

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
APRIL 3, 2012

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
April 3, 2012**

Meeting was called to order at 6:05 p.m. by Mayor Seiler on the above date, in City Hall, 100 North Andrews Avenue, 1st floor Chambers.

Roll call showed:

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

Absent: None.

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

Invocation was offered by Dr. Douglas J. Brouwer, Pastor, First Presbyterian Church of Fort Lauderdale, followed by the recitation of the pledge led by Marc Dickerman.

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

Motion made by Commissioner Rodstrom and seconded by Vice Mayor DuBose to approve the minutes of the March 6, 2012 Conference and Regular Meetings. YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Presentations

1. WATER CONSERVATION MONTH – APRIL, 2012 (PRES-01)

Vice Mayor DuBose presented a proclamation designating April, 2012, as Water Conservation Month in the City to Lorraine Mayers, South Florida Water Management District. Ms. Mayers thanked the Commission and City staff for encouraging residents to take conservation measures.

2. EARTH DAY – APRIL 21, 2012 (PRES-02)

Commissioner Rodstrom presented a proclamation designating April 21, 2012, as Earth Day in the City to Mark Foley, Parks Services Specialist, Hugh Taylor Birch State Park. Mr. Foley thanked the Commission. He was pleased that the City will partner with the State for this event, and that Broward County is also going to participate. He provided some historical data on Mr. Birch and elaborated upon the endangered and threatened species that reside at the park.

**3. FIRST PRESBYTERIAN CHURCH OF FORT LAUDERDALE
100TH ANNIVERSARY DAY – APRIL 14, 2012 (PRES-03)**

Commissioner Rogers presented a proclamation designating April 14, 2012, as First Presbyterian Church of Fort Lauderdale 100th Anniversary Day in the City to Dr. Douglas Brouwer, Pastor, First Presbyterian Church. Dr. Brouwer thanked the Commission and recognized members of his congregation in the audience. He invited the public to attend an upcoming event.

4. NATIONAL LIMB LOSS AWARENESS MONTH – APRIL, 2012 (PRES-04)

Vice Mayor DuBose presented a proclamation designating April, 2012, as National Limb Loss Awareness Month in the City to Lisa Strong, Florida Amputee Support Team. Ms. Strong thanked the Commission. She looked forward to working with this community to convey the message that limb loss is preventable.

5. NATIONAL DONATE LIFE MONTH – APRIL, 2012 (PRES-05)

Commissioner Roberts presented a proclamation designating April, 2012, as National Donate Life Month in the City to Ken Trachy, Life Alliance Organ Recovery Agency, University of Miami Miller School of Medicine. Mr. Trachy recounted his personal story as the recipient of two kidney transplants. He encouraged the public to make an informed decision about organ donation and share it with others. He thanked the Commission.

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)
COMMUNITY BASKETS OF LOVE - WAIVER OF INSURANCE AND
DONATION OF APPLICATION FEE

No budgetary impact.

Event Agreements: 1) March on Celebration Sunday, 2) Community Baskets of Love, including waiver of insurance and donation of application fee, 3) Concourse d' Rio Vista, 4) Kayak Against Cancer, 5) 78th Easter Sunrise Service, 6) Rock The Boat Fleet Week Party, 7) Saturday Nite Alive; Spring Bling Fur Paws Red Carpet Event and 8) Walk Like MADD/MADD Dash.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0649

GRANT APPLICATION - SUMMER FOOD SERVICE PROGRAM – (M-02)
VARIOUS CITY PARKS

Funding for this CAR is contingent upon approval by the City Commission of the consolidated budget amendment CAR#12-0663.

Grant application from Florida Department of Agriculture and Consumer Services, in the approximate amount of \$101,000, to provide free nutritional lunches and snacks at various City parks from June 18, 2012 - August 10; authorizing acceptance of the grant and execution of all necessary documents to receive such grant funds contingent upon award.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0603

QUALIFIED TARGET INDUSTRY PROGRAM - CITRIX SYSTEMS, INC. – (M-03)
\$6,500

Please see funding information attached to these minutes.

City's portion of payment, in the amount of \$6,500, to Florida Division of Strategic Business Development, Department of Economic Opportunity for CITRIX Systems Inc. - Qualified Target Industry Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0632

TASK ORDER 2012-04 - HAZEN & SAWYER, P.C. (M-04)
FIVEASH WATER TREATMENT PLANT –
CHLORINE RISK MANAGEMENT AUDIT

Please see funding information attached to these minutes.

Task Order 2012-04 with Hazen & Sawyer, P.C., not-to-exceed \$10,793, for internal compliance audit of Fiveash Water Treatment Plant Chlorine Risk Management Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0281

CHANGE ORDER 4 (FINAL) - LMK PIPE RENEWAL, LLC – (M-05)
CREDIT (\$58,606)- WASTEWATER CONVEYANCE SYSTEM
LONG-TERM REMEDIATION

Please see funding information attached to these minutes.

Change Order 4 (FINAL) to LMK Pipe Renewal, LLC, in the credit amount of \$58,606, for additional work and quantity reconciliation to close out project - wastewater conveyance system long-term remediation - Basin D-37

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0638

CHANGE ORDER 2 - MBR CONSTRUCTION, INC. - \$10,769.42 – (M-06)
ADD 30 WORK DAYS - FLOYD HULL STADIUM FACILITY IMPROVEMENTS

Please see funding information attached to these minutes.

Change Order 2 to MBR Construction, Inc., in the amount of \$10,769.42, for additional scope of work and the addition of 30 work days to contract period - Floyd Hull Stadium Facility improvements.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0634

CHANGE ORDER 7 - CENTRAL FLORIDA EQUIPMENT RENTALS, INC. – (M-07)
CREDIT (\$156,252.19) - NE/NW 6 STREET - SISTRUNK BOULEVARD
STREETSCAPE AND ENHANCEMENT PROJECT

Please see funding information attached to these minutes.

Change Order 7 to Central Florida Equipment Rentals, Inc., in the CREDIT amount of (\$156,252.19), for deletion and addition of work - Sistrunk Boulevard Streetscape and Enhancement Project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0732

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

**CONTRACT AWARD - ENGINEER CONTROL SYSTEMS CORPORATION – (M-08)
\$392,915 - ANNUAL CONTRACT FOR BRIDGE REPAIRS,
MAINTENANCE AND PAINTING**

Please see funding information attached to these minutes.

Contract with Engineer Control Systems Corporation, in the amount of \$392,915 - Annual Contract for Bridge Repairs, Maintenance, and Painting.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0107

The funding exhibit (Exhibit 1) of this Commission Agenda Report (12-0107) was replaced in accordance with Memorandum No: 12-108. See announcement on page 12.

**CONTRACT AWARD - BAKER CONCRETE CONSTRUCTION INC. – (M-09)
\$3,814,743 - SE 15 AVENUE - BRIDGES 865766 (MARCHETTA RIVER)
AND 865767 (CARLOTTA RIVER)**

Please see funding information attached to these minutes.

Contract with Baker Concrete Construction, Inc., in the amount of \$3,814,743 - SE 15 Avenue Bridge Replacement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0305

**POWER SUPPLY AGREEMENT - FLORIDA POWER AND LIGHT COMPANY (M-10)
SECOND AVENUE PUMP STATION IMPROVEMENTS**

No budgetary impact.

Power supply agreement with Florida Power and Light Company providing electrical service connection to upgraded Second Avenue Pump Station at no additional cost.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0702

AMENDMENT 10 - WORK AUTHORIZATION 16724.70 – (M-11)
KEITH AND SCHNARS, P.A. - \$60,590 - IMPERIAL POINT LARGE WATER MAIN

Please see funding information attached to these minutes.

Amendment 10 to Work Authorization 16724.70, in the amount of \$60,590, providing construction phase services for Imperial Point Large Water Main -Phase II.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0627

CONTRACT FOR SALE AND PURCHASE - REPLACEMENT FIRE STATION (M-12)
35 - \$25,000 - 1921 NE 51 STREET APPROXIMATE STREET ADDRESS

Please see funding information attached to these minutes.

Contract for sale and purchase of real property from Ursula SlowinskaCieplak, to be utilized in development of replacement Fire Station 35 - \$25,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0665

REJECT BIDS AND RE-BID – WASTEWATER FLOW AND RAINFALL (M-13)
MONITORING AND SUMMARY INFLOW/INFILTRATION REPORT

No budgetary impact.

Reject all bids for Wastewater Flow and Rainfall Monitoring and Summary Inflow/Infiltration Report and authorize re-bidding.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0704

GRANT EXTENSION - HAZARD MITIGATION GRANT PROGRAM – (M-14)
\$1,306,171 - POLICE HEADQUARTERS RETROFIT –
FLORIDA DIVISION OF EMERGENCY MANAGEMENT

NO BUDGETARY IMPACT

Extension of Hazard Mitigation Grant Program Subgrant Agreement with Florida Division of Emergency Management to July 31, 2012 for Police Headquarters retrofit and authorizing execution of all necessary documents to finalize extension.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0642

SETTLEMENT OF HENRY BONNER AND ANDREA BONNER v. CITY OF FORT LAUDERDALE - CASE 08-037302(05) - \$260,000 (M-15)

Please see funding information attached to these minutes.

Settlement and acceptance of General Release of all claims in matter of Henry Bonner and Andrea Bonner v. City of Fort Lauderdale, Broward Circuit Court Case 08-037302(05).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0737

ADVANCE PAYMENT OF REQUIRED CONTRIBUTION TO POLICE AND FIRE PENSION FUND (M-16)

No budgetary impact.

Ratification of advance payment of a portion of required contribution to Police and Fire Pension Fund.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0685

BUS SHELTER INSTALLATION AND MAINTENANCE AGREEMENT BROWARD COUNTY TRANSIT (M-17)

Funding for this CAR is contingent upon approval by the City Commission of the May 1, 2012 consolidated budget amendment CAR.

Bus Shelter Installation and Maintenance Agreement with Broward County Transit for 180 bus shelters throughout the city contingent upon approval of consolidated budget amendment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0498

MEMORANDUM OF UNDERSTANDING - BUDGET ADVISORY BOARD

(M-18)

No Budgetary Impact.

Memorandum of Understanding with Budget Advisory Board.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0740

CONSENT RESOLUTION

CONSOLIDATED BUDGET AMENDMENT – APPROPRIATION

(CR-01)

Please see funding information attached to these minutes.

Amendment of fiscal year 2012 final operating budget - appropriation.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0663

RESOLUTION NO. 12-70

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012, BY APPROPRIATING FUNDS AS SET FORTH IN THE EXHIBITS ATTACHED COMPRISING A CONSOLIDATED BUDGET AMENDMENT AND PROVIDING FOR AN EFFECTIVE DATE.

This Commission Agenda Report (12-0663) was revised to include the resolution and correlating exhibits.

PURCHASING AGENDA

INTERNET, REMOTE NETWORK ACCESS SERVICES AND COMPUTER HARDWARE - \$103,664.07

(PUR-01)

Please see funding information attached to these minutes.

Purchase internet, remote network access services and computer hardware.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0631

The Procurement Services Division has reviewed this item and recommends awarding to the State of Florida.

This Commission Agenda Report (12-0631) was revised in accordance with Memorandum No: 12-102. See page 12.

AMMUNITION - POLICE DEPARTMENT - \$56,093.16 (PUR-02)

Please see funding information attached to these minutes.

Purchase ammunition for monthly training programs and department issue on-duty and reject four line items on bid due to bidder not meeting specifications (to be re-bid).

Recommend: Motion to approve nine line items and reject four line items of bid.

Exhibit: Commission Agenda Report 12-0637

The Procurement Services Division has reviewed this item and recommends awarding to lowest responsive and responsible bidders.

ELECTRONIC EVIDENCE MANAGEMENT SYSTEM AND SUPPORTING HARDWARE - \$95,812.18 - FEDERAL LAW ENFORCEMENT TRUST FUND (PUR-03)

Please see funding information attached to these minutes.

Contract to purchase EvidenceOnQ, electronic evidence management software system, and supporting hardware, including extended maintenance for years two through five, utilizing Federal Law Enforcement Trust Fund.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0635

The Procurement Services Div. has reviewed this item and recommends awarding to first ranked proposer and approving purchase from State Contract #250-040-08-01.

DISASTER AND DEBRIS MONITORING SERVICES (PUR-04)

No budgetary impact.

Two-year contract with three, one-year renewal options for disaster and debris monitoring services and authorize the City Manager or designee to approve renewal options.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0623

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

This Commission Agenda Report (12-0623) was revised in accordance with Memorandum No: 12-103. See page 17.

422-10941 - TEMPORARY LABORATORY STAFFING - \$85,750 – (PUR-05)
AS NEEDED BASIS - PUBLIC WORKS UTILITIES BUREAU

Please see funding information attached to these minutes.

Purchase temporary laboratory staffing services on as needed basis for Public Works Utilities Bureau.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0626

The Procurement Services Division has reviewed this item and recommends awards to the two lowest responsive and responsible bidders.

FOUR TOYOTA TACOMA 4X4 PICKUP TRUCKS - \$119,436 (PUR-06)
STATE OF FLORIDA CONTRACT 071-000-12-1

Please see funding information attached to these minutes.

Reject single bid received under Bid 522-10922 and purchase four Toyota Tacoma 4X4 Pickup Trucks utilizing State of Florida Contract.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0017

The Procurement Services Division has reviewed this item and recommends purchase from the Florida State Contract #071-000-12-1.

EMERGENCY WARNING EQUIPMENT - \$345,000 – CITY OF SUNRISE (PUR-07)
AWARD 11 (60)-01-01-01-19W

Please see funding information attached to these minutes.

Two-year contract with two, one-year renewal options, to purchase emergency warning equipment for vehicles in 2012 Fleet Plan and replacement vehicles.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0636

The Procurement Services Division has reviewed this item and recommends approval to piggyback the City of Sunrise's contract for Outfitting of Police vehicles, Lighting and Accessories.

523-10884 - TURF GRASS MAINTENANCE - \$163,322 (PUR-08)

Please see funding information attached to these minutes.

One-year contract, with three, one-year renewal options, for turf grass maintenance at various city locations, and authorize City Manager or designee to approve one-year renewal options, contingent upon appropriation of funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0629

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

574-9757 - DISCONTINUE CITY CARD DEBIT CARD PAY FOR PARKING PROGRAM - CONTRACT AMENDMENT (PUR-09)

No budgetary impact.

Amendment to contract for debit card pay for parking program, in substantially the form provided, to discontinue sale and reload of City Card debit card program immediately and terminate contract six months from execution of this amendment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0686

The Procurement Services Division has reviewed this item and recommends amendment to contract.

**CONTRACT AWARD - ENGINEER CONTROL SYSTEMS CORPORATION – (M-08)
\$392,915 - ANNUAL CONTRACT FOR BRIDGE REPAIRS,
MAINTENANCE AND PAINTING**

Please see funding information attached to these minutes.

Mayor Seiler announced that the existing funding exhibit for this item will be replaced with the one attached to Memorandum 12-108 which will charge this project against the 2011 Special Obligation Bonds, rather than the General Fund Capital Improvement Fund.

**CHANGE ORDER 7 - CENTRAL FLORIDA EQUIPMENT RENTALS, INC. – (M-07)
CREDIT (\$156,252.19) - NE/NW 6 STREET - SISTRUNK BOULEVARD
STREETScape AND ENHANCEMENT PROJECT**

Please see funding information attached to these minutes.

Mayor Seiler announced that this item was removed from the agenda at the request of the City Manager.

**INTERNET, REMOTE NETWORK ACCESS SERVICES AND (PUR-01)
COMPUTER HARDWARE - \$103,664.07**

Please see funding information attached to these minutes.

Exhibit 2 of Commission Agenda Report 12-0631 was revised because it incorrectly lists a site location for the Police and Fire Pension Office that is no longer included in the proposed project upgrade (Memorandum No: 12-102).

DISASTER AND DEBRIS MONITORING SERVICES (PUR-04)

No budgetary impact.

Commission Agenda Report 12-0623 was revised in accordance with Memorandum No: 12-103 which is attached to these minutes.

Motion made by Commissioner Roberts and seconded by Vice Mayor DuBose that Consent Agenda Items M-01, M-16, M-17, PUR-01, PUR-04, PUR-05, PUR-06, PUR-07, and PUR-08 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

EVENT AGREEMENTS AND RELATED ROAD CLOSINGS (M-01)
COMMUNITY BASKETS OF LOVE - WAIVER OF INSURANCE AND
DONATION OF APPLICATION FEE

In accordance with Memorandum No: 12-165 which is attached to these minutes, the City Attorney noted that the Community Baskets of Love event agreement includes a request for a waiver of the City's insurance requirement, as well as for a donation to compensate for the application fee that should be acted upon separately. He was not aware of the City ever making these allowances in the past. Mayor Seiler reasoned that every charity will request the same concession if this precedent is set. In response to Vice Mayor DuBose, the City Attorney explained that the insurance coverage level is determined by the City's Risk Management and the application fee is the same for all events.

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom to approve all items except Community Baskets of Love event. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

Motion made by Commissioner Roberts and seconded by Commissioner Rodstrom to approve the Community Baskets of Love event subject to compliance with insurance requirement and payment of application fee. Roll call showed: YEAS: Vice Mayor DuBose, Commissioner Rogers, Commissioner Roberts, Commissioner Rodstrom, and Mayor Seiler. NAYS: None.

ADVANCE PAYMENT OF REQUIRED CONTRIBUTION TO POLICE AND (M-16)
FIRE PENSION FUND

Commissioner Rodstrom understood these funds were taken from the fund balance without Commission approval and this item seeks to ratify that action. Such a policy decision should have been brought to the Commission. The City Manager explained that, during the budget process, staff brought forward the matter of advance funding in order to draw down the interest rate; and, two weeks ago, the City Auditor informed staff that Commission approval would be required. So, this is simply ratifying the action that was included in the budget. In further response, the City Manager explained that the \$15 million was derived from the fund balance; it did not lower the reserve balance below the minimum amount required by policy; basically, it was an advancement between fiscal years. The City Auditor explained that, during review of the CAFR (Comprehensive Annual Financial Reports), while addressing it with the Audit Advisory Board, a reclassification of fund balance between different components was brought out; and, it was clear that there was a prepayment of \$15 million toward the October 1 pension payment that would have otherwise been made. He understood that this is separate and distinct from the \$30 million loan in order to prepay the next payment. This was an intelligent strategy as it saved the City roughly \$300,000 in interest. But, he thought it should be brought forward for Commission approval because it would not have been possible to authorize this during the 2012 budget process. Whereas this took place in fiscal year 2011 and that budget was never amended. Therefore, he and the City Attorney agreed that ratification is the appropriate measure. In response to Mayor Seiler, he noted that the savings is for (2011). Further, he advised staff that this type of item is a

policy decision that must be made in advance by the Commission along with a budget amendment. The process needed correction. Commissioner Rodstrom noted that this may not have been brought forward to the Commission, but for review of the CAFR. Because she did not vote to approve that budget and could not agree with the way this was handled in terms of process, she could not vote in favor. Mayor Seiler agreed that the process was incorrect; but, he thought this is a vote to approve the savings. In response to Mayor Seiler, the City Auditor understood that this is a ratification of the action which resulted in the savings. The City Manager acknowledged that the process was flawed. Commissioner Rodstrom emphasized that the (correct) process should be followed in the future.

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

BUS SHELTER INSTALLATION AND MAINTENANCE AGREEMENT (M-17)
BROWARD COUNTY TRANSIT

Commissioner Rogers expressed support of bus shelters (shelters), but had some concerns. The grant requires the City to maintain the shelters but he did not want to incur the cost of hiring two new employees. He wanted to contract out that service. The City must be aware of costs associated with vandalism and theft. Replacement and repair costs are not addressed in the backup. He thought the locations should be looked at more closely. Diana Alarcon, Transportation and Mobility Director, explained that staff plotted each of the shelters (shown in Exhibit 2 of Commission Agenda Report 12-0498) illustrate that all of them are within the city limits. She was not aware of shelters previously removed from some locations due to incidents; but, offered to meet with Commissioner Rogers individually. She verified that the new shelters on 6 Street were recognized as needed and built into the project that was coordinated with BCT (Broward County Transit); the County has paid for shelters. The repair and maintenance estimate is based on past practices and the number of shelters to be added over the next few years; it has not yet been reviewed with the Parks and Recreation and Public Works Departments. Currently, the City receives between \$115,000 to \$135,000 in advertising revenue, and aims for an increase. She went on to note that all of the City's shelters will include benches. Commissioner Rogers raised the concern about whether there is adequate right-of-way space. He thought it may be a better option not to include a bench in some areas. Ms. Alarcon advised that staff and BCT have examined each of the sites and there is ample right-of-way.

In further response to Commissioner Rogers, Aretha Douglas of Broward County Transit, explained that the solar panels cost about \$2,200, including the necessary items for mounting. The number of panels installed depends upon the amount of power needed (at each shelter); typically, one panel is used to power lights and up to four can be installed. BCT has installed 73 solar panels in Oakland Park, Wilton Manors and Pompano Beach, to date, and has had to replace one due to vandalism; each of these cities pays the maintenance costs. Furthermore, of almost 700 bus shelters to be installed in 23 cities, each of those cities has agreed to pay the maintenance costs. The installations began last June. There have been some graffiti issues, depending upon the shelter's location. She confirmed that the purpose of the solar panel is to provide

nighttime lighting. There have not been any problems with the lighting. Commissioner Roberts agreed with Commissioner Rogers that some shelter locations must be examined to confirm their location in Fort Lauderdale. Ms. Alarcon agreed to verify this information. In response to Vice Mayor DuBose, Ms. Alarcon explained that the agreement shown in Exhibit 2 is only between the City and BCT; however, the opportunity of utilizing Gold Coast to (install more benches) in order to increase (advertising) revenue has been addressed. She confirmed for him that staff will explore the possibility of also having Gold Coast perform the maintenance in some type of partnership.

Commissioner Roberts did not believe the three-foot shelters truly provide shelter or facilitate the City's objective to make public transportation more comfortable and accessible. If possible, he would like those changed out, and no more be allowed. Ms. Alarcon noted that staff has addressed this matter with BCT. Staff will endeavor to have BCT replace these with five-foot shelters. In response to Commissioner Rodstrom, she confirmed that the three-foot shelters were chosen because of a right-of-way issue, and the alternative is no shelter. Commissioner Rodstrom indicated in such case, she preferred to at least have a three-foot shelter. Commissioner Roberts agreed but thought perhaps another nearby location could be found. In response to Commissioner Rodstrom, Ms. Douglas explained that there is a Buy American requirement in the contract and an issue arose with Canadian parts in other cities but not with regard to Fort Lauderdale. Further, BCT is currently redesigning the three-foot shelter to create a four-foot design. Due to the sun's angle, the three-foot provides shade in the east/west direction, but not north/south. Based on surveys, BCT found that individuals prefer a three-foot shelter to none. In response to Vice Mayor DuBose's suggestion of a roof attachment, she elaborated upon the right of way space constraints.

Mayor Seiler opened the floor for public comment.

Art Seitz, 1905 North Atlantic Boulevard, expressed support of six-foot shelters instead of three-foot. He thought being in the elements discourages the public from utilizing buses. Several South Florida cities view bus shelter advertising as blight and have removed it. He suggested the City manage bus shelter advertising as its own business enterprise, as well as D.C. Alexander Park. He thought bike racks and bike storage should be placed close to the shelters.

There was no one else wishing to speak.

Commissioner Rogers wanted to move forward with this item, except for the maintenance. The City Manager advised that maintenance would have to be addressed during the budget process.

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

**INTERNET, REMOTE NETWORK ACCESS SERVICES AND
COMPUTER HARDWARE - \$103,664.07****(PUR-01)**

Commissioner Rogers thought \$60,000 (\$60,912.84) is a high cost to upgrade nine remote City offices to high-speed internet (Exhibit 1 of Commission Agenda Report 12-0631). Mike Maier, Information Technology Services Director, explained that the net cost for this item is actually \$13,000. He reviewed the cost information set forth in the backup. The issue is that these remote locations are running at (internet speeds) of 128K. If five to ten users are using the Internet, the speed is 56K or less which is comparable to Internet speed in 1998. He elaborated upon problems with the City's existing telephone system, indicating it is being slowly upgraded. The City will need to be running VoIP (Voice-Over Internet Protocol) which means data and phone running simultaneously on this line, so these lines are running at 1.5 Mb. The (proposed) is a new T1 line from SUNCOM with an installation cost of \$45,000. He went on to note that there are five to ten users at each location. Andrew Parker, Converged Network Administrator, confirmed that the number of five to ten computers is correct. It includes transitional staff. Mayor Seiler thought only one or two computers are necessary at some of the sites. Staff could share. Besides the computers, Mr. Parker noted that, the proposed network will support voice communications as well as Internet and data access for applications. He and Mr. Maier confirmed for Commissioner Rogers that the proposed item also includes the telephones being changed out. Vice Mayor DuBose elaborated upon how the line will serve multiple purposes; it is not per computer. He emphasized that Internet speed at these locations is antiquated. Mr. Maier further explained that this will also service other devices such as a printer, fax line, phones.

In response to questions raised by Commissioner Rogers and Commissioner Rodstrom, Mr. Maier explained that staff is also reviewing approximately twelve additional sites and elaborated upon some possible cost cutting upgrade measures in order to avoid further funding requests. Commissioner Rodstrom asked if the City's computers would have to be upgraded in order to facilitate this upgrade. The City Manager and Mr. Maier explained that, there are currently some capacity issues. Because the phone system is no longer supported and will have to be upgraded, staff is endeavoring to lay the foundation for the future (phone) system now, rather than incurring these costs a second time. The City's current computers will actually function faster with this proposed technology. Mr. Maier assured Commissioner Rogers that the proposed upgrade is not excessive. The City Manager articulated that this upgrade is simply a measure to obtain the same capacity that residents have in their homes. Mr. Maier explained to Commissioner Rodstrom that staff has to examine the Holiday Park Social Center and the Holiday Park Activity Center as it may be possible to utilize a cost cutting measure to upgrade these facilities. Commissioner Rodstrom pointed out that these centers are highly utilized, and questioned whether their technology is antiquated. Discussion ensued between her and Mr. Maier about the overall technological level of City facilities. Commissioner Rodstrom stressed that the most utilized parks should be looked at first. Commissioner Rogers thought the need for technology upgrades should be addressed at the upcoming goals, objectives, and priorities workshop on April 20. The City Manager pointed out that staff is developing an information technology master plan which will be ready for the budget process, but not by April 20.

Although this item seems to be within the budget, Commissioner Rogers was concerned about funding such an upgrade overall. Mayor Seiler questioned whether the ten

locations (shown in Exhibit 2) are the highest priority because he did not want to piecemeal. Mr. Maier confirmed that these locations are the highest priority for addressing phone lines for staff. In response to Commissioner Rodstrom, he explained that staff has identified (ten) immediate need locations on this item. As for the other twelve locations being looked at, staff will endeavor to trench to a point of connection without adding another phone line; there will be a materials cost, but no SUNCOM or telephone line will be needed. In response to questions raised by Commissioner Rodstrom and Commissioner Rogers, Mr. Parker noted that approximately five staff members are stationed at the Trash Transfer site, and they have to drive to another location in order to print work orders. As for the two (remote) locations at the International Swimming Hall of Fame (ISHOF), the upcoming renovations were taken into consideration, and will not adversely affect this upgrade. The City Manager added that staff will remove the capital equipment and use it elsewhere.

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

DISASTER AND DEBRIS MONITORING SERVICES

(PUR-04)

Commissioner Rodstrom noted that the first ranked proposer, Thompson Consulting Services, LLC (Thompson), is located in Lake Mary, Florida. She expressed desire to award to local businesses, although this RFP was likely issued before the local preference concept was agreed upon. She pointed out that O'Brien's Response Management Inc. (O'Brien's) is located in Fort Lauderdale, and their bid amount was \$136,000, Thompson's was \$128,000. She also pointed out their higher ranking. The City Manager explained that the local preference was approved on March 20, and will be included in future RFP's; however, it was not part of this proposal and evaluation process. In agreement with Commissioner Rodstrom, Commissioner Roberts noted that the selected vendor was priced higher than the lowest cost vendor, and located further away than the local vendor. The City Manager elaborated upon why (O'Brien's) still would not have exceeded the ranking, even if the local preference provision had been applied. The vendor will be performing a quality check on behalf of FEMA (Federal Emergency Management Agency) by performing on-site monitoring of debris collection to ensure that the amount collected corroborates with contractors' claims. Commissioner Rodstrom elaborated upon the overall benefits of a local preference provision and urged local preference in the future.

The City Auditor pointed out that most federal procurement guidelines prohibit local preference. The City Manager indicated that the City's ordinance does not use local preference on federally funded projects. Commissioner Rodstrom noted that this is a federally funded project. In response to questions raised by Commissioner Rodstrom and Vice Mayor DuBose, the City Manager explained that this item includes a 12.5 percent local match. He was not aware of any (allowances) for local businesses in the Stafford Act. Vice Mayor DuBose agreed with Commissioner Rodstrom as to the overall benefits of local preference and also urged its use in the future.

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

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

**422-10941 - TEMPORARY LABORATORY STAFFING - \$85,750 – (PUR-05)
AS NEEDED BASIS - PUBLIC WORKS UTILITIES BUREAU**

In response to questions raised by Commissioner Rodstrom, the City Manager explained that two vendors (Beatty's Services, Inc. (Beatty's) and A & Associates, Inc. (A & A)) will be hired to perform two different types of work. The amounts shown in Commission Agenda Report 12-0626 (Exhibit 2) are estimated not-to-exceed amounts. Julie Leonard, Assistant Utilities Services Director, Operations, confirmed that the City has a laboratory located in the Public Works Utilities Administration Building. Albert Carbon, Public Works Director, explained that Beatty's has local technicians who take (water and wastewater) samples which are then shipped to New York for testing. A & A also has local technicians who take samples that are shipped to West Palm Beach. The City's tests are performed in a water treatment plant laboratory. He pointed out that Beatty's and A & A are utilized on an as-needed basis. Generally, the sampling is performed by City staff. He confirmed that these vendors are the two lowest bidders.

Motion made by Commissioner Rogers 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.

**FOUR TOYOTA TACOMA 4X4 PICKUP TRUCKS - \$119,436 (PUR-06)
STATE OF FLORIDA CONTRACT 071-000-12-1**

Commissioner Rodstrom indicated that she removed this item from the consent agenda to vote no.

In response to Commissioner Rogers, the City Manager indicated that he gave this item significant thought. There are currently three pick-up trucks and three ATV's, on the beach that are used by lifeguards, and the proposed Tacomas would be used by the four lieutenant (lifeguards) who are all on-duty at the same time. The goal was to locate a vehicle that will operate on the road and on the beach in order to provide the capacity for rescue. Due to his concern about utilizing trucks on the beach, he went out with the lifeguards to see the needs firsthand. One of the existing pick-up trucks will replace an ATV that is no longer serviceable. Commissioner Rodstrom emphasized that her objection is even stronger, given that the proposed involves the use of pickup trucks on the beach, instead of ATV's. The City Manager pointed out that pick-up trucks are currently used daily on the beach. There will continue to be some ATV's in use, but the lieutenants will use these Tacomas. They respond to incidents that occur outside of the public beach area. In further response, the City Manager explained that the lieutenants divide and share the responsibility of the (lifeguard) towered section of the beach, but their response area extends (south) to the port and (north) to Lauderdale-By-The-Sea.

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.

EMERGENCY WARNING EQUIPMENT - \$345,000 – CITY OF SUNRISE (PUR-07)
AWARD 11 (60)-01-01-01-19W

In response to Commissioner Rodstrom, the City Manager confirmed that the City piggybacked Sunrise's RFP because it will save time and is market priced.

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

523-10884 - TURF GRASS MAINTENANCE - \$163,322 (PUR-08)

Robert Walsh, 401 E. Las Olas Boulevard, thought this item, as well as the City's expenditure for tennis lessons are too costly. He believed the funds would be better spent on an in-house daycare program for children of City employees. Mayor Seiler pointed out that the tennis lessons actually generate revenue for the City.

There was no one else wishing to speak.

In response to Commissioner Rogers, the City Manager explained that this item includes two hundred locations throughout the city.

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

RESOLUTIONS

APPOINTMENT OF VICE MAYOR (R-01)

No budgetary impact.

Appointment of vice mayor for a one-year term, in accordance with City Charter.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0738

Vice Mayor DuBose nominated Commissioner Rodstrom, which was seconded by Commissioner Roberts:

RESOLUTION NO. 12-65

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING A VICE-MAYOR FOR A ONE-YEAR TERM IN ACCORDANCE WITH SECTION 3.05 OF THE CITY CHARTER.

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

Vice Mayor Rodstrom asked whether Commissioner DuBose was willing to continue his service on the TDC (Tourist Development Council), given that serving on this council is generally assigned to the vice mayor, and it would create a conflict of interest as her husband is currently the Mayor of Broward County. Commissioner DuBose agreed. There was consensus approval.

CHURCH WAY PLAT - CASE 2-P-11**(R-02)****No budgetary impact**

Applicant: Florida Conference of Seventh Day Adventists
Location: 850 SW 12 Street
Zoning: Community Facility CF
Future Land Use: Residential-Medium

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0643

Members of the Commission announced site visits made concerning this matter.

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

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 12-66

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA APPROVING A PLAT KNOWN AS "CHURCH WAY PLAT".

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

**AMENDMENT TO SITE PLAN LEVEL IV - CASE 46-R-06
CHANGE 340 HOTEL ROOMS TO 170 MULTI-FAMILY UNITS – ORION****(R-03)****No Budgetary Impacts.**

Applicant: TransactaPrive Developers, Ltd.
Location: 700 North Fort Lauderdale Beach Boulevard
Zoning: A-1 -A Beachfront Area ABA
Future Land Use: Central Beach Regional Activity Center C-RAC

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0620

The Commission announced with whom he or she had spoken with and/or site visits made concerning this matter. The City Attorney advised that the only disclosures required for this hearing are contacts made in furtherance of this application, not the previous applications.

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

Don Hall, representing the Applicant, recalled that the Commission approved the site plan for the Orion Hotel on May 1, 2007. Although this item is now for the Orion residential condominium, he read the following excerpts taken from the 2007 Staff Report (Exhibit 2 of Commission Agenda Report 12-0620) for the hotel proposal which he believed also apply to this project: By consolidating previously parcelized sites as encouraged by the City's ULDR (Unified Land Development Regulations), the Applicant was able to create an elegant, highly distinctive, and generously set back project that meets or exceeds all site plan review criteria for the ABA zoning district. Unlike other oceanfront properties, the project also relieves the usual monotony of building massing and scale. It features a highly distinctive design and elements that recognize and incorporate the beach environment. The project does not repeat the stair-step design of most buildings nearby; instead, the tower is set far back from A-1-A and is oriented so its wider facades face north and south and do not create a wall effect on A-1-A. Mr. Hall went on to note that this item seeks to amend the previously approved site plan by changing the use from hotel to residential as authorized by ordinance. Also, the western side of the building previously approved for hotel units has been converted to include 16,500 square feet of retail. The goal is to stimulate plans for Breakers Avenue. These are the only changes being sought; therefore, the proposed keeps faith with the settlement agreement entered into by the Applicant with Bonnet House in 2008 wherein the Applicant agreed that this project would be built in substantial accordance with the plans and specifications of the site plan data that is on file. Hence, the Applicant agreed that a site plan amendment would not be filed for building height that exceeds 184 feet, 2 inches; that the east/west tower dimensions as set forth in the approved plans would not exceed 200 feet; and that the tower shall not be relocated or shifted further west or north from the property line distance as shown on the site plan and the settlement agreement, otherwise Bonnet House could object. Bonnet House agreed that it would not have the right to object, if the Applicant proposed a change or modification which does not constitute one of the aforementioned restrictions. He understood that Bonnet House

wants to defer this item which would adversely affect the Applicant's negotiations with joint venture partners who require an agreement to be reached within a very short period of time. Furthermore, it is important to keep faith with the agreement. Considering that this application does not include any of the (prohibited) changes, he questioned Bonnet House's motive. He pointed out that representatives of the Applicant and Bonnet House endeavored to establish contact, but were unsuccessful; the Applicant is agreeable to a meeting. He referred to a certification he provided to the Commission and Bonnet House in which he and the project architect certify that the proposed changes are in keeping with the settlement agreement and do not propose any of the prohibited changes. A copy of the certification is attached to these minutes. The Applicant will meet with Bonnet House, regardless of whether this item is deferred.

Heidi Davis, representing the Applicant, indicated that the proposed amendment only includes a few changes such as 170 condominium units, instead of 340 hotel units; 16,500 square feet of retail, increased from 3,100 square feet, and the restaurant and lounge were maintained. There was an internal unit reconfiguration in order to accommodate the condominium units. However, the following dimensional characteristics remain exactly the same as the original site plan: height of 184 feet, 2 inches; 200 foot east/west dimension of the tower and the tower's location; the setbacks; and it remains a mixed-use building. She presented slides concerning this matter. A copy of the slides is attached to these minutes. The building will remain 100 percent valet parking, and all parking and service areas are within the envelope of the building. There is 360 degree pedestrian activation. The western façade (retail) is part of the vision for Breakers Avenue and will be the first building to activate this corridor. Trash and all services are incorporated inside of the building.

Stephanie Toothaker, representing Bonnet House, clarified that Bonnet House is not objecting to this site plan amendment and is not requesting a deferral. Being that attempts were made, but contact was not established between the Bonnet House and the Applicant, the proposed was not presented to the Bonnet House Board (board). She recalled asking the Applicant to request a voluntary two-week deferral so the site plan amendment could be presented to the board, and she did not believe the board would have any objection; however, the Applicant declined. In accordance with Bonnet House's request, the Applicant has provided a certification, indicating that the proposed site plan amendment conforms to the original settlement agreement. She endeavored to obtain a consensus from the Bonnet House Executive Committee and board, but was unable, due to the short timeframe. It is unfortunate that the board did not have this information presented for their consideration. In response to Vice Mayor Rodstrom, she believed the Applicant could have volunteered a deferral, or the board could have requested a deferral, but the board decided this would not be appropriate. Vice Mayor Rodstrom indicated that Par Sanda was also not contacted, although he has no objection. Ms. Davis advised that she called him twice. Ms. Toothaker indicated that the lack of communication between the Applicant and Bonnet House was not the fault of either party. Vice Mayor Rodstrom noted that the City's policy is for properties abutting those with (proposed site plan amendments) to be contacted; she wanted to be certain that Bonnet House is satisfied with the Commission's decision.

Mayor Seiler opened the floor for public comment.

Fred Carlson, 625 Orton Avenue, representing Central Beach Alliance (CBA), expressed support of this project. The CBA appreciates that the design will enliven Breakers

Avenue. He elaborated upon various renovations occurring in the north beach area. This project should work in conjunction with Bonnet House opening their southern gate in order to transform the neighborhood and grant access to the hotels however Bonnet House has not opened its southern gate, despite previously agreeing to do so twice. He pointed out that as a 501(c) 3 entity, Bonnet House is obliged to serve the public

Commissioner Roberts and Commissioner DuBose left the meeting momentarily and returned at 8:18 p.m.

Art Seitz, 1905 North Atlantic Boulevard, opposed this item. Given that (Native American) artifacts were found at Bonnet House, he reasoned that they could also be at the Orion site. The appropriate experts should determine whether building this project would be desecrating a burial ground. He thought the Commission should request an impact fee of developers and use the funds to purchase property or for the centennial for example. This site is blighted. He contended that (the Applicant) does not have adequate funding. He recalled supporting the original site plan, and that his email request for \$100,000 in funding was accepted by the Applicant and subsequently denied that there was ever any such commitment. He wanted the blight to be demolished (Howard Johnson's).

Michael Mann, manager of Sea Club Resort, expressed support of the item.

Tom Miller, 1809 SE 7 Street, expressed support of the item.

Robert Walsh, 401 East Las Olas Boulevard, opposed the item.

Former Commissioner Tim Smith, 1720 NE 9 Avenue, expressed support of this item; but was concerned that it is a condominium. He commented on the numerous conflicts between tourists and residents during his prior service on the Commission which prompted a decision to separate the uses by placing tourists on the beachfront and residents at the back of the beach. He pointed out that Broward County previously utilized a noise easement. People deciding to live close to the airport were required to waive their right to complain about noise. He suggested a similar document for this project.

Scott Strawbridge, indicated that he is speaking as a resident of Fort Lauderdale. He agreed with former Commissioner Smith. The Bonnet House entered into a settlement agreement for the Applicant to build a hotel, but the proposed is a condominium. He thought it is important for the Bonnet House and the Florida Trust. Mr. Hall explained that the settlement agreement was not use-specific; rather, it approved a building, the building's location and design. The Applicant's agreement with Bonnet House did not include a promise to build a hotel. In response to Vice Mayor Rodstrom, he was uncertain if the 2007 site plan was attached to the settlement agreement; it was referenced in the document via the case number.

There being no other individuals wishing to speak on this matter, a **motion** was made by Commissioner Roberts and seconded by Commissioner Rogers to close the public hearing. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, and Mayor Seiler. NAYS: None. Commissioner Roberts expressed support of this project's design. He believed the settlement agreement is being honored. He thought the existing structure on the site

needs to be demolished and agreed that the western portion will empower development in this area. Further, this use change is less impactful as it affords an 18 percent reduction in peak hour traffic. He thought a residential use is more of a partner with Bonnet House than a hotel. Commissioner DuBose believed this use change makes the project more compatible with the development behind it. He indicated that his prior concern about the Applicant and Bonnet House not meeting was mitigated by Ms. Toothaker's comments. He had no objection. Commissioner Rogers noted that this project offers fewer units and more retail, and maintains a lounge and restaurant on A-1-A. In agreement with former Commissioner Smith, he suggested a disclaimer be provided in the condominium documents, and that the condominiums in the Downtown Regional Activity Center utilize this as well.

Vice Mayor Rodstrom noted that she has not supported this project since its inception because of its height and mass. The Sustainable Development Director informed her that this project would still be developed as a hotel, even if this amendment is not approved. She thought the proposed change of use is appropriate for the new zoning in the area, and liked that the building's entertainment features are located on A-1-A. She elaborated upon noise-related issues in the city, and agreed with the idea of a disclaimer in the condominium documents. She noted that 100 percent valet for residential parking has not been successful in other areas of the city. She would have liked for the Applicant to have requested a voluntary two-week deferral so this could have been presented to Bonnet House and other abutting properties; although, this would probably pose a financing obstacle for the Applicant which she did not want. The increased retail space will serve as an entryway when the Bonnet House opens its southern entrance. She appreciated the maintenance agreement that the Applicant has agreed to. While waiting for the financing, she asked if the Applicant could place a graphic screen on the fence surrounding their site, announcing a new development, similar to what the Icon Condominium used. Mr. Hall agreed to accommodate this request.

Mayor Seiler expressed support of this project's modification and design, especially the consideration given to the western exposure and retail space. He was pleased that developers are seeking to build again in the city. However, he cautioned that the Bonnet House is a significant city asset and not to be taken lightly; therefore, he encouraged the Applicant to work closely with their board and counsel. Regardless of tonight's outcome, he asked the Applicant to present this information to them. Also, he cautioned the Bonnet House that the CBA is correct in their desire to have the (southern) gate opened as this is a treasure that should be shared with the community. He encouraged all parties to cooperate as this project in its location will significantly impact the future of Fort Lauderdale beach.

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 12-67

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO THE DEVELOPMENT PERMIT, GRANTED BY RESOLUTION NO. 07-81, BY CHANGING THE HOTEL COMPONENT TO 170 MULTI-FAMILY RESIDENTIAL UNITS WITH ADDITIONAL GROUND FLOOR RETAIL SPACE ON THE PROPERTY LOCATED

AT 700 NORTH ATLANTIC BOULEVARD IN FORT LAUDERDALE, FLORIDA IN AN ABA ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

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

SITE PLAN LEVEL III WITH ALLOCATION OF FLEX UNITS – (R-04)
ATLANTECH PLAZA - CASE 32-R-11

No budgetary impact.

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

Recommend: Open hearing, close hearing, introduce resolution.

Exhibit: Commission Agenda Report 12-0648

Hope Calhoun, representing the Applicant, explained that, since this item's prior consideration, the Applicant has been working closely with the neighbors. She requested a two-week deferral as she believed a resolution can be reached in that timeframe. She did not believe Lauderdale One Condominium would object. Further, the Imperial Point Homeowners Association has provided written correspondence, indicating no objection to a deferral, and the hospital also does not object.

Motion made by Commissioner Roberts and seconded by Commissioner DuBose to defer the item to April 17, 2012. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, and Mayor Seiler. NAYS: None.

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT PLAN WITH THE ALLOCATION OF 266 FLEXIBILITY UNITS TO PERMIT CONSTRUCTION OF A MIXED USE DEVELOPMENT CONSISTING OF MULTI-FAMILY RESIDENTIAL, PARKING GARAGE AND RETAIL USE IN A B-1 ZONING DISTRICT, LOCATED AT 6451 NORTH FEDERAL HIGHWAY, FORT LAUDERDALE, FLORIDA.

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DENYING A DEVELOPMENT PLAN WITH THE ALLOCATION OF 266 FLEXIBILITY UNITS TO PERMIT CONSTRUCTION OF A MIXED USE DEVELOPMENT CONSISTING OF MULTI-FAMILY RESIDENTIAL, PARKING GARAGE AND RETAIL USE IN A B-1 ZONING DISTRICT, LOCATED AT 6451 NORTH FEDERAL HIGHWAY, FORT LAUDERDALE, FLORIDA.

BOARD AND COMMITTEE APPOINTMENTS

(R-05)

No budgetary impact

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0661

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

Community Appearance Board Jonathan Arbogast(Commissioner Rogers)

Education Advisory Board Gregory Boardman (Commissioner Rogers)

Insurance Advisory Board Ted Hess, Sr. (Consensus)

Marine Advisory Board Bob Ross (Commissioner Rogers)
Jim Welch (Commissioner Rogers)

Sunrise Key Neighborhood District Raymond Parker (Consensus)

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 12-68

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

CITIZEN PRESENTATIONS

**JIM MOYER - STATUS OF REQUEST - SMALL ITEM DONATION (CIT-01)
CENTERS - THE SALVATION ARMY**

Mr. Moyer provided a brief filmed presentation concerning the matter of for-profit donation boxes (boxes) from out-of-state. These boxes are brought into Fort Lauderdale and Broward County from other states and do not benefit local residents. Clothing is a main revenue source used to benefit Broward County residents by public charities like the Salvation Army. He asked the Commission to enact an ordinance that disallows for-profit donation boxes from out-of-state, taking the benefit somewhere else. In light of Earth Day, he encouraged reuse of clothing via donations to organizations that benefit local residents. He elaborated upon legislative measures taken in New Jersey. In response to questions raised by Mayor Seiler and Commissioner Roberts, the City Manager confirmed that these boxes are not allowed. The property owner is notified that the box must be removed; and, if not, it is treated like a code violation which is subject to fines up to \$250 for each day that it is not removed. He and Greg Brewton, Sustainable Development Director, indicated that the City has not levied any fines as the boxes have been removed upon notification. If the Salvation Army alerts staff of any out-of-state boxes located, the City Manager assured that Code Enforcement will address the matter immediately. Mr. Moyer elaborated upon an incident where boxes were not removed for some three weeks after being reported. Mayor Seiler asked him to provide the Commission with the address of this location. Commissioner Roberts was uncertain whether an ordinance is needed, but he stressed there should be more coordination by staff in order to alleviate this problem.

**ART SEITZ – 1) AQUATIC COMPLEX – INTERNATIONAL SWIMMING (CIT-02)
HALL OF FAME, 2) A-1 -A GREENWAY, 3) SCENIC HIGHWAY A-1 -A,
4) BAHIA MAR - INTRACOASTAL WATERWAY PROMENADE, 5) LOBBYISTS,
COMMISSIONERS AND CAMPAIGN DONATIONS, 6) PUBLIC RECORDS REQUEST
FOR LETTERS IN OPPOSITION TO AIR SHOW RECEIVED BY COMMISSIONER
RODSTROM AND LETTERS FROM HOTELS IN OPPOSITION TO A HOTEL AT
AQUATIC COMPLEX RECEIVED BY MAYOR SEILER.**

Mr. Seitz noted several properties located in the city where a graphic screen should be used to surround the building site. He did not want the City to sell or develop the south end of D.C. Alexander Park, except to benefit children and families; and the Sasaki Beach Master Plan should be followed for the north end. He thought the International Swimming Hall of Fame (ISHOF) and Bahia Mar should be connected in order to maintain continuity with the greenway and the promenade. Mayor Seiler indicated that he raised this idea three years ago, and it has been included in every project since. Mr. Seitz contended that the City will lose \$1.5 million per year if two swimming pools are built at (the Aquatic Complex); however, the staff's business plan might be profitable. The Aquatic Complex should include a restaurant; rooftops should be used to support the Indy Car Race event. He believed there should be additional TV broadcasts of the Commission meetings. He urged the Commission to commit to a first class A-1-A

greenway and elaborated upon a movement to open the greenway from Sea Ranch Lakes to the Las Olasbridge. He felt Ireland's Inn is blight and should be demolished.

VIRGIL E. NIEDERRITER – LIGHTING – RIVERLAND PARK ATHLETIC FIELD (CIT-03)

Mr. Niederriter noted that lighting was never installed at the Riverland Park soccer field, although it was included in the plans. He thought this should be included in the City's budget. He elaborated upon the frequent use of this park and the benefits it provides to children. Given the summertime heat, he wanted children to be able to participate in intramural (evening) sports. He also expressed desire for a canopy to be placed over the children's play area.

SUE MERCER – MISTREATMENT OF HOMELESS, PHYSICAL OR MENTALLY CHALLENGED (CIT-04)

Dr. Mercer requested a meeting with the Commission to provide information about how homelessness is being conquered in the tri-county (King County, Pierce County, and Snohomish County) area of Seattle, Washington. She claimed this matter can be effectively addressed with little use of tax dollars. She elaborated upon her non-profit organization as well as her purpose for coming to South Florida in 2004. She houses 29 homeless people in her personal residence (in Washington), utilizing the house rules listed on the handout that she submitted. However, she contended that this initiative would not be possible in Fort Lauderdale or Miami because of inadequate police support. She asked the public to include the homeless in observance of Maundy (Holy) Thursday.

ROBERT WALSH – POLICE CHIEF FRANK ADDERLEY (CIT-05)

In response to questions raised by Mr. Walsh regarding matters related to Scott Rothstein, Mayor Seiler explained that the Police Chief will not respond to inquiries about an ongoing investigation involving a number of law enforcement agencies.

PUBLIC HEARINGS

DOCK WAIVER APPLICATION - DISTANCE OF LIMITATIONS – 1901 SE 21 AVENUE - RONALD FRANCOEUR (PH-01)

No budgetary impact.

Applicant: Ronald Francoeur
Location: 1901 SE 21 Avenue

Recommend: Open hearing, close hearing, introduce resolution.

Exhibit: Commission Agenda Report 12-0580

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

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

Mayor Seiler opened the floor for public comment.

Harold Lovell, 1909 SE 21 Avenue, indicated that he owns the neighboring property to the south, and expressed support of this item.

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

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 12-69

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3.C. OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW RONALD FRANCOUER TO INSTALL AND MAINTAIN A NEW FINGER PIER AND A FOUR POST BOATLIFT EXTENDING FROM A NEW 75' x 8' MARGINAL DOCK, THE FINGER PIER EXTENDING A MAXIMUM OF 43' AND THE BOATLIFT EXTENDING A MAXIMUM OF 40' INTO THE INTRACOASTAL WATERWAY FROM THE APPLICANT'S PLATTED PROPERTY LINE LOCATED AT 1901 SE 21ST AVENUE, SUCH PROPERTY AS BEING MORE PARTICULARLY DESCRIBED BELOW; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

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

ORDINANCES

UNIFIED LAND DEVELOPMENT REGULATIONS AMENDMENT – (O-01)
LIGHTING OF PARKING FACILITIES - ALLOWING ENERGY EFFICIENT
LIGHTING OPTIONS

No budgetary impacts.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 12-0584

In response to Commissioner Rogers, Greg Brewton, Sustainable Development Director, believed energy efficient lighting equipment, such as motion detectors and dimmers, are included in the current ordinance. Staff will review to confirm this, and if it is not, it will be added.

Commissioner DuBose introduced the following ordinance on SECOND reading:

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

REDEVELOPMENT TRUST FUND - COMMUNITY REDEVELOPMENT (O-02)
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 Fund.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 12-0733

Mayor Seiler opened the floor for public comment.

Former Commissioner Tim Smith, president of 13th Street Alliance (alliance), expressed excitement about an initiative to create a new fund for approximately five CRA's (Community Redevelopment Agency) that do not have TIF's (Tax Increment Financing). He recalled that Broward County denied the Alliance's request for the County TIF. However, the County indicated that there is about \$1 million remaining of approximately \$8 million that was set aside seven years ago for CRA's that do not have TIF's. The Alliance wanted to prioritize the Middle River – South Middle River – Sunrise Boulevard CRA to receive these funds as it is the only CRA that has not received any County funds. He noted that Broward County Mayor (John) Rodstrom also indicated willingness to sponsor a City resolution that requests allocation of those funds to the Middle River South Middle River Sunrise Boulevard CRA. He asked the Commission to consider adopting such a resolution as soon as possible. In response to Commissioner Rogers, Mr. Smith elaborated upon his belief of the number of County Commissioners who would currently support it. These funds could be used to begin the roadway project outlined by the City Manager. Mayor Seiler suggested the idea be raised by the district commissioner at a conference meeting. Commissioner DuBose agreed with Commissioner Rogers that this matter is not as simple as it seems. He will also raise this subject under commission reports.

There was no one else wishing to speak.

Vice Mayor Rodstrom introduced the following ordinance on SECOND reading:

ORDINANCE C-12-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING AND PROVIDING FOR THE FUNDING OF A REDEVELOPMENT TRUST FUND PURSUANT TO SECTION 163.387, FLORIDA STATUTES, TO FINANCE OR REFINANCE COMMUNITY REDEVELOPMENT WITHIN THE MIDDLE RIVER SOUTH MIDDLE RIVER SUNRISE BOULEVARD REDEVELOPMENT AREA DESCRIBED AS BEING BOUNDED BY SUNRISE BOULEVARD ON THE SOUTH, INCLUDING THE COMMERCIAL CORRIDOR OF SUNRISE BOULEVARD FROM PROGRESSO DRIVE TO I-95, FROM SUNRISE BOULEVARD TO NW 10TH PLACE, NW 10TH PLACE TO NW 10TH AVENUE, NW 10TH AVENUE TO CHATEAU PARK DRIVE, CHATEAU PARK DRIVE TO NW 9TH AVENUE, NW 9TH AVENUE TO NW 16TH STREET, NW 16TH STREET TO NW 7TH AVENUE, NW 7TH AVENUE TO NE 13TH STREET, AND NE 13TH STREET TO PROGRESSO DRIVE; PROVIDING FOR ADMINISTRATION OF THE REDEVELOPMENT TRUST FUND; DETERMINING THE TAX INCREMENT TO BE DEPOSITED IN THE REDEVELOPMENT TRUST FUND; ESTABLISHING THE BASE YEAR FOR DETERMINING ASSESSED VALUES OF PROPERTY IN THE COMMUNITY REDEVELOPMENT AREA FOR

INCREMENT PURPOSES; PROVIDING FOR THE ANNUAL APPROPRIATION OF THE TAX INCREMENT BY THE CITY OF FORT LAUDERDALE; APPOINTING THE GOVERNING BODY OF THE COMMUNITY REDEVELOPMENT AGENCY AS THE TRUSTEE OF THE REDEVELOPMENT TRUST FUND; AND PROVIDING AN EFFECTIVE DATE.

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

2012 LAUDERDALE AIR SHOW - APRIL 28 AND 29, 2012

(O-03)

No budgetary impact.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 12-0654

Mayor Seiler opened the floor for public comment.

Robert Walsh, 401 E. Las Olas Boulevard, questioned whether the vendor has obtained liability insurance. The City Manager advised that the required insurance will be in place prior to the show.

There was no one else wishing to speak.

In response to Vice Mayor Rodstrom, the City Manager explained that the promoter, not the City, is obligated to provide transportation to the event. The promoter is working with Broward County and the City. In further response, he indicated that there are specific ADA access points at the Galleria Mall that provide entry onto the beach.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE C-12-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING APRIL 28 AND APRIL 29, 2012 AS A PUBLIC PURPOSE SPECIAL EVENT KNOWN AS LAUDERDALE AIR SHOW IN THE CITY OF FORT LAUDERDALE; PROVIDING FOR A SPECIFIC LIMITED TEMPORARY EXEMPTION FROM SECTION 8-85; ESTABLISHING HOURS, LOCATIONS AND CONDITIONS FOR OPEN CONTAINERS DURING THIS TIME; PROVIDING FOR A LIMITED TEMPORARY EXEMPTION FROM SECTION 8-85 FOR FUTURE PUBLIC PURPOSE SPECIAL EVENTS THROUGH ADOPTION OF A RESOLUTION BY THE CITY

COMMISSION; PROVIDING FOR SEVERABILITY AND
PROVIDING FOR AN EFFECTIVE DATE.

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

Note: The City Commission adjourned the regular meeting at 9:39 p.m. and returned to the conference meeting agenda, Item I-I, from 9:39 p.m. to 10:48 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk