

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
MAY 15, 2012

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
May 15, 2012**

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

Roll call showed:

Present: Commissioner Bruce G. Roberts
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 Joyce Fleming

The Pledge of Allegiance was led by Ms. Vilma Martinez, U.S. Ambassador to Argentina, followed by the invocation offered by Pastor Cal Hopkins, Williams Memorial.

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 Roberts to approve the minutes of the April 3, 2012 Conference and Regular Meetings. YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

2012 RELAY FOR LIFE OF CARTER PARK DAY – MAY 18, 2012 (OB)

Commissioner DuBose presented a proclamation designating May 18, 2012, as 2012 Relay for Life of Carter Park Day to Pam Beasley-Pittman, Team Development Committee member, and Rose Poole, Event Development Chair. Ms. Beasley-Pittman thanked the Commission and invited them, and audience members, to attend this annual event. She also expressed gratitude to Carter Park employees for their efforts which helped to bring about this event.

1. SALVATION ARMY WEEK – MAY 14-20, 2012 (PRES-01)

Commissioner DuBose presented a proclamation designating May 14-20, 2012, as Salvation Army Week in the City to Major Henry Hudson, Administrator of the Salvation Army of Broward County Rehabilitation Center. Major Hudson thanked the Commission. He noted that this center provides 3600 nights of lodging and 120,000 meals each year, in order to help needy people return to being productive citizens. He asked for the public's continued support through donations.

2. U.S. SOLAR INSTITUTE DAY – MAY 15, 2012 (PRES-02)

Commissioner Rogers presented a proclamation designating May 15, 2012, as U.S. Solar Institute Day in the City to Ray Johnson, President, U.S. Solar Institute, in acknowledgement of the U.S. Solar Institute being the first downtown commercial building to earn the Net-Positive Energy Building honor. Mr. Johnson thanked the Commission and the City's Building Department and Community Redevelopment Agency. He also expressed gratitude to the students, staff, and alumni of the U.S. Solar Institute. He noted that solar energy reduces fossil fuel usage, decreases greenhouse gas emissions, and creates jobs.

**3. FORT LAUDERDALE HIGH SCHOOL CLASS OF 1962
50TH ANNIVERSARY DAYS (PRES-03)**

This item was withdrawn.

**4. FORT LAUDERDALE FLYING L's HIGH SCHOOL DAY –
MAY 15, 2012 (PRES-05)**

Vice Mayor Rodstrom presented a proclamation designating May 15, 2012, as Flying L's High School Day in the City to Priscilla Riberio, Principal, in recognition of the school's receipt of the College Board's Gaston Caperton Inspiration Award for being one of the three most inspiring high schools in America. Ms. Riberio thanked the Commission and pointed out that this is a magnet school. The school's Cambridge Program Coordinator elaborated upon the magnet programs and invited the public to visit. Mayor Seiler and Vice Mayor Rodstrom commended Ms. Riberio for her leadership. Commissioner DuBose pointed out that U.S. News & World Report awarded Fort Lauderdale High School a silver medal for being one of the nation's best high schools.

5. NATIONAL DAY OF PRAYER – MAY 3, 2012 (PRES-04)

Commissioner Roberts announced a proclamation reaffirming that May 3, 2012, was a National Day of Prayer. Those who attended this annual event held at City Hall were led in prayer by Daphne Creary.

MOMENT OF SILENCE – PEACE OFFICERS MEMORIAL DAY**(OB)**

In recognition of Peace Officers Memorial Day, Mayor Seiler offered a moment of silence honoring police officers who were killed or disabled in the line of duty.

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: Cheney Brothers Pre Food Show Party, Beat the Bear 5K, Fort Lauderdale Rib Fest, Jack and Jill of America Southeastern Regional Teen Conference, SABA Temple Diabetes Walkathon and Soul Walk.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0846

**COMPETITIVE SWIM TEAM AND INSTRUCTIONAL PROGRAM SERVICES
T.E.A.M. ELITE ATHLETIC MANAGEMENT INTERNATIONAL, INC.****(M-02)****No budgetary impact.**

Authority to file a lawsuit against T.E.A.M. Elite Athletic Management International, Inc., d/b/a Fort Lauderdale Aquatics, for default of contract, providing competitive swim team and instructional program services.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0841

AMENDMENTS TO INTERLOCAL AGREEMENTS - LOCAL OPTION (M-03)
GAS TAX - BROWARD COUNTY

No budgetary impact.

2012 annual amendments to Interlocal Agreements with Broward County for 1) original local option gas tax, 2) local option gas tax on motor fuel for transit and 3) additional local option gas tax on motor fuel.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0845

QUALIFIED TARGET INDUSTRY PROGRAM - KAPLAN UNIVERSITY – (M-04)
\$49,500

Please see funding information attached to these minutes.

City's portion of payment, in the amount of \$49,500, to Florida Division of Strategic Business Development, Department of Economic Opportunity for Kaplan University - Qualified Target Industry Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0640

NO OBJECTION TO PLAT NOTE AMENDMENT - P.C.S. PLAT (M-05)
CASE 21 P87A

No budgetary impacts.

Applicant: Pine Crest Preparatory School

Location: 1501 NE 62 Street

Zoning: Community Facility CF

Future Land Use: Community Facility

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0869

CHANGE ORDER 1 (FINAL) - MBR CONSTRUCTION, INC. - \$17,825.63 (M-06)
SOUTH MIDDLE RIVER PARK IMPROVEMENTS

Please see funding information attached to these minutes.

Change Order 1 (FINAL) to MBR Construction, Inc., in the amount of \$17,825.63, for increased scope of work - South Middle River Park improvements.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0831

FIRST EXTENSION AND AMENDMENT TO AGREEMENT AND AWARD TASK ORDER 9 - MILLER, LEGG & ASSOCIATES, INC. - ENVIRONMENTAL ENGINEERING - MILLS POND PARK (M-07)

Please see funding information attached to these minutes.

First extension and amendment to agreement for general environmental engineering consultant services with Miller, Legg & Associates, Inc. and Task Order 9, in the amount of \$23,620, to provide permit documents to U.S. Army Corps of Engineers for site clearing on FXE Parcels C and D and mitigation at Mills Pond Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0879

This Commission Agenda Report (12-0879) was revised in accordance with Memorandum 12-139. See announcement on page 8.

TASK ORDER 2012-07 - HAZEN AND SAWYER, P.C. - \$10,793 LOHMEYER WASTEWATER TREATMENT PLANT – CHLORINE RISK MANAGEMENT AUDIT (M-08)

Please see funding information attached to these minutes.

Task Order 2012-07 with Hazen and Sawyer, P.C., in an amount not-to-exceed \$10,793 and 2 percent engineering administrative costs, for internal compliance audit of Lohmeyer Wastewater Treatment Plant - Chlorine Risk Management Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0876

This Commission Agenda Report (12-0876) was revised in accordance with Memorandum 12-139. See announcement on page 9.

DONATION BY IVY REALTY FOR STRANAHAN PARK IMPROVEMENT – \$25,000 (M-09)

Funding to be appropriated on the June 5th, 2012 Consolidated Budget Amendment CAR #12-0929

Acceptance of a donation, in the amount of \$25,000, from Ivy Realty d/b/a One Broward Blvd Holdings, LLC for improvements to Stranahan Park and authorizing expenditure of

\$25,000 to Fort Lauderdale Woman's Club, Inc. for improving Stranahan Park through increased plantings.

Recommend: Motion to accept donation and authorize expenditure of funds.

Exhibit: Commission Agenda Report 12-0934

This Commission Agenda Report (12-0934) was revised in accordance with Memorandum 12-140. See announcement on page 9.

SETTLEMENT OF GENERAL LIABILITY FILE GL10-858C - \$29,750 (M-10)

Please see funding information attached to these minutes.

Settlement of General Liability File GL10-858C (Cheryl Smith) - \$29,750.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0861

FEDERATION OF PUBLIC EMPLOYEES (PROFESSIONAL) (M-11)
BARGAINING UNIT - NEW CLASS AND CLASS TITLE CHANGE

No budget impact.

Addition of one new class, Permit Services Coordinator, and one class title change, DSD Operations Support Coordinator, in Federation of Public Employees (Professional) bargaining agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0939

TEAMSTERS LOCAL 769 BARGAINING UNIT NEW CLASS (M-12)

No budget impact.

Addition of one new class, Parking Enforcement Shift Coordinator, in the Teamsters Local 769 bargaining agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0940

CONSENT RESOLUTION

BIORAMO, LLC. - QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM - ECONOMIC DEVELOPMENT INCENTIVE PACKAGE (CR-01)

No budgetary impact fiscal year 2011/2012.

Recommendation that BioramoLLC be approved as a qualified target industry business applicant and providing that funds, in the amount of \$21,600, are available as local financial support in Florida's Qualified Target Industry Tax Refund Program.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0850

RESOLUTION NO. 12-95

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RECOMMENDING THAT BIORAMO LLC, BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS APPLICANT PURSUANT TO SECTION 288.106, F.LORIDA STATUTES, AND PROVIDING THAT FUNDS IN THE AMOUNT OF \$21,600 ARE AVAILABLE AS LOCAL FINANCIAL SUPPORT IN THE QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM.

This Commission Agenda Report (12-0850) was revised. See announcement on page 9.

PURCHASING AGENDA

PROPRIETARY - DECORATIVE STREET NAME SIGNPOSTS AND COMPONENTS - \$124,736 - ROCK ISLAND NEIGHBORHOOD (PUR-01)

Please see funding information attached to these minutes.

Purchase decorative street name signposts and components for Rock Island neighborhood.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0883

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

this proprietary purchase.

**PROPRIETARY - DECORATIVE STREET NAME SIGNPOSTS (PUR-02)
AND COMPONENTS - \$29,445 - SOUTH MIDDLE RIVER NEIGHBORHOOD**

Please see funding information attached to these minutes.

Purchase decorative street name signposts and components for South Middle River neighborhood.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0886

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

125-10876 - FINANCIAL AUDIT SERVICES - \$239,000 (PUR-03)

See funding information attached to these minutes - subject to approval and appropriation of the 2012-2013 budget.

Three-year contract with two, one-year renewal options for financial audit services and authorize City Manager or designee to approve renewal options, subject to available appropriated funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0884

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

**BROWARD HOUSE THIRD YEAR ADDENDUM (MD-01)
HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM**

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

**FIRST EXTENSION AND AMENDMENT TO AGREEMENT AND (M-07)
AWARD TASK ORDER 9 - MILLER, LEGG & ASSOCIATES, INC. -
ENVIRONMENTAL ENGINEERING - MILLS POND PARK**

Mayor Seiler announced that the task order amount for this item is \$23,680. See Memorandum 12-139.

BIORAMO, LLC. - QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM - ECONOMIC DEVELOPMENT INCENTIVE PACKAGE (CR-01)

Mayor Seiler announced that this Commission Agenda Report (12-0850) was revised to reflect that funds currently exist in EDV010101-4299 – Other Contributions; and a revised resolution and exhibit were provided to the Commission on (May 14). The Commission District reference was also corrected to District I.

TASK ORDER 2012-07 - HAZEN AND SAWYER, P.C. - \$10,793 (M-08)
LOHMEYER WASTEWATER TREATMENT PLANT – CHLORINE RISK MANAGEMENT AUDIT

Pursuant to Memorandum 12-139 that was provided to the Commission, the City Clerk announced a funding correction to this Commission Agenda Report (12-0876).

DONATION BY IVY REALTY FOR STRANAHAN PARK IMPROVEMENT – (M-09)
\$25,000

Pursuant to Memorandum 12-140 provided to the Commission, the City Clerk announced a funding correction to this Commission Agenda Report (12-0934).

Motion made by Commissioner Roberts and seconded by Vice Mayor Rodstrom that Consent Agenda Items M-02 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 Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

COMPETITIVE SWIM TEAM AND INSTRUCTIONAL PROGRAM SERVICES (M-02)
T.E.A.M. ELITE ATHLETIC MANAGEMENT INTERNATIONAL, INC.

The City Attorney indicated that this was intended to be a discussion item. He requested approval to investigate whether this lawsuit should be filed due to his concern that the proposed defendant does not have any assets, even if the corporate veil is pierced. This could be a matter of throwing bad money after good. In response to Mayor Seiler, he confirmed that, if a lawsuit is filed, it is a relatively simple collection matter that can be handled inhouse.

Motion made by Vice Mayor Rodstrom and seconded by Commissioner Roberts to defer the item to June 5, 2012. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

Mayor Seiler asked the Parks and Recreation Director to look into the matter of a couple of high schools that claim they no longer are given full access to the diving well at the

International Swimming Hall of Fame for a fee.

125-10876 - FINANCIAL AUDIT SERVICES - \$239,000**(PUR-03)**

Vice Mayor Rodstrom indicated that each of the three proposers who were not recommended to be awarded this contract (Crowe Horwath LLP; McGladrey & Pullen LLP; and BDO USA, LLP), expressed to her that they took issue with the recommendation.

In response to Vice Mayor Rodstrom, George Platt, representing Crowe Horwath, LLP (Crowe), explained that Crowe has been in Fort Lauderdale for 17 years, and has an office located within two blocks of City Hall with approximately a hundred employees. If Crowe were awarded this contract, the local employees would primarily take the lead. He pointed out that Crowe is the outside auditing firm for Broward County. Crowe's primary concern was about the process as all four proposers are good firms. He did not believe the local presence criterion was considered in the scores because Crowe ranked third in that area, and CBH was top ranked, even though there is only one employee in their local office. Furthermore, given the nature of this contract, he thought oral presentations or interviews should have been conducted.

Vice Mayor Rodstrom pointed out the ranking system reflected on the scoring sheets in Exhibit 2, with 1 being the highest and four being the lowest. She elaborated upon a scoring sheet for Crowe (Exhibit 2, page 6 of 14), and compared how that evaluator scored other firms on the same criteria related to the firm's experience. Mr. Platt confirmed that he reviewed the scoring sheets. As for scoring criteria that served to prejudice (the outcome), he felt the local presence affected, both, Crowe and McGladrey & Pullen LLP (McGladrey), because both firms have a significant presence in the city; also, none of the proposers had access to the City's 2011 Audit Report, so the twenty findings from 2010 was unknown. Given the City's size, twenty findings is a significant amount. Therefore, he thought all of the firms probably hedged their bets. The price seemed to be unusually weighted. Following some discussion between him and Vice Mayor Rodstrom regarding the findings, Vice Mayor Rodstrom indicated that only two of the twenty findings from 2010 reoccurred. In further response, Mr. Platt confirmed that Crowe does a significant amount of government work. He mentioned that Broward County and a number of Florida communities can serve as references for Crowe. He confirmed for Mayor Seiler that Crowe is the former Madsen, Sapp, Mena, Rodriguez & Co. firm.

In response to Commissioner Rogers, Mr. Platt indicated that the issues Crowe is raising do not lend themselves to a bid protest; rather, they are policy matters. He wanted an opportunity for the proposers to make oral presentations. In response to Commissioner Roberts, the City Attorney the statute concerning competitive solicitation was amended in 2011. The statute exempted it from the Sunshine Law and provided that a public meeting cannot be utilized for competitive solicitations. However, Florida Statutes, Chapter 218, deals specifically with the hiring of outside auditors, provides that a public hearing must be held. So, in order to reconcile the two statutes, staff was given three options, and the one of doing away with a public hearing was selected. Vice Mayor Rodstrom thought doing away with a public hearing is a policy decision. Commissioner Roberts indicated that he had also received feedback from the proposers were not recommended for this contract. Although the committee performed well, he thought the inability to have oral presentations and public interviews may have been hindered. He agreed that presentations and public interviews should have been included somehow.

Regardless of which firm is selected, the City will be saving over \$100,000 annually. This is a process issue.

In response to Vice Mayor Rodstrom, Marc Berenfeld, a partner with Cherry, Bekaert & Holland, LLP (CBH), indicated that his firm has about thirty employees in Fort Lauderdale; a handful of which are employed in their audit department, and would serve the City if this contract is awarded. CBH views its South Florida audit practice which includes an office in Coral Gables and Fort Lauderdale as one practice unit. The Coral Gables office has about 150 employees. CBH also has offices in Tampa and Orlando with experts who work on a high concentration of government audits. CBH has not performed auditing for any local governments in Broward County; but, has performed auditing for Martin County; the city of Stuart; Monroe County; Village of Islamorada and Village of Palmetto Bay. In response to Vice Mayor Rodstrom's inquiry which arose from her comparison of CBH's rankings for local presence criteria to a criteria entitled "The firm making available continuing professional education opportunities for staff of the city's Financial Departments by sharing in-house or local training opportunities" (as reflected on the scoring sheet in Exhibit 2), Mr. Berenfeld explained that CBH offered to bring an in-house continuing education presentation to City staff. In response to Mayor Seiler, he explained that he operates from CBH's Coral Gables office, and went on to provide the office locations of several other partners. In further response, he indicated that CBH is a new firm to Broward County and South Florida; however, their employees have been part of other firms with roots. He provided a personal work history. In closing, he noted their willingness to comply with any decision made by the Commission, including oral presentations.

Mayor Seiler opened the floor for public comment.

Alfredo Cepero, audit partner with BDO USA, LLP (BDO), agreed that an oral presentation is a key element in the (selection) process. He pointed out that BDO is the fifth largest public accounting firm in the world with forty offices in the United States, including offices in Miami-Dade and Palm Beach counties. There are about a hundred employees in the Miami-Dade and Palm Beach offices, and, if BDO is awarded this contract, every employee that would work for the City is based in South Florida. Both, he and his associate, audit senior manager, Latifah Bryant, have a significant amount of government experience. Further, Roderick Harvey of Harvey, Covington & Thomas, LLC, (HCT) the main partner of the minority firm that BDO contracted with, was born and raised in Broward County and has practiced in Hollywood for the past fifteen years. HCT has worked for numerous counties and municipalities in South Florida, including Broward County. In comparison to the other proposers' fees, BDO offers the City approximately a \$100,000 savings over a three-year period. As for a written comment on the scoring about BDO's hours (as shown in Exhibit 2, page 3 of 14) and concern expressed by Commissioner Rogers that BDO estimated 73 percent to 80 percent fewer hours (than the other proposers) and assigned lower level staff, he indicated that BDO stands by their proposed hours and fees. He agreed that oral presentations would benefit the selection process. In further response, he explained that BDO had to make certain assumptions in establishing a price for this bid because they did not have access to the 2011 Audit Report. He submitted a letter of response, dated May 15, 2012, which is attached to these minutes.

Martin J. Kurtz, Chairman of the Audit Advisory Board and a member of the Evaluation Committee, indicated that the committee was not aware until a couple of days prior to

their second meeting about the oral presentation issue. However, at an earlier meeting, they had narrowed down the selection to four firms and asked those firms to return with best and final prices; also, the committee created and posed a list of questions which were answered by each of the four proposers. Although there may be some question regarding specific rankings, he felt they considered all of the factors. In response to Vice Mayor Rodstrom, he explained that the committee addressed concepts and factors in general at the second meeting. Due to the related legal issue, they did not refer to the firms' names; rather, numbers were assigned and factors were addressed based on the numbers. When all discussion was finished, the committee members individually scored the proposers which was subsequently calculated by the Purchasing Department. He confirmed that the scores were not discussed. At the committee's first meeting when the four proposers were narrowed down, each firm was individually discussed; at the end of the meeting, the firms were individually scored on scoring sheets that were turned in and calculations were performed by the Purchasing Department. The same actions were performed at the second meeting, except the firms were not discussed individually.

In response to Commissioner Rogers, Mr. Kurtz did not believe he was personally hampered in the evaluation process by not having been provided oral presentations as the specific questions posed by the committee provided a significant amount of pertinent information. Nevertheless, the committee would likely have welcomed such an opportunity. In further response, he did not believe the committee had any unanswered questions. In response to Commissioner DuBose, he explained that, when the committee narrowed down to the four firms, a determination was made that there were other important questions that were not covered in the proposers' responses. So, the committee members individually submitted approximately seven or eight follow-up questions to staff. Staff sent the questions to the four firms, and the committee considered the firms' responses at their second meeting. All four proposers responded to the follow-up questions; furthermore, those responses caused committee members to change some of their rankings. Commissioner Roberts thought it is possible that the committee's evaluations could have been further changed if more information had been provided via oral presentations. In terms of process, he believed the ability to gather more information in order to make a decision is lacking. Although, it is possible that it would not bring about any change. Nonetheless, he wanted to know if there is a way to have the proposers make oral presentations before a final decision is made. Mr. Kurtz agreed that oral presentations would have been helpful.

In response to Mayor Seiler, the City Attorney advised that oral presentations are not prohibited; rather, there is an exemption from the record. There is a specific statute regarding the solicitation of auditor services that indicates that the meetings shall be public. However, there is another statute that indicates that the meetings are exempt from being public, and that the other proposers can be prohibited from attending. One of the options given to staff was to hold a public meeting, attended by the four short-listed proposers, that included an oral presentation; and if this option was selected, the other proposers could attend. Vice Mayor Rodstrom agreed that oral presentations would assist the process, given that these are closely competing firms. In response to Vice Mayor Rodstrom, Mr. Kurtz explained that it took ten days to two weeks for the committee to receive answers to the questions that were submitted to the proposers. He confirmed the possibility that oral presentations may have sparked some questions that could have been answered immediately. In response to Commissioner Rogers, he indicated that the decision regarding oral presentations was made by staff; the committee was told that, from a legal perspective, the safest option (was not to have oral

presentations) due to the conflicting statutes. In response to Mayor Seiler, Mr. Berenfeld indicated that he had previously submitted a bid elsewhere that did not allow a public presentation. Mr. Platt indicated that Crowe has always had, either, an oral presentation or an interview process of some kind. He remarked on the broadness of the procurement statute and elaborated upon statutory interpretation in terms of specific statutes governing over those that are general in nature.

A letter from Brett Friedman of McGladrey LLP, dated May 15, 2012, was submitted. A copy of the letter is attached to these minutes.

There was no one else wishing to speak.

Commissioners Roberts reiterated his desire for oral presentations to be made to the committee. Commissioner Rogers and Mayor Seiler agreed. Mayor Seiler thought a lack of public exchange in this matter is detrimental to the public's trust.

Motion made by Commissioner Roberts and seconded by Vice Mayor Rodstrom to defer the item to June 5, 2012 in order for the Evaluation Committee to hear oral presentations from the four proposers and update their rankings, if necessary. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

CHANGE ORDER 1 - MBR CONSTRUCTION, INC. - \$84,784
FLAGLER DRIVE GREENWAY AND BICYCLE FACILITY

(OB)

Motion made by Vice Mayor Rodstrom and seconded by Commissioner Roberts to consider the following walk-on item, set forth in Memorandum 12-141. A copy of the memorandum was made a part of the record. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

The City Manager described the two items included in this change order: 1) removal of existing asphalt before the concrete is laid for \$9,744; staff agrees with the contractor that this will prevent future cracking and lengthen the project life and 2) coloring the concrete Calypso green for \$75,040. Funds are available in the originally allocated CRA (Community Redevelopment Agency) project funding.

Mayor Seiler questioned why removal of the existing asphalt was not included in the original proposal. The City Manager explained that staff (who designed the project) thought it would be more economical to not remove the asphalt but, after consulting with the contractor, it was agreed that it should be removed.

In response to Commissioner DuBose, Albert Carbon, Public Works Director, explained that there are three ways to color concrete. The proposed integral method is a liquid poured into the concrete at the stage that it is being mixed. The color is entirely through the concrete uniformly. The dust-on method is less expensive, but is only about one-quarter to one-half inch thick that presents irregularities if chipped. The Galt Ocean Mile has an integral-colored pink sidewalk. Coloring has to be blended when repairs are made. Mayor Seiler expressed concern about any savings being eradicated by color matching issues that arise with repairs. Commissioner DuBose thought it is best, in the

long run, to get a better quality product. He questioned whether the proposed method is the only option, and if this will set a standard throughout the city. He shared Mayor Seiler's concern. Mr. Carbon elaborated upon the disadvantages of staining or dust-over methods. The proposed integral method is the most expensive, but provides color uniformity throughout the project and the depth of the concrete, and requires less maintenance. Commissioner DuBose thought that, regardless of the method, exposure to the elements will cause color variation. In further response to Commissioner DuBose, Mr. Carbon explained that color by the integral method is expected to last the lifetime of the concrete. Moreover, Calypso is not an exceptionally intense color. However, dust-on or stained color is susceptible to the elements and require more maintenance with respect to color. He confirmed that a color difference is not noticeable when repairs are made to concrete colored by the integral method. Staff would like to standardize the color method with this project that will be the City's first greenway. Green is a national standard. FDOT (Florida Department of Transportation) has been utilizing Calypso throughout Florida. Discussion ensued between Vice Mayor Rodstrom and Mr. Carbon regarding the appearance of Calypso-colored concrete in comparison to asphalt. In response to Commissioner Roberts, Mr. Carbon elaborated upon the challenge of determining the correct amount of dye to use for repair patches. With Calypso being used statewide, it will be available.

Commissioner Rogers also questioned why removal of the asphalt was not addressed with the contractor beforehand. Mr. Carbon indicated that this issue was raised several times by engineering staff while the project was being designed. Staff thought the existing asphalt could be used because it was in good shape, and the project was reaching maximum cost. However, the proposed asphalt removal will increase the life of the project and require less maintenance. The contractor has completed the demolition phase, but left the asphalt in place. In response to Mayor Seiler, Mr. Carbon advised that the contractor is on schedule. With approval this evening, the project will be completed by the end of July. The City Manager explained that the contractor cautioned that pouring concrete on top of the existing asphalt may not be the best approach. There is still some debate internally as to whether it could be done without removing the asphalt. Being that this is the City's first greenway, he preferred to remove the existing asphalt to ensure that it is done correctly.

Motion made by Commissioner Rogers and seconded by Vice Mayor Rodstrom to approve Change Order 1 with MBR Construction, Inc. in the amount of \$84,784 (\$75,040 for adding color to concrete and \$9,744 for asphalt removal). Funding is available in Flagler Greenway and Bicycle Facilities – P11193 in accordance with Memorandum 12-141. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

In response to Vice Mayor Rodstrom, the City Manager confirmed that funding for this project is being derived from FDOT and the CRA.

MOTIONS

BROWARD HOUSE THIRD YEAR ADDENDUM (MD-01)
HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM

No budgetary impact.

Approval of revised language in fiscal year 2012 Scope of Services of Program Provider Agreement for HOPWA Program with Broward House and authorize Third Year Addendum with Broward House with change in scope of services based on cost reimbursement methodology.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0892

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

RESOLUTIONS

PLANNED UNIT DEVELOPMENT ZONING DISTRICT (R-01)
MORATORIUM EXTENSION

No Budgetary Impacts.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0827

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 12-88

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FORT LAUDERDALE, FLORIDA, EXTENDING
THE TERM OF ORDINANCE NO. C-11-09 FOR AN
ADDITIONAL 90 DAYS FROM MAY 17, 2012.

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

**VACATION - PORTION OF NON-VEHICULAR ACCESS LINE –
CASE 5P1 2A1 - BROWARD CENTER FOR THE PERFORMING ARTS**

(R-02)

No Budgetary Impact.

Applicant: Performing Arts Center Authority
Location: 201 SW 5 Avenue
Zoning: Regional Activity Center - Arts and Sciences RAC-AS
Future Land Use: Downtown Regional Activity Center
Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0895

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

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 12-89

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THE PLATTED NON-VEHICULAR ACCESS LINE ALONG A PORTION OF WESTERLY AND SOUTHERLY BOUNDARY OF PARCEL "A", "PERFORMING ARTS CENTER", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 140, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT THE NORTHEAST CORNER OF SOUTHWEST 7TH AVENUE (AVENUE OF THE ARTS) AND WEST LAS OLAS BOULEVARD, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

**NON-VEHICULAR ACCESS LINE AND EASEMENTS - BETA PLAT
CASES 3-M-11 AND 5-P-11A1**

(R-03)

No Budgetary impacts.

Applicant: JTL 84, LLC. c/o Jack T. Loos
Location: 1411 State Road 84
Zoning: General Business B-2
Future Land Use: Commercial

Recommend: Introduce resolutions approving vacation of: 1) easements,

2) portion of non-vehicular access line as a negative easement and 3) motion to approve an amendment to a non-vehicular access line.

Exhibit: Commission Agenda Report 12-0838

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

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 12-90

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE 50 FOOT INGRESS-EGRESS EASEMENT AND A PORTION OF THE 24 FOOT ACCESS EASEMENT LYING ACROSS TRACTS "A", "B" AND "C", "BETA PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 172, PAGES 98 AND 99, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED NORTH OF STATE ROAD 84, EAST OF SOUTHWEST 15TH AVENUE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 12-91

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THE NON VEHICULAR ACCESS LINE ALONG THE BOUNDARIES OF TRACTS "A", "B" AND "C", "BETA PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 172, PAGES 98 AND 99 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE NORTH SIDE OF STATE ROAD 84, BETWEEN SOUTHWEST 15TH AVENUE AND SOUTHWEST 9TH AVENUE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

Motion made by Commissioner Rogers and seconded by Commissioner Roberts to amend the non-vehicular access line to eliminate the 50 foot opening that exists along State Road 84 and close the existing 76.65 foot opening along SW 15 Avenue (See Exhibits 3 and 4 to Commission Agenda Report 12-0838). Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

HISTORIC PRESERVATION DESIGN GUIDELINES**(R-04)****No Budgetary Impacts.**

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0903

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 12-92

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING THE CITY OF FORT LAUDERDALE HISTORIC PRESERVATION DESIGN GUIDELINES PRESENTED BY PRESERVATION DESIGN PARTNERSHIP, LLC, AND PROVIDING FOR AN EFFECTIVE DATE.

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

RATIFICATION OF AMENDMENT TO COLLECTIVE BARGAINING AGREEMENT - TEAMSTERS LOCAL UNION 769**(R-05)****No budgetary impact.**

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0944

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 12-93

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RATIFYING AN AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF FORT

LAUDERDALE AND TEAMSTERS LOCAL UNION 769, AFFILIATED WITH INTERNATIONAL BROTHERHOOD OF TEAMSTERS, AFL-CIO, TO INCLUDE A PARKS AND RECREATION DEPARTMENT JOB PROGRESSION SERIES.

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

This Commission Agenda Report (12-0944) was revised to include this resolution.

BOARD AND COMMITTEE APPOINTMENTS

(R-06)

No budgetary impact

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0855

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

Charter Revision Board	Ron Gunzburger(Vice Mayor Rodstrom)
Community Appearance Board	Eric Seidmon(Commissioner Roberts)
Economic Development Advisory Board	Denyse J. O'Grady (Mayor Seiler) (Female Business Owner category)
Education Advisory Board	Walter Greene (Mayor Seiler) Susan Ledbetter (Commissioner Roberts) Elaine Fiore (Commissioner Rogers)
Northwest-Progresso-Flagler Heights Redevelopment Board	Vanessa Santiago (Vice Mayor Rodstrom) (Resides Within Flagler Heights Area category)
Planned Unit Development Zoning District Advisory Committee	Peter J. Henn(Mayor Seiler) Catherine Maus(Vice Mayor Rodstrom) Mario Cartaya(Commissioner Roberts) Leigh R. Kerr (Commissioner Rogers) James C. Brady (Consensus) Mary Fertig(Consensus)
Utility Advisory Committee	Eric Seidmon(Commissioner Roberts)

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 12-94

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

ORDINANCES

CODE AMENDMENT - CHAPTER 25, ARTICLE VII, SECTION 25-184 – (O-01)
SIDEWALK CAFES - PERMITTING PROCESS

No budgetary impacts, however, approval would indirectly impact the budget by allowing for increased efficiencies reduced staff resources

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 12-0848

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-16

AN ORDINANCE AMENDING SECTION 25-184, PERMIT APPLICATION, OF ARTICLE VII, SIDEWALK CAFES, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO REVISE THE SIDEWALK CAFÉ PERMITTING PROCESS, PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS AND AN EFFECTIVE DATE.

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

UNIFIED LAND DEVELOPMENT REGULATIONS AMENDMENT – (O-02)
CASE 6-T-12 - 12 MONTH EXTENSION OF PILOT PROGRAM –
BANNERS AND SANDWICH SIGNS

No budgetary impacts.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 12-0849
Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-17

AN ORDINANCE AMENDING TEMPORARY SIGN REGULATIONS OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO EXTEND THE TIME PERIOD OF THE PILOT PROGRAM TO PERMIT ON A TEMPORARY BASIS BANNERS AND SANDWICH SIGNS; REVISING THE STANDARDS AND CRITERIA; PROVIDING AN EFFECTIVE DATE.

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

CODE AMENDMENT - CHAPTER 24, ARTICLE III, SECTION 24-93 – (O-03)
SOLID WASTE - PRIVATE COLLECTION SERVICES –
INSURANCE REQUIREMENTS

No budgetary impact.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 12-0857

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING SECTION 24-93 OF ARTICLE III, ENTITLED "PRIVATE COLLECTION SERVICES," OF CHAPTER 24 OF THE CODE OF ORDINANCES, ENTITLED "SOLID WASTE," PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

Note: The City Commission adjourned the regular meeting at 7:50 p.m. and returned to the conference meeting agenda, item I-G, from 7:50 p.m. to 8:51 p.m., and then convened as the Community Redevelopment Agency Board of Directors from 8:51 p.m. to 8:59 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk