

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
APRIL 17, 2012

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
April 17, 2012**

Meeting was called to order at 6:07 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
Vice Mayor Charlotte E. Rodstrom
Commissioner Romney Rogers
Commissioner Bobby B. DuBose
Mayor John P. "Jack" Seiler

Absent: None.

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

Invocation was offered by Reverend Dr. Queen E. W. McCormick, New Birth House of Prayer, followed by the recitation of the pledge led by local students who won an essay contest.

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

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

Presentations

1. FULL SAILS IN FORT LAUDERDALE KICKOFF - APRIL 27, 2012 (PRES-01)

Heather Bettner, representing Full Sails and president of Prince Media Development, indicated that Full Sails is the largest public art event in the country featuring decorated sailboats; it will be in the City from winter, 2012, and throughout 2013. She invited the public to attend the upcoming artist portfolio kickoff on April 27, and presented slides depicting artwork.

2. INTERNATIONAL CHILDREN'S DAY - APRIL 23, 2012 (PRES-05)

In celebration of International Children's Day with the Greater Fort Lauderdale Sister Cities International and in collaboration with the Florida Turkish American Association, Commissioner Roberts presented certificates of recognition to Floranada and Norcrest Elementary School students who wrote winning essays.

3. ARBOR DAY - APRIL 27, 2012 (PRES-02)

Commissioner DuBose presented a proclamation designating April 27, 2012, as Arbor Day in the City to Gene Dempsey, Urban Forestry Supervisor. Mr. Dempsey thanked the Commission for their support. He encouraged the public to honor this holiday by planting a tree or shrub and extended an invitation to attend the City's upcoming Arbor Day program.

4. COMMUNITY APPEARANCE BOARD - WOW AWARD - DISTRICT IV (PRES-04)

Commissioner Rogers recognized David and Gedne Gosselin who reside in River Oaks as the recipients of the WOW Award for District IV. Mr. Gosselin was pleased to live in Fort Lauderdale. He thanked the Commission.

5. ST. PATRICK'S DAY PARADE AND FESTIVAL - 1ST PLACE FLOAT - (PRES-03) COMMENDATION

Phil Thornburg, Parks and Recreation Director, commended the following City staff members who built the float awarded first place in the City's St. Patrick's Day Parade and Festival: Tom Barnes, Municipal Maintenance Worker III; Levi Compton, Apprentice Municipal Maintenance Worker; Jack Daley, Municipal Maintenance Worker III; John Darby, Fabricator-Welder; Brian Dooling, Park Foreman; Rishi Maharaj, Municipal Maintenance Worker III; Russell Mormon, Municipal Maintenance Worker III; Rishi Preetam, Parks Maintenance Coordinator; and Janet Townsend, Administrative Aide. Mr. Thornburg presented a slide depicting the float. Mayor Seiler praised the City staff members for their efforts.

6. TANYA CALVIN - CERTIFICATE OF HEROISM (PRES-06)

Commissioner Rogers presented a certificate of heroism to Tanya Calvin, local Burger King employee, for detaining a thief who robbed the restaurant's drive-thru. Mayor Seiler thanked Ms. Calvin for her heroic efforts.

7. FORT LAUDERDALE FIREFIGHTER APPRECIATION MONTH – APRIL, 2012 (PRES-07)

Vice Mayor Rodstrom presented a proclamation designating April, 2012, as Fort Lauderdale Firefighter Appreciation Month in the City, sponsored by the Muscular

Dystrophy Association (MDA), to Matthew Smith, Fire-Rescue and Muscular Dystrophy Association Boot Drive Coordinator; Assistant Fire Chief, William Findland; Fire Chief, Jeffrey Justinak; and Joanne Bowsman, Executive Director, MDA. Mr. Findland thanked the Commission. He provided a brief history of the collaboration between the IAFF (International Association of Fire Fighters) and MDA to raise funds for MDA summer camp and find a cure for muscular dystrophy. He thanked the public for their generosity and encouraged their continued support of the Fill the Boot campaign.

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) Relay for Life, 2) Cinco de Mayo Street Party, 3)PNC Bank 1 Year Anniversary Celebration, 4) Covenant House Florida 5K on A1A and 5)Boys and their Toys.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0719

MODIFICATION OF SUBMERGED LAND LEASE FOR NEW RIVER DOCK FACILITIES

(M-02)

No Budget impact

New River Dock Facilities - Modification to Submerged Land Lease Agreement with Florida Internal Improvement Trust Fund Board of Trustees to 1) be eligible for additional discount on annual lease fees, 2) number placement of floating docks and 3) correct contradiction in terms describing use restrictions and mooring hours.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0582

AIRPORT LIABILITY INSURANCE - EXECUTIVE AIRPORT - \$10,423.77 (M-03)

Please see funding information attached to these minutes.

Purchase airport liability insurance for Executive Airport from Federal Insurance Company, in the amount of \$10,423.77 and determine that this policy best meets the City's needs as prescribed in Code of Ordinances.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0695

SUMMER YOUTH EMPLOYMENT PROGRAM - \$160,000 NOT TO EXCEED (M-04)
WORKFORCE ONE

Please see funding information attached to these minutes.

Agreement with Workforce One in an amount not to exceed \$160,000 - Summer Youth Employment Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0689

REVOCABLE LICENSE - BROWARD COUNTY COURTHOUSE - M.A.C. (M-05)
CONSTRUCTION INC. - TEMPORARY CLOSURES ON SE 6 STREET AND
SE 1 AVENUE

No budgetary impact.

Revocable License with M.A.C. Construction, Inc. for temporary closures of 1) sidewalk, on-street parking spaces and one westbound vehicular lane on north side of SE 6 Street, between SE 3 Avenue and SE 1 Avenue and 2) sidewalk and northbound vehicular lane on east side of SE 1 Avenue, from SE 6 Street to 300 feet north of SE 6 Street - Broward County Courthouse.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0700

2012 MAYOR'S CLIMATE PROTECTION AWARDS - SMART WATTS (M-06)
PROGRAM

No budgetary impact.

Authorization to enter Smart Watts Program in 2012 Mayor's Climate Protection Awards Program by U.S. Conference of Mayors Climate Protection Center.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0790

CONTRACT TERMINATION - WEST CONSTRUCTION, INC (M-07)
SOUTHSIDE SCHOOL RESTORATION INTERIOR WORK

No budgetary impact.

Terminate contract with West Construction, Inc. for Southside School restoration interior work.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0710

TASK ORDER 1 - CRAVEN THOMPSON & ASSOCIATES, INC. - \$109,170 (M-08)
RIVER OAKS DRAINAGE IMPROVEMENTS - DIGITAL SCAN SURVEY

See funding information attached to these minutes.

Task Order 1 with Craven Thompson & Associates, Inc., in the amount of \$109,170, for a digital scan survey of River Oaks roadways.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0690

AMENDMENT TO TASK ORDER 3 - CSA CENTRAL, INC. - \$101,080 (M-09)
RIVER OAKS DRAINAGE IMPROVEMENTS

Please see funding information attached to these minutes.

Amendment to Task Order 3 with CSA Central, Inc., in the amount of \$101,080 - storm hydraulic analyses for River Oaks drainage improvements, contingent upon approval of Agenda Item M-08, digital scan survey.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0501

CHANGE ORDER 3 - CLOSE CONSTRUCTION LLC F/K/A (M-10)
CLOSE CONSTRUCTION, INC. - LOHMEYER WASTEWATER
TREATMENT PLANT IMPROVEMENTS - NET CREDIT (\$1,071,237.30)

Please see funding information attached to these minutes.

Change Order 3 with Close Construction LLC f/k/a Close Construction, Inc. to 1) decrease total contract amount by NET CREDIT (\$1,071,237.30), 2) deduct instrumentation and process equipment replacement in liquid oxygen production plant from contract (\$1,042,830) and 3) authorize additional work during and credit for items no longer necessary to complete work, in the amount of (\$28,407.30).

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0577

CHANGE ORDER 7 - CENTRAL FLORIDA EQUIPMENT RENTALS, INC. – (M-11)
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, 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 12-0773

NO OBJECTION TO PLAT NOTE AMENDMENT - BROWARD CENTER FOR (M-12)
THE PERFORMING ARTS - CASE P12A

No Budgetary Impact.

Applicant: Broward Center for the Performing Arts
 Location: 201 SW 5th Avenue
 Zoning: Regional Activity Center - Arts and Sciences District
 Future Land Use: Downtown Regional Activity Center

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0804

CONTRACT RENEWALS - JULY, AUGUST, SEPTEMBER 2012 (M-13)

Please see funding information attached to these minutes.

Extension of listed contracts that expire during July, August and September, 2012, including ones from April and May, 2012, and authorizing proper City Officials to execute all necessary documents, contingent upon each respective vendor agreeing to extension.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0600

2012 LAUDERDALE AIR SHOW (M-14)
FIRE RESCUE AND MEDICAL SERVICES - VEHICLES AND EQUIPMENT

No budgetary impact.

Lease agreement with City of Pompano Beach, ratification of hold harmless agreements with City of Lauderhill and Town of Davie and authorization to borrow equipment from neighboring fire rescue agencies to provide fire rescue and medical services to 2012 Lauderdale Air Show.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0817

SHARK EXHIBIT - MUSEUM OF ART - CO-SPONSORSHIP – BANNERS (M-15)

No budgetary impact.

Co-sponsorship of SHARK Exhibit at Museum of Art, to allow installation of banners May 12, 2012 through January 6, 2013, throughout select areas of city subject to permitting regulations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0735

FUEL PRICE RISK MANAGEMENT PROGRAM AND ADDENDUM TO INVESTMENT POLICY (M-16)

No Budgetary Impact

Fuel Price Risk Management Program and an addendum to investment policy to authorize allowable investments.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0757

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

CONSENT RESOLUTION

CITY CEMETERIES GENERAL PRICE LIST

(CR-01)

No budgetary impact

City Cemeteries General Price List, effective June 1, 2012.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0660

RESOLUTION NO. 12-76

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE GENERAL PRICE LIST FOR THE CITY CEMETERIES EFFECTIVE JUNE 1, 2012.

PARCEL 2 - EXECUTIVE AIRPORT - ZELEY AVIATION, INC.

(CR-02)

FIRST AMENDMENT TO AMENDED AND RESTATED LEASE AGREEMENT

No budgetary impact for current Fiscal Year.

First Amendment to Amended and Restated Lease Agreement, in substantially the form provided, with Zeley Aviation, Inc. to 1) increase rent to \$172,275.44 per year, effective October 1, 2013 and 2) termination on April 1, 2015 if Lessee fails to construct 55,000 square feet of new hangar facilities.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0589

RESOLUTION NO. 12-77

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE AMENDED AND RESTATED LEASE AGREEMENT FOR PARCEL 2 AT FORT LAUDERDALE EXECUTIVE AIRPORT.

SIDEWALK REPAIRS

(CR-03)

No budgetary impact.

Authorization to repair sidewalks abutting private property at cost of property owners - 909 SE 5 Court, 919 SE 5 Court, 1475 SW 35 Terrace, 2170 NE 53 Street, 103 NE 13 Avenue, 2160 NE 64 Street, 6896 NW 29 Avenue and 5737 NE 15 Avenue.

Recommend: Adopt resolution

Exhibit: Commission Agenda Report 12-0697

RESOLUTION NO. 12-78

A RESOLUTION REQUIRING THE OWNERS OF CERTAIN PARCELS OF REAL PROPERTY TO RECONSTRUCT OR REPAIR SIDEWALKS ABUTTING THEIR PROPERTIES WITHIN SIXTY (60) DAYS AND, IN THE EVENT SUCH OWNERS FAIL TO DO SO, AUTHORIZING CITY WORK CREWS OR CONTRACTORS, OR BOTH, TO RECONSTRUCT OR REPAIR SAID SIDEWALKS WITH THE COST OF PERFORMING SUCH WORK CONSTITUTING A CHARGE AND LIEN AGAINST SAID PROPERTY.

PARCEL 16 - EXECUTIVE AIRPORT - SHELTAIR SIXTEEN, LLC

(CR-04)

No Budgetary Impact for Current Fiscal Year

Consent to Assignment of Lease Agreement from Sheltair Executive South, Inc. to Sheltair Sixteen, LLC and Amended and Restated Lease Agreement with Sheltair Sixteen, LLC, in substantially the forms provided - Parcel 16 - Executive Airport.

Recommend: Adopt resolutions authorizing 1) Consent to Assignment of Lease Agreement and 2) authorizing Amended and Restated Lease Agreement.

Exhibit: Commission Agenda Report 12-0725

RESOLUTION NO. 12-79

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AMENDED AND RESTATED LEASE AGREEMENT WITH SHELTAIR SIXTEEN, LLC FOR PARCEL 16 AT THE FORT LAUDERDALE EXECUTIVE AIRPORT

RESOLUTION NO. 12-80

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO

ENTER INTO A CONSENT TO ASSIGNMENT OF LEASE AGREEMENT FOR PARCEL 16 FROM SHELTAIR EXECUTIVE SOUTH, INC. AS ASSIGNOR TO SHELTAIR SIXTEEN, LLC AS ASSIGNEE, AT THE FORT LAUDERDALE EXECUTIVE AIRPORT.

PURCHASING AGENDA

522-10892 - POOL HEATER REPLACEMENT AND INSULATED POOL COVER SYSTEM - \$86,786 - JOSEPH C. CARTER PARK (PUR-01)

Please see funding information attached to these minutes.

Purchase pool heater and insulated pool cover system for Joseph C. Carter Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0688

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

PROPRIETARY - INCREASE EXPENDITURE - TENNIS INSTRUCTOR SERVICES - \$15,000 (PUR-02)

Please see funding information attached to these minutes.

Increase expenditure - tennis instructor services agreement with Martin Godwin.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0736

The Procurement Services Division has reviewed this item and recommends increase in expenditure.

DISASTER AND DEBRIS MANAGEMENT SERVICES (PUR-03)

No budgetary impact until activated.

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

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0622

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

CO-OP - SODIUM HYDROXIDE (CAUSTIC SODA) - \$173,108 (PUR-04)
PEELE DIXIE WATER TREATMENT PLANT

Please see funding information attached to these minutes.

Two annual contracts - purchase sodium hydroxide for Peel Dixie Water Treatment Plant.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0693

Procurement Services has reviewed this item and recommends an award to the two low responsive and responsible bidders.

This Commission Agenda Report (12-0693) was revised in accordance with Memorandum 12-119. See page 14.

403-10506 - CO-OP - WATER METER BOXES AND COMPONENT PARTS- (PUR-05)
\$90,000

Please see funding information attached to these minutes.

One-year contract for purchase of water meter boxes and component parts.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0701

Procurement Services has reviewed this item and recommends an award to the responsive and responsible firm offering the highest percentage discount.

This Commission Agenda Report (12-0701) was revised in accordance with Memorandum 12-119. See page 15.

FIRST EXTENSION AND AMENDMENT TO AGREEMENT (PUR-06)
GENERAL ENGINEERING AVIATION CONSULTANT SERVICES

No budgetary impact.

First Extension and Amendment to Agreement for General Engineering Aviation Consultant Services - Executive Airport and Downtown Helistop.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0703

The Procurement Services Division has reviewed this item and recommends approval of the first extension and amendment.

This Commission Agenda Report (12-0703) was revised in accordance with Memorandum 12-119. See page 14.

**623-10869 - SEMI-AUTOMATIC REFUSE AND RECYCLING CARTS – (PUR-07)
\$2,470,045.89- REPLACEMENT PARTS AND DEPLOYMENT SERVICES**

Please see funding information attached to these minutes.

Two-year contract with three, one-year renewal options to purchase refuse and recycling mobile carts, replacement parts and deployment services and authorize the City Manager or designee to approve renewal options.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0711

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

This Commission Agenda Report (12-0711) was revised in accordance with Memorandum 12-121. See page 14.

**223-10953 - ONBOARD VEHICLE INVERTER SYSTEM FOR RESCUE (PUR-08)
APPARATUS - \$29,796**

Please see funding information attached to these minutes.

Reject non-responsive bid and award single responsive bid for purchase and install onboard vehicle inverter system in four rescue apparatus.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0687

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

**CONTRACT EXTENSION - INVESTMENT MANAGEMENT SERVICES – (PUR-09)
\$21,000 - NOT TO EXCEED**

Please see funding information attached to these minutes.

Month to month contract extension, not to exceed three months through August 31, 2012 for investment management services and authorizing proper City Officials to execute all necessary documents contingent upon each firm agreeing to extension.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0706

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

**552-9100, 552-9172, 162-9557 - CONTRACT EXTENSIONS - \$72,664 (PUR-10)
BANKING, LOCKBOX AND CREDIT CARD PROCESSING SERVICES**

Please see funding information attached to these minutes.

Contract extensions for banking and investment, lockbox and credit card processing services, not-to-exceed three months through August 31, 2012 and authorizing proper City Officials to execute all necessary documents, contingent upon each vendor agreeing to extension.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0754

Procurement Services has reviewed this item and recommends a not-to-exceed 3 month extension of these contracts.

**125-10950 - MODERATOR SERVICES - \$32,056.02 NOT TO EXCEED (PUR-11)
TELEPHONE TOWN HALL MEETINGS**

Please see funding information attached to these minutes.

One-year contract with three, one-year renewal options, for Telephone Town Hall Meeting Moderator Services, in substantially the form provided, to single responsive and responsible proposer and authorize City Manager or designee to approve renewal options.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0751

Procurement Services has reviewed this item and recommends awarding to the single responsive and responsible proposer.

**724-10912 - STRATEGIC PERFORMANCE MANAGEMENT SOFTWARE (PUR-12)
SUBSCRIPTION - \$129,619.30**

Please see funding information attached to these minutes.

Four-year contract for city-wide Strategic Performance Management System software subscription services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0789

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

FUEL PRICE RISK MANAGEMENT PROGRAM AND ADDENDUM TO INVESTMENT POLICY (M-16)

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

**CO-OP - SODIUM HYDROXIDE (CAUSTIC SODA) - \$173,108 (PUR-04)
PEELE DIXIE WATER TREATMENT PLANT**

**403-10506 - CO-OP - WATER METER BOXES AND COMPONENT PARTS- (PUR-05)
\$90,000**

The Subject and Background/Detail sections of these items (Commission Agenda Report 12-0693 and Commission Agenda Report 12-0701) were revised to include the following statement: Authorize the City Manager to approve renewal options under the same terms and conditions of existing agreement. (Memorandum 12-119)

**FIRST EXTENSION AND AMENDMENT TO AGREEMENT (PUR-06)
GENERAL ENGINEERING AVIATION CONSULTANT SERVICES**

The Subject and Background/Detail sections of this item (Commission Agenda Report 12-0703) were revised to include the following statement: Approve the amendment and extend contract for General Engineering Aviation Consultant Services – Executive Airport and Downtown Helistop, in accordance with City and funding availability. (Memorandum 12-119)

**623-10869 - SEMI-AUTOMATIC REFUSE AND RECYCLING CARTS – (PUR-07)
\$2,470,045.89- REPLACEMENT PARTS AND DEPLOYMENT SERVICES**

The Background/Detail (Exhibit 1) section of this item is to be replaced with Attachment 1 of Memorandum 12-121 which is attached to these minutes.

Motion made by Commissioner Roberts and seconded by Vice Mayor Rodstrom that Consent Agenda Items M-04 and PUR-03 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 DuBose, Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, and Mayor Seiler. NAYS: None.

**SUMMER YOUTH EMPLOYMENT PROGRAM - \$160,000 NOT TO EXCEED (M-04)
WORKFORCE ONE**

Commissioner DuBose removed this item from the consent agenda to note the positive feedback provided by the president of WorkForce One, Mason C. Jackson, about the City's summer youth programs and associated City staff, in comparison to other cities in the county. He felt this program is a vital deterrent for juvenile crime. He thanked the Director of Human Resources and her staff for their efforts.

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

DISASTER AND DEBRIS MANAGEMENT SERVICES (PUR-03)

Jared Moskowitz, AshBritt Environmental (AshBritt), elaborated upon his firm's credentials, including the largest clean-up ever performed by a single company in Mississippi after Hurricane Katrina. AshBritt is the only vendor of the seven that bid on this item with headquarters in Florida, and in Broward County. Nevertheless, AshBritt's bid was ranked last. AshBritt's competitors, Crowder-Gulf Joint Venture, Inc. (Crowder), Phillips and Jordan Incorporated (PJI), and Ceres Environmental Services, Inc. (Ceres) are good vendors with numerous contracts; AshBritt bids against them on projects across the country. He expressed concern because the City's first-ranked vendor, Crowder, scored three times higher than their nearest competitors; this type of disparity is nearly impossible and problematic. There were three evaluators on the committee, and a total of five categories, four were subjective, and price was the fifth category that was objective. Crowder was scored twelve times (in the subjective categories) and received a perfect score ten out of twelve times or 83 percent of the scores. However, all of the other six vendors combined were scored a total of 72 times, and only received a perfect score two out of 72 times or 3 percent of the scores. It appears the process and scores were such that the City could continue working with Crowder as it was previously contracted with the City. The City can either extend their current contract with Crowder or approve the contract for one year. But, he asked that this item be re-bid after one-year.

Commissioner Roberts indicated that he also wanted to remove this item from the consent agenda to raise the same issue. Price was a significant issue. However, he agreed that the disparity between vendors is too wide. As shown in Exhibit 1 of Commission Agenda Report 12-0622. AshBritt is a well-known and experienced contractor. He asked whether Crowder had previously filed a lawsuit against the City. The City Manager, with the City Attorney's confirmation, explained that, a company, LTJ, Inc., formed by some of Crowder's partners took Crowder's receivables from the Hurricane Wilma clean-up work. At that point, LTJ filed suit against the City for a payment breach, and there was also a dispute related to a fence. Ultimately, a settlement was reached for both matters which was approved by this Commission in 2009. Commissioner Roberts was uncomfortable awarding two years.

In response to Commissioner Rogers, the City Attorney confirmed that this matter could have been addressed as an appeal. Mayor Seiler thought some valid issues have been raised; but, he was greatly concerned that the City's bid protest procedure was not followed. Vice Mayor Rodstrom pointed out that the bid protest procedure does not prevent a vendor from bringing this type of matter before the Commission. Rather than protesting the bid, she thought Mr. Moskowitz' objective is to have the Commission consider a one-year, rather than a two-year, contract. Given that Crowder has a history of issues in this community, she did not believe the proposed term with the renewal options should be considered. In regard to the bid scores, she agreed with Mr. Moskowitz. Also, she was willing to try another vendor because Crowder took a lengthy time to obtain the City's FEMA (Federal Emergency management Agency) reimbursement. If given the opportunity, she would award the contract to AshBritt today. Mayor Seiler noted that there are other bidders on this RFP. Discussion ensued between him and Vice Mayor Rodstrom about her experience with the prior award.

The City Manager responded to Commissioner Rogers' questions about the term and renewal options. Mayor Seiler noted that Crowder is currently contracted with the City, and, if there is concern about the process, the contract could be extended for one year as there is an impending hurricane season. Commissioner Rogers was concerned when the bid protest procedure should be required and when the Commission should make a decision on the fly so to speak. The City Attorney advised that the Commission's decision is based upon the information brought forward and its evaluation of the process. The Commission has full discretion to reject all bids or to select another vendor. Commissioner Rogers wanted more information about the bid protest procedure. He wanted to know when it is required, according to the ordinance. As for the reason why AshBritt did not register a protest, Mr. Moskowitz explained that the City's protest procedure stipulates that a protest must be submitted within five days after the intent to award. He was unable to get the necessary information from the City in order to protest with full disclosure within that timeframe. In addition, the ordinance indicates that the protest cannot be based upon the evaluation criteria or how points were allocated. So, he would not have been able to protest on those grounds, even if he had been provided the information within five days. He reasoned that he would have come before the Commission anyway if a protest that he submitted to the Director of Procurement was rejected. The only difference is a memorandum was not generated regarding the basis of his protest. In response to Mayor Seiler, he explained that none of the matters presently being raised were addressed with the Director of Procurement because the cone of silence (cone) does not expire until this evening. Mayor Seiler clarified that the City does not have a cone. Nonetheless, Mr. Moskowitz indicated that, in terms of communications with staff after the RFP is issued, AshBritt proceeds as if there is a cone

and with great care. The Commission is the final arbitrator. He thought staff's position is reflected on the score sheets.

Mayor Seiler opened the floor for public comment.

Art Seitz, 1905 North Atlantic Boulevard, was uncomfortable with the scoring variances. He wanted to use the Aquatic Complex redevelopment project as a similar example to this matter. Mayor Seiler asked that Mr. Seitz direct his comments about this issue. Mr. Seitz contended that Procurement does not perform due diligence or verification. He continued to discuss issues with the Aquatic Complex redevelopment project and Recreational Design & Construction, Inc.

There was no one else from the public wishing to speak.

In response to Mayor Seiler, John Campbell, Regional Director of Crowder-Gulf Joint Venture, Inc., agreed to extend the current contract for one year. John Ramsey, President of Crowder-Gulf Joint Venture, Inc., noted Crowder's ten-year experience working for the City. He questioned an attorney that does not know anything about the business telling the Commission what to do. AshBritt, whose cost is 60 percent higher, has presented similar arguments throughout the country; whereas Crowder has had to implement a price reduction because of the economic downturn. He felt AshBritt lacks respect for the City's bidding process.

Mayor Seiler pointed out that, in terms of cost, Crowder was ranked third and AshBritt was ranked seventh; and the lowest priced vendor was DRC Emergency Services, LLC. He asked for an explanation of the 60 percent cost difference. The City Manager noted the bid amounts for AshBritt and Crowder-Gulf. Mr. Campbell disputed the contention that Crowder is substandard and not performed for the City. Crowder has been the City's contractor for ten years. During the recent audit, Crowder dedicated an employee to review the books for an entire year and a month on-site. The City utilized a monitoring firm to oversee Crowder, and Crowder reconciled all of their documentation with that firm. It was not totally Crowder's problem that the City did not receive the funds it was due as valid invoices were submitted to the City that were reconciled with the monitoring firm. FEMA then simply rebutted some of the charges which is their common practice. He emphasized that Crowder is not a second-rate contractor. Crowder has processed over 100 million cubic yards of debris in the past ten years, and was recently awarded a contract for Seattle.

Commissioner Roberts clarified that his objective is not to malign Crowder; rather, his concern is related to the process, in terms of the broad (scoring) variance. He was pleased to clear the air with respect to the lawsuit. Mr. Campbell indicated that Crowder had nothing to do with the lawsuit. He explained that another owner was bought out and the Crowder name was kept. The former owner was given a portion of the receivables which included the City's contract, and he filed the lawsuit. Furthermore, Crowder had nothing to do with the City's rating process. In response to Vice Mayor Rodstrom, Mr. Ramsey explained that the buyout took place in December, 2006, and was amicable. The former owner had essentially be a subcontractor for the company. Crowder still occasionally subcontracts with the former owner. In further response, he asserted that the FEMA reimbursement process was not slowed because the former owner had the City's receivables; rather, it is common because FEMA is a large bureaucracy. Mr. Campbell also indicated that it has no impact on the audit. Mr. Ramsey confirmed for

Vice Mayor Rodstrom that they would not subcontract with the former owner on this contract, if the City so desires. He went on to mention a three-year delay in funding coming from FEMA in the City of Galveston, Texas.

Commissioner DuBose expressed concern about the impact this decision will have on the City's readiness for the approaching hurricane season. In terms of responsiveness, Mr. Campbell indicated that the local element is overrated. Crowder has over 500 subcontractors in Florida, and at least 300 of them only work for Crowder. Within a hundred mile radius of Fort Lauderdale, there are over 200 subcontractors who will immediately deliver services. He pledged that Crowder will utilize local subcontractors to clear the City roads within 24 hours as noted in the contract. Mr. Ramsey elaborated upon their approach to a disaster and explained that local subcontractors cannot just wait for a disaster to occur. Commissioner DuBose disagreed that the local element is overrated. Unless there is an exclusive agreement, subcontractors could go elsewhere if a storm hits several states, and that could pose a response time issue. Mr. Campbell explained the point he was trying to make is that both Crowder and (AshBritt) use local subcontractors, and Crowder can be as responsive as AshBritt on any given day. Commissioner DuBose agreed, but there is a timeframe issue because of the impending hurricane season. He wanted this matter to be considered in terms of how to move forward; the objective is not to pit one contractor against the other.

In response to Commissioner Rogers, Kirk Buffington, Deputy Director of Finance, explained that the three staff members on the selection committee (Greg Slagle, Public Works; Mark Cervasio, Business Enterprises; and John Saavedra, Parks and Recreation) have been employed by the City for a number of years, and have previously served on selection committees with no issues related to their performance; also, all of them worked with Crowder in 2005. The different scoring system now utilized is such that a rank is assigned based on the number of contractors. Variances like this could occur under either scoring system. The ranking process was changed because of some anomalies that occurred in the old system. The challenge under the new system is that, the greater the number of contractors, the more difficult it is to differentiate between them in terms of rank. Ties are not permitted. In further response to Commissioner Rogers, Mr. Buffington believed that Crowder is the only contractor on this RFP that has previously worked for the City. If the selection committee members were satisfied with Crowder's prior work, it would not be unusual to rank Crowder first. It is reasonable to believe that the selection committee members thought Crowder's disaster plan surpassed the other bidders. Commissioner Rogers reasoned that the committee members could evaluate qualifications and experience as they had worked with Crowder previously. As to resources and availability, one of the bidders has to be first. He did not believe the scoring was vastly skewed, given that there are four criteria and seven bidders. Mr. Buffington agreed. He maintained that the greater the number of contractors, the more difficult it is to differentiate among the higher rankings. There can be a wide spread when one or two contractors out shine the others. The committee saw things in the Crowder submittal that were not as good as what was in the AshBritt submittal.

Mr. Moskowitz clarified that Crowder's bid was \$5.2 million and AshBritt's was \$6 million which is a difference of 14 percent, not 60 percent as indicated. He wanted to address the process, not malign another company. He noted that AshBritt, Ceres, and PJI are all Army Corp contractors, and Crowder is not. He maintained that it is a nationwide anomaly that Crowder scored three times higher than these firms.

There was no one else wishing to speak.

Commissioner Rogers thought it is customary to translate past experience into a ranking system. With there being only four criteria and two are based on experience, he did not find the number one ranking strange. He was concerned about unnecessarily varying from the process again. Commissioner Roberts agreed; but, noted that the flip side is whether the selection committee's familiarity with Crowder clouded their objectivity. He emphasized that staff's ethics are not being called into question. This is a matter of determining how long to award the contract; and, based on some issues related to the process, he was uncomfortable awarding a two-year contract with three, one-year renewals. He agreed that the scoring variance was related to the selection committee's familiarity with Crowder's previous work. He questioned whether it is about past performance in Fort Lauderdale or other areas of the country. Overall, the vast scoring variance does not make sense. Mayor Seiler pointed out and Commissioner Roberts agreed that, regardless, the contract cannot be awarded to the last place contractor.

Motion made by Vice Mayor Rodstrom and seconded by Commissioner Roberts to approve the item as amended to award the contract for one year and then re-bid was amended as shown below.

Commissioner Rogers asked whether the (current) contract is better or worse than the proposed, in terms of price. He pointed out that a new contract with a different time period can be awarded. Vice Mayor Rodstrom thought, either way, the contract period should only be for one year. Mayor Seiler suggested the current contract be extended for one year, and that the item be examined for irregularities by the City Auditor. If irregularities are found, it would be re-bid. Regardless of the City Auditor's findings, the Crowder contract should be extended. In response to Commissioner Rogers, the City Manager advised that, in order to determine whether the best option for the City is extending the current contract or awarding the proposed, staff would have to make that comparison which could be completed by May 1. Albert Carbon, Public Works Director, had not yet reviewed the pricing; however, the proposed is a better contract to protect the City because it has updated contractual language, more unit prices, and updated FEMA regulations. He offered to work with the City Auditor. In response to Mayor Seiler, the City Auditor agreed to bring back the recommendation regarding the bid process by the end of hurricane season (November 30), in case it is necessary to go back out for bid; otherwise, the contract will remain in force. Mayor Seiler stressed that any irregularities should be brought forward as soon as possible. If the City Auditor does not find any irregularities, the City Manager will be authorized to complete the negotiations with the vendor; if irregularities are found, it will be re-bid. Commissioner Roberts wanted to clarify whether the renewals would be automatically included in the approval if the City Auditor does not find any irregularities. Vice Mayor Rodstrom and Commissioner Roberts wanted certainty that the contract will be brought back after a year for the Commission to approve the renewals, even if the City Auditor does not find any irregularities. Mayor Seiler did not want to re-bid the contract if the City Auditor does not find any irregularities. The City Attorney advised that the best option is to approve this one-year contract with three one-year renewals, and have the City Auditor bring back his findings after the year.

The **motion** was amended to approve the item as detailed in Commission Agenda Report 12-0622 that provides for one year, with three, one-year renewals, subject to the City Auditor's review and provision of a recommendation after the year. Renewals would

be subject to Commission approval. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, and Mayor Seiler. NAYS: None.

The City Attorney noted that, if a one-year contract is advertised and a four-year contract is awarded, there is a disadvantage to some of the proposers; however, if a four-year contract is advertised, and a one-year contract is awarded, there is no disadvantage.

RESOLUTIONS

AMENDMENT TO SITE PLAN LEVEL IV - CASE 82-R-11
RETAIL USE WITH TATTOO ARTIST - JUST INK

(R-01)

No Budgetary Impacts

Applicant: Just Ink - THOR Transwestern Beach Place
Location: 17 South Fort Lauderdale Beach Boulevard
Zoning: Planned Resort PRD
Future Land Use: Central Beach Regional Activity Center C-RAC

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0723

Members of the Commission announced with whom he or she had spoken with and/or site visit(s) made concerning this matter.

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

Mayor Seiler opened the floor for public comment.

Fred Carlson, representing Central Beach Alliance (CBA), indicated that an overwhelming majority of the CBA opposes this item; however, it was approved by the Planning and Zoning Board (Board). He believed it is a generational issue and the Board voted on that basis. Beach area residents and business owners believe a tattoo business would degrade the City's image.

Art Seitz, 1905 North Atlantic Boulevard, opposed this item. Beach area residents want businesses that attract families, residents and visitors. He preferred the City strive for an area like that of Bal Harbor, Delray Beach or Boca Raton and did not think a tattoo business would be such. In response to his inquiry, Vice Mayor Rodstrom indicated that the business is 1,240 square feet of retail space and will comprise about 25 percent of the retail sales. Mr. Seitz agreed with Mr. Carlson.

Roy Smith, representing the Applicant, noted the square footage is 1,245. Tattooing is only about 25 percent of the Applicant's work. The Applicant went through the Development Review Committee (DRC) process, and subsequently opened a retail establishment as the zoning is for retail. The shop is located on the second floor, and

cannot be seen from A-1-A or from other tenants on the first floor. Being that this space is already zoned, the Applicant is requesting a reuse. He contended that tattoo parlors are allowed on Las Olas Boulevard based on the zoning. He urged approval and noted it has taken eight months to get to this point in the process.

In response to Mayor Seiler, Mr. Smith confirmed that the Board voted unanimously to approve this item. He also confirmed that reference to 125,000 square feet in the (March 21, 2012) Board minutes is a scrivener's error. In further response, Mr. Smith noted that the Applicant is currently using this space for clothing retail. Despite the low visibility, the Applicant believes it will be a good location because of foot traffic. He confirmed the location in the complex and that the storefront is narrow and broadens further into the space.

Vice Mayor Rodstrom did not believe this would be a permitted use in the PRD Zoning District and questioned the term, reuse, also. The City Attorney confirmed it is not a permitted use. But, the Applicant is requesting a change in the site plan which identifies it as a permitted use which is allowed in the PRD Zoning District. Commissioner Rogers thought the criteria has to do with whether the proposed use will cater to tourists. Vice Mayor Rodstrom remarked that the ULDR provides numerous permitted uses under each zoning district; it is very broad. Being that this use is not listed as a permitted use in the PRD District, she thought it would be left to speculation whether it would be a tourist attraction. However, it is not customary for this zoning. Commissioner Rogers maintained that the Commission must decide whether this use is appropriate to cater to tourists because the zoning of Planned Resort Development was implemented for that purpose. He has seen nothing to convince him that this is something tourists want. Commissioner Roberts agreed. It was confirmed for him that if this is approved, this type of business could open in the area.

There being no other individuals wishing to speak on this matter, a **motion** was made by Vice Mayor Rodstrom and seconded by Commissioner Roberts 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 and Vice Mayor Rodstrom expressed concern that approval of this item would be precedent setting in that it would cause a proliferation of the use. In response to Mayor Seiler, the City Attorney confirmed that, if this item is approved, other tattoo businesses in this site plan would be permitted. Commissioner DuBose questioned whether restrictions could be imposed so the proposed could be solely allowed. The City Attorney requested a deferral in order to make that determination. Mayor Seiler noted that, based on the second floor location, he did not object to the proposed; however, he was concerned about creating an allowance for more tattoo businesses to be located on the first floor. Vice Mayor Rodstrom pointed out that, if an exception to the code is approved, it can continually be requested. In response to Vice Mayor Rodstrom, the City Attorney advised that the ULDR does not have to be amended when an exception is made; but, eventually, the exception becomes the rule. Mayor Seiler maintained that he had no objection to this item if only one is allowed with conditions such that it is on the second floor; there is no frontage on A-1-A; and it has a narrow storefront entrance. Commissioner DuBose thought this matter should be considered citywide as tattooing appears to be a growing business. In response to his inquiry as to whether expansion can be restricted, the City Attorney indicated that he will bring back this information.

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT PLAN TO PERMIT A TATTOO ARTIST USE ASSOCIATED WITH A RETAIL SALES USE AT A PROPERTY LOCATED AT 17 SOUTH FORT LAUDERDALE BEACH BOULEVARD, FORT LAUDERDALE, FLORIDA IN A PRD ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DENYING THE AMENDMENT TO AN APPROVED DEVELOPMENT PLAN FOR PROPERTY LOCATED AT 17 SOUTH FORT LAUDERDALE BEACH BOULEVARD, FORT LAUDERDALE, FLORIDA IN A PRD ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

Motion made by Commissioner Roberts and seconded by Vice Mayor Rodstrom to defer the item to May 1, 2012. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom and Mayor Seiler. NAYS: None.

**VACATE SANITARY SEWER EASEMENT
SINGLE FAMILY HOME - 1622 BRICKELL DRIVE - CASE 1-M-12**

(R-02)

No Budgetary Impacts

Applicant: Terry Stiles and Jamie Taylor
Location: 1622 Brickell Drive

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0724

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 12-71

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE SANITARY SEWER EASEMENT LYING OVER AND ACROSS THE EAST 10 FEET OF LOT 5, BLOCK 36, "COLEE HAMMOCK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED SOUTH OF THE INTERSECTION

OF BRICKELL DRIVE AND SOUTHEAST 17TH AVENUE
AND NORTH OF THE NEW RIVER, LYING AND BEING
IN THE CITY OF FORT LAUDERDALE, BROWARD
COUNTY, FLORIDA.

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 –
ATLANTECH PLAZA - CASE 32-R-11**

(R-03)

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 12-0792

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

The Commission announced the same disclosures as those indicated on prior considerations; Commissioner Roberts announced additional communications made concerning this matter.

Mayor Seiler opened the floor for public comment.

Commissioner Roberts believed that an agreement has been reached such that there are no issues to be resolved, and, both, the (Imperial Point Homeowners) Association and Imperial Point Hospital are satisfied with this development plan.

Hope Calhoun, representing the Applicant, noted that the Applicant has worked with the neighbors for some time, and a resolution has been reached which was documented and submitted to the City. To her knowledge, everyone involved in this matter is satisfied.

Stephanie Toothaker, representing Lauderdale One Condominium, indicated that Lauderdale One residents are pleased with the resolution.

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

Ms. Calhoun explained that the development plan has not changed since it was originally proposed. However, the Applicant has agreed to make some additional improvements in the right-of-way, and some other things with Imperial Point Hospital and the Imperial Point Homeowners Association.

Commissioner Roberts introduced the following resolution, subject to the additional terms and conditions:

RESOLUTION NO. 12-72

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.

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.

RECONSIDERATION - DISPOSITION OF CITY OWNED SURPLUS PROPERTY - 604 SW 12 AVENUE (R-04)

No budgetary impact.

Recommend: Introduce resolution: A) ratifying and confirming Resolution 12-42 OR B) repealing Resolution 12-42 and rejecting all bids received under Resolution 11-305.

Exhibit: Commission Agenda Report 12-0728

Mayor Seiler opened the floor for public comment.

Tom Andrew, 717 SW 14 Avenue, referred to public discussion on this matter when a City employee's conduct was disparaged. That employee, the City's Senior Real Estate Officer, has now been vindicated of any professional misconduct allegations (brought forward during the public comment at the March 20, 2012 Regular Meeting) following a thorough investigation authorized by the City Manager. He apologized.

Julian Siegel, owner of Riverside Market (Market), noted that the Market is zoned commercial. He was told by City staff that the property could be used for retail because that is what the parking conformed to. He inquired about many uses and was told they are not permitted. He proceeded with a convenience store and added significant food service. The Market has since become a well-frequented neighborhood attraction. He elaborated upon the Market's positive contributions to the area. The Market has always used the vacant City lot for parking. He worked with former City Real Estate Officer,

Gene Groves, to acquire it. He apologized for the miscommunications that transpired with the City's Senior Real Estate Officer, Victor Volpi. He has been working with Anthony Fajardo (Sustainable Development) toward a parking reduction. The Market needs parking in order to survive. He approached Mr. Gaddis about both of them purchasing the property and sharing it for parking. However, Mr. Gaddis was not interested. In the event his bid is accepted, he offered to share the property for parking with Mr. Gaddis. He finished by reading a poem written by his son.

Mark Silverman, a resident of Davie, expressed support of the Market. He thought this is a comfortable establishment and it would be a shame if it has to close due to a parking issue.

Pat Hayes, 530 NE 3 Avenue, indicated that some individuals were maligned due to misstatements. She summarized her written statement on this topic which is attached to these minutes. Within her statement, she referred to emails she received from Mr. Groves and Mr. Volpi which are also attached to these minutes. Her bid of \$15,500 was full-price as the City's appraised value for the property was \$15,470. She contended that the Market is a non-conforming use in an RS-8 Zoning District which is single family residential. The Market is legally non-conforming, but there are related issues. According to Thomas Lodge of Sustainable Development, a non-conforming use cannot be enlarged and parking cannot be added. The City issued a business license to the Market for a retail market with an accessory to the grocery use of restaurant take-out deli. It is not a sit-down, eat-in restaurant and consumption of alcohol is also not allowed. The restaurant has been illegally operating for years. There is no ADA compliance. She went on to mention that patrons of the Market were using Mr. Moos' parking lot to play games and consume alcohol until it came to Mr. Moos' attention and he took measures to stop it. A hold harmless agreement and proof of insurance was not furnished as promised. She displayed photographs during her comments which are attached to these minutes. She went on to mention that there are no fire sprinklers, restaurant exhaust hood or fan. Mr. Gaddis' property is an office use. Parking can be added without changing or expanding the use. She requested that the lot be sold to Mr. Gaddis as it was on March 6, when the Commission approved the sale.

In response to Vice Mayor Rodstrom, Ms. Hayes thought the Market has been utilizing the City's vacant lot for parking, at no cost, for about the past six years. She understood that the City was maintaining the lot. Vice Mayor Rodstrom believed that the Market has many violations besides the parking that she enumerated. She thought these issues should have been attended to first. Regardless of whether the Market is a beloved establishment, it must follow the rules. As for alcohol sales, Ms. Hayes believed the Market's licensing is a grocery store in that beer can be sold, but not consumed on the premises.

In response to Commissioner Rogers, Ms. Hayes read the email, dated November 2, 2011, that she received from Mr. Volpi. She verified that Mr. Volpi attached to the email a copy of the commission agenda report approving this property as surplus and Mr. Groves had provided her with the previous resolution. She confirmed her knowledge that the deadline to submit the bid was January 17, 2012, and her bid was submitted at 3:30 p.m. Commissioner Rogers pointed out that the resolution stipulates a 10 a.m. deadline. Ms. Hayes indicated that Mr. Volpi's email did not specify a time of day. Mayor Seiler explained that none of the bids were submitted timely. His concern is not about the parties involved or circumstances, but rather about the process. The City must have a

transparent process that the public can trust. Neither Mr. Siegel, nor Mr. Gaddis did anything improper; rather, the issue is that the City had a process and it was not followed. Historically, the City has treated the best bid as the highest bid. Two bids were submitted and both missed the deadline. He suggested the matter be re-bid and the minimum bid set as the appraised value according to the Broward County Property Appraiser or the current bidders have the option to work out something agreeable to both. In response to Ms. Hayes, Mayor Seiler explained that the City cannot tie use to the sale of property.

Vice Mayor Rodstrom pointed out that the violations must be addressed. Mayor Seiler indicated that this matter brought to light that a sealed bid process was not being utilized. The City's process must withstand scrutiny. Vice Mayor Rodstrom thought and Mayor Seiler agreed the deadline should be at the close of the business day. The City Manager advised that there are four issues with Resolution 11-305 which was adopted on November 1, 2011: 1) bids were to be received in the office of Economic Development on the 7th floor of City Hall, which is an incorrect location; 2) the deadline was 10 a.m., but bids were accepted at 3:30 p.m. and 4:15 p.m.; 3) review of the bids was to take place at the February 1, 2012 City Commission meeting, rather than the February 21; and 4) it was conditioned upon other terms and conditions in Section 6, however Section 6 only deals with publication of the notice. The City Manager suggested that these bids be rejected. A new resolution that includes the new process for submittal to Procurement and a deadline time of 3 p.m. which is consistent with other bids.

In response to Commissioner DuBose, the City Manager and Mayor Seiler advised that the process was revised after the March 20, 2012 meeting. Commissioner DuBose indicated that the revised process has not yet been presented to him. He wanted it to be reviewed and vetted by the Commission. Commissioner Rogers thought the Charter is an underlying document with respect to surplus property matters; and, therefore, it should be examined as well. In response to Commissioner Rogers, the City Attorney confirmed that he can provide a memorandum at the May 1 Conference regarding the process.

In response to Ms. Hayes, Mayor Seiler confirmed that notice will be provided to her regarding the revised process.

Matthew Mandelkorn, 1610 NE 3 Court, indicated that he patronizes the Market. He was concerned that ratifying this resolution will create trust issues with the public and may impact the community's enjoyment of the Market. He encouraged the Commission to repeal Resolution 12-42 and reject all bids received under Resolution 11-305 as set forth in the commission agenda report. He elaborated upon how the Market has benefitted the community.

Julian Geraci, a resident of Wilton Manors, noted that he patronizes the Market which he believes benefits the community more than a vacant office building. He elaborated upon the Market's positive features. He thought Resolution 12-42 should be repealed and all bids received under Resolution 11-305 rejected.

Charles King, 105 North Victoria Park Road, remarked on the public's strong support for the Market. He elaborated upon challenges faced by the city's middle class neighborhoods; however, the Market seems to be drawing people back into the city. He questioned whether it might be wise to not sell the property and not make any changes.

It may be worth more in the future.

John Peets, 1560 Argyle Drive, expressed support for the Market and deferred his remaining time to Mr. Siegel.

Dennis Byk, 934 SW 18 Court, urged the Commission to repeal Resolution 12-42 and reject all bids received under Resolution 11-305 as set forth in the commission agenda report. He supported entrepreneurial businesses like the Market. The Market is an asset to the community that increases property values.

Mr. Siegel noted that the email he received from Mr. Volpi with respect to the subject property was standardized and not unique. There is no definition for competitive bidding in the charter. He advised that the Department of Professional Regulation records indicate that the Market is a fully inspected, permanent sit-down restaurant with no violations, including ADA facilities. However, the (ADA) parking sign was recently stolen. He contended that Jeff Moos implores him to use his parking when needed and he has addressed liability insurance coverage with Mr. Moos. He elaborated upon community events held at the Market.

There was no one else wishing to speak.

In response to Mayor Seiler, the City Manager indicated that the City Attorney will provide a memorandum by (May 1), and staff will then move forward to structure a new process that is consistent with the interpretation. There was consensus approval for the minimum bid to be the appraised value according to the Broward County Property Appraiser.

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 12-73

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA REPEALING RESOLUTION NO. 12-42 AND REJECTING ALL BIDS RECEIVED UNDER RESOLUTION NO. 11-305; REPEALING ANY AND ALL 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.

BOARD AND COMMITTEE APPOINTMENTS

(R-05)

No budgetary impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0709

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

Budget Advisory Board	Bryson Michael Ridgway (Commissioner DuBose)
Charter Revision Board	E. Clay Shaw (Commissioner Rogers) Rochelle Golub (Commissioner Roberts)
Community Appearance Board	Brock Matthew Slater (Mayor Seiler)
Education Advisory Board	Austin Edward Scott (Commissioner Roberts)
Fire-Rescue Facilities Bond Issue Blue Ribbon Committee	Bryson Michael Ridgway (Commissioner DuBose)
Nuisance Abatement Board	Adriane P. Reese (Consensus/Alternate)

Commissioner DuBose introduced the following resolution:

RESOLUTION NO. 12-74

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.

**AUTHORIZATION - WATER AND SEWER REVENUE REFUNDING BONDS, (R-06)
SERIES 2012-ISSUANCE AND SALE - NOT TO EXCEED \$75 MILLION**

Please see funding information attached to these minutes.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0821

The City Manager announced that Moody's bond rating agency affirmed the City's Aa1 rating and Standard & Poor's rating agency upgraded the City's rating to AA+. In further response to Mayor Seiler, Ed Stull, Jr., City's Financial Advisor, explained that, in light of favorable market conditions, the Series 2003 Water and Sewer Bonds are showing refunding savings. The average coupon on the bonds is about 4.52 percent. The expectation is for these bonds to be in high demand, given their stellar credit quality and the rating upgrade. He estimated the present value savings to be approximately \$7 million; and, over the life of the bonds which expire in 2031, it is about \$9.1 million or approximately \$458,000 annually. The interest rate will be reduced from about 4.5 percent to about 3.10 percent. A competitive sale will be utilized and the results will be brought back. He believed they will be in very high demand. He elaborated upon other

points of interest concerning this matter including comments from the rating agencies as to the basis of their ratings.

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 12-75

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE ISSUANCE AND SALE OF WATER AND SEWER REVENUE REFUNDING BONDS, SERIES 2012, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$75,000,000 FOR THE PURPOSE OF, TOGETHER WITH OTHER LEGALLY AVAILABLE FUNDS, (i) REFUNDING ON AN ADVANCED BASIS A PORTION OF THE CITY'S \$90,000,000 ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF WATER AND SEWER REVENUE BONDS, SERIES 2003 AND (ii) PAYING THE COST OF ISSUANCE OF THE SERIES 2012 BONDS; FIXING THE FORM AND DENOMINATIONS OF SAID SERIES 2012 BONDS AND PROVIDING FOR THE FIXING OF THE PRINCIPAL AMOUNTS, DATES, RATES OF INTEREST, MATURITY DATES AND REDEMPTION PROVISIONS OF SAID SERIES 2012 BONDS AND THE DETERMINATION OF THE BONDS TO BE REFUNDED BY THE CITY MANAGER WITHIN THE PARAMETERS SET FORTH HEREIN; AUTHORIZING THE EXECUTION AND DIRECTING THE AUTHENTICATION AND DELIVERY OF SAID SERIES 2012 BONDS; AUTHORIZING THE PUBLIC SALE BY COMPETITIVE BID OF SUCH SERIES 2012 BONDS; APPROVING THE FORM OF OFFICIAL NOTICE OF BOND SALE; AUTHORIZING THE CITY MANAGER TO AWARD THE SERIES 2012 BONDS WITHIN THE PARAMETERS SET FORTH HEREIN; APPOINTING A PAYING AGENT AND BOND REGISTRAR FOR ALL OUTSTANDING BONDS; PROVIDING FOR THE APPOINTMENT OF AN ESCROW AGENT AND VERIFICATION AGENT; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT; AUTHORIZING THE USE OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT WITH RESPECT TO SAID SERIES 2012 BONDS; APPROVING UNCERTIFICATED, BOOK-ENTRY ONLY REGISTRATION OF SAID SERIES 2012 BONDS WITH THE DEPOSITORY TRUST COMPANY; AUTHORIZING MUNICIPAL BOND INSURANCE FOR SAID SERIES 2012 BONDS, IF IN THE BEST INTERESTS OF THE CITY; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF SAID SERIES

2012 BONDS; COVENANTING TO PROVIDE CONTINUING DISCLOSURE IN CONNECTION WITH SUCH SERIES 2012 BONDS IN ACCORDANCE WITH RULE 15c2-12 AND AUTHORIZING THE EXECUTION OF A COMMITMENT WITH RESPECT THERETO; AUTHORIZING OTHER REQUIRED ACTIONS; AND PROVIDING 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.

Mr. Stull noted that the bond sale is scheduled for May 3.

PUBLIC HEARINGS

RELIEF FROM PARKING, FENCE AND SETBACK REQUIREMENTS FOR PUBLIC PURPOSE USE - SUNSET MEMORIAL GARDENS - 3201 NW 19 STREET - CASE 24-R-12 (PH-01)

No Budgetary Impacts.

Applicant: City of Fort Lauderdale
Address: 3201 NW 19 Street
Zoning: Community Facility CF
Future Land Use: Community Facility

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

Exhibit: Commission Agenda Report 12-0721

Members of the Commission announced with whom he or she had spoken with and/or site visit(s) made concerning this matter.

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

Commissioner DuBose introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-08

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING REPLACEMENT OF AN EXISTING FENCE AT SUNSET MEMORIAL GARDENS AS A

PUBLIC PURPOSE USE THAT DOES NOT MEET THE FENCE, SETBACK AND STREET INTERSECTION RIGHT-OF-WAY CHORD REQUIREMENTS IN A CF ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), WHICH SITE IS MORE FULLY DESCRIBED AS ALL OF THE PLAT OF "SUNSET MEMORIAL GARDENS" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 55, PAGE 4, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT THE NORTHWEST INTERSECTION OF NORTHWEST 31ST AVENUE AND NORTHWEST 19TH STREET; AND GRANTING RELIEF FROM THE ULDR REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE ULDR OF THE CITY OF FORT LAUDERDALE, FLORIDA.

In response to Commissioner DuBose, Greg Brewton, Sustainable Development Director, explained that a building permit application could be filed the day after this ordinance is adopted on second reading and staff will process it.

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.

**RELIEF FROM WALL AND SETBACK REQUIREMENTS FOR PUBLIC PURPOSE USE- COOLEY'S LANDING PARK - 450 COOLEY AVENUE – (PH-02)
CASE 21-R-12**

No budgetary impact.

Applicant: City of Fort Lauderdale
Address: 450 Cooley Avenue
Zoning: Parks, Recreation and Open Space P
Future Land Use Designation: Park-Open Space

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

Exhibit: Commission Agenda Report 12-0745

Members of the Commission announced with whom he or she had spoken with and/or site visit(s) made concerning this matter.

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

Vice Mayor Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-09

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A MAINTENANCE BUILDING AT AN EXISTING PARK AS A PUBLIC PURPOSE USE THAT DOES NOT MEET THE SETBACK AND WALL REQUIREMENTS IN A PARK (P) ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), WHICH SITE IS MORE FULLY DESCRIBED AS A PORTION OF LOTS 3,4, 5 AND 17, BLOCK 32, "L. H. BRYAN'S SUBDIVISION OF BLOCK 32, FORT LAUDERDALE, FLORIDA", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 78, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND A PORTION OF THE UNNUMBERED PARCEL LYING SOUTH OF BLOCK 32 AND EAST OF BLOCK 34, "TOWN OF FORT LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK "B", PAGE 40, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA, LOCATED NORTH OF THE NEW RIVER, SOUTHWEST OF THE W.H. MARSHALL BRIDGE AND EAST OF SOUTHWEST 7TH AVENUE AND COMMONLY KNOWN AS THE COOLEY'S LANDING BOAT RAMPS; AND GRANTING RELIEF FROM THE ULDR REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE ULDR OF THE CITY OF FORT LAUDERDALE, FLORIDA.

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.

AMENDMENTS TO ANNUAL ACTION PLANS - \$598,858.04
CDBG AND HOPWA PROGRAMS

(PH-03)

Program Amendments to 2006-2007, 2007-2008, 2009-2010 and 2010-2011 Annual Action Plans of the 2005-2010 and 2010-2015 Consolidated Plans – Community Development Block Grant Program and Housing Opportunities for Person with HIV/AIDS Program.

Please see funding information attached to these minutes.

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

Exhibit: Commission Agenda Report 12-0715

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

Robert Walsh, 401 East Las Olas Boulevard, thought Broward County and the City provide generous services to individuals with AIDS. In response to Mr. Walsh, Mayor Seiler explained that housing services are contracted out by the City. Mr. Walsh cautioned about using a reputable contractor as he believed the system is abused by some. Further, he urged the Commission to contract with a number of agencies, rather than only one.

Regine Kanzki, Broward Regional Health Planning Council (BRHPC), expressed gratitude to the Commission and staff for the opportunity to serve HOPWA (Housing Opportunities for Persons with HIV/AIDS) clients for the past three and a half years.

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

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

ORDINANCES

2012 LAUDERDALE AIR SHOW - APRIL 28 AND 29, 2012

(O-01)

No budgetary impact.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 12-0679

Mayor Seiler opened the floor for public comment.

Fred Carlson, 625 Orton Avenue, indicated as a resident of the beach he supported this item as well as items O-04 and O-05. He thought a broader acceptance of controlled area usages of alcohol on the beach would benefit residents and tourists; he clarified for Mayor Seiler that this is his personal opinion, and not that of the Central Beach Alliance (CBA). He suggested it be done gradually.

There was no one else wishing to speak.

Vice Mayor Rodstrom introduced the following ordinance on SECOND reading:

ORDINANCE NO. 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 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.

**CODE AMENDMENT - CHAPTER 16, ARTICLE IV
PROHIBITION OF AGGRESSIVE PANHANDLING,
BEGGING OR SOLICITATION**

(O-02)

No budgetary impact.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 12-0775

Mayor Seiler opened the floor for public comment.

Nathan Pim, Hollywood resident and member of Food Not Bombs, indicated that, although not a legal expert, he is a member of the National Lawyers Guild which opposes this item. He read a written statement which is attached to these minutes.

Haylee Becker indicated that at the moment she does not have an address, opposed this item as she believes it targets the poorest and most vulnerable citizens. She urged the Commission to find a solution that does not criminalize poverty. She quoted the writing of Alexander Berkman concerning this matter.

Charles King, 105 North Victoria Park Road, expressed support of this item as it will protect the downtown area. It is necessary to relinquish some rights in order to have a livable society. He thought this item is legally defensible. He felt it is dangerous for people to be panhandling in the streets.

Anthony Naughton, member of Occupy Fort Lauderdale, noted his experience as a Marine Corp veteran. He opposed relinquishing rights. He contended that many of the City's homeless abuse drugs and alcohol in order to self-medicate as the majority of them suffer from mental illness, and local treatment facilities are overwhelmed. He suggested the City dedicate a surplus parcel for a mental health treatment facility to provide care to the homeless. He emphasized the need to treat the homeless as human beings.

Jarek Loovali, Sunrise resident, questioned what the City aims to accomplish with this ordinance. Mayor Seiler indicated that the purpose is set forth in the ordinance; the desire is to provide the homeless with the proper services and resources. Mr. Loovali opposed this item as he felt it will not solve the problem.

There was no one else wishing to speak.

Vice Mayor Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-10

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE IV, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR PROHIBITION OF BEGGING, PANHANDLING OR SOLICITING ON CERTAIN DESIGNATED PROPERTY; PROVIDING FOR DEFINITIONS; PROVIDING FOR PENALTIES; AND FURTHER PROVIDING FOR SEVERABILITY 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.

**ECONOMIC DEVELOPMENT ADVISORY BOARD - ADDITIONAL DUTIES (O-03)
CULTURAL ARTS AND TOURISM**

No budgetary impact.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 12-0678

Vice Mayor Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-11

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-92-61 CREATING THE ECONOMIC DEVELOPMENT ADVISORY BOARD, AS AMENDED, TO CHANGE THE PURPOSE AND DUTIES OF THE BOARD, TO REFLECT UPDATES TO THE CITY'S ADMINISTRATIVE STRUCTURE, TO ELIMINATE GENDER-SPECIFIC TERMINOLOGY; CLARIFYING CERTAIN PROVISIONS; PROVIDING FOR 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.

**CODE AMENDMENT - CHAPTER 5, SECTION 5-3 - CONSUMPTION, (O-04)
POSSESSION IN BEACH AREA-SALE OF ALCOHOLIC BEVERAGES
AT SPECIAL EVENTS**

No budgetary impact.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 12-0681

Vice Mayor Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 5-3 OF ARTICLE I, ENTITLED "IN GENERAL", OF CHAPTER 5 OF THE CODE OF ORDINANCES, ENTITLED "ALCOHOLIC BEVERAGES", PROVIDING FOR 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.

**CODE AMENDMENT - CHAPTER 8, ARTICLE III - BOATS, DOCKS, (O-05)
BEACHES AND WATERWAYS-PUBLIC BEACHES**

No budgetary impact.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 12-0682

Vice Mayor Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-13

AN ORDINANCE AMENDING CITY OF FORT LAUDERDALE CODE OF ORDINANCES, CHAPTER 8, BOATS, DOCKS, BEACHES AND WATERWAYS BY AMENDING ARTICLE III, PUBLIC BEACHES, SECTION 8-54, TEMPORARY CONCESSIONS FOR SPECIAL

EVENTS, SECTION 8-55.1, RECREATION CONCESSIONS, CREATING A NEW SECTION 8-55.3 RECREATIONAL PROGRAMS/SERVICES, AMENDING SECTION 8-76, PET CONTROL, AMENDING SECTION 8-85, ALCOHOLIC BEVERAGES PROHIBITED; AND PROVIDING FOR SEVERABILITY 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.

CODE AMENDMENT - CHAPTER 15, ARTICLE V – OUTDOOR EVENTS- (O-06)
BUSINESS TAX RECEIPTS – MISCELLANEOUS BUSINESS REGULATIONS

No budgetary impact.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 12-0683

Vice Mayor Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-14

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTIONS 15-181, 15-182, 15-183, and 15-184 OF ARTICLE V, ENTITLED "OUTDOOR EVENTS", OF CHAPTER 15 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESS TAX RECEIPTS AND MISCELLANEOUS BUSINESS REGULATIONS", PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

In response to Commissioner DuBose, Phil Thornburg, Parks and Recreation Director, confirmed that the exceptions noted in Section 15-184 of the ordinance (Exhibit 1 of Commission Agenda Report 12-0683) will be at his discretion. The intent is for governmental entities to be exempt as self-insured and, for a minor outdoor event, he and the Risk Management staff will make the decision for the other categories. A minor outdoor activity previously defined as less than 500 people is not required to obtain insurance coverage; however, it was found that events of that size can be a safety concern and should have insurance coverage. Rather than using the number of people in attendance as the criterion, staff will make that determination based on the five criteria reflected in Section 15-184.

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.

CODE AMENDMENT - CHAPTER 19, PARKS AND RECREATION**(O-07)****No budgetary impact.****Recommend:** Introduce ordinance on first reading.**Exhibit:** Commission Agenda Report 12-0684

In response to Commissioner Rogers, Phil Thornburg, Parks and Recreation Director, confirmed that the intent of the language in Section 19-3 (b) of the ordinance (Exhibit 2 of Commission Agenda Report 12-0684) is for homeowner associations to be allowed one meeting per month; it could be clarified before second reading. The City Manager confirmed that the language will read that homeowner associations will be limited to one meeting or event per month. He also confirmed for Mayor Seiler that (City owned facilities) could only be donated to homeowner associations or governmental entities, not charitable organizations.

Vice Mayor Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-15

AN ORDINANCE AMENDING CITY OF FORT LAUDERDALE CODE OF ORDINANCES, CHAPTER 19, PARKS AND RECREATION, BY AMENDING ARTICLE I, IN GENERAL, SECTION 19-1, USE OF PUBLIC PARKS, SECTION 19-2, PRIVATE CONCESSIONS PROHIBITED; EXCEPTIONS, SECTION 19-3, AUTHORITY TO ESTABLISH PARK AND RECREATIONAL USER FEES, SECTION 19-4, SWIMMING HALL OF FAME OLYMPIC POOL COMPLEX-AUTHORITY TO LEASE AND SECTION 19-5, SAME – AUTHORITY TO CONTRACT FOR CONCESSION RIGHTS; AMENDING ARTICLE II, PARKS, RECREATION AND BEACHES BOARD, SECTION 19-32, POWERS AND DUTIES; AMENDING ARTICLE III, FACILITY RULES, SECTION 19-51, PERMIT TO USE CITY FACILITIES FOR PRIVATE INSTRUCTION AND SECTION 19-53, TENNIS FACILITIES; AND AMENDING ARTICLE IV, LOCKHART AND FORT LAUDERDALE (YANKEE STADIUMS), DIVISION 2, FACILITY RULES; AND PROVIDING FOR SEVERABILITY 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.

Note: The City Commission adjourned the regular meeting at 9:59 p.m. and returned to the conference meeting agenda, Commission Reports, from 9:59 p.m. to 10:25 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk