ENFORCEMENT TRUST FUND

Please see funding information attached to these minutes.

Authorization of equitable disbursement of \$176.31 with each of the eight participating law enforcement agencies to receive \$19.59 and Fort Lauderdale Police Department to receive an additional share for a total sum of \$39.18 due to additional assigned agent.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0537

DISBURSEMENT OF FUNDS/JOINT INVESTIGATION/O.R. 11-81947 – (M-13)
\$3,220.27 - LAW ENFORCEMENT TRUST FUND

Please see funding information attached to these minutes.

Authorization of equitable disbursement of \$3,220.27 with each of the eight participating law enforcement agencies to receive \$357.80 and Fort Lauderdale Police Department to receive an additional share for a total sum of \$715.67 due to additional assigned agent.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0536

CONSENT RESOLUTION

MAINTENANCE OF LANDSCAPE IMPROVEMENTS - STATE ROAD (CR-01)
A-1 –A - AMENDMENT FOUR - INCLUSIVE MAINTENANCE
MEMORANDUM OF AGREEMENT – FDOT

No budgetary impact.

Amendment Four to Inclusive Maintenance Memorandum of Agreement with Florida Department of Transportation - City maintenance of landscape improvements on State Road A-1 -A from Riomar Street to Bayshore Drive.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0515

RESOLUTION NO. 12-45

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AMENDMENT FOUR TO THE INCLUSIVE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) PROVIDING FOR CITY MAINTENANCE OF LANDSCAPING IMPROVEMENTS ON STATE ROAD A1A FROM BAYSHORE DRIVE TO RIOMAR STREET.

GRANT APPLICATION - RIVERMONT PROPERTY - 1016 WAVERLY ROAD (CR-02)
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION - \$200,000

No current year budgetary impact.

Grant application for Land Water Conservation Funds from Florida Department of Environmental Protection, in the amount of \$200,000, with local match of \$200,000, to support acquisition of Rivermont property and authorization to execute all necessary documents to receive funds and amendments to such documents extending grant term.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0513

RESOLUTION NO. 12-46

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR GRANT FUNDS FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT OF \$200,000; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ANY DOCUMENTS REQUIRED TO ACCEPT SUCH GRANT FUNDS AND AMENDMENTS TO SUCH DOCUMENTS EXTENDING THE TERM OF THE GRANT PERIOD.

The subject of this Commission Agenda Report (12-0513) was revised in accordance with Memorandum 12-076. See announcement on page 14.

ATHLETIC FIELD, RUNNING TRACK AND RELATED IMPROVEMENTS – (CR-03)
JOSEPH C. CARTER PARK - GIFT FROM ORANGE BOWL COMMITTEE -
\$1,500,000

No current year budgetary impact.

City Manager to negotiate agreement with Orange Bowl Committee for acceptance of new synthetic turf athletic field, running track with facilities for track and field events, covered aluminum bleacher seats, electronic scoreboard and associated improvements at Joseph C. Carter Park, valued at \$1,500,000, as an Orange Bowl legacy gift and identifying local matching funds in an amount not to exceed \$1,500,000.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0601

RESOLUTION NO. 12-47

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT FOR THE ACCEPTANCE OF GOODS AND SERVICES IN THE AMOUNT OF \$1,500,000.00 AS AN ORANGE BOWL LEGACY GIFT FOR IMPROVEMENTS AT CARTER PARK AND IDENTIFYING CITY MATCHING FUNDS IN AN AMOUNT NOT TO EXCEED \$1,500,000.00 FOR IMPROVEMENTS AT CARTER PARK SUBJECT TO THE APPROVAL OF AN ACCEPTABLE AGREEMENT BY THE CITY COMMISSION.

The background/detail of this Commission Agenda Report (12-0601) was revised in accordance with Memorandum 12-076. See announcement on page 14.

LICENSE AGREEMENT - OPERATION OF LOCKHART STADIUM – (CR-04)
TRAFFIC SPORTS USA, INC.

Funds contingent upon consolidated budget amendment item, 12-0540.

License Agreement with Traffic Sports USA, Inc. for use of Lockhart Stadium from April 1, 2012 through December 31, 2012, pending Federal Aviation Administration acknowledgement.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0524

RESOLUTION NO. 12-48

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND TRAFFIC SPORTS USA, INC., FOR THE USE OF LOCKHART STADIUM, SUBJECT TO ACKNOWLEDGEMENT BY THE FEDERAL AVIATION ADMINISTRATION, AND PROVIDING FOR AN

EFFECTIVE DATE.

CONSOLIDATED BUDGET AMENDMENT – APPROPRIATION**(CR-05)****Please see funding information attached to these minutes.**

Amendment of fiscal year 2012 final operating budget - appropriation.

Recommend: Adopt resolution.**Exhibit:** Commission Agenda Report 12-0540

RESOLUTION NO. 12-49

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 ATTACHED EXHIBITS, AND PROVIDING FOR AN EFFECTIVE DATE.

This resolution (Commission Agenda Report 12-0540) was revised in accordance with Memorandum 12-075. See announcement on page 14.

**TRANSPORTATION ENHANCEMENT GRANT APPLICATION –
NW 9 AVENUE STREETScape - COMMUNITY REDEVELOPMENT AGENCY****(CR-06)****No budgetary impact at this time although a match may be required by the CRA.**

Resolution supporting transportation enhancement grant application by Community Redevelopment Agency to Broward Metropolitan Planning Organization for NW 9 Avenue Streetscape.

Recommend: Adopt resolution.**Exhibit:** Commission Agenda Report 12-0548

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, IN SUPPORT OF THE FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY'S (CRA) APPLICATION FOR TRANSPORTATION ENHANCEMENT GRANT FUNDING FROM THE BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION FOR THE

NW 9TH AVENUE STREETScape PROJECT.

PURCHASING AGENDA

422-10896 - PROTECTIVE COATINGS - UTILITIES FACILITIES - \$59,500 (PUR-01)

Please see funding information attached to these minutes.

Purchase protective coating services for four Public Works Utilities facilities.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0500

The Procurement Services Division has reviewed this item and recommends an award to the low responsive and responsible bidder, J&J Inc. d/b/a Eagle Painting.

RUBBER TRACK CONSTRUCTION CRAWLER - \$167,201 (PUR-02)
STATE OF FLORIDA CONTRACT 03-760-000-S

Please see funding information attached to these minutes.

Purchase construction crawler.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0504

The Procurement Services Division has reviewed this item and recommends an award against the State Contract.

PROPRIETARY - PURCHASE AND INSTALLATION OF NEW FLOORING – (PUR-03)
\$43,934 - BEACH COMMUNITY CENTER

Please see funding information attached to these minutes.

Purchase and installation of flooring at Beach Community Center.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0470

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

SOLAR POWERED TRASH CONTAINERS - \$147,944.40**(PUR-04)**

Please see funding information attached to these minutes.

Purchase Big Belly/Smart Belly solar powered trash containers for Riverwalk and George English Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0471

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

SHADE STRUCTURE - JOSEPH C. CARTER PARK - \$34,768.75**(PUR-05)****U.S. COMMUNITIES CONTRACT - CITY OF CHARLOTTE, NORTH CAROLINA**

Funds contingent upon consolidated budget amendment item, 12-0540.

Purchase and installation of shade structure for the playground at Joseph C. Carter Park, contingent upon approval of amendment to 2012 final operating budget, appropriating the funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0472

The Procurement Services Division has reviewed this item and recommends awarding from the U.S. Communities contract.

PROPRIETARY - SWIM INSTRUCTOR SERVICE AGREEMENTS - \$163,450 (PUR-06)

Please see funding information attached to these minutes.

One-year agreements with four, one-year renewal options, with Swim Fit FTL, LLC (Martin Hendrick), Dave Gibson and Jennifer Gibson for swim instruction, March 15, 2012 through March 14, 2013 and authorize City Manager or designee to approve renewal options, contingent upon appropriation of funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0495

The Procurement Services Division has reviewed this item and recommends approval of these contracts.

**PROPRIETARY - TENNIS INSTRUCTOR SERVICE AGREEMENTS – (PUR-07)
\$270,000**

No current year budgetary impact; contingent upon the approval of the 2012/2013 fiscal year budget.

One-year agreements with four, one-year renewal options, with Stephen Kennedy, T.J. Urhobo, Jennifer Wiley, Ken Sheiffele, Peter Popov, Tom Krukiel, Jovica Milosevic, Marty Godwin and Christopher Sands for tennis instruction, October 1, 2012 through September 30, 2013 and authorize City Manager or designee to approve renewal options, contingent upon approval and appropriation of funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0090

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

725-10925 - GROUP TERM LIFE AND ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE - 562,810 (PUR-08)

Please see funding information attached to these minutes.

Thirty-three month contract for group term life and accidental death and dismemberment insurance coverages, with one, one-year renewal option, April 1, 2012 through December 31, 2012, and authorize City Manager or designee to approve one, one-year renewal.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0512

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

125-10876 - ACCEPTANCE OF LATE PROPOSALS FOR FINANCIAL AUDIT SERVICES (PUR-09)

No budgetary impact.

Acceptance of late proposals received for financial audit services.

Recommend: Consideration of request.

Exhibit: Commission Agenda Report 12-0581

Procurement Services has reviewed this item and recommends accepting late proposals.

PROPRIETARY - GRANICUS AGENDA MANAGEMENT SYSTEM – (PUR-10)
\$55,315 FIRST YEAR

Please see funding information attached to these minutes.

Contract for purchase of new agenda management system.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0578

The Procurement Services Division has reviewed this item and recommends awarding this proprietary contract.

525-10903 - VEHICLE REGISTERED OWNER INFORMATION SERVICE – (PUR-11)
\$47,972

Please see funding information attached to these minutes.

Three-year contract with one, one-year renewal option for vehicle registered owner information data for parking citations and authorize City Manager or designee to approve one, one-year renewal.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0464

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

Event Agreement – AFT Management, Corp. – (OB)
Kids In Distress Charity Volleyball Tournament

Motion made by Commissioner Rogers and seconded by Commissioner Roberts to authorize and approve the execution of an Event Agreement with AFT Management, Corp. for the Kids In Distress Charity Volleyball Tournament, contingent upon the further review and approval of City staff and the City Attorney's office receiving a validly executed event agreement. Roll call showed: YEAS: Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

GRANT APPLICATION - RIVERMONT PROPERTY - 1016 WAVERLY ROAD (CR-02)
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION - \$200,000

Mayor Seiler announced that the subject of this Commission Agenda Report (12-0513) was revised to reflect that only a grant is being applied for at this time; other actions will be submitted in the future (Memorandum 12-076).

ATHLETIC FIELD, RUNNING TRACK AND RELATED IMPROVEMENTS – (CR-03)
JOSEPH C. CARTER PARK - GIFT FROM ORANGE BOWL COMMITTEE -
\$1,500,000

Mayor Seiler announced that the background/detail of this Commission Agenda Report (12-0601) was revised to reflect that match funding will be derived from Undesignated Fund Balance instead of Sistrunk Park Addition (P11448.331-6599); the appropriation will be submitted in the future (Memorandum 12-076).

CONSOLIDATED BUDGET AMENDMENT – APPROPRIATION (CR-05)

Mayor Seiler announced that the resolution was revised based on Exhibits 2, 3, and 4 being amended to add the following actions: 1) accept the grant funds; 2) authorize City officials to execute all necessary documents; and 3) amend the budget by appropriating the funds (Memorandum 12-075).

Motion made by Vice Mayor Rogers and seconded by Commissioner Roberts that Consent Agenda Items M-03, M-06, M-09, CR-02, CR-03, CR-06, PUR-03, PUR-04, and PUR-09 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

REJECT PROJECT - NE 14 STREET SIDEWALK - SAFE ROUTE TO (M-03)
SCHOOL GRANT

Charles King, 105 North Victoria Park Road, noted that this sidewalk project was to receive State funding, but is being rejected because a couple of homeowners opposed it. He thought sidewalks are beneficial, especially when built near a school. He asked the Commission to support this project, despite neighborhood opposition. Mayor Seiler explained that the neighborhood has communicated their preference to retain swales because of area flooding. Furthermore, this sidewalk would not be used as a route to school. Commissioner Rodstrom mentioned that perhaps a sidewalk ordinance could be brought forward to establish sidewalks throughout most of the city.

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

**CHANGE ORDER 2 - GONZALEZ & SONS EQUIPMENT, INC. - \$16,125.85 (M-06)
RIVERLAND ANNEX - SANITARY SEWER IMPROVEMENTS –
ADD 120 CALENDAR DAYS**

Vice Mayor DuBose indicated that he removed this item from the consent agenda to point out that it is an example of a smart, well-negotiated change order that will serve the purposes of public safety and improved drainage.

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

**CHANGE ORDER 6 - CENTRAL FLORIDA EQUIPMENT RENTALS, INC. – (M-09)
\$91,419.85 - NE/NW 6 STREET - SISTRUNK BOULEVARD STREETScape
AND ENHANCEMENT PROJECT**

Pursuant to this matter being previously addressed at the CRA (Community Redevelopment Agency) meeting (Agenda Item 3), the City Auditor recommended that approval be subject to a reconciliation of the dollar amounts involving the allocation between the CRA and the Water and Sewer (General Capital Projects) funds.

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts to approve the item as amended, subject to reconciliation of the dollar amounts involving the allocation between the CRA and the Water and Sewer (General Capital Projects) funds. Roll call showed: YEAS: Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

**GRANT APPLICATION - RIVERMONT PROPERTY - 1016 WAVERLY ROAD (CR-02)
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION - \$200,000**

In response to a concern raised by the City Auditor regarding the (grant) acceptance procedure, the City Manager explained that this item will only authorize the application because the (funding) source has not yet been specified, and funds have not been appropriated for the local match. If the grant is awarded, the Commission would then seek a recommendation from staff as to where the match funds will be derived.

Commissioner Rodstrom believed this is a worthwhile project but, being that it is not budgeted, she thought it would be misleading to move forward with this application as there may not be available funding for the match if the grant is awarded. Also, the grant will require the City to pay \$1.2 million over a three-year period (to purchase the property). She mentioned some of the City's funding obligations. If this application is approved, it should include a disclaimer that the City is not obligated to pay the \$1.2 million. There is no agreement in place, so the City is not bound to any support beyond this application. Further, this item is only for the land, and does not include the cost for property renovations and maintenance. Mayor Seiler noted that this property was once

valued at \$3 million, but is currently at \$1.2 million. He thought there is no harm in submitting the grant application. Commissioner Rodstrom pointed out that the City may not have any funding beyond the grant. In response to Vice Mayor DuBose, the City Manager explained that the City would have the right to refuse the grant. Commissioner Rogers stressed the importance of prioritizing. He pointed out that the City has spent \$3.5 million on parks over the last three years. This is a once-in-a-lifetime project as it includes 1.5 acres of waterfront land that can be utilized as a park, and has a central location. This grant would provide \$400,000 toward the purchase of this property. Commissioner Rodstrom agreed it is worthwhile and that priorities are important, but wanted certainty that this project is viable and sustainable. The City has (already) committed to a significant amount of funding. Commissioner Roberts agreed, but pointed out that funding is available for the match. Further, this grant would simply provide a down payment; it is not a commitment (for the entire purchase). In response to Commissioner Rodstrom, the City Manager recalled the Commission's direction for staff to explore funding avenues to acquire this property. The appraisals have come down considerably since the City first looked at this. This grant would provide \$200,000, and the City would have to contribute \$200,000 in match funds which can be derived from another source, from the City's revenues, or the CIP (Capital Improvement Plan). This would be determined if the grant is awarded and accepted. He went on to note that renovations would cost about \$300,000 and maintenance would cost about \$100,000 per year. In response to Commissioner Rodstrom, Mayor Seiler indicated that it will be decided upon in the goal-setting session whether some projects in the CIP will not be funded in order to facilitate this project. Commissioner Rodstrom thought it is short-sighted to just consider the grant, because it only covers (a portion) of the purchase price. It should also be examined where the funds necessary to make this a viable and sustainable project will come from. Mayor Seiler reasoned that this is an opportunity for the City to purchase this property for less than half of the original listing price. The City only has to fund the match if the grant is awarded and accepted. It is a no harm, no foul opportunity. The neighborhood would like to have a waterfront park, and this would be a way to preserve the property.

In response to Commissioner Rodstrom, the City Attorney explained that the resolution is not a contract; it is simply (an allowance) to apply for the grant. If the grant is awarded, the Commission would have to authorize acceptance. If accepted and the project is canceled, the City would have to pay back the grant with interest. The acceptance would not be an obligation to pay the \$1.2 million purchase price.

Commissioner Rodstrom wanted it understood that approval is subject to the City only obligating the \$200,000 in match funds at this time. Project funding would be decided by the Commission at a future meeting.

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

**ATHLETIC FIELD, RUNNING TRACK AND RELATED IMPROVEMENTS – (CR-03)
JOSEPH C. CARTER PARK - GIFT FROM ORANGE BOWL COMMITTEE -
\$1,500,000**

Charles King, 105 North Victoria Park Road, thought this project is unnecessary. It will require a local match of \$1.5 million. Mayor Seiler explained that the fields are costly to maintain. Replacement is necessary every couple of years whereas this material will last substantially longer. Also, this will allow the City to install an eight-lane, AAU (Amateur Athletic Union) sanctioned track for a much needed track and field program. This will be a signature field offered to a neighborhood with a number of underprivileged children. Vice Mayor DuBose emphasized that this addresses youths in need of programs that serve as alternatives to committing crime. There will be more youths in this neighborhood due to increased housing density which will place a larger demand on this park. There are many intangible factors that go beyond sports. It is difficult to quantify. Mr. King indicated that, ultimately, it is about the cost. Mayor Seiler pointed out that this turf will allow for more hours of use. It was installed at Moore Park in Miami and worked well. Vice Mayor DuBose felt the benefits will far exceed the cost.

As for the revised funding source, both the City Manager and City Auditor explained to Commissioner Rogers that, typically, funds are moved from CIP Fund Balance to the specific project when it is ready to go. In this case, the City never received an anticipated grant from Broward County for Sistrunk Park Expansion. It is still shown as an active project and money is in the CIP Fund Balance. Therefore, it is recommended that the designation be removed from those funds and reassign \$1.5 million to this park expansion. In response to Commissioner Rodstrom, the City Auditor confirmed that the funds could be utilized to offset any other capital projects.

Commissioner Rodstrom thought this is a viable and beneficial project; but cautioned that the total combined cost for this and item CR-02 is \$2.7 million. In response to her inquiry as to how a public emergency relates to this item, Mayor Seiler explained that this will be funded by a \$1.5 million gift from the Orange Bowl Committee (OBC); and, the OBC wishes to present it in time for the BCS (Bowl Championship Series) National Championship Game in January, 2013. There are deadlines that must be met. The City Attorney confirmed that the need to meet these deadlines constitutes a public emergency. Mayor Seiler pointed out that the City is allowing the OBC to take the lead on this project at no cost as a precautionary measure for it to be completed on time and within budget. For Moore Park, the OBC was able to save a lot of money. The City Attorney clarified that this item is conceptual project approval. When the contract is submitted for approval, the whereas clauses will address her concern (emergency aspect).

Commissioner Roberts joined Vice Mayor DuBose's comments concerning the youth.

Mayor Seiler disclosed that he serves on the Orange Bowl Committee's Board of Directors.

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts to approve the item as amended with match funding being derived from Undesignated Fund Balance instead of Sistrunk Park Addition (P11448.331-6599); the appropriation will be submitted in the future. Roll call showed: YEAS: Commissioner Rodstrom, Vice

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

CONSOLIDATED BUDGET AMENDMENT – APPROPRIATION

(CR-05)

Motion made by Vice Mayor DuBose and seconded by Commissioner Rogers to approve the item as amended with the resolution revised by adding the following actions to Exhibits 2, 3, and 4: 1) accept the grant funds; 2) authorize City officials to execute all necessary documents; and 3) amend the budget by appropriating the funds. Roll call showed: YEAS: Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

**TRANSPORTATION ENHANCEMENT GRANT APPLICATION –
NW 9 AVENUE STREETScape - COMMUNITY REDEVELOPMENT AGENCY**

(CR-06)

Commissioner Rodstrom noted that this item's CRA (Community Redevelopment Agency) counterpart (Agenda Item 2) was deferred until an answer is provided by the Metropolitan Planning Organization.

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

**PROPRIETARY - PURCHASE AND INSTALLATION OF NEW FLOORING – (PUR-03)
\$43,934 - BEACH COMMUNITY CENTER**

In response to Vice Mayor DuBose, Kirk Buffington, Deputy Director of Finance, explained that this item was recommended as a sole source procurement because this flooring has only one manufacturer that operates through only one distributor. A specific type of flooring is necessary because there is moisture in the gym floor. Within the time available staff found that this is the only manufacturer that provides this type of flooring with a 15-year warranty. Vice Mayor DuBose expressed concern if the company was to go out of business. Mr. Buffington indicated that the company closing after the flooring is installed would only be problematic if the floor has maintenance issues. He did not investigate similar product types because the proposed was recommended by the Parks and Recreation Department, as well as the Engineering Division. Vice Mayor DuBose questioned whether due diligence was completed in terms of research. Mr. Buffington pointed out that this distributor supplies other products, so it could likely stay in business, even if the manufacturer closes; and the distributor would provide any warranty service. Mayor Seiler shared Vice Mayor DuBose's concern.

Phil Thornburg, Parks and Recreation Director, explained that Parks and Recreation staff recommended this flooring based upon their research which included examining other types of flooring and alternatives to address the moisture issue. Vice Mayor DuBose thought staff completed their due diligence in terms of locating the best product. But, he was not comfortable utilizing a sole sourced item for such a specialized product. Mr. Buffington explained that this distributor and manufacturer have a current agreement

which stipulates that (the flooring) can only be purchased through this distributor in this geographic area. If this distributor goes out of business, the manufacturer is obligated to honor the warranty, and will utilize another distributor to perform the maintenance service.

Mayor Seiler questioned whether staff compared costs of comparable products. Mr. Thornburg indicated that staff did not research lower priced alternative products; rather, the best material and process were examined, and the cost was worked through by Procurement Services. Mayor Seiler remarked on the possibility of a lower priced comparable product. Mr. Thornburg was uncertain that a comparable product exists. Mayor Seiler thought an RFP was going to be issued, rather than sole source.

Commissioner Roberts indicated there are one-half inch separations between the paneling and floor. He stressed the seriousness of this matter as the center is frequented by elderly residents. Although there may be other solutions, this has been sole sourced because staff believes this is the best solution, given the moisture issue.

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

SOLAR POWERED TRASH CONTAINERS - \$147,944.40**(PUR-04)**

Kirk Buffington, Deputy Director of Finance, explained to Charles King, 105 North Victoria Park Road, that this item includes 24 containers at \$6,164.35 each. Mr. King questioned the cost and sanitation worker pay. Mayor Seiler advised that the City contracts for sanitation services, and Albert Carbon, Public Works Director, confirmed that the cost for these services will be reduced after upcoming negotiations. The City Manager explained that these containers will increase the City's efficiency because they require less frequent emptying. There is savings from less fuel, manpower and electricity. The containers include software that provides an alert when in need of emptying. The City has successfully placed these containers in other parks. Vice Mayor DuBose agreed that the containers are too costly. Discussion ensued about whether this item is being funded by the RRB (Broward County Resource Recovery Board) grant or by a special obligation construction bond. The City Manager indicated that there will be two purchases. The subsequent purchase will be funded by the RRB grant; this item is not grant funded. Without it being a grant, Commissioner Rodstrom was also opposed.

In response to Commissioner Roberts, Phil Thornburg, Parks and Recreation Director, explained that the containers for Riverwalk are funded with CIP (Capital Improvement Plan) Riverwalk renovation funds. Each unit has two containers for trash and recycling with solar compactors for both. Funding for the George English Park container is to be paid with surplus funds from the George English Park playground renovations. In response to Commissioner Rogers, Mr. Thornburg advised that there is CIP funding for this item.

The City Manager drew attention to the containers and the homeless issue and pointed out it is not possible to manually extract food and beverage items from them. In response to Vice Mayor DuBose, Mr. Thornburg was not aware of any other models, lower priced, or otherwise; an RFP was issued, and the lowest bid was selected. The current containers cost \$800 to \$1,000 each, so a combined trash and recycling container would cost about \$2,000. Commissioner Rogers also believed this was to be grant funded. He thought the Commission should have had advance notice about the purchases planned for use of the \$150,000 (CIP Riverwalk renovation funds) as he believed the Riverwalk needs more lighting for example. He wanted this to be brought back with a comparative analysis. Commissioner Roberts wanted to move forward with the George English Park container, being that it has a separate funding source.

Motion made by Commissioner Rogers and seconded by Commissioner Roberts to approve the item as amended to only include the purchase of one container for George English Park. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: Commissioner Rodstrom.

Commissioner Rodstrom recalled that a constituent estimated that it would take nineteen years of manual pick-up to recoup a \$141,000 investment. The City Manager confirmed that the City is paying debt service on the special obligation bond, regardless of whether the containers are purchased.

Motion made by Commissioner Rodstrom and seconded by Commissioner Rogers to defer the other twenty-three containers to April 3, 2012. Roll call showed: YEAS: Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

Commissioner Rogers reiterated his desire for a comparative analysis on April 3, 2012.

125-10876 - ACCEPTANCE OF LATE PROPOSALS FOR FINANCIAL AUDIT SERVICES (PUR-09)

George Platt, representing Crowe Horwath, LLP, support this item as recommended. He explained that FedEx mistakenly believed that City Hall was closed on Presidents' Day (February 20, 2012) which resulted in Crowe Horwath's (Crowe) and two other financial audit proposals not being delivered in time to meet the 2 p.m. deadline. The proposal was in their chain of custody. The Crowe proposal was received at 4:16 p.m. on February 20, 2012. He provided background information on Crowe, and noted that this firm is the external auditor for Broward County. There is no competitive advantage because none of the proposals have been opened yet. FedEx has accepted responsibility for this error as reflected in the letter, dated February 22, 2012, set forth in Exhibit 7 of Commission Agenda Report 12-0581.

Vice Mayor DuBose did not support staff's recommendation as this circumstance does not warrant abandoning established procedures. Other firms were able to submit their proposals on time; there were seven proposals in total, and one was deemed non-responsive. As for the three firms whose proposals were not received in time, the City had no involvement in their choice of delivery service, or the date and time that it was shipped. The proposals could have been hand-delivered as all of the firms have local representation. The firms could seek recourse with FedEx. Mayor Seiler thought this

amounts to excusable neglect, especially being that three firms are involved; all of which provided the packages to FedEx in time for on-time delivery, but FedEx, a worldwide delivery service, made mistake. Case law indicates that deadlines would be extended if a FedEx plane were to crash. He stressed that competition is beneficial. Vice Mayor DuBose maintained that the firms are local and could have been hand-delivered. The City Manager explained to Vice Mayor DuBose that the (four) proposals received on time were delivered by local courier. Vice Mayor DuBose recalled that the City has historically followed the established procedures for such matters. Furthermore, there is no evidence in the backup which indicates that FedEx was advised, either verbally or in writing, that City Hall was closed. In response to Mayor Seiler, Kirk Buffington, Deputy Director of Finance, explained that he did not communicate with FedEx regarding this matter. He understood FedEx's policy to be that the driver is to contact each business to determine whether it is open or closed. He was not aware of any staff member telling FedEx that City Hall was closed. Commissioner Roberts thought FedEx's letter (Exhibit 7) indicates that the delay was caused by FedEx and that the package was delivered in time for delivery if City Hall had been open.

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

RESOLUTIONS

**DISPOSITION OF CITY OWNED SURPLUS PROPERTY - BID OF \$15,500 (R-01)
604 SW 12 AVENUE - RIVERSIDE ADDITION AMENDED**

Please see funding information attached to these minutes.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0265

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 12-42

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8.04 OF THE CITY CHARTER, ACCEPTING THE OFFER OF FIFTEEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$15,500.00) FROM GADDIS CAPITAL CORPORATION, A FLORIDA CORPORATION, FOR THE PURCHASE OF SURPLUS PROPERTY, BEING MORE PARTICULARLY DESCRIBED BELOW, WITH THE APPROXIMATE STREET ADDRESS OF 604 SW 12TH AVENUE, FORT LAUDERDALE, FLORIDA, AND MORE PARTICULARLY

DESCRIBED BELOW AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE OF THE PROPERTY; AUTHORIZING EXECUTION AND DELIVERY OF A DEED OF CONVEYANCE TO THE PROPERTY; AND FURTHER AUTHORIZING THE EXECUTION OF ANY AND ALL INSTRUMENTS REASONABLY NECESSARY OR INCIDENTAL TO A CONSUMMATION OF THE TRANSFER OF TITLE TO THE PROPERTY; AND 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 EXHIBIT "A" ATTACHED HERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

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

DECLARATION OF RESTRICTIVE COVENANTS - 71.5 ACRES AT EXECUTIVE AIRPORT - TRANSPORTATION MITIGATION FEE – FUTURE LAND USE MAP PLAN AMENDMENT

(R-02)

No budgetary impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0614

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 12-43

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AND RECORD A DECLARATION OF RESTRICTIVE COVENANTS RESPECTING LANDS OWNED BY THE CITY OF FORT LAUDERDALE WITHIN THE FORT LAUDERDALE EXECUTIVE AIRPORT; SUCH LANDS BEING MORE PARTICULARLY DESCRIBED BELOW, IN CONJUNCTION WITH A TRANSPORTATION MITIGATION FEE ASSOCIATED WITH LAND USE PLAN AMENDMENT PC 11-2; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTIONS OR PARTS THEREOF; PROVIDING FOR EFFECTIVE DATE

In response to Vice Mayor DuBose, the City Manager explained that the voluntary mitigation contribution amount is \$412,912. But, this would only be incurred after 920

p.m. peak hour trips which staff believes is impossible to achieve at full build-out; therefore, the voluntary mitigation contribution amount is effectively zero.

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

BOARD AND COMMITTEE APPOINTMENTS

(R-03)

No budgetary impact

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0518

In response to the City Clerk's announcement, there was consensus approval to accept the Nuisance Abatement Board's recommendation to change Cindy Smith's membership status from alternate to full member.

In response to Commissioner Rodstrom, Mayor Seiler highlighted the experience and credentials of the applicants for both retirement system boards. He recommended Mark Burnam for general employees and Jeffrey Cameron for the police and firefighters. Commissioner Rogers agreed. Commissioner Rodstrom suggested Jane Mills because of her experience in the investment industry, although Ms. Mills has not yet presented an application. Given the significant amount of funds this board will handle, she was concerned about an appointment lacking specific investment experience. She questioned whether any of the other possible appointments have conflicts of interest.

Motion made by Commissioner Rogers and seconded by Commissioner Roberts to appoint Jeffrey Cameron to the Police and Firefighters Retirement System, Board of Trustees. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: Commissioner Rodstrom and Vice Mayor DuBose

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

Community Services Board	Benjamin P. Bean (Commissioner Rogers)
General Employees Retirement System, Board of Trustees	Mark Burnam (Consensus)
Nuisance Abatement Board	Cindy Smith (Consensus)
Planned Unit Development Zoning District Advisory Committee	Jason Scott Crush (Vice Mayor DuBose)
Police and Firefighters Retirement System, Board of Trustees	Jeffrey Cameron (Consensus)

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 12-44

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

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

In response to Mayor Seiler, the City Clerk noted that applicants are needed to fill vacant positions on the Enterprise Zone Development Agency and the Community Services Board. The Enterprise Zone Development Agency applicant must own a business within the nominated area.

CITIZEN PRESENTATIONS

RICHARD STALDER – REQUEST TO ALLOW PORTABLE/MOVABLE BASKETBALL HOOP IN SWALE AREA IN FRONT OF HIS HOME (CIT-01)

Mr. Stalder referred to City Code, Section 25-100a and requested approval to allow his portable basketball hoop (hoop) to remain on the swale of his home. He contended that his street (Mango Isle) is 38 feet wide, and most are only 22 feet wide. It is a dead-end with a paved swale, and the hoop does not interfere with traffic flow. He presented photographs concerning this matter. A copy of the photographs is attached to these minutes. Although the hoop can be moved if necessary, it is not practical to move it after each use because it is weighted with sand and/or water. He drew attention to those photographs of other hoops in the neighborhood that he believed are more obtrusive. He felt Code Enforcement singled him out because of a neighbor's complaint. Commissioner Rogers indicated that this issue was addressed in 1997 by a previous commission. The key element here is that Mr. Stalder can move the hoop if necessary. He believed these matters should be looked at on a case-by-case basis, and this should be an exception to the rule because it is not hazardous to pedestrians.

The City Attorney explained that the ordinance relates to structures in the roadway; but, he was concerned about encouragement of children to play in the street. An attractive nuisance would be created. If approved, he recommended a requirement that the homeowner carry insurance with the coverage amount determined by Risk Management. Commissioner Rogers noted that youth are encouraged to participate in sports, but there are not always facilities in the neighborhoods. The City Attorney recommended the item should be brought forward as a formal request with staff review, not as a Citizens Presentation. The City Manager noted that staff has been working with Mr. Stalder on a permit application. It may be possible to accomplish administratively. Although the City is responsive to complaints, but staff does not search out basketball hoop code violations. Mr. Stalder questioned nothing being done about the thousands of hoops in the city. Mayor Seiler explained approval is essentially encouraging play in the

street. In response to Mayor Seiler, the City Attorney was not certain about the specifics of a process, but it would require an application and Commission approval. It should probably be processed through Code Enforcement. Greg Brewton, Director of Sustainable Development, believed such matters were submitted to the Property and Right of Way Committee for an engineering permit. Mayor Seiler noted that it appears there was no action taken by the Commission in 1997. Discussion ensued about the process historically.

The City Manager recommended that Mr. Stalder continue to work with Engineering staff on a permit application.

ROBERT WALSH – PICTURE-TAKING IN CITY COMMISSION CHAMBERS (CIT-02)

Mr. Walsh recalled a prior Broward League of Cities function held in Chambers during which Art Seitz took photographs of audience members. He claimed that Mr. Seitz published the photographs on the Internet, and some were defamatory to a particular individual. He felt that civil rights were violated. The City already has the Sun Sentinel as a media representative. He was concerned that the photos could be misused. Activism does not have to involve harassment of other residents.

Vice Mayor DuBose explained that the Commission did not authorize Mr. Seitz to take photographs. The City Attorney advised that people can take photographs, but the photos cannot be used for commercial purposes. However, it is totally legal to publish the photographs in a newspaper article or Internet site. Mayor Seiler pointed out that the Chambers is a public place, located in a public building. Discussion ensued between him and Mr. Walsh regarding what constitutes an invasion of privacy.

CHRISTINE TIMMON – UNCONSTITUTIONAL IMMIGRATION AND MARRIAGE (CIT-03)

Ms. Timmon was not present.

DAVID R. ROWLAND- EXCESSIVE NOISE FROM VIBE LOUNGE - 301 EAST LAS OLAS BOULEVARD (CIT-04)

Mr. Rowland wanted the Vibe Lounge to be restricted from making excessive noise as it has been allowed to stay open until 3:00 a.m. and play music at 80 decibels (dB). The Watergarden Condominium and the Las Olas Grand Condominium are major complexes that were established before (Vibe). Vibe was started only about four years ago, and has become a major obstacle to neighbors' sleep. He went on to list the City Commission members and staff that he has spoken to about this matter. In addition to the noise level, there are other safety concerns to consider such as drunk driving and fire code issues. He elaborated upon Vibe's open venue and how this also relates to safety concerns. He asked the Commission to address this matter.

The City Manager explained that staff is working to develop a noise ordinance with representatives from the Greater Fort Lauderdale Chamber of Commerce (Chamber);

affected resident groups; the Downtown (Development Authority); and the Central Beach Alliance. He noted Mr. Rowland's belief that the dB levels in the existing noise ordinance are too high. He stressed that the City's noise ordinance has been rigorously enforced on Vibe, but the lounge has not been out of compliance. Mr. Rowland thought Vibe should not have been allowed to install 20 outdoor speakers, and should not be allowed to open the sliding glass doors at 11:00 p.m. (which creates a noise level) similar to that of an outside band. Mayor Seiler clarified that, if a business opens under an existing regulation, there are rules that prohibit the City from altering that regulation. However, Mr. Rowland believed that the regulations had been altered since Vibe opened.

Greg Brewton, Director of Planning and Zoning, thought the regulations had not been altered since Vibe opened. Mayor Seiler agreed. Mr. Rowland claimed that Vibe has extended its closing time from 1:00 a.m. to 3:00 a.m. in the last five years. Mr. Brewton explained that (Vibe) is located in the Downtown Regional Activity Center (RAC) which was created about 20 years ago by a prior Commission to be a vibrant area to live, work, and play. A competing interest was whether individuals moving into residential units in the area were aware of the RAC classification. Mr. Rowland confirmed that he resides in the Watergarden. Mr. Brewton noted that the Watergarden was built after the RAC was created. He recalled that (residential) complexes were advertised as being located in a RAC while they were being built. Mayor Seiler clarified that, even if Vibe was built after the Watergarden, the rules that Vibe operates under were created 20 years ago. Mr. Brewton elaborated upon the zoning changes that occurred when the RAC was created.

In response to Mayor Seiler, Mr. Rowland indicated that he was not aware of the RAC before he purchased a unit in Watergarden. He wanted to see evidence that the (regulations) have not changed (since Vibe's opening). In response to Mr. Rowland, Mayor Seiler explained that Vibe is being allowed to operate because it is in compliance with the City's existing regulations. In further response to Mr. Rowland, Mr. Brewton indicated that this is an ongoing matter, and staff is working on a compromise to remove Vibe's outside speakers. He emphasized that (the RAC) is not a residential area; rather, it is a growing downtown location in which multiple uses are allowed. In response to Mayor Seiler, he agreed to meet with Mr. Rowland concerning this matter. Commissioner Rogers assured Mr. Rowland that staff is working on the noise issue and a solution will be reached. Mr. Rowland pointed out that he does not wish to hurt (Vibe's) business, but wanted his concerns to be considered. In response to Mayor Seiler, he noted that his 27th floor condominium unit has northeast exposure, and directly faces Vibe; the units facing northeast are most affected by the noise.

MARK HENNESSEY – COMMUNITY OUTREACH TO HOMEOWNERS (CIT-05)
LOSING THEIR HOMES

Devon Fraser, on behalf of Mark Hennessey, noted that he owns a title company and short sale company. He is coordinating a ten city tour to provide residents in Lis pendens (foreclosure) with a free outreach program to make them aware of their options. He has received approval from six of the ten cities. There will be various third parties involved in the program, including a law firm; and residents will not be obligated to work with his company. He elaborated upon the amount of revenue he claimed his short sale business has brought the City over the last six years. He asked permission to utilize City Hall as a venue for the outreach program. He elaborated upon the banks that will be involved in this program.

Tom Fonseca of Equity Team Realty, indicated that the outreach program has been approved by NAHREP (National Association of Hispanic Real Estate Professionals); NAREB (National Association of Real Estate Brokers); and the Board of Realtors. The objective is for Broward County Realtors to bring (homeowners in foreclosure) to this event so they can be presented with a variety of foreclosure alternatives in order to stabilize the local market. The banks are desirous of such programs. In response to Mayor Seiler, he noted that the program has not started yet. He clarified that the approval received from the cities of Coral Springs, Sunrise, and Plantation was for venues to hold the meetings. Commissioner Roberts thought this sounds beneficial, but more information is needed. The City Manager offered to arrange a meeting with these representatives and staff.

ORDINANCES

CODE AMENDMENT - ARTICLE V, DIVISION 2 - PURCHASING – (O-01)
LOCAL VENDOR PREFERENCE

No budgetary impact.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 12-0409

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE C-12-04

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO UPDATE THE CITY'S PURCHASING CODE, CREATING A LOCAL VENDOR PREFERENCE POLICY, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

Pursuant to Memorandum 12-078, the City Manager announced the following two changes which are to be made to this ordinance between the first and second reading:

- 1) Amend 2.199.1 (protest procedure) to change the protest level from \$10,000 to \$25,000 to be consistent with all other threshold changes. Under the new threshold changes, purchases between \$10,000 and \$25,000 will now be informal and using departments will have the authority to obtain informal quotes. Having a protest procedure for departmental informal quotes, will be overly burdensome, and inconsistent with the rest of the thresholds.
- 2) Delete 2.199 (4) (protest procedure for insurance and insurance-related services). By deleting this section, there will be one protest procedure for all

purchases regardless of the services being purchased.

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

Commissioner Rodstrom provided a letter for the signature of all members of the City Commission to be sent to the City of Wilton Manors concerning a proposed panic clinic as discussed at the conference meeting.

Note: The City Commission adjourned the regular meeting at 8:52 p.m. and returned to the conference meeting agenda, item II-A, from 8:52 p.m. to 9:07 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk