FORT LAUDERDALE CITY COMMISSION REGULAR MEETING MARCH 20, 2012

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MINUTES OF A REGULAR MEETING CITY COMMISSION FORT LAUDERDALE March 20, 2012

Meeting was called to order at 6:00 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 arrived momentarily.

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 Todd Bunin

Invocation was offered by Commissioner Rogers, followed by the recitation of the pledge led by Chris Wren.

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).

In response to Commissioner Rodstrom's request, the City Clerk offered to change the word, facility, to property in the fourth sentence of the second paragraph on the first page of the February 21, 2012 conference minutes.

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts to approve the minutes of the February 21, 2012 Conference and Regular Meetings as amended and noted above. YEAS: Commissioner Rodstrom, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

Vice Mayor DuBose was not present for this vote. He arrived at approximately 6:06 p.m.

Presentations

1. ST. PATRICKS' DAY PARADE AND FESTIVAL PLANNING (PRES-02) COMMITTEE – COMMENDATION

Commissioner Roberts presented a commendation to the St. Patrick's Day Parade and Festival Planning Committee which was accepted by Chris Wren, Event Chair. Mr. Wren thanked the Commission and the committee members.

2. <u>COMMUNITY APPEARANCE BOARD – WOW AWARD – DISTRICT III</u> (PRES-01)

Vice Mayor DuBose recognized Neal and Charles Nevlous who reside in Lauderdale Manors as the recipients of the WOW Award for District III. Mr. Nevlous thanked the Commission.

3. FASHION CLEANERS 60th ANNIVERSARY DAY - MARCH 20, 2012 (PRES-03)

Commissioner Rogers presented a proclamation designating March 20, 2012, as Fashion Cleaners 60th Anniversary Day in the City to Covey Cantville, owner. Mr. Cantville thanked the Commission and introduced members of his family.

715-10823 - EVENT TICKETING SERVICES - WAR MEMORIAL AUDITORIUM

(PUR-11)

See funding information attached to these minutes.

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

GRANT APPLICATION - TAXIWAY ECHO PAVEMENT REHABILITATION - (M-07) EXECUTIVE AIRPORT - FEDERAL AVIATION ADMINISTRATION – MAXIMUM \$315,000

No budgetary impact. City will appropriate the funds upon execution of grant.

Pursuant to Memorandum 12-088 which is attached to these minutes, this item was revised to include a funding exhibit as additional information.

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) Coral Ridge Market at Plaza 3000, 2) Great Strides, 3) Las Olas Gourmet Market, 4) Cinco de Mayo Celebration, 5) St. Marks Episcopal School's 2nd Annual Spring Fling, 6) T.B.C.O. Easter Celebration

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0587

LAUDERDALE AIR SHOW - CO-SPONSORSHIP - BANNERS

(M-02)

No budgetary impact.

Co-sponsorship of Lauderdale Air Show, to allow installation of banners April 16-30, 2012, at specified locations, subject to permitting regulations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0628

YMCA MASTERS SWIMMING AND DIVING NATIONAL CHAMPIONSHIPS (M-03) EVENT AGREEMENT - \$23,154

Revenue in the amount of \$23,154. See funding information attached to these minutes.

Agreement with National Council of Young Men's Christian Associations of United States of America (YMCA of the USA) for use of Aquatic Complex for Masters National Swimming and National Diving championship events April 12-22, 2012 and authorize City Manager to extend term for 2013 if the Aquatic Complex is available and redevelopment has not yet commenced.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0575

USE OF MILLS POND PARK - GOLD COAST SKI CLUB - \$5,562 FIRST YEAR (M-04)

See funding information attached to these minutes.

Two-year non-exclusive user agreement with Gold Coast Ski Club, Inc. for use of lake at Mills Pond Park with two, one-year extension options, upon agreement by both parties.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0558

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

(M-05)

No budgetary impact.

A motion to reconsider Resolution 12-42 adopted on March 6, 2012 - accepting an offer on the sale of City owned surplus property - 604 SW 12th Avenue.

Recommend: Consideration of motion. If approved, item will be

reconsidered on April 17, 2012.

Exhibit: Commission Agenda Report 12-0666

FUNDS TRANSFER - \$9,840 - BRIDGE REPLACEMENT AT HARBORAGE ISLE - TASK ORDER 5

(M-06)

See funding information attached to these minutes.

Funds transfer, in the amount of \$9,840, from Annual Bridge Repair/Painting to Harborage Isle Drive Bridge Replacement to fund Task Order 5 to Corso, Castella, Carballo, Thomson Salman for post design services during construction of bridge.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0554

GRANT APPLICATION - TAXIWAY ECHO PAVEMENT REHABILITATION - (M-07) EXECUTIVE AIRPORT - FEDERAL AVIATION ADMINISTRATION – MAXIMUM \$315,000

No budgetary impact. City will appropriate the funds upon execution of grant.

Grant application for design of Taxiway Echo Pavement Rehabilitation at Executive Airport, in an amount not to exceed \$315,000 (90% of total project design cost), from Federal Aviation Administration - 5% from Florida Department of Transportation and 5% local match and authorization to accept and execute all necessary documents.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0570

This Commission Agenda Report (12-0570) was revised in accordance with Memorandum 12-088 which is attached to these minutes. See page 2.

BROWARD COUNTY SEGMENT II BEACH NOURISHMENT PROJECT

(M-08)

No budgetary impact.

Authorization for Mayor to issue a letter of support for Broward County's Segment II Beach Nourishment Project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0664

DISBURSEMENT OF FUNDS/JOINT INVESTIGATION/O.R. 11-81947 – (M-09) \$1,427.83- LAW ENFORCEMENT TRUST FUND

See funding information attached to these minutes.

Authorization of equitable disbursement of \$1,427.83 with each of the eight participating law enforcement agencies to receive \$158.64 and Fort Lauderdale Police Department to receive an additional share for a total sum of \$317.35 due to additional assigned agent.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0534

DISBURSEMENT OF FUNDS/JOINT INVESTIGATION/O.R. 11-81947 – (M-10) \$172.95 - LAW ENFORCEMENT TRUST FUND

See funding information attached to these minutes.

Authorization of equitable disbursement of \$172.95 with each of the eight participating law enforcement agencies to receive \$19.21 and Fort Lauderdale Police Department to receive an additional share for a total sum of \$38.48 due to additional assigned agent.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0535

TASK ORDER 6 - MILLER LEGG & ASSOCIATES, INC - \$79,215 (M-11) CONSTRUCTION OBSERVATION - MILLS POND PARK OFFSITE MITIGATION

See funding information attached to these minutes.

Task Order 6 with Miller Legg & Associates, Inc., in the amount of \$79,215, for construction observation services related to environmental restoration at Mills Pond Park mitigation area.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0566

PARCEL 26 - EXECUTIVE AIRPORT - SCHOOL BOARD OF BROWARD COUNTY LEASE RECONCILIATION

(M-12)

See funding information attached to these minutes.

Accept offer from School Board of Broward County to pay back rent for lease of Parcel 26 at Executive Airport in the amount of \$46,370.48.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0592

GRANT ACCEPTANCE - FLORIDA EMS COUNTY GRANT PROGRAM – (M-13) \$8,370 VALUE - AUTOMATIC EXTERNAL DEFIBRILLATORS

No budgetary impact.

Acceptance of grant funded automatic external defibrillators from Florida Emergency Medical Services County Grant Program via City of Miramar, valued at \$8,370 and authorization to execute all necessary documents to receive this equipment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0588

PROPERTY INSURANCE POLICY RENEWAL - CITY-OWNED PROPERTIES -\$2,167,636 - LAYERED INSURANCE PROGRAM

(M-14)

See funding information attached to these minutes.

A motion authorizing the purchase of property insurance for City-owned properties with a layered insurance program from specified insurers, in the amount of \$2,167,636, and determining that this policy/program best meets the City's needs, as prescribed in Code of Ordinances.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0650

CONSENT RESOLUTION

401(a) DEFINED CONTRIBUTION PENSION PLAN - LOAN PROVISION

(CR-01)

No Budgetary Impact

Amendment to City's 401(a) Defined Contribution Money Purchase Plan to permit loans to plan participants and authorizing City Manager or Finance Director to execute necessary documents.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0604

RESOLUTION NO. 12-56

A RESOLUTION OF THE CITY COMMISSION OF THE CITY **FORT** LAUDERDALE. OF FLORIDA. AUTHORIZING AN AMENDMENT TO THE CITY'S SECTION 401(a) DEFINED CONTRIBUTION MONEY PURCHASE PLAN TO PERMIT LOANS TO PLAN PARTICIPANTS: AND AUTHORIZING THE MANAGER OR THE CITY'S FINANCE DIRECTOR TO EXECUTE THE NECESSARY AMENDMENTS TO THE PLAN DOCUMENTS AND **ADMINISTRATIVE** AGREEMENTS TO PROVIDE FOR SUCH LOANS.

EARTH HOUR - MARCH 31, 2012

(CR-02)

No budgetary impact.

Supporting Earth Hour 2012 on March 31, 2012 and urging all individuals, businesses and governments in Broward County to turn off all non-essential lighting on this date between 8:30 p.m. and 9:30 p.m.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0544

RESOLUTION NO. 12-57

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING EARTH HOUR 2012 ON MARCH 31, 2012 AND URGING ALL INDIVIDUALS, BUSINESSES, AND GOVERNMENTS WITHIN BROWARD COUNTY TO TURN OFF ALL NON-ESSENTIAL LIGHTING ON THIS DATE BETWEEN 8:30 PM AND 9:30 PM

SOUTHEAST REGIONAL TASK FORCE - DISBURSEMENT OF MONIES (CR-03)

NO BUDGETARY IMPACT.

Authorizing City Manager to authorize disbursement of monies pursuant to the asset

sharing provision of the Southeast Regional Task Force Multiagency Agreement.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0569

RESOLUTION NO. 12-58

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER TO AUTHORIZE THE DISBURSEMENT OF MONIES PURSUANT TO THE ASSET SHARING PROVISION OF THE SOUTHEAST REGIONAL TASK FORCE MULTIAGENCY AGREEMENT.

PARCEL 9 - EXECUTIVE AIRPORT - AERO TOY STORE, LLC (CR-04) FIRST AMENDMENT TO AMENDED AND RESTATED LEASE AGREEMENT

See funding information attached to these minutes.

First Amendment to Amended and Restated Lease Agreement with Aero Toy Store, LLC, to: 1) allow for construction of approximately 80,000 square feet of hangars and new fixed base operation office building, 2) extend current construction deadline 24 months to April 1, 2015 and 3) increase current rent by five percent - Parcel 9 at Executive Airport.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0572

RESOLUTION NO. 12-59

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO AMENDED AND RESTATED LEASE AGREEMENT, PARCEL 9 AT FORT LAUDERDALE EXECUTIVE AIRPORT.

JOINT PARTICIPATION AGREEMENT - FLORIDA DEPARTMENT (CR-05)
OF TRANSPORTATION \$2,744,000 - EXECUTIVE AIRPORT U.S.CUSTOMS & BORDER PROTECTION BUILDING & AIRCRAFT APRON

Appropriation of this grant money will be included in the Consolidated Budget Amendment CAR on the April 3, 2012 agenda.

Authorization of Joint Participation Agreement, in substantially the form provided, with Florida Department of Transportation and programming \$2,744,000 into Project 11242 to construct U.S. Customs and Border Protection Building and Aircraft Apron at Executive Airport.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0579

RESOLUTION NO. 12-60

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 STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), TO PROVIDE FDOT PARTICIPATION IN THE CONSTRUCTION OF A NEW CUSTOMS AND BORDER PROTECTION BUILDING AND AIRCRAFT APRON, (FDOT FINANCIAL PROJECT NO.: 422462-1-94-01).

GRANT APPLICATION - SE 15TH STREET BOAT LAUNCH AND (CR-06) MARINE COMPLEX - FLORIDA INLAND NAVIGATION DISTRICT - \$876,906

No budgetary impact.

Grant application for improvements to SE 15 Street Boat Launch and Marine Complex Phase II improvements, in the amount of \$876,906 for reimbursement of up to 40% of construction costs from Florida Inland Navigation District - Waterways Assistance Program and authorizing City Manager to execute grant application.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0606

RESOLUTION NO. 12-61

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING APPLICATION FOR A GRANT FROM THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM IN THE AMOUNT OF EIGHT HUNDRED SEVENTY-SIX THOUSAND, NINE HUNDRED AND SIX DOLLARS (\$876,906.00) TO REIMBURSE THE CITY FOR UP TO 40% OF THE CONSTRUCTION COSTS FOR PHASE II OF THE IMPROVEMENTS TO THE S.E. 15TH STREET BOAT LAUNCHING AND MARINE COMPLEX; FURTHER DELEGATING TO THE CITY MANAGER THE AUTHORITY TO EXECUTE THE

GRANT APPLICATION ON BEHALF OF THE CITY; REPEALING ANY AND ALL RESOLUTIONS, OR PARTS THEREOF, IN CONFLICT HEREWITH; PROVIDING ATTORNEY REVIEW AND APPROVAL PRIOR TO EXECUTION BY CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE.

TRANSPORTATION ENHANCEMENT GRANT APPLICATION – NW 9 AVENUE STREETSCAPE - NORTHWEST COMMUNITY REDEVELOPMENT AGENCY

(CR-07)

No budgetary impact at this time although a match may be required by the CRA.

Supporting Northwest Community Redevelopment Agency's transportation enhancement grant application to Broward Metropolitan Planning Organization for NW 9 Avenue Streetscape Improvements.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0656

RESOLUTION NO. 12-62

ARESOLUTIONOFTHECITYCOMMISSIONOFTHECITY OF FORT LAUDERDALE, FLORIDA, IN SUPPORT OF THE FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY'S (CRA) APPLICATIONFORTRANSPORTATION ENHANCEMENT GRANT FUNDING FROM THE BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION FOR THE NW 9TH AVENUE STREETSCAPE PROJECT.

<u>CITIZENS COMMITTEE OF RECOGNITION - 2012 HONOREES</u>

(CR-08)

No budgetary impact.

Resolutions honoring recipients of 2012 Citizens Committee of Recognition Awards Program - Distinguished Citizen, Citizen of the Year, Honored Founder, Exemplary Former City Employee.

Recommend: Adopt resolutions.

Exhibit: Commission Agenda Report 12-0667

RESOLUTION NO. 12-50

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

AND HONORING THE LATE RICHARD MANCUSO AS CITIZEN OF THE YEAR FOR 2012

RESOLUTION NO. 12-51

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA SELECTING AND HONORING NUCCIA MCCORMICK AS DISTINGUISHED CITIZEN FOR 2012

RESOLUTION NO. 12-52

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA SELECTING AND HONORING EARNEST JONES AS EXEMPLARY FORMER CITY EMPLOYEE FOR 2012

RESOLUTION NO. 12-53

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA SELECTING AND HONORING DR. CALVIN H. SHIRLEY AS HONORED FOUNDER FOR 2012

BAHIA MAR - SIX MONTH EXTENSION OF DEADLINE FOR NEW LEASE AGREEMENT

(CR-09)

No budgetary impact

Extension of time deadline from March 21, 2012 to September 21, 2012 for approval of a new lease agreement for Bahia Mar project - Exhibit C of Ordinance C-11-12, Condition 13 - request of Bre/Bahia Mar Development, LLC.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0673

RESOLUTION NO. 12-63

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA EXTENDING THE DEADLINE PROVIDED FOR IN CONDITIONS 1 AND 13 OF EXHIBIT "C" OF ORDINANCE NO. C-11-12 BY SIX (6) MONTHS, PURSUANT TO CONDITION NO. 13 OF EXHIBIT "C" OF ORDINANCE NO. C-11-12.

PURCHASING AGENDA

522-10921 - CHEVROLET CAPRICE POLICE PURSUIT VEHICLE - \$28,583 (PUR-01)

See funding information attached to these minutes.

Purchase one Chevrolet Caprice Police Pursuit Vehicle.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0563

The Procurement Services Division has reviewed this item and recommends approval of this purchase from the low responsive and responsible bidder.

PROPRIETARY - ANNUAL MAINTENANCE - KRONOS TIMEKEEPING (PUR-02) SYSTEM - \$27,396.62

See funding information attached to these minutes.

Annual maintenance of timekeeping system.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0564

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

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

PROPRIETARY LIFEPAK 15 CARDIAC MONITOR/DEFIBRILLATORS – (PUR-03) \$65,769.96

See funding information attached to these minutes.

Purchase two LifePak 15 Cardiac Monitor/Defibrillators.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0557

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

<u>214-10775 - FIREFIGHTER PROTECTIVE BOOTS - \$16,140</u>

(PUR-04)

See funding information attached to these minutes.

Two-year contract with two, one-year renewal options to purchase firefighter boots.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0568

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

225-10914 - LATENT PRINT EXAMINATION SERVICES - \$39,600

(PUR-05)

See funding information attached to these minutes.

Purchase latent print examination services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0533

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

PROPRIETARY - PUBLIC SAFETY SYSTEM BACK OFFICE INFRASTRUCTURE - \$222,144.96

(PUR-06)

See funding information attached to these minutes.

Renewal of Public Safety Systems annual maintenance contract for back office infrastructure.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0571

The Procurement Services Division has reviewed this item recommends approving the renewal of the annual public safety proprietary maintenance contract.

722-10943 - COMPUTER NETWORKING EQUIPMENT AND SOFTWARE SUPPORT - \$73,719.49

(PUR-07)

See funding information attached to these minutes.

One-year purchase of Cisco SmartNet computer networking equipment and software support.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0552

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

722-10935 - MILLS POND PARK MITIGATION AREA EXOTIC PLANT REMOVAL AND RESTORATION - \$88,693.60

(PUR-08)

See funding information attached to these minutes.

Two-year contract, plus two optional years of on-going maintenance, for exotic plant removal and habitat restoration at Mills Pond Park Mitigation Area.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0559

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

723-10937 - NOISE MONITORING TERMINAL - EXECUTIVE AIRPORT – (PUR-09) \$45,407

See funding information attached to these minutes.

Contract to install Noise Monitoring Terminal at Executive Airport.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0560

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

522-10949 - ADA COMPLIANT POOL LIFTS - \$42,734.06

(PUR-10)

See funding information attached to these minutes.

Purchase and delivery of eight ADA compliant pool lifts for City Pools at Aquatic Complex, Croissant Park, Bass Park, Riverland Park, Lauderdale Manors Park, Joseph E. Carter Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0543

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

715-10823 - EVENT TICKETING SERVICES - WAR MEMORIAL AUDITORIUM

(PUR-11)

See funding information attached to these minutes.

Three-year contract with one, one-year renewal option, to provide event ticketing services for War Memorial Auditorium.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0549

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

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

725-10900 - BEACH PADDLEBOARD CONCESSION

(PUR-12)

(PUR-13)

Revenue in the amount of \$18,000. See funding information attached to these minutes.

Three-year contract for paddleboard concession on Fort Lauderdale Beach.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0556

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

422-10907 - ELEVATOR MAINTENANCE AND REPAIR SERVICES – \$71,900

See funding information attached to these minutes.

Three-year contract for elevator maintenance and repair services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0561

The Procurement Services Division has reviewed this item and recommends an award to the low responsive and responsible bidder, Eastern Elevator Service Inc.

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts that Consent Agenda Items M-01, M-05, M-08, CR-03, CR-07, CR-09, PUR-01, PUR-02, and PUR-12 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.

EVENT AGREEMENTS AND RELATED ROAD CLOSINGS

(M-01)

Ann Shumpert, representing the Collee Hammock Homeowners Association (Association), indicated that 400 people are expected to attend the Cinco de Mayo Celebration by Rocco's Tacos (Rocco's). She asked that approval be deferred to allow the Association more time to address a possible insufficient parking matter that poses a safety concern and an infringement on the neighborhood. She explained to Commissioner Rogers that she has spoken to Rocco's general manager, Peter Vittas. Commissioner Rogers noted that the parking plan reflects 225 parking spaces. Ms. Shumpert pointed out the parking plan's errors; the Marker Lot has 15 parking spaces, not 25; and the 50-space lot is already designated for three restaurants. She was concerned that there will be a tremendous influx of needed parking. More police surveillance should be required, and a traffic and parking plan similar to that of the Las Olas Art Festival (Art Festival) should be utilized.

Robert Lochrie, representing the Applicant (Fort Taco Ltd. d/b/a Rocco's Tacos), (Rocco's) held several events last year that did not result in any complaints or police incidents. This company also operates Big City on Las Olas Boulevard. However, when Rocco's requested a fourth (event), the Association adopted a resolution and submitted it to the Commission, opposing Rocco's hosting more than one outside event per year, or no more than three such events per year in the aggregate, east of 12th Avenue in which music, dancing, and outside eating and drinking are prohibited. As a result, Rocco's cancelled that Halloween event and withdrew the application. This application will be the one event request for this year consistent with the resolution. The parking plan resulting from a meeting between Rocco's management and City staff indicates that signage and police direction will be used to make the public aware of the identified parking spaces. The Smoker garage has about 150 to 175 available parking spaces; the Marker Lot has 15; all of the Las Olas Company parking lots are available; and there are 16 on-site spaces. Rocco's believes there is sufficient parking. There will be five police officers at the event, and one will be stationed at Tarpon (Drive) and Las Olas to direct traffic.

In response to Commissioner Rogers, the City Manager explained that all events differ, so there is not an exact ratio for expected attendance to security. Staff bases their recommendation upon similar events, or events held at that location. The recommendation for this event has been vetted by the City's Police Department.

Commissioner Roberts pointed out that police staffing for security has been beefed up, and parking and traffic flow have been approved by staff. Mr. Lochrie added that this event will take place on private property; no streets will be closed and no public property will be utilized. In response to Commissioner Rogers, he confirmed that the Applicant has addressed this matter with the Association. People will park where they choose, but efforts will be made to direct the public to the designated parking lots. It would be inappropriate to close the street for this event due based on the level of expected attendance. The Applicant will be available to (further) address this matter with the Association, but wanted to move forward with the application tonight. Mayor Seiler thought the parking plan is sufficient, and there will be five police officers at the event. Rocco's has complied with the neighborhood's request for one event a year. He felt it is reasonable.

In response to questions raised by Mayor Seiler and Commissioner Rogers, Ms. Shumpert noted that the application does not specify five police officers. She questioned how the officers will control the traffic. Mayor Seiler stressed that, both, Rocco's and the Commission have been sensitive to the Association's concerns about multiple events. He asked that she meet with Mr. Lochrie.

Motion made by Commissioner Rogers 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.

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

(M-05)

RESOLUTION NO. 12-24

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 (\$15,500.00) **DOLLARS GADDIS CAPITAL** A FLORIDA CORPORATION, CORPORATION, FOR THE PURCHASE OF SURPLUS PROPERTY. PARTICULARLY BEING MORE 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 IF CONVEYANCE TO THE PROPERTY: FURTHER AUTHORIZING THE EXECUTION OF ANY AND ALL INSTRUMENTS REASONABLY NECESSARY OR INCIDENTAL TO

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.

Julian Siegel, owner of Riverside Market (Market), indicated that the objective is to save a small business that has functioned, despite economic challenges. He elaborated upon the building's historic nature. His family revitalized the original vision for the building which had been lost. The Market is patronized by locals. He recalled his request for the City to surplus the adjacent lot which he has been using for parking for the last six years. A vacant, unimproved building with a surplus of parking has made a higher, but not better, offer. This vacant building has been for sale and for lease for years. His offer was not presented to the Commission. He thought the City's Charter indicates that the best offer must be accepted. If this property is not acquired for parking, the Market will not be able to make a zoning transition to a restaurant. The Market has revitalized the area; but it will become another derelict structure without this parking. He urged the Commission to take action that will strengthen the downtown area. (Mr. Siegel submitted seven letters of support and a petition of 158 signatures, strongly agreeing that the Riverside Market's bid of \$12,500 for the vacant lot located at 604 SW 12 Avenue Fort Lauderdale. Florida. should be reconsidered because the Riverside Market benefits the local community and neighborhood by providing a local meeting place, creating jobs and stimulating the local economy. The letters and petition have been made a part of the record.)

Tom Clark, supporter of Riverside Market, indicated that the Market is the essence of small business in the city. He urged the Commission to consider the productive and correct use of this property. He elaborated upon the Market's customer base which includes locals and tourists. The Market employs twelve people and has an on-site urban farm.

Howard Pyle, 900 SW 15 Terrace, expressed support of Riverside Market. This was a derelict store that has been transformed into an attractive market which is an asset to this and surrounding communities. The Market is a means to join neighborhoods. He asked the Commission to accept the best offer, rather than the highest offer.

Jack Lokeinsky, 735 NE 3 Avenue, expressed support of Riverside Market. He noted that inadequate parking is preventing the Market from expanding into an eat-in restaurant which is lacking in this neighborhood. He elaborated upon Mr. Siegel's contributions to the community, despite challenges like the economic downturn and the over one-year swing-bridge closure. He urged the Commission to consider all factors when deciding how best to serve (Riverside) residents.

Michelle Klymko, 501 SE 2 Street, indicated that this is a market loved by the community. She noted that Mr. Siegel asked the City to designate this property as surplus, and it did. On the last day (of bid submission), between 4:00 p.m. and 4:15 p.m., Mr. Siegel submitted a bid in the amount of \$12,500. This was a sealed bid

process; however, Victor Volpi, Senior Real Estate Officer, called a representative of the Gaddis Foundation (Gaddis) who submitted a (\$13,500) bid within the (remaining) 45 minute period. Other people have heard this information, and sworn testimony can be obtained if necessary. She thought the City should overturn the entire process or award the property to Mr. Siegel. Possibly an IFB (Invitation for Bid) process could be utilized which allows each bidder to introduce the best use for the property. The Gaddis building has been vacant for four years, and there is more than enough parking for even the most intense use and additional land on the east side that could be utilized for parking. The Market will have a positive impact by increasing property values and associated tax revenue.

Pat Hayes, 530 NE 3 Avenue, indicated that she submitted a bid, in the amount of \$15,500, at 3:30 p.m. which was the first bid submitted. She was told there were no other bids. The City's approved value for this property is \$15,470. She disputed the claim that the Gaddis building has sufficient parking. She displayed photographs of the site. A copy of the photographs is attached to these minutes. She drew attention to an area where parked vehicles are at risk of being hit because the parking spaces have been cut in half when the street became one-way. Also, vehicles are at risk of being hit by drivers turning the corner. The site is less than 6,000 square feet. The parking is needed in order to lease or use the building. She described the parking situation of the Ashton (Riverside Market location), noting it is not affected by traffic turning right toward the bridge.

In response to Mayor Seiler, Ms. Klymko explained that she first heard about this issue from Mr. Siegel about one month ago; that when Mr. Siegel submitted his bid, Mr. Volpi told him there were no other bids; but, in a subsequent conversation, Mr. Volpi said that he told a Gaddis representative about the lot. Mayor Seiler wanted to hear from Mr. Volpi. Mr. Siegel recalled that, upon presenting the bid in an unsealed envelope, Mr. Volpi told him there were no other bids. This was about 4:15 p.m. Subsequently, the item was slated for an agenda hearing, but was removed. Per Mr. Volpi's instructions, he had contacted all of the Commission members to lobby their support because, the day after he submitted the bid. Mr. Volpi told him that Gaddis had submitted a higher bid. He recalled Mr. Volpi indicating that he should not be concerned because the focus is on the best offer and the best use of the land, not the dollar amount. Mr. Volpi assured that he would notify him when the item was placed on another agenda; but, he did not. Rather, approximately 16 days later, Safeea Ali notified him that the item was brought forward and the Gaddis bid was unanimously approved. He was told by Mr. Volpi that his bid was not presented to the Commission. Mr. Volpi told him he assumed that he had lost interest.

Mayor Seiler clarified the City's policy that property is sold to the highest and best offer; therefore, this bid would not be awarded to the Market. However, he questioned if there was a fair bidding process. The City Commission does not get lobbied, and it is not general practice for staff to suggest lobbying by bidders. In response to Mayor Seiler, Mr. Siegel submitted an email, dated January 31, 2012, from Victor Volpi, that included the names and telephone numbers of the Commission. A copy of the email was made part of the record. Commissioner Rodstrom inquired whether (staff) has documentation of which bid was submitted first. In response to Commissioner Rogers, Mr. Siegel explained that Mr. Volpi told him that the item was removed from the agenda on February 1, 2012, because the City Manager had questioned why the property was being sold. He further indicated that Mr. Gaddis did a lot of lobbying and suggested he

do the same. In a meeting with the Parks and Recreation Director and other staff, Mr. Volpi stated that he had informed Ms. Hayes of the Gaddis Foundation that there was a rescheduled agenda date. Mr. Siegel indicated that Mr. Volpi did not notify him. The bid package indicates there is not economic impact to the City and that award would be to the best offer, not the highest. In response to Commissioner Rogers, the City Attorney explained that the charter states best offer and historically, policy has been that the best offer is the highest offer. In further response, he advised that the language in Section 4 of the Resolution (Exhibit 3 of Commission Agenda Report 12-0666) was included because the public notice was in error showing February 1, but the item was not brought forward until March 6, 2012. He confirmed for Mayor Seiler that the notice was defective.

Jesse Gaddis, 2430 Sunrise Key Boulevard, stressed that he has not lobbied the Commission in any way.

There was no one else wishing to speak.

Mayor Seiler remarked that he has never been lobbied by Mr. Gaddis on this item. The City's precedent is for surplus properties to be sold to the highest offer which is considered the best offer. Members of the Commission announced that they had not been lobbied concerning this item although Commissioner Rogers indicated that he spoke to Mr. Gaddis yesterday. In response to Commissioner Rodstrom, the City Manager confirmed that the final date of submission, January 17, 2012, for bids shown on the notice is correct; but, the hearing date should have been February 21 instead of February 1. The bids were submitted on time.

In response to Mayor Seiler, Kirk Buffington, Deputy Director of Finance, explained that, historically, Procurement Services has not been involved in selling real estate, and, therefore, was not involved in this bid process. He recommended the same method utilized by Procurement which is a lockbox, sealed bid process wherein bids are due on a firm date and time, and are placed in an electronic lockbox which cannot be opened until the bid date and time has passed. Mayor Seiler agreed with that method. Commissioner Rodstrom suggested a parking reduction for the restaurant.

Mayor Seiler expressed concern that the notice was defective, and that a bid offer was known before the deadline. The City Manager advised that the Commission may authorize reconsideration which would occur on April 17, 2012. This will give his office adequate time to investigate the allegations brought forward tonight.

Mayor Seiler emphasized that an open bid process should not be allowed. The City Manager pointed out that he does not know if the information brought forward tonight is fact. In response to Mayor Seiler, Mr. Buffington indicated that he is unaware whether bids are being opened before the appropriate time. According to the notice, there does not appear to be a firm time for submittal. He did not know whether deposit checks submitted with the bids were receipt date stamped. Commissioner Rogers expressed concern about the process and notice. He noted the resolution language, indicating that the City shall sell the parcel without competitive bidding. Vice Mayor DuBose thought this should be reconsidered as there are a number of discrepancies, starting with the notice; and the bid process must be examined.

Motion made by Vice Mayor DuBose and seconded by Commissioner Rogers to reconsider Resolution 12-42 on April 17, 2012. Roll call showed: YEAS: Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

There was consensus that staff ensure that until this matter is addressed, no other surplus property bids are opened until after the deadline.

BROWARD COUNTY SEGMENT II BEACH NOURISHMENT PROJECT (M-08)

Fred Carlson, 625 Orton Avenue, thought the best approach is a nine-month process of vacuuming sand from deeper water and spraying it back onto the beach, as compared to importing it by truck which, according to Eric Myers, Broward County Natural Resources, would take four years and increase traffic and pollution. This approach is more expensive and Mr. Myers has indicated that it would be thirty percent more as well as fifteen percent more on another occasion. Ecologists believe marine life near the city's three reefs would be impaired by sand brought from the ocean but not if the sand was trucked in. He urged reconsideration as he believed ecology bureaucrats are taking it beyond the realm of common sense.

In response to Mayor Seiler, Mr. Myers estimated that, by using the trucking method, the entire project from Pompano Beach to Lauderdale-By-The-Sea and Lauderdale-By-The-Sea to Fort Lauderdale will take three (four-month) seasons, and the portion from southern Fort Lauderdale to Lauderdale-By-The-Sea will take about two four-month seasons. The four-month seasons are the windows between November and February when sea turtles are not nesting on the beach. So, it will take about eight months to complete the project by means of trucking. If done by vessel pumping method), it would take about one four-month period and no traffic impact. In further response, he estimated that about 150 trucks per day would be on the roads during that four-month season. Mayor Seiler was concerned about the impact on traffic during season and to the environment.

Mr. Myers explained to Commissioner Rodstrom that this project will start at the end of 2013. He confirmed that it would be less expensive to ship the sand via rail: the sand could be brought to Oakland Park Boulevard and Interstate 94 and then trucked the remaining distance. They are looking into the cost. He confirmed that the sand utilized for the Birch Park Beach finger streets was from the Upland Sand Mine. Commissioner Rodstrom commented on its quality and that it blended well. In response to Commissioner Roberts, Mr. Myers confirmed that, if the pumping method is used, the permitting process may be delayed because of ecological issues; some environmental groups intend to challenge an off-shore permit. Commissioner Roberts noted that coastal residents are eager for this project to begin, and the option of working through the night has been considered. Mayor Seiler recalled his suggestion to truck the sand from 12 a.m. to 6 a.m. Commissioner Roberts noted that the hours are being vetted by the community. He understood that there is a strong inclination to utilize the trucking method in order to avoid the delays associated with the pumping method. There are many logistical issues that must be ironed out. Mayor Seiler questioned why this item was brought back before all of these issues were vetted. Commissioner Roberts thought the purpose was to choose the type of sand. Historically, this sand has been compatible with other smaller restoration areas; and it is less environmentally impactful so the permitting process is simpler. He stressed that beach area communities are frustrated at this project's postponement since 1998. In terms of logistics, he agreed with Mayor Seiler; but, in terms of expectations, he felt this project has already been launched. Mayor Seiler thought nighttime hours of operation should be confirmed with the contractor. He emphasized the negative impact that 150 dump trucks on A-1-A would have on (daytime) seasonal traffic. Mr. Myers explained that he urged staff to bring this item back rapidly because he needs information from the municipalities as to the source and process to be utilized in order for Broward County to submit their application and proceed. He believed zoning requirements, not the contractor, would disallow operating the project between 7:00 p.m. and 7:00 a.m. Mayor Seiler clarified that this is the City's municipal law. The City Attorney advised that deliveries of sand (between 7:00 p.m. and 7:00 a.m.) can be allowed for special circumstance, but the ordinance may have to be amended. In response to Mr. Myers, Mayor Seiler indicated that the City can submit a letter of support expressing desire for Broward County to obtain a commitment in the bid package that the sand will be delivered between 7:00 p.m. and 7:00 a.m., and the ordinance would be amended by the City. He expressed concern about the impact of a two-season timeframe. Commissioner Rodstrom indicated that this is why she thought rail would be examined as an option. Presently, Mr. Myers needs a commitment regarding the type of sand desired by the City, and the (Commission) will determine the logistics.

In response to Commissioner Rogers, Mr. Myers explained that the better quality (Upland) sand is more costly. Commissioner Rogers thought the City should spend the Bed Tax revenue on the beach area. Mr. Myers explained to Mayor Seiler that utilizing nighttime hours for trucking may be nominally less expensive. Commissioner Rodstrom thought Galt Ocean Mile residents would support nighttime hours of operation. There was consensus approval to include an additional bullet point in the proposed letter of support (Exhibit 1 of Commission Agenda Report 12-0664), indicating that Broward County will work with City staff and area residents to determine feasibility of nighttime delivery.

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom to approve the item as amended to add a bullet point to the letter of support indicating that Broward County will work with City staff and area residents to determine feasibility of nighttime delivery. Roll call showed: YEAS: Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

SOUTHEAST REGIONAL TASK FORCE - DISBURSEMENT OF MONIES (CR-03)

Commissioner Rodstrom wanted an annual or semi-annual accounting of the funds and their distribution. The City Attorney explained that this resolution only gives authority to disburse the funds in accordance with the task force's directive. The City Manager clarified that this is not the LETF (Law Enforcement Trust Fund) expenditures which are provided to the Commission for review; rather, this relates to funds distributed to another agency that has participated in the task force.

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.

TRANSPORTATION ENHANCEMENT GRANT APPLICATION – NW 9 AVENUE STREETSCAPE - NORTHWEST COMMUNITY REDEVELOPMENT AGENCY

(CR-07)

In response to Commissioner Rodstrom, there was consensus approval to defer this item until the correlating CRA (Community Redevelopment Agency) item 2 has been addressed.

BAHIA MAR - SIX MONTH EXTENSION OF DEADLINE FOR NEW LEASE AGREEMENT

(CR-09)

Commissioner Rodstrom wanted a condition of the lease extension to be an allowance for the City to perform a forensic audit of the books while the appraisal is being completed. In response to Commissioner Rodstrom, the City Attorney advised that the PUD (Planned Unit Development) conditions of approval are that a lease be in place before the nine-month period ends; this extension will allow for 15 months. Further, the termination provision is still included as related to expiration of the PUD approval if the requirements are not met.

Mayor Seiler and Commissioner Rogers questioned who would cover the cost of the forensic audit. Mayor Seiler suggested the audit be performed by the City Auditor so as not to incur an expense of an outside auditor, given that there will be changes as soon as the lease is approved. Commissioner Rodstrom disputed that the accounting will change upon the lease execution, given the amount of time the developer has to build. She commented that it has been difficult getting information in the past from the developer. The City Auditor explained that his office performed a compliance audit revealed that contract compliance is non-existent as none of the lease provisions have been monitored by staff. Currently the City Manager is assigning these duties. But, historically, there has been a scope limitation which is a lack of information on which to conduct an audit. A forensic audit is more complicated. It is conducted on-site. In response to Mayor Seiler and Commissioner Rogers, he was uncertain of the cost; some determining factors are whether the records are maintained locally, how many years would be involved and accessibility. Commissioner Rodstrom expressed concern that the City does not have a true financial analysis of the property; this should be obtained before entering into another lease. She recalled that staff completed a similar audit for ISHOF (International Swimming Hall of Fame). Commissioner Rogers agreed that it should be determined whether the City is owed funds, based on the existing lease; but, he did not think an audit is necessary to determine a fair lease price as the lease should be based on the property's value, not on sales. Mayor Seiler agreed about requiring an audit. An audit will not change the lease amount. He did not favor expending funds for an audit including consideration that the model will change with a new lease and thus suggested the City Auditor.

Commissioner Rodstrom suggested this extension be contingent upon the developer paying for the audit and the City can choose the auditor. Commissioner Roberts agreed that an audit is needed; but, there will be changes going forward. In response to Mayor Seiler as to performance of an audit, the City Auditor explained that the lease provides that they provide the City annually with audited financial statements that detail received revenues; the percentage from that has been put into the capital replacement account; and how the funds were spent. His office was verifying that this information attested to by an outside audit firm had been provided to the City and that they were adhering to those terms. A complete financial audit is a significant undertaking, and he was uncertain whether he could do it. He has not received the financial statements, despite requests since 2010. Vice Mayor DuBose thought that moving forward with the extension is key to the City continuing negotiations. Mayor Seiler noted that it is necessary to obtain the documents from Bahia Mar, as this is a requirement of the Discussion ensued wherein Commissioner Roberts suggested and Commissioner Rodstrom agreed that the extension be granted contingent upon the documents being provided within a specified period of time. Mayor Seiler suggested ninety days; and if the documents are not produced, the extension terminates. In response to Mayor Seiler, the City Auditor agreed to provide the City Clerk with a list of the documents.

Motion made by Commissioner Rodstrom and seconded by Commissioner Roberts to approve the item subject to financial statements requested by the City Auditor be produced within ninety days or the extension terminates. Roll call showed: YEAS: Commissioner Rodstrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

522-10921 - CHEVROLET CAPRICE POLICE PURSUIT VEHICLE - \$28,583 (PUR-01)

Charles King, 105 North Victoria Park Road, thought the City has enough police vehicles. He did not believe the City's current PAVE (Personally Assigned Vehicle Program) system provides a savings or increases neighborhood security; rather, it provides free or reduced cost travel for police officers to reside outside of the city. The crime rate is up. Other cities have residency requirements to anchor the middle class. However this matter will eventually be settled by gasoline prices. Commissioner Roberts explained that there are operational reasons for utilizing PAVE. A pool system would not allow the necessary number of officers to be on patrol and the life expectancy of a pool vehicle is about five years less than a (PAVE) vehicle. He agreed that fuel costs will need to be reexamined. PAVE also serves as a recruiting tool as about 80 percent of Florida's law enforcement agencies utilize it. Studies show the efficacy and efficiency of PAVE. There are many other factors beyond residency that relate to anchoring the middle class. He recalled that the courts overturned legal mandates requiring rank and file officers to reside within a municipal boundary. Mr. King did not think officers should be mandated to reside within the city; but rather stop subsidizing. Mayor Seiler agreed that fuel will be revisited in the next round of negotiations.

In response to Vice Mayor DuBose, Police Chief Frank Adderley, indicated that crime rates are down in some neighborhoods, but increases in others; overall, there has been a slight increase thus far this year. In response to Commissioner Rogers, he confirmed that the crime rates in Croissant Park, as well as Lauderdale Manors and South Middle River, have been reduced since NAT (Neighborhood Action Team) was implemented. Commissioner Rogers pointed out that this item is to replace only one vehicle that was declared a total loss.

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

PROPRIETARY - ANNUAL MAINTENANCE - KRONOS TIMEKEEPING (PUR-02) SYSTEM - \$27,396.62

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

725-10900 - BEACH PADDLEBOARD CONCESSION

(PUR-12)

Mario St-Cyr, 1101 Bayview Drive, opposed this item. He indicated that he is a Fort Lauderdale resident and small business owner. He is currently in the second year of a three-year exclusive contract with the City for a paddleboard concession, and has met all of the obligations, including timely rent payments. However, since the first week, he reported to the City that several companies were operating their businesses at his assigned location. He elaborated upon the City staff whom he has called on a weekly basis, as well as meetings with City officials, to report these incidents. On average, he filed three reports per week that included a variety of evidence that the companies were operating without a concession contract. Hundreds of emails have been sent to City officials about this matter. He elaborated upon the advertisements online and in area hotels for unlicensed businesses. He claimed to have evidence that vendors in this bid process have not followed the rules. It is impossible for a business that abides by the rules to compete and survive. In response to Mayor Seiler, he indicated that he did not have a copy of his contract with him. In response to Commissioner Roberts, the City Manager explained that the City entered into a contract with Mr. St-Cyr for a concession at George English Park, however, competitors have conducted business there. Staff responds when Mr. St-Cyr reports such cases. Staff has relied upon Mr. St-Cyr's contact as it was cost prohibitive to post a staff member at the park during operational hours. It has been difficult for staff to identify these competitors, but the City has diligently assisted Mr. St-Cyr in upholding the contract's exclusivity. Mr. St-Cyr suggested that a City official make an appointment for a lesson and to obtain sufficient evidence to stop their operations. He is the only one paying rent and following the rules. The City Manager thought that reasonable action has been taken.

In response to Mayor Seiler, Mr. St-Cyr noted that his concession contract will be in effect for one more year. Mayor Seiler clarified that this item is for Fort Lauderdale beach. Mr. St-Cyr explained that he proposed to City staff last year to include a clause in his contract that would allow him to operate on the beach also a few times a week. He contended a bid should not be awarded to a business that operates without a license. The City Manager confirmed that the vendor recommended for award of this bid has met the RFP criteria. Mr. St-Cyr ranked third out of three bids, but he did not electively employ the City's bid protest procedure to bring this matter forward. Mr. St-Cyr indicated that he has two years' worth of documentation that proper procedure was not followed. In response to Commissioner Rogers, he indicated that he was not informed about the protest procedure, and, upon contacting the City, he was told that he had missed the online posting. Commissioner Rogers thought the protest procedure

was likely also included in the original bid documents. Mr. St-Cyr noted that these companies were flagged by code enforcement. Commissioner Rogers was concerned that Mr. St-Cyr did not follow protocol while complaining about another business that did not as well. Mayor Seiler felt that enforcement is a separate matter; he did not recall receiving any email communication from Mr. St-Cyr. Mr. St-Cyr noted that he was told to follow the chain-of-command. Mayor Seiler agreed with Mr. St-Cyr's point about enforcement. Mr. St-Cyr reiterated that this evening's bid award involves unauthorized operations being flagged numerous times and as recently as last weekend. Commissioner Rodstrom pointed out that there was no documentation provided to the Commission for this matter. She has not received any email communication. Mr. St-Cyr did not think a contract should be offered to a company that has been breaking the rules. Mayor Seiler noted that this is the purpose for the bid protest procedure. In response to Vice Mayor DuBose, he maintained that staff is aware of the violations.

Motion made by Commissioner Rodstrom and seconded by Vice Mayor DuBose to approve the item as presented.

Mayor Seiler asked Mr. St-Cyr to forward the emails that he has sent to staff.

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

RESOLUTIONS

PETROLEUM TESTING ROOM USE - PETROLEUM STORAGE FACILITY - (R-01) 909 SE 24 STREET - DEVELOPMENT PERMIT - CASE 83-R-11

No budgetary impacts.

Applicant: Marathon Petroleum, LLC.

Location: 909 SE 24 Street

Zoning: Port Everglades Development (PEDD)

Future Land Use: Transportation

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0591

Mayor Seiler and Commissioner Rogers announced a site visit made concerning this matter.

Vice Mayor DuBose introduced the following resolution:

RESOLUTION NO. 12-54

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT PERMIT FOR A PETROLEUM TESTING ROOM USE TO BE ADDED TO AN EXISTING

PETROLEUM STORAGE FACILITY LOCATED AT 909 S.E. 24TH STREET, FORT LAUDERDALE, FLORIDA IN THE PEDD ZONING DISTRICT.

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-02)

No budgetary impact

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0598

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

resolution:

Charter Revision Board Maria Del Rosario Lescano (Mayor Seiler)

Community Appearance Board Tamara Tennant (Commissioner Rodstrom)

Community Services Board H. Bradley Katz (Consensus – HOPWA Seat)

Education Advisory Board Laura Clark (Mayor Seiler)

Magdalene J. Lewis (Mayor Seiler) Maureen J. Persi(Mayor Seiler)

Heather Brinkworth(Vice Mayor DuBose)

Edna Elijah (Vice Mayor DuBose) Lillian Small (Vice Mayor DuBose)

Roland Alexander Foulkes (Commissioner Roberts)

Chet Ludwick(Commissioner Roberts)
Catherine A. Cirillo(Commissioner Rodstrom)
Theresa Bucolo(Commissioner Rogers)
Joseph P. Discepola(Commissioner Rogers)

Enterprise Zone Clare Vickery (Consensus)
Development Agency Jason Robertson (Consensus)

Marine Advisory Board F. St. George Guardabassi(Mayor Seiler)

Frank Herhold(Mayor Seiler)
Zane Brisson(Vice Mayor DuBose)
Herb Ressing(Vice Mayor DuBose)
Joe Cain (Commissioner Roberts)

John Holmes (Commissioner Roberts) – (effective April 16, 2012)

Tom Tapp(Commissioner Roberts)

Lisa Scott-Founds (Commissioner Rodstrom)

Chad Moss (Commissioner Rogers)

Sustainability Advisory Board Steven Cook (Commissioner Roberts)

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 12-55

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.

PUBLIC HEARINGS

UNIFIED LAND DEVELOPMENT REGULATIONS AMENDMENT – LIGHTING OF PARKING FACILITIES

(PH-01)

No budgetary impacts.

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

reading.

Exhibit: Commission Agenda Report 12-0493

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

In response to Commissioner Rogers, Anthony Fajardo, Sustainable Development, and Diana Alarcon, Transportation and Mobility Director, explained that the illumination values (values) set forth in (Exhibit 1) of Commission Agenda Report 12-0493 were derived from the industry's established handbook (The Lighting Handbook, tenth edition). Ms. Alarcon pointed out that this handbook's recommendations are becoming standard practice throughout the industry, allowing energy-efficient lighting, whereas the current ULDR (Unified Land Development Regulations) does not. The City Manager explained that, both, daytime and nighttime lighting is necessary, and went on to elaborate upon the difference in standards for daytime and nighttime. Commissioner Rogers wanted to be sure that security is not being compromised. The City Manager advised that the current standard is five footcandles inside; the amendment will lower the requirement for entrances and ramps only. Greg Brewton, Sustainable Development Director, confirmed that this amendment relates to updating the City's ULDR.

Commissioner Rogers noted he previously raised the idea of modifying the ULDR in terms of bank drive-through stacking lanes as the demand for drive-throughs has

diminished. Mayor Seiler agreed and asked staff to bring back a status report. Mr. Brewton advised that it was investigated; there were conflicts.

Vice Mayor DuBose introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-05

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-20.14, LIGHTING OF PARKING FACILITIES, TO REVISE THE LIGHT INTENSITY REQUIREMENTS FOR PARKING GARAGES, PROVIDING SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

ORDINANCES

REDEVELOPMENT TRUST FUND - COMMUNITY REDEVELOPMENT (O-01)
AGENCY - MIDDLE RIVER - SOUTH MIDDLE RIVER - SUNRISE BOULEVARD

Establishment of redevelopment fund will impact FY '13 budget with a projected appropriation of \$12,680 from the General Fund to the MRSMRSB CRA.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 12-0505

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-06

ANORDINANCE OFTHECITYCOMMISSION OFTHECITY OF FORTLAUDERDALE, FLORIDA, ESTABLISHING AND PROVIDING FOR THE **FUNDING** OF REDEVELOPMENT TRUST FUND PURSUANT TO SECTION 163.387, FLORIDA STATUTES, TO FINANCE REFINANCECOMMUNITY REDEVELOPMENT OR WITHIN THE MIDDLE RIVER SOUTH MIDDLE RIVER SUNRISE BOULEVARD REDEVELOPMENT AREA DESCRIBED AS BEING BOUNDED BY SUNRISE BOULEVARDONTHESOUTH.INCLUDINGTHE COMMERCIALCORRIDOROFSUNRISEBOULEVARDFR OM PROGRESSO DRIVETO195, FROMSUNRISEBOULEVARD TONW10THPLACE.NW10THPLACETONW10THAVENUE NW 10THAVENUE TO CHATEAU PARK DRIVE, CHATEAU PARKDRIVETONW9THAVENUE.NW9THAVENUETONW 16THSTREET,NW16THSTREETTONW7THAVENUE,NW 7TH AVENUE TO NE13TH STREET. AND NE 13THSTREET TO PROGRESSODRIVE:PROVIDING FOR ADMINISTRATION OF THE REDEVELOPMENT TRUST **FUND:** DETERMINING **THETAXINCREMENTTOBEDEPOSITEDIN** REDEVELOPMENTTRUSTFUND:ESTABLISHINGTHEBA SE YEAR FOR DETERMINING ASSESSED VALUES OF **PROPERTYINTHE COMMUNITY** REDEVELOPMENTAREA FOR INCREMENTPURPOSES: **PROVIDING** FOR THE ANNUALAPPROPRIATIONOFTHETAXINCREMENTBYT HE CITY OFFORT LAUDERDALE; APPOINTING THE OF THE GOVERNING BODY COMMUNITY REDEVELOPMENTAGENCYASTHETRUSTEEOF THE REDEVELOPMENTTRUSTFUND; ANDPROVIDINGAN EFFECTIVEDATE.

In response to Commissioner Rogers, the City Manager explained that staff anticipates about \$13,000 of TIF (tax increment financing) for fiscal year 2013. This ordinance simply satisfies the requirement to establish a trust fund. In response to Commissioner Rodstrom, the City Manager and Alfred Battle, Northwest Community Redevelopment Agency Director, confirmed there is nothing else that needs to go back to Broward County.

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

CODE AMENDMENT - ARTICLE V, DIVISION 2 - PURCHASING – (O-02) LOCAL VENDOR PREFERENCE

No budgetary impact.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 12-0641

In response to Mayor Seiler, Kirk Buffington, Deputy Director of Finance, confirmed that this was considered by a prior commission but not enacted. He likely wrote the memorandum at the time.

Mayor Seiler opened the floor for public comment.

Michael Rajner, Wilton Manors resident, was concerned that the proposed changes do not include a provision whereby domestic partnership benefits are included for contracts for more than \$100,000 where the vendor provides healthcare benefits to employees' married partners, that the same standard apply for employees' domestic partners. Broward County has an exemption for vendors with less than five employees. Insurance companies in Florida offer healthcare coverage to domestic partners. He was also concerned that the City does not have a non-discrimination policy. He urged the Commission to amend this ordinance to include language from the EBO; and to address a non-discrimination policy that includes sexual orientation and gender identity. Commissioner Rodstrom pointed out that she sent Broward County's EBO to the City Manager and City Attorney for their review to determine if this ordinance could be amended to include that language. The City Attorney explained that the EBO is outside of the title that was advertised; it could be readvertised or this ordinance could be adopted on second reading and then any additional provisions could be drafted for inclusion. Commissioner Rodstrom added that she sent an email from Kayla Olsen, Broward County Office of Management and Budget Director, indicating there would be no cost to the City. Mayor Seiler mentioned that the cost to the vendor would likely be passed on to the City.

In response to Commissioner Rodstrom, the City Attorney recommended that the Commission adopt what is presented this evening and then direct staff as to language to include in another ordinance that will be brought back. Mr. Rajner pointed out that both of these matters were unanimously supported by the Broward County Commission, and no public opposition was expressed. He wanted assurance that action would be taken, since he has requested implementation of a non-discrimination policy for several years. Mayor Seiler pointed out that the Commission will vote when it is brought back. He agreed with a non-discrimination policy and thought the Charter Revision Board should review it. Mr. Rajner suggested it be placed in the code until reviewed by the Board. Commissioner Rodstrom indicated that she will provide information to the Commission.

In response to Mayor Seiler, Mr. Buffington recalled that the prior commission addressed the local preference in terms of giving an added percentage to a local vendor if their bid was within three or five percent of another low bidder. For this item, vendors are ranked and a graduated ranking (percentage) boost granted if a vendor is located in the city and guarantees fifty percent of their employees are City residents. Mayor Seiler supported the concept, but questioned whether the boost is too large. He elaborated upon the issue of protectionism possibly arising when other cities adopt similar ordinances. Vice Mayor DuBose noted that staff has vetted this item. The issue has been with out-of-state contracts. He did not think the boost is too much in that Fort Lauderdale has nothing now and other cities have adopted such legislation. He supported an aggressive approach to benefit Fort Lauderdale residents. Mayor Seiler did not want to see businesses be frozen out of business beyond Fort Lauderdale's borders. He questioned how these percentages compare to those adopted by other cities. Vice Mayor DuBose was frustrated that the concept was not addressed until now and information about what occurred in 2003 was not brought forward. He was concerned that issue is being taken this evening because District III residents have wanted it. The City Manager pointed out that Mr. Buffington has only expressed support of local preference. Mayor Seiler clarified that the email was provided by a former purchasing manager, not Mr. Buffington. It would have been an improper course of action for Mr. Buffington to circumvent the former city manager. Vice Mayor DuBose was concerned that even in the past twelve months of the current City Manager's employ, it has not been brought forward until second reading. Discussion ensued between Vice Mayor DuBose and Mayor Seiler as to whether staff is obligated to present historical information that are not supported by the City Manager. Mayor Seiler pointed out that staff's recommendation was to oppose local preference when it was brought forward previously. Currently, staff did not bring that memorandum forward because this city manager supports the concept. Vice Mayor DuBose emphasized his desire to be made aware of a topic where the City has weighed in historically. The Commission should have been informed.

In response to Mayor Seiler, the City Manager explained that this proposal is the same as that which he proposed and was adopted in Palm Bay. It was implemented in 2009 and there were no issues. Mr. Buffington indicated that he had not seen this system in other cities. He elaborated upon how the proposed preference differs from those generally used. He thought the auditing responsibilities would be shared by him and the City Auditor. Mayor Seiler questioned whether a reporting requirement will be included in the contract to ensure that the vendor maintains employees who reside in Fort Lauderdale throughout the contract term. Mr. Buffington explained that the vendor must affirm at the time of bid submission whether they will claim a local preference and which category. He thought the same process would be repeated when the contract is renewed. The City Manager explained that there is a leap of faith as the City is encouraging local businesses that employ city residents to get preference. If the vendor does not maintain a resident employee, it could be addressed at time of renewal. Mayor Seiler questioned what measures would be taken to ensure that a vendor does not reap the local preference benefits if their resident employees are terminated mid-contract. The City Manager indicated that enforcement is at the award. Staff would investigate if it is brought to the City's attention. There is a termination for convenience contract provision that could be utilized. The City Attorney explained that a reporting requirement should be included in the contract if it is to be enforced mid-term. Mayor Seiler was concerned about three-year or greater contracts not fulfilling the requirements. Mr. Buffington thought and Mayor Seiler agreed that vendors be required to re-affirm that the requirements are met each year. The City Attorney indicated that this language is not needed in the ordinance if it is included in the RFP or the contract. If they fail the reaffirmation after the first year, the contract could be canceled. Mayor Seiler suggested annual re-affirmation be required for contracts greater than one-year. Commissioner Rogers pointed out that some type of audit is required because another classification is granted if a vendor certifies it will qualify within three months. In further response, Mr. Buffington explained that, if the City used the preference in awarding a cooperative, many agencies that do not have a preference would not be able to use that cooperative contract because those contracts are based upon all participating agencies operating on an equal playing field. For example, Broward County was a lead agency on several cooperative contracts in the tri-county area. In response to Mayor Seiler, he explained that, if the City is a lead agency on a cooperative contract, then the local preference is not applicable. Commissioner Rogers supported local preference, but wanted to know the economic impact based on last year. Mr. Buffington offered to make a calculation and provide the information to the Commission. The City Manager pointed out that the ordinance includes a provision that the local preference will not be applied if the vendor exceeds the budgeted amount. Commissioner Rogers thought this concept may be helpful with respect to previous experience of bids being so low that the contractor cannot perform. But, he shared Mayor Seiler's concern as to what is the correct percentage. Mr. Buffington suggested a one-year review wherein he will report on its impact. It may be that vendors choose not to take advantage of this because of the employee residency requirement. He anticipated requiring a list of employees with a

copy of their driver licenses or some form of identification. Percentages offered by other agencies in the tri-county area range from two to ten percent.

The City Auditor remarked that a HUD EEO (Equal Employment Opportunity) certification could be used as a template because it has similar requirements. The vendor could submit this type of certification which includes the vendor agreeing to provide the City with any reports and access needed for verification; and it provides for the City having the right to cancel if the vendor is non-compliant during the contract term. In response to Commissioner Rogers, the City Auditor advised that he does not have any experience with local preference. Vice Mayor DuBose referred to the HUD Section 3 Program which mandates that, when HUD funds are spent in a given area, the vendor must provide job opportunities to individuals who reside within that area. He asked staff to look into it. Mr. Buffington clarified that the Section 3 Program requires the contractor to employ people who reside in the area where the project is being constructed. He was uncertain about HUD's affirmation requirement, but it is probably similar to that mentioned by the City Auditor. In response to Mayor Seiler's question about the affirmation, he preferred to receive the information electronically generally but a hardcopy would be necessary for purposes of the contract. Mayor Seiler suggested a one-year trial and staff reporting back on its impact after a year. He wanted to assurance that the RFP includes affirmation language. He also wanted to be made aware of the impact of the percentages.

Vice Mayor DuBose introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-07

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.

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.

UPDATE – 54-INCH WASTEWATER PIPE FAILURE EMERGENCY REPLACEMENT OF 54-INCH INFLUENT PIPE NEAR LOHMEYER WASTEWATER TREATMENT PLANT

(OB)

Pursuant to Memorandum 12-086 which is attached to these minutes, the City Manager indicated that three quotes were obtained and the cost for this project will be approximately \$1.2 million. In response to Commissioner Rogers, he explained that the cryogenic (process) will be brought forward as a separate item. Albert Carbon, Public Works Director, confirmed that the cryogenic cost is \$50,000 to \$70,000 for the emergency; but the turnaround will cost approximately \$250,000 to \$350,000 and occurs every other year. A memorandum on this aspect will be forthcoming. An emergency will

be declared to do the turnaround and replacement of parts all at once. In further response, he explained that once the pipe is installed, there will be a hydrogen peroxide line from Lohmeyer Wastewater Treatment Plant west to SE 10 Avenue that will help eliminate odor. He explained additional measures being taken with respect to odor. These measures should substantially reduce the odor. Mayor Seiler requested a memorandum on what is being done to address odor.

Motion made by Commissioner Rodstrom and seconded by Commissioner Rogers to affirm the current emergency condition allowing staff to continue to effectuate the repairs, while mitigating the effects to the neighbors, and working with the appropriate regulatory agencies. Roll call showed: YEAS: Commissioner Rodsrom, Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

Note: The City Commission recessed the regular meeting at 9:22 p.m. and returned to the conference meeting agenda, item I-E, and then convened as the Community Redevelopment Agency Board of Directors at 9:27 p.m. and returned to the regular meeting at 9:47 p.m. to address item CR-07.

TRANSPORTATION ENHANCEMENT GRANT APPLICATION – NW 9 AVENUE STREETSCAPE - NORTHWEST COMMUNITY REDEVELOPMENT AGENCY

(CR-07)

In response to Commissioner Roberts question concerning Hugh Taylor Birch State Park Shared Use Trail, Diana Alarcon, Transportation and Mobility Director, confirmed that staff addressed issues raised last year but another issue was raised this year relating the environment and wetlands. Staff is taking measures to ensure that every issue is resolved so this project can be submitted next year. Commissioner Roberts wanted staff to look carefully at this application and discuss it with the appropriate officials in advance to avoid any additional issues arising in next year's cycle.

Being that the Birch State Park project grant application has been previously submitted, Vice Mayor DuBose questioned whether it would be advisable to continue with this project to show consistency and withdraw NW 19 Street Streetscape Improvements. Mayor Seiler preferred not to remove it.

In response to Mayor Seiler, Ms. Alarcon explained that the problem with Birch State Park application last year was that a loop through the park made it ineligible because a greenway path is required. It was corrected this year. Another issue last year was a requirement for 24-hour access. She elaborated upon discussions with the State and Florida Department of Transportation on this item. Mayor Seiler questioned whether the neighborhood or district commissioner had been consulted about 24-hour access. Commissioner Rodstrom indicated that she was aware of this. He indicated that 24-hour access was not required, but it is too late to correct the application this year. She went on to read a statement by the Florida Department of Environmental Protection (FDEP), indicating their commitment to enter into a formal agreement with the City to assume maintenance responsibilities for the trail facilities to be funded through this grant. At the appropriate time, FDEP indicating a willingness to work with the City and FDOT (Florida

Department of Transportation) staff to craft an agreement that would satisfy all the requirements of the grant. Ms. Alarcon elaborated upon the measures staff is taking to address the environmental issue in order to be certain that no other red flags are raised and to prepare for submittal of next year's application. Commissioner Rodstrom remarked that, generally, any issues related to the grant are communicated to staff while it is being worked on so there is opportunity to correct them. Ms. Alarcon noted that staff was apprised of the environmental issue after the grant was submitted. Commissioner Rodstrom indicated that it could have been amended prior to ranking. Ms. Alarcon noted that this opportunity was not given to the City. In response to Mayor Seiler, Commissioner Rodstrom believed that opportunity was provided; but possibly MPO staff was disillusioned by the City's submission of three applications.

Motion made by Commissioner Roberts and seconded by Vice Mayor DuBose to approve the item as amended to add NW 19 Street Streetscape Improvements project. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: Commissioner Rodstrom.

Note: There being no other matters to come before the Commission, the meeting was adjourned at 9:58 p.m.

ATTEST:	John P. "Jack" Seiler Mayor	
Jonda K. Joseph City Clerk		

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

(M-05)

MAYOR SEILER: First up on M-05 is Julian Siegel. Mr. Siegel, you're recognized.

JULIAN SIEGEL: Good evening Mayor, Commissioners, my fellow Lauderdalians. First, I want to start by thanking everyone who came out to support our Riverside family. We're here tonight to try to save a small business in a small community. Through the real estate market falling out, the year-long swing bridge renovation, and, against all odds, the Riverside Market worked; at least we thought it was working. We are in an old building. Our building was always a deli, a market, a butcher shop. It was built in an era where people lived where they worked. It served old Fort Lauderdale. Carl Rehard built it and it changed hands many times and fell into many owners. The old vision was lost. My family revitalized it. Our neighbors and families support it. The Riverside Market is a tribute to mid-century Fort Lauderdale. Our patrons are locals. We are not on the main road, not near a main intersection. We are proudly one of the city's best kept secrets; at least that's what the Miami Herald food critic, Rochelle Koff, said when she gave us a four-star rating.

I asked the City to surplus the adjacent vacant lot. I had been using it for parking for years. I felt like a squatter and wanted to make it right. I always cleaned it and reported illegal dumping. Most of the cars parked there at lunchtime are city cars, police and fire-rescue. We are known as a meeting place. Who's who has been there a few times with a few people. We're just making our name in the industry. And now, out of nowhere, a vacant, unimproved building that has a surplus of parking and a surplus of vacant land on the property has made a higher offer; not the best offer, a higher offer. This vacant building has been for sale and for lease for years. It is listed with a Miami firm, not a Fort Lauderdale firm. I've called the number over 25 times. I have never gotten a call back. This building made a higher offer. My offer was not even presented to you, the Commission and the Mayor. This vacant -- this Charter does not state that the City has to accept the highest offer, it states the best offer.

The City clearly stated that the sale of the vacant lot would have no economic impact to the City. That is untrue. Without the acquisition of the land, the Riverside Market cannot sustain. Without this parking, we cannot do our transition from market with significant food service to the division of hotels and restaurants. We would have to remove our tables and chairs. Countless months of meetings with Michael Ciesielski and Anthony Fajardo in Planning and Zoning, years of work with no profit, no salary, all gone. We are living in times where 100-year old department stores are closing down, gas stations are closing, grocery stores are closing. I will be forced to close because of a zoning regulation requiring parking; parking of the neighbors and residents of Fort Lauderdale that are affected by this feel should go to a thriving business that has been using the lot since its acquisition six years ago. All I want to do is stick to facts. We are an asset to the neighborhood. We have built a destination location surrounded by Section 8 housing. We have created jobs, commerce, revenue; basically revitalized Riverside. People have moved to Riverside Park because of the Riverside Market. People want to go to Riverside.

MAYOR SEILER: How much time do you need to wrap up?

MR. SIEGEL: Ten seconds.

MAYOR SEILER: Okay.

MR. SIEGEL: There is not enough parking. We need this for parking. Without it, we will be a vacant building, a memory, another derelict structure. I feel you should do what you feel is the right thing for the people, for the community, for the city. We want to make our downtown the strongest downtown, and the people want to be able to park here. Thank you for your consideration.

Tom Clark, supporter of Riverside Market, indicated that the Market is the essence of small business in the City. He urged the Commission to consider the productive and correct use of this property. He elaborated upon the Market's customer base which includes locals and tourists. The Market employs 12 people and has an on-site urban farm.

Howard Pyle, 900 SW 15 Terrace, expressed support of this item. This was a derelict store that has been transformed into an attractive market which is an asset to this and surrounding communities. The Market is a means to join neighborhoods together. He asked the Commission to accept the best offer, rather than the highest offer.

Jack Lokeinsky, 735 NE 3 Avenue, expressed support of this item. He noted that inadequate parking is preventing the Market from expanding into an eat-in restaurant which is lacking in this neighborhood. He elaborated upon Mr. Siegel's contributions to the community, despite challenges like the economic downturn and the one-year swing-bridge closure. He urged the Commission to consider all factors when deciding how best to serve (Riverside) residents.

MAYOR SEILER: Michelle Klymko.

MICHELLE KLYMKO: Good evening. I'm Michelle Klymko, 501 SE 2nd Street, Fort Lauderdale, Florida. Tonight I'm coming before you, not as an attorney for Becker and Poliakoff, but as a resident of Fort Lauderdale. You've heard and as you can see by the audience here that this is a market that is really loved by the community. But, I know, in your position, you have to consider the legal ramifications of any action you all take tonight.

So, in looking at how the process went down, this was a lot that Mr. Siegel went forward and asked the committee -- the City to make a surplus lot. That happened. It was properly advertised and so forth. And, on the last day, at approximately 4:00, between 4:00 and 4:15, he submitted his bid for \$12,500. And it was a sealed bid process which is what was advertised for this particular piece of property. And, although it was a sealed bid process, Mr. Volpi took it upon himself to call the Gaddis Foundation, or a representative from the Gaddis Foundation, who, within that 45 minute period, came in with a bid for \$1,000 more. So, in light of those facts, other people have heard it. If it gets to a point where there has to be sworn testimony in that regard, Mr. Siegel has assured me that that can be obtained.

The City really has a duty to overturn this entire process. And, if they're not willing to, at least go ahead and award the property to Mr. Siegel, based on those facts; completely throw out the entire process and possibly do this process as a IFB, an Invitation For Bid, which allows each bidder to introduce the best use for the property. And, in that particular instance, we do have a situation where I believe that Mr. Siegel will win that. We have -- the other bidder has a vacant building that's been there for four years, there's been absolutely no activity there. It has six parking spaces in front of it. It's a 1300 square foot building. It's got more than enough parking for even most the intense use, as well as it has on the east side of the building additional land that it already owns that they could use for parking.

Again, you have to look at it from an economic standpoint. You all are the City. Riverside Market's going to help with, you know, taxes and so forth. It's going to increase the property values and so forth in the neighborhood, and that's revenue that's going to be able to come in for the City. So, again, from a legal standpoint, I implore the City to really consider this and just toss out the entire process and start over again using the Invitation For Bid process.

Pat Hayes, 530 NE 3 Avenue, indicated that she submitted a bid in the amount of \$15,500 at 3:30 p.m.; therefore, she was the first to enter a bid, and was told there were no other bids. The City's approved value for this property is \$15,470. She disputed the claim that Mr. Gaddis' (building) has sufficient parking, and presented photographs concerning this matter. A copy of the photographs is attached to these minutes. She contended that parked vehicles are at risk of being hit because the parking spaces were cut in half when this became a one-way street. Also, vehicles are at risk of being hit by drivers turning the corner (as all traffic headed for the bridge turns right at the Gaddis building). There is an alleyway behind the plat which would allow for coming through the vacant lot and coming out via the alley. The (surplus property) is needed for parking in order to rent the building or even for the owner's personal use. She compared another building which has two and one-half lots and line parking in front that is not affected by heavy traffic turning right.

MAYOR SEILER: Ms. Hayes, you can sit down. I don't think we have any other questions of you.

MS. KLYMKO: In first hearing about this issue from Mr. Siegel a month or so ago when all this was going down, the story stayed consistent that when he turned in his bid at approximately 4:00, 4:15, Mr. Volpi told him there are no other bids. And subsequent to that, there was a conversation that took place, and since these individuals aren't here, I don't want to speak for them, but Mr. Volpi said that he called the Gaddis Foundation or a representative from them after-the-fact and told them about the lot. Of course, that's going to turn into an evidentiary type of thing which is not appropriate for this time of night, but that's where the information was obtained from.

MAYOR SEILER: Now, Mr. Siegel you want to comment on that? Come up to the microphone?

MR. SIEGEL: Sure.

MAYOR SEILER: I mean, we've got to have a process that does not have outside influence. I'd like to hear from Mr. Volpi on this.

MR. SIEGEL: You recall, Mayor, that the day -- the last day of the auction, I saw you in the parking lot and I actually showed you my check and my letter and I was really excited to go up to finally find Victor Volpi's office and it was approximately 4:00 to 4:15 and you were by the parking garage. It was hard for me to find where the building was to go to his office. When I went there with an unsealed envelope, he told me that there were no other bids.

MAYOR SEILER: And that was at 4:00, 4:15?

MR. SIEGEL: Yes, sir. Then we went ahead and it was slated for an agenda hearing and somehow this topic was pulled from the agenda. I was on the phone with your office, had called all the Commissioners to go ahead and do my lobbying as Victor told me to do, and I went ahead and made appointments to try to reach out to every Commissioner to go ahead and let everyone know my dire need for the parking because the next day Victor had told me that the

Gaddis Family Foundation had brought in a check for more money after my bid. He said, "Don't worry, it's not about the money, it's about the best offer and the best use of the land" -- Victor's words to me. We were slated for an agenda. The agenda item was pulled. At that point, Victor assured me he would notify me when it's going to be put on the next agenda hearing. I asked him to email me. I was never emailed.

Approximately two weeks and two days later, Sofia Ali had notified me that it went up at a City Commission hearing and it was unanimous 5 to 0 for the Gaddis Family Foundation. And I said wasn't my bid and my letter presented? And she said "I wasn't at that meeting." So, I asked Victor Volpi was my bid and my letter, my appeal to the Commission, my dire need for the parking, the survival of my business depending on this lot, was that presented to the Mayor and the Commissioners? And he said no. And I said why on earth would you not notify me that the agenda was going back up after it was shelved or why on earth -- did you notify the Gaddis Family? And he said yes. He goes, "I just naturally assumed you had lost interest." Well, I'm very, very known to not lose interest. I'm easily distracted, but I never lose interest. This is more than a baby; this is a family that we've created. This is huge and I assure you -- I know that you have limited seating here, so I barely notified a few people about the importance of this meeting.

MAYOR SEILER: Well, let me tell you this just so we're --

MR. SIEGEL: Yes, sir.

MAYOR SEILER: All right, thank you. I'm very clear that our policy is we sell to the highest and best offer and it's been the policy of the City. So, there's no scenario that I can see us awarding this to Riverside, but I do have concerns if our process is tainted and I would have to entertain re-doing the process because that's my bigger issue is that if somebody interfered in the process and we did not have a fair bidding process, that would create some headaches for me.

But I can tell you, if we go back through the process, it's still going to the highest bidder. There's no other way we would do it, but I'm curious and that's why I was just asking the City Manager if we know anything about -- because one, I've never had the property surplus person say "Go lobby the City Commission." I mean, we get offers and we take them. We don't get lobbied on --

COMMISSIONER RODSTROM: That's why it passed the first time, yeah.

MAYOR SEILER: And I do recall running into you in the parking lot and I do remember not saying anything more to you than -- you know, you made the comment you were submitting the bid for the property and I said great. I think that was my comment in passing.

MR. SIEGEL: I have actually an email where Victor went ahead and emailed me the list of names and numbers of all the Commissioners. So, I could go ahead –

MAYOR SEILER: Could I see that?

MR. SIEGEL: It's in my telephone. It's in my iPad.

A copy of the above referenced email was made a part of the record.

MAYOR SEILER: Charlotte, you're recognized.

COMMISSIONER RODSTROM: I have a question.

MAYOR SEILER: Look for that while we're --

COMMISSIONER RODSTROM: She had mentioned that she had turned the bid in first. Do we have documentation of who turned the bid in first prior to the --

MAYOR SEILER: That's why I'd like to hear from Mr. Volpi because if he's telling people to lobby City Commissioners when we've always said we're selling these properties for the highest price.

COMMISSIONER RODSTROM: Well, and that's why it went unanimous the last time because we saw it, the highest price, we did it, and walked away.

MAYOR SEILER: It was the highest price.

COMMISSIONER RODSTROM: But there must be some sort of documentation about who submitted it first.

COMMISSIONER ROGERS: There is some issue from looking at this notice concerning the -- I don't know why it was pulled February 1st, but if it was pulled on February 1st and then came back at a later time and --

MR. SIEGEL: I can clarify that from what Victor Volpi told me.

COMMISSIONER ROGERS: Okay.

MR. SIEGEL: Victor Volpi told me that the City Manager questioned why this property was being sold.

COMMISSIONER ROGERS: Okay.

MR. SIEGEL: He also said that Jesse Gaddis does a lot of lobbying and he suggested I do that, too. He also told me --

MAYOR SEILER: Mr. Volpi said this?

MR. SIEGEL: Yes, sir. Yes. I understand he's no longer in the real estate office. I understand he's in Parks and Recreation now.

CITY MANAGER: We moved the real estate office to Parks and Recreation --

MR. SIEGEL: Okay, I have no idea --

CITY MANAGER: -- the public spaces.

MR. SIEGEL: Yeah, we were in a meeting with Stacy McCafferty and Phil Thornburg and at that point he said, with those two people and my wife present, that he did notify the -- Ms. Hayes of the Gaddis Foundation that there was a rescheduled date for the agenda and he did not notify me.

Inside the bid package, it said that there was no economic impact to the City for the sale of this lot and it's to the best offer, not the highest offer.

COMMISSIONER ROGERS: I do have a question. Harry, can you give me a little guidance and I certainly don't contend that we wouldn't want to use the highest and best -- let me put it this way -- the highest offer as our criteria, but this resolution does read a little funny when it says "making the best offer" -- it says "without competitive bidding to the party making the best offer, but the City may reject any and all offers at any time." You see that? Where it talks about the parcel outlined herein in the middle of that?

CITY ATTORNEY: The charter says "best offer and historically the policy has been that the best offer is the highest offer.

MAYOR SEILER: Highest offer, right.

COMMISSIONER ROGERS: And I would concur with that, but I'm just reading this in terms of later verbiage that goes and says "The City Commission may rescind its former action, repeal this resolution based on protest of citizens who object to the sale or purpose of other public uses for the parcel." Is that because it's considered surplus and we have to make that determination? Somebody can come back --

MAYOR SEILER: That's public uses of the parcel.

COMMISSIONER ROGERS: Yeah, I understand that, but --

MAYOR SEILER: That means it doesn't -- it's not really surplus. It has a public purpose.

COMMISSIONER ROGERS: That's what I'm trying to get direction on.

CITY ATTORNEY: Our take on it was the fact that the notice was in error.

MAYOR SEILER: What notice is in error?

CITY ATTORNEY: The notice when it was supposed to be February 7th and it was not heard until March the 6th.

COMMISSIONER ROGERS: It says 1st.

MAYOR SEILER: So we have a defective notice?

CITY ATTORNEY: Yes.

MAYOR SEILER: All right, Mr. Gaddis is here, I think. Did you sign in?

JESSE GADDIS: Good evening, Commissioners, Mayor. My name's Jesse Gaddis and this gentleman here says I've been lobbying the Commission. There is not one Commissioner here can say that I came to see him, didn't call them, didn't get involved in it in any way.

There was no one else wishing to speak.

MR. SIEGEL: That's not what I said.

MAYOR SEILER: I know. Let me state for the record, I'll acknowledge I've never spoken to Mr. Gaddis about this property, but I think the issue is, is that Mr. Volpi is telling people --

MR. SIEGEL: Yes, exactly.

MAYOR SEILER: All right, let me, and I want to address this issue. Do we have a defective notice on this or not because -- let me tell you something. If this goes back out, to make it perfectly clear, it's going to the highest offer. It doesn't go to the best offer. We've always -- our policy has been the best offer is the highest offer. So, that first and foremost, I want to make sure that's clear to everybody. We can't, all of a sudden, take parcels, surplus them, and get down the slippery slope of changing our precedent. We've had a precedent of always selling the surplus properties to the highest and best offer. So, that's the first issue. But I'm more concerned about the process here of the notice and I'd like to hear from Harry.

COMMISSIONER ROBERTS: I'm just getting clarification. I'd like to go on record, too. I have not been lobbied by anybody on this, period.

MAYOR SEILER: I've never been lobbied by Mr. Gaddis.

COMMISSIONER ROBERTS: I haven't been by anybody on this issue.

MAYOR SEILER: And I did speak to Mr. Siegel, but it was as in passing in the garage as I mentioned.

VICE MAYOR DuBOSE: And just for the record, I haven't spoken to anyone either.

COMMISSIONER ROGERS: I would like to state for the record as well, except for Mr. Siegel's call late yesterday. That was the first time I talked to him or Mr. Gaddis.

COMMISSIONER RODSTROM: I have a question. It says that even though the notice is for February 1st, it says that the bids need to be submitted by January 17th, 2012. Is that incorrect as well? "And scheduled for further proceedings before the Commission on February 1st." That's -- did we even have a meeting on February 1st? I don't recall.

CITY MANAGER: The bid date is correct. The notice should have read February 21st.

COMMISSIONER RODSTROM: Oh, 21st, okay.

CITY MANAGER: The "2" was left out.

COMMISSIONER RODSTROM: But they submitted their bids timely by January 17th?

CITY MANAGER: Yes, ma'am.

MAYOR SEILER: Do we stamp the bids in?

COMMISSIONER ROBERTS: We do. And that's what I was going to ask the question because we don't have it in the backup.

COMMISSIONER RODSTROM: Oh, so is there -- There must be a time stamp or something with -- I mean, if it's the highest and the whatever it is --

MAYOR SEILER: Who's here from Procurement?

COMMISSIONER RODSTROM: But if they also got it in before and they're paying more and that's our precedence, I don't know, you know.

MAYOR SEILER: Right. Can you tell us, were the bid's stamped in?

KIRK BUFFINGTON: Kirk Buffington, Finance Department. Historically, Procurement has not had anything to do with real estate -- the sale of real estate. My office was not involved in this bid process. I became aware of this issue late last week when I was contacted by Parks and Rec to meet and maybe make some observations and some recommendations regarding how they're doing their bidding process.

MAYOR SEILER: And what are your observations and recommendations?

MR. BUFFINGTON: Well, my first recommendation would be to do the same thing we do in Procurement which is a lockbox sealed bid type of process. We have a firm date and time that bids are due. They go into an electronic lockbox. That lockbox cannot be opened until the bid date and time has passed. So, we would have no knowledge of who submits a bid or what the price is on the bid.

MAYOR SEILER: Until after the deadline?

MR. BUFFINGTON: Until after the deadline.

MAYOR SEILER: Which is the right way to do it. Charlotte?

COMMISSIONER RODSTROM: It appears to me that either one of them would probably have to go in for a zoning change because -- is this -- Greg?

MR. SIEGEL: Correct.

COMMISSIONER RODSTROM: It's residential?

MR. SIEGEL: Yes.

COMMISSIONER RODSTROM: Can we try to accommodate both people here and not violate any of the precedence that we've -- why can't we give him a parking reduction for the restaurant?

MR. SIEGEL: I tried that with Planning and Zoning, but current guidelines --

COMMISSIONER RODSTROM: I mean, that would be sort of -- just as easy a fix. Then we can have our cake and eat it too, over here.

MAYOR SEILER: But I don't want to get off the issues here. Do me a favor before I go further. That email that you showed us is now part of the record. You've got to forward that to Jonda Joseph @ fortlauderdale.gov --

MR. SIEGEL: Sure.

MAYOR SEILER: -- so we can put that into the record in this hearing.

Lee, what's your -- I'm a little concerned if we have a defective notice and we have an open bid where people know what the bid offer is before the deadline. I mean, somebody should not know what the other person's bidding before.

CITY MANAGER: This is really a two-step process. This evening if the Commission desires, you can pass a motion to reconsider. Then this item will be reheard at your April 17th meeting. That will give my office time to investigate the allegations that were made this evening and be in a position to discuss those. And then you would take final action as to what you would like to do with the bid that you approved at the last meeting. So, tonight, based upon what I hear, my recommendation would be to make a motion to reconsider. Have this item heard at April 17th --

MAYOR SEILER: A full hearing on it at the 17th --

CITY MANAGER: -- and at that time you can vote either to accept Mr. Gaddis' bid, to accept Mr. Siegel's bid, to throw it all out and start again, or take any other possible --

MR. SIEGEL: What would be fabulous, if I may, is maybe we can split the lot and do a parking reduction and I can stay in business.

MAYOR SEILER: That's probably something that is not going to be discussed at the Commission right now because that probably takes a lot more time than we have to address whether or not this gets reconsidered.

My only concern and I want to say this, that I've also -- I've got concerns about staff on this and I want to know what happened, but I do want to state for the record that some people made some comments about Mr. Gaddis. He never contacted me at any time and I don't like anybody publicly making comments that are inaccurate. And he has not lobbied me. I don't know what he did with anybody in this Commission, but he has never --

MR. SIEGEL: If I may clarify --

MAYOR SEILER: Hold on. He has never lobbied. I know you're saying Mr. Volpi said that --

MR. SIEGEL: No, no, no, I want to make sure -- Mr. Volpi --

MAYOR SEILER: I have never been lobbied by Mr. Gaddis --

MR. SIEGEL: I understand.

MAYOR SEILER: -- with anything to do with any real estate in this City.

MR. SIEGEL: I understand. Mr. Volpi assured me -- he said to me, "Jesse Gaddis lobbies, get out there and lobby, call the Commissioners, let them hear."

MAYOR SEILER: I understand and I'm sorry to hear it though.

MR. SIEGEL: He did not say Mr. Gaddis at all lobbied anyone regarding this lot. He told me in general, generally speaking, Mr. Gaddis lobbies. He's a lobbyist. He likes to lobby.

MAYOR SEILER: That's not the role of our City employees --

[Speaking at the same time.]

COMMISSIONER ROGERS: Mr. Gaddis is not a registered lobbyist.

MR. SIEGEL: Lobbyer -- I have no idea.

COMMISSIONER ROGERS: He's a businessman in the community, so --

MAYOR SEILER: And he's a very successful businessman --

MR. SIEGEL: Absolutely.

MAYOR SEILER: -- that has a very good reputation and I don't

like to see --

MR. SIEGEL: He said lobbying is not a bad thing. He said, "You should just get your case made."

MAYOR SEILER: I just don't like to see any reputation tarnished in this setting. But let me do this. I'd like to hear -- we've heard the recommendation from the City Manager. The one thing I would like to do is, I think, your recommendation, there should never be an open bid. I did not know that we were accepting bids for real estate that were -- known the amount before we closed the bid period. Has that been going on since we've started this surplus property?

CITY MANAGER: Again, that's what's been represented this evening. I don't know that that is a fact and I think unless Kirk has actually done an investigation --

MAYOR SEILER: Kirk, do you know? There's a microphone right here. It's working.

MR. BUFFINGTON: Again, Kirk Buffington, Finance. As I said, I just became aware of this last week and based on the brief conversation that I've had -- and I had a meeting set up with both Real Estate and with Bob Dunckel, to possibly look at either recommendations that my office can make or, depending on what Mr. Feldman wants me to do, maybe we take on -- absorb the bid receipt in my office through the sale bid process.

MAYOR SEILER: But are you aware of us knowing the amount of a bid --

MR. BUFFINGTON: I am not aware of that actually happening. I don't know for a fact that when the bids come in somebody opens them before an appropriate time. Based on the notice, there isn't a firm time when those bids come in, so that's kind of, you know, a little loose, too. But I don't know for a fact whether the bids are actually opened or not.

MAYOR SEILER: Are there checks submitted with the bids?

MR. BUFFINGTON: I don't know.

MR. SIEGEL: There's a ten percent deposit.

MAYOR SEILER: Right, so do we have those checks date stamped in?

MR. BUFFINGTON: I don't know, sir.

MR. SIEGEL: Excuse me, there's a ten percent deposit check turned in.

MAYOR SEILER: I know, Julian, I heard. All right, the check's date stamped?

MR. BUFFINGTON: I don't know, sir. I don't know what process they're doing when they accept the bids.

MAYOR SEILER: All right.

COMMISSIONER ROGERS: I'll tell you, Mr. Mayor, though, I am concerned about this process in terms of the way this resolution reads, so -- it's very confusing in terms of what they mean by "The City shall sell the parcel without competitive bidding." And so, I hope that maybe we can go back and look at that so we won't run into issues in the future. I don't think anybody should be penalized because they present the most to the City. That's what we want and I want that to be clear. But I do have concerns about the way this resolution reads and I certainly have some concerns about the notice issue.

COMMISSIONER RODSTROM: Is Greg Brewton over there looking for the parking reduction? I see them all conferring over there. You're not looking for the parking reduction, right?

MAYOR SEILER: I don't want to confuse the issues.

VICE MAYOR DuBOSE: I was going to say on this, I think it's -- the unfortunate thing is we have one bidder who followed the process and put it in and did what was required of them, but you know, in looking at what was presented today, I just don't see how we don't reconsider this because it appears that there's too many discrepancies from the notice on down. And just hearing -- and what was here and what was presented and actually what was not presented, I mean, I would have loved to see any of the backup from what the bidders put in to take a look at, but even without that, just the fact of the error with the notice and the information that was brought to light, my position is we've got to reconsider this and we've got to look at internally how we're handling this process to adjust it so that we don't go down this path again.

MAYOR SEILER: Bobby, did you make a motion?

VICE MAYOR DuBOSE: And with that I'll make a motion to reconsider.

MAYOR SEILER: There's a motion to reconsider. Is there a second?

COMMISSIONER ROGERS: I'll second it.

MAYOR SEILER: Okay, so it's been moved and seconded to reconsider. The only thing I would ask that it be reconsidered to a date certain. April 17th? Is that acceptable to the movant?

COMMISSIONER ROGERS: That gives staff enough time to come back --

MAYOR SEILER: Yeah, that's what I was just asking Lee over here how much time he needs because I think we need to get to the bottom of this.

VICE MAYOR DuBOSE: Let's ask Harry, too, because he's going to have to take a look at this.

MAYOR SEILER: April 17th, it would be two meetings.

CITY ATTORNEY: That's plenty of time.

VICE MAYOR DuBOSE: Okay.

MAYOR SEILER: There's a motion to reconsider and a second. It would be brought up on April 17th. I would expect that to be a hearing where we would take some testimony at least as to what happened here.

COMMISSIONER RODSTROM: Neither one of them have any plans to do anything with the property for another month? I guess not.

MAYOR SEILER: There's nothing that can be done. I would hope Mr. Volpi would be here. All right, there's a motion and a second. Madame Clerk?

CITY CLERK: Commissioner Rodstrom?

COMMISSIONER RODSTROM: Yes.

CITY CLERK: Vice Mayor DuBose?

VICE MAYOR DuBOSE: Yes.

CITY CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Yes.

CITY CLERK: Commissioner Roberts?

COMMISSIONER ROBERTS: Yes.

CITY CLERK: Mayor Seiler?

MAYOR SEILER: Yes. And let me just do this, Harry, if you could. Would you, in the interim, Lee and Harry, would you make sure that if there's any other properties being surplused that we not open the bids until after the deadline, until such time as we have a chance to correct this? Is that the consensus of council? Commission -- is that -- Charlotte, do you -- everyone in agreement?

COMMISSIONER RODSTROM: What?

MAYOR SEILER: Everyone in agreement with that? That any bids on real estate between now until we have a chance to visit this policy that they not be opened until after the deadline?

COMMISSIONER RODSTROM: Well, they've already got all the information they know --

MAYOR SEILER: I'm talking about future, not on this property.

COMMISSIONER RODSTROM: Not on this -- I don't know how you're going to unravel this one, but I do agree with the date being wrong on this document, so that's the only thing I [unintelligible]

CITY ATTORNEY: We'll do that.

MAYOR SEILER: All right, thank you. All right, we'll see on you on April 17th. Thank you.