

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
JUNE 5, 2012

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
June 5, 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

Also Present: Acting City Manager Susanne Torriente
City Auditor John Herbst
City Clerk Jonda K. Joseph
City Attorney Harry A. Stewart
Sergeant At Arms Sergeant Andy Mueller

Invocation was offered by Pastor Noe Juarez, Sunset Presbyterian Church, followed by the recitation of the pledge led by Ryan Rosenbaum.

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 Vice Mayor Rodstrom and seconded by Commissioner Roberts to approve the minutes of the April 17, 2012 Conference and Regular Meetings and May 1, 2012 Conference Meeting. YEAS: Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

CENTENNIAL 100 YEAR COLLAGE **(OB)**

Commissioner Roberts introduced local artist, Brooke Trace, and noted the recent opening of her art gallery in the North Beach area. Ms. Trace thanked the Commission and presented a digital photo collage of the City's Centennial.

MURALS ON MARSHALL BRIDGE **(OB)**

Commissioner Rogers introduced Gloria Reese, Tarpon River Civic Association Project Chair; David Rose, Tarpon River Civic Association Treasurer; and local artist, Kevin Kichar. Mr. Kichar presented photographs of the murals that were presented on the four corners of Marshall Bridge. Commissioner Rogers noted that Mr. Kichar worked with another local artist, Diane Hutchinson, to create the murals. Ms. Reese indicated that

this public art project fulfilled the Tarpon River Civic Association's vision for beautification of this bridge. Mr. Kichar elaborated upon the project, including a description of the mosaics. He pointed out that the artwork for the "Avenue of the Arts" mural was selected as the 2012 Las Olas Art Festival Poster. He thanked the City, Broward County, and residents for supporting the arts.

**1. SWIM FORT LAUDERDALE NATIONAL CHAMPIONS AND ATHLETES (PRES-01)
COMPETING AT 2012 U.S. OLYMPIC SWIMMING TEAM TRIALS**

Vice Mayor Rodstrom introduced Laura Voet, Aquatic Complex Manager. Ms. Voet presented certificates of recognition to Masters Swimming National winners Linda Webb and Kelly Legaspi, and their coach, Marty Hendrick; as well as to Lauren Driscoll and Ryan Rosenbaum who will be competing in the USA Swimming Olympic Trials in Omaha, Nebraska, and their coach, Dave Gibson. Mr. Gibson thanked the City. Mr. Hendrick thanked Ms. Voet and Assistant Parks and Recreation Director, Cate McCaffrey, for their efforts to establish the Swim Fort Lauderdale program. Ms. Driscoll, Mr. Rosenbaum, and Ms. Webb thanked the City and the Aquatic Complex staff for their support.

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: Better Block, Bud Light Lime Volleyball Tournament and Art Serve's Red Eye.

Recommend: Motion to approve

Exhibit: Commission Agenda Report 12-0937

SWIM FORT LAUDERDALE MASTERS BOOSTER CLUB, INC. – (M-02)
MEMORANDUM OF UNDERSTANDING - 19TH ANNUAL FORT LAUDERDALE
MASTERS CHALLENGE - \$2,060.90

Please see funding information attached to these minutes.

Memorandum of Understanding with Swim Fort Lauderdale Masters Booster Club, Inc. supporting City's competitive sanctioned swimming meets at Aquatic Complex and authorize payment to Swim Fort Lauderdale Masters Booster Club, Inc., in the amount of \$2,060.90, for services provided during 19th Annual Fort Lauderdale Masters Challenge meet held at Aquatic Complex.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0878

INTERLOCAL AGREEMENT - BROWARD COUNTY - \$177,995 (M-03)
COMPLIANT WATER QUALITY MONITORING

Please see funding information attached to these minutes.

Interlocal Agreement with Broward County for water quality monitoring required by Florida Department of Environmental Protection.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0774

CHANGE ORDER 3 - MBR CONSTRUCTION, INC. - \$9,537.84 (M-04)
FLEET SERVICES GARAGE IMPROVEMENTS

Please see funding information attached to these minutes.

Change Order 3 to MBR Construction, Inc., in the amount of \$9,537.84, for additional scope of work plus 7 percent for engineering fees - Fleet Services Garage Improvements.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0919

CHANGE ORDER 1 (FINAL) - OSSWALD PARK AQUATIC PLAYGROUND – (M-05)
CREDIT (\$168.40) - JEFFREY ARTHUR JONES CORPORATION D/B/A
AQUAMARINE SWIMMING POOL CO.

Please see funding information attached to these minutes.

Change Order 1 (FINAL) to Jeffrey Arthur Jones Corporation d/b/a Aquamarine Swimming Pool Co., in the CREDIT amount of (\$168.40), to complete the work and close the project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0925

CHANGE ORDER 3 (FINAL) - WEEKLEY ASPHALT PAVING, INC. - (M-06)
\$10,585.57 -ANNUAL ASPHALTIC CONCRETE PAVEMENT SURFACING
CONTRACT – IMPERIAL POINT

Please see funding information attached to these minutes.

Change Order 3 (FINAL) to Weekley Asphalt Paving, Inc., in the amount of \$10,585.57 plus 7 percent for inspection and administrative fees, to complete work in Imperial Point neighborhood and close the project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0942

RELOCATION OF SHERZER ROLLING LEAF BASCULE BRIDGE TO (M-07)
RIVER OAKS PRESERVE - AGREEMENT - FLORIDA DEPARTMENT OF
TRANSPORTATION

No budgetary impact.

Agreement with Florida Department of Transportation to accept placement of Sherzer Rolling Leaf Bascule Bridge onto proposed River Oaks Preserve.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0962

CONTRACT EXTENSION - HOUSEHOLD HAZARDOUS WASTE COLLECTION(M-08)
EVENTS - \$1,200 - JOINT PARTICIPATION AGREEMENT - BROWARD COUNTY

Please see funding information attached to these minutes. Contingent upon adoption of the 2012-2013 Budget.

Third and final one-year extension to Joint Participation Agreement with Broward County - Household Hazardous Waste Collection Events.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0902

NEIGHBORHOOD CAPITAL IMPROVEMENT GRANT PROGRAM (M-09)
OAK RIVER HOMEOWNERS ASSOCIATION, INC. - GATE ARM AT ENTRANCE

Please see funding information attached to these minutes.

1) Transfer of funds; 2) award Neighborhood Capital Improvement Grant, in the amount of \$9,000, to Oak River Homeowners Association, Inc. - purchase and installation of gate arm at entrance and 3) reimburse Oak River Homeowners Association, Inc. for eligible costs up to \$9,000 - Neighborhood Capital Improvement Grant Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0927

BUSINESS CAPITAL IMPROVEMENT GRANT PROGRAM (M-10)
LAS OLAS ASSOCIATION, INC. - ACCENT LANDSCAPE LIGHTING

Please see funding information attached to these minutes.

1) Transfer of funds, 2) award Business Capital Improvement Grant, in the amount of \$22,500, to Las Olas Association, Inc. for purchase and installation of accent landscape lighting and 3) reimburse Las Olas Association, Inc. for eligible costs up to \$22,500 - Business Capital Improvement Grant Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0930

BUSINESS CAPITAL IMPROVEMENT GRANT PROGRAM (M-11)
FORT LAUDERDALE BEACH VILLAGE MERCHANTS ASSOCIATION INC.

Please see funding information attached to these minutes.

1) Transfer of funds, 2) award Business Capital Improvement Grant, in the amount of \$22,500, to Fort Lauderdale Beach Village Merchants Association Inc. for decorative street lighting and streetscape improvements and 3) reimburse Fort Lauderdale Beach Village Merchants Association Inc. for eligible costs up to \$22,500 - Business Capital Improvement Grant Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0958

CONTRACT AMENDMENT AND EXTENSION - MOLLOY BROS. INC. - (M-12)
\$749,830 -ANNUAL CONTRACT FOR UTILITIES RESTORATION

Please see funding information attached to these minutes.

One-year contract extension and amendment with Molloy Bros. Inc., in substantially the form submitted and contingent upon City Attorney approval, in the amount of \$749,830 - Annual Contract for Utilities Restoration and approval of the fees, contingencies and fund transfers identified in Exhibit 2.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0770

FORT LAUDERDALE BEACH PARK PARKING SPACE NUMBER (M-13)
INSTALLATION -REJECT BID AND RE-BID

No budgetary impact.

Reject sole bid received for Fort Lauderdale Beach Park Parking Space Number Installation and authorize rebidding.

Recommend: Motion to reject bid and authorize re-bidding.

Exhibit: Commission Agenda Report 12-0986

TASK ORDER 10 - KESSLER CONSULTING, INC. - \$47,120 (M-14)
SOLID WASTE DISPOSAL - PREPARATION OF REQUEST FOR PROPOSALS

Please see funding information attached to these minutes. Funding available in Sanitation Budget FY 11/12.

Task Order 10 with Kessler Consulting, Inc., in an amount not-to-exceed \$47,120, for preparation of a Request for Proposals - cost effective solid waste disposal options.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0975

MILLAGE RATE AND BUDGET PUBLIC HEARING DATES – (M-15)
FISCAL YEAR 2013 - CITY OF FORT LAUDERDALE AND SUNRISE KEY
IMPROVEMENT DISTRICT

No Current Year Budgetary Impact.

Setting public hearing dates for fiscal year 2013 millage and budget for City of Fort

Lauderdale and Sunrise Key Improvement District - 6 P.M., September 5 and September 18, 2012.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0917

NO OBJECTION TO PLAT NOTE AMENDMENT- SIXTEEN SIX PROPERTIES PLAT - CASE 20-P-80A1 (M-16)

No budgetary impact

Applicant: Northwest Mutual Life Insurance Co.
Location: 500 and 550 NW 62 Street
Zoning: Heavy Commercial/Light Industrial Business B-3
Future Land Use: Employment Center

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0961

NO OBJECTION TO PLAT NOTE AMENDMENT - SIXTEEN SIX TWO PLAT - CASE 8-P-84A1 (M-17)

No budgetary impact.

Applicant: Northwest Mutual Life Insurance Co.
Location: 550 NW 62 Street
Zoning: Heavy Commercial/Light Industrial Business B-3
Future Land Use: Employment Center

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0965

NO OBJECTION TO PLAT NOTE AMENDMENT MINTO FEDERAL PLAT - CASE 16-P-05A (M-18)

No budgetary impact.

Applicant: RD Village LLC
Location: 525 NE 5 Terrace
Zoning: Regional Activity Center - City Center
Future Land Use: Downtown Regional Activity Center

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0971

WORKERS' COMPENSATION INSURANCE AND OFFICIALS AND EMPLOYMENT PRACTICES LIABILITY INSURANCE (M-19)

No budgetary impact.

City Manager's designee to conduct negotiations with current workers' compensation insurance and public officials and employment practices liability insurance carriers to procure a premium quote.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0955

SCHOOL RESOURCE OFFICER PROGRAM - AGREEMENT – BROWARD COUNTY (M-20)

NO BUDGETARY IMPACT.

Renewal of one-year agreement with School Board of Broward County for School Resource Officer Program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0816

SETTLEMENT - MARITIME PETROLEUM ASSOCIATES, LLC D/B/A PETERSON FUEL DELIVERY (M-21)

Please see funding information attached to these minutes.

Acceptance of Settlement Agreement with Maritime Petroleum Associates, LLC d/b/a Peterson Fuel Delivery, in the amount of \$40,000, and in consideration for agreement upon operational restrictions and guidelines regarding Peterson Fuel's fueling operations on City's navigable waterways, for purposes of resolving litigation against City pending in U.S. District Court, Southern District of Florida, Case 10-62463-Civ-Zloch/Rosenbaum.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1014

GRANT EXTENSION - URBAN AREA SECURITY INITIATIVE FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT - CITY OF MIRAMAR (M-22)

No budgetary impact.

First Amendment to Memorandum of Agreement with City of Miramar - extension of 2009 Urban Area Security Initiative grant to July 31, 2012 and authorization to execute all necessary documents.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0890

**COST-SHARING JOINT PARTICIPATION AGREEMENT – (M-23)
BROWARD COUNTY - \$152,000 - NOISE MITIGATION - SW 4TH AND 7TH AVENUE -
MARSHALL'S POINT BRIDGE**

Please see funding information attached to these minutes.

Cost-Sharing Joint Participation Agreement with Broward County, in substantially the form provided, for Broward County Bridge Noise Mitigation Improvements - Marshall's Point Bridge.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0852

**COMMUNITY BUS SERVICES - ADDITIONAL FUNDING - \$92,109 (M-24)
THIRD AMENDMENT TO INTERLOCAL AGREEMENT - BROWARD COUNTY**

Funding is contingent upon approval of the Consolidated Budget Amendment CAR 12-0929 as submitted by the City Manager for the June 5, 2012 Commission Agenda.

Third Amendment to Interlocal Agreement with Broward County and increased appropriation of \$92,109 for Sun Trolley community bus service routes for balance of fiscal year 2012.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0904

**SECOND AMENDMENT - INTERLOCAL AGREEMENT - (M-25)
BROWARD COUNTY - COMMUNITY BUS SERVICES –
CONVENTION CONNECTION AND GALT MILE ROUTES - \$19,918.08**

Funding is contingent upon approval of the Consolidated Budget Amendment CAR 12-0929 as submitted by the City Manager for the June 5, 2012 Commission Agenda.

Second Amendment to Interlocal Agreement with Broward County and increased

appropriation of \$19,918.08 in Federal Transit Administration grant funding for Downtown Fort Lauderdale Transportation Association's Sun Trolley community bus services for the balance of fiscal year 2012 - Convention Connection and Galt Mile routes.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0905

COMMUNITY BUS SERVICES (M-26)
ONE-YEAR EXTENSION - AGREEMENT WITH BROWARD COUNTY

No budgetary impact.

One-year extension to City's Interlocal Agreement with Broward County for Community Bus Services to September 30, 2013.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0871

FIRST AMENDMENT TO AGREEMENT - BROWARD COUNTY – (M-27)
ADDITIONAL TRANSIT BUS FUNDING - HOUSING AUTHORITY - \$7,155

Funding is contingent upon approval of the Consolidated Budget Amendment CAR 12-0929 as submitted by the City Manager for the June 5, 2012 Commission Agenda.

First Amendment to Interlocal Agreement with Broward County and increased appropriation of \$7,155 for Housing Authority of Fort Lauderdale's transit bus service for balance of fiscal year 2012.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0906

COMMUNITY BUS SERVICES - ONE-YEAR EXTENSION TO AGREEMENT (M-28)
DOWNTOWN FORT LAUDERDALE TRANSPORTATION MANAGEMENT ASSOCIATION

No budgetary impact at this time.

One-year extension to City's agreement with Downtown Fort Lauderdale Transportation Management Association for Sun Trolley Community Bus Services to September 30, 2013, contingent upon City approval of extension of Interlocal Agreement with Broward County.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0963

TRANSIT BUS SERVICES - ONE-YEAR EXTENSION TO AGREEMENT (M-29)
HOUSING AUTHORITY

No budgetary impact at this time.

One-year extension to City's agreement with Housing Authority of the City of Fort Lauderdale for Community Bus Services to September 30, 2013, contingent upon City approval of the extension of Interlocal Agreement with Broward County.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0964

<p>CONSENT RESOLUTION</p>

HISTORIC STREET NAME ADDITIONS - VICTORIA PARK NEIGHBORHOOD (CR-01)

Please see funding information attached to these minutes.

Adding historic names to various street signs in Victoria Park neighborhood.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0920

RESOLUTION NO. 12-102

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADDING THE HISTORIC NAMES TO THE FOLLOWING STREET SIGNS IN THE VICTORIA PARK NEIGHBORHOOD: AVENUE "B" TO NE 7TH STREET, VARN STREET TO NE 6TH COURT, CENTRAL STREET TO NE 5TH STREET, BALLARD STREET ON VICTORIA PARK ROAD TO NE 4TH COURT, LAKE STREET TO NE 3RD COURT, LAWRENCE STREET TO NE 1ST STREET.

BANK SIGNATORY AUTHORIZATION

(CR-02)

No budgetary impact.

Rescinding Resolution 11-337, thereby removing Gloria LeClaire, former Controller, as

bank signatory and authorizing Linda Logan-Short, new Controller, as new bank signatory and Douglas R. Wood, Director of Finance, and Kirk W. Buffington, Deputy Director of Finance, to continue as signatories.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0896

RESOLUTION NO. 12-103

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 4.01(c) OF THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING DOUGLAS R. WOOD, DIRECTOR OF FINANCE, KIRK W. BUFFINGTON, DEPUTY DIRECTOR OF FINANCE, AND LINDA LOGANSHORT, CONTROLLER, TO SIGN CHECKS FOR THE PAYMENT OF MONEY BY THE CITY OF FORT LAUDERDALE, PRESCRIBING THAT SUCH EMPLOYEES SHALL BE UNDER FIDELITY BOND IN THE AMOUNT OF \$500,000, RESCINDING RESOLUTION NO. 11-337 AND ANY OTHER RESOLUTION OR PART OF ANY RESOLUTION IN CONFLICT HEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE.

**ESTABLISH REAPPORTIONMENT COMMITTEE FOR COMMISSION (CR-03)
DISTRICT BOUNDARIES - PURPOSE AND DUTIES, NUMBER OF MEMBERS,
CRITERIA AND TERM**

No budgetary impact.

Establish a Reapportionment Committee to review and recommend new boundaries for City Commission Districts that are as approximately equal in population as is practicable.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0977

RESOLUTION NO. 12-104

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING A REAPPORTIONMENT COMMITTEE; PROVIDING THE PURPOSE AND DUTIES OF THE COMMITTEE; PROVIDING FOR THE NUMBER OF COMMITTEE MEMBERS; PROVIDING CRITERIA FOR COMMITTEE MEMBERSHIP AND PROVIDING FOR LENGTH OF TERM OF THE COMMITTEE.

**STREET NAME ADDITION - RICHARD MANCUSO GREENWAY (CR-04)
RIGHT OF WAY BETWEEN SE 8 AVENUE AND SE 2 COURT ALONG
HIMMARSHEE CANAL**

Please see funding information attached to these minutes.

Adding the name "Richard Mancuso Greenway" to portion of public right-of-way along the Himmarshee Canal between SE 8t Avenue and SE 2 Court.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0888

RESOLUTION NO. 12-105

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADDING THE NAME OF "RICHARD MANCUSO GREENWAY" TO A PORTION OF THE CITY'S PUBLIC RIGHT-OF-WAY ALONG THE BANKS OF THE HIMMARSHEE CANAL BETWEEN SE 8TH AVENUE AND SE 2ND COURT.

OPPOSITION TO HUMAN TRAFFICKING (CR-05)

No budgetary impact.

Opposing human trafficking and requesting United States and federal, state and local governments implement legal measures to protect and rescue victims and intensify cross-border cooperation and encouraging all Broward municipalities to raise awareness about this issue.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0938

RESOLUTION NO. 12-106

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING ITS OP POSITION TO HUMAN TRAFFICKING AND REQUESTING THAT THE UNITED STATES AND THE FEDERAL, STATE, AND LOCAL GOVERNMENTS IMPLEMENT LEGAL MEASURES TO PROTECT AND RESCUE VICTIMS OF HUMAN TRAFFICKING AND INTENSIFY CROSS- BORDER COOPERATION WITH MORE CONNECTED AND EFFICIENT LAW ENFORCEMENT NETWORKS TO PROSECUTE THE TRAFFICKERS; AND ENCOURAGING ALL BROWARD COUNTY MUNICIPALITIES TO RAISE THE AWARENESS ABOUT THE ISSUE OF HUMAN

TRAFFICKING BY ENGAGING IN EDUCATION CAMPAIGNS IN THEIR OWN COMMUNITIES AND IN ADVOCACY EFFORTS TO END THIS CRIMINAL AND ABUSIVE PRACTICE.

DOCK PERMIT APPLICATION - LAS OLAS DOCKSIDE TOWNHOMES (CR-06)

No budgetary impact.

Applicant: The Condominium Association for Las Olas Dockside
Townhomes
Location: 1000 SE 2 Street

Dock permit application for replacement, usage and maintenance of an existing marginal dock and access pier on public property abutting waterway adjacent to and within northern extension of Las Olas Dockside Townhomes Condominium property lines.

Recommend: Staff supports Marine Advisory Board recommendation; adopt resolution.

Exhibit: Commission Agenda Report 12-0829

RESOLUTION NO. 12-107

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING, PURSUANT TO SECTION 8-144 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, THE REPLACEMENT, USAGE AND MAINTENANCE OF AN EXISTING 50' L X 6' W MARGINAL DOCK AND 6' X 6' ACCESS PIER ON PUBLIC PROPERTY ABUTTING THE WATERWAY, ADJACENT TO AND WITHIN THE EXTENSION OF THE NORTHERN EXTENSION OF THE CONDOMINIUM PROPERTY LINES FOR THE LAS OLAS DOCKSIDE TOWNHOMES, A CONDOMINIUM, THE LEGAL DESCRIPTION OF WHICH IS MORE PARTICULARLY DESCRIBED BELOW; SAID PERMIT BEING GRANTED SUBJECT TO CERTAIN TERMS AND CONDITIONS.

CONSOLIDATED BUDGET AMENDMENT – APPROPRIATION (CR-07)

Please see funding information attached to these minutes for the Capital Projects Reallocation background information.

Amendments to Fiscal Year 2012 Budget including Capital Projects Portfolio Reallocation.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0929

RESOLUTION NO. 12-108

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

This Commission Agenda Report (12-0929) was revised in accordance with Memorandum 12-156. See announcement on page 19.

SPEED LIMIT REDUCTION - DIXIE HIGHWAY BETWEEN NE 13 STREET AND NE 18 COURT

(CR-08)

No budgetary impact.

Supporting a reduction in the posted speed limit on Dixie Highway between NE 13 Street and NE 18 Court, from 30 MPH to 25 MPH.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0788

RESOLUTION NO. 12-109

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPRESSING SUPPORT FOR A REDUCTION OF THE POSTED SPEED LIMIT ON DIXIE HIGHWAY FROM NE 13TH STREET TO NE 18TH COURT FROM THIRTY (30) MPH TO TWENTY-FIVE (25) MPH.

PURCHASING AGENDA

422-10970 - BIOSOLIDS FEEDWELL MIXERS - \$95,775 LOHMEYER REGIONAL WASTEWATER TREATMENT PLANT

(PUR-01)

Please see funding information attached to these minutes.

Purchase and installation services of three biosolidsfeedwell mixers at Lohmeyer Regional Wastewater Treatment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0900

The Procurement Services Division has reviewed this item and recommends an award to the low bidder, Arroyo Process Equipment Inc.

PROFESSIONAL SERVICES AGREEMENTS - AMENDMENTS AND EXTENSIONS (PUR-02)

No budgetary impact.

Professional Services Agreements: extensions and amendments relating to insurance, definitions and construction changes: AMEC Environment & Infrastructure, Inc., 2) E Sciences, Inc., 3) Environmental Consulting & Technology, Inc., 4) EE&G Environmental Services, LLC, 5) HSA Engineers & Scientists, 6) Nodarse& Associates, Inc., 7) Bryntesen Structural Engineers, 8) Lakdas/Yohalem Engineering, 9) DeRose Design Consultants, Inc., 10) Gartek Engineering Corporation, 11) Hazen and Sawyer, P.C. and 12) CIMA Engineering Corp.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0908

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

425-10963 - SECURITY GUARD SERVICES - \$185,405.40 (PUR-03)
WATER TREATMENT PLANTS

Please see funding information attached to these minutes.

Two-year contract for purchase of security guard services for Fiveash and Peele Dixie Water Treatment Plants and authorize the City Manager or designee to approve renewal options.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0921

The Procurement Services Division has reviewed this item and recommends an award to the top ranked firm, Florida Patrol Investigators, Inc.

HAZMAT SPECIALTY OPERATIONS TRANSPORTATION RESCUE VEHICLE - \$245,000 (PUR-04)

Please see funding information attached to these minutes.

Purchase one HazMat specialty operations transportation rescue vehicle.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0985

The Procurement Services Division has reviewed this item and recommends an award to the single bidder, Ten-8 Fire Equipment, Inc.

125-10876 - FINANCIAL AUDIT SERVICES - \$247,000 (PUR-05)

Please 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 12-0998

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

422-10916 - AIR CONDITIONING CHILLER UNITS FOR WAR MEMORIAL AUDITORIUM (PUR-06)

Funding for this CAR is contingent upon approval by the City Commission of the consolidated budget amendment CAR#12-0929.

Purchase and installation of two, 90-ton air conditioning chiller replacement units at War Memorial Auditorium.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0779

The Procurement Services Division has reviewed this item and recommends an award to the low bidder, Koldaire, Inc.

775-9614 - CONTRACT AMENDMENT - DIVING PROGRAMS AND INSTRUCTION**(PUR-07)**

Please see funding information attached to these minutes.

Contract amendment, in substantially the form provided, to allow for additional diving instruction services and increase in expenditure estimated in the amount of \$10,000 - new summer camp program at Aquatic Complex.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0885

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

B-12-34 - HORTICULTURAL CHEMICALS - \$150,000 ANNUALLY**(PUR-08)**

Please see funding information attached to these minutes.

Two-year contract for purchase of horticultural chemicals.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0913

The Procurement Services Division has reviewed this item and recommends award from the Southeast Florida Governmental Purchasing Cooperative Group.

ANNUAL COMPUTER PURCHASE PLAN - \$190,391**(PUR-09)**

Please see Exhibit 2 for funding details.

Fiscal Year 2012 Annual Computer Purchase Plan.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0933

The Procurement Services Division has reviewed this item and recommends approval of the Annual Computer Purchase Plan.

Motion made by Commissioner Roberts and seconded by Vice Mayor Rodstrom that Consent Agenda Items CR-04, CR-07, and PUR-05 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 Roberts, Vice Mayor Rodstrom, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler.

NAYS: None.

STREET NAME ADDITION - RICHARD MANCUSO GREENWAY (CR-04)
RIGHT OF WAY BETWEEN SE 8 AVENUE AND SE 2 COURT ALONG
HIMMARSHEE CANAL

Commissioner Rogers indicated that he removed this item from the consent agenda in order to give special recognition to former civic activist, Richard Mancuso, and his wife, Ann Marie, who is in attendance.

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

CONSOLIDATED BUDGET AMENDMENT – APPROPRIATION (CR-07)

Continued from page 15.

The City Clerk announced that an exhibit (11) to this item was revised according to Memorandum 12-156.

Commissioner Rogers requested a deferral until the City Manager's return so that his questions could be addressed.

Commissioner Roberts raised concern about the timeline for the Carter Park/Orange Bowl Committee (Carter Park) project. The City Auditor clarified that the agreement for this project was approved contingent upon the funding being approved and appropriated tonight. Commissioner Rogers was willing to exclude that project from the deferral. Vice Mayor Rodstrom pointed out that this can be voted upon tonight and brought back for reconsideration on (June 19). Mayor Seiler did not want to delay the project.

Motion made by Commissioner Rogers and seconded by Vice Mayor Rodstrom to defer the item to June 19, 2012 was defeated after the following amendment was offered and discussion as shown below. Roll call showed: YEAS: Commissioner Rogers. NAYS: Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose and Mayor Seiler.

Amended Motion made by Commissioner Rogers to defer the item to June 19, 2012 was amended to exclude funding related to the Carter Park/Orange Bowl Committee project but died for lack of a second.

Commissioner DuBose agreed with Vice Mayor Rodstrom. Being that this is a budget amendment, he questioned whether deferral would adversely affect funding for any of the other projects. Emilie Smith, Budget Manager, advised that funding for the Carter Park project is contingent upon closing some projects in the 345 bond fund (Fund 345 of the 2011 Special Obligation Bond, Series A) which is a policy decision. Commissioner Roberts pointed out that Exhibits 14 and 15 in the commission agenda report are related to Carter Park, and asked Commissioner Rogers if certain exhibits can be addressed,

rather than deferring the entire item. With respect to Exhibit 14, Commissioner Rogers explained one example of his questions has to do with the new baseball field and why it was in two different accounts and now is in one. He explained that he wants to be able to follow the course of the funding. He did not object to closing out a project that is completed, and moving the funds to the General Fund; but he questioned utilizing this approach with a project that has not even been started. Commissioner Roberts indicated that staff told him that the sum of the two line items is needed for the field renovation at Osswald Park shown in Exhibits 14 and 15; hence, the different exhibits.

Commissioner Rogers indicated that he was unable to correlate the projects set forth in the backup with his separate list of CIP (Capital Improvement Plan) projects. He elaborated upon an issue related to the SE 15 Street Boat Launch and Marine Complex project. He wanted certainty that there will be designated funding for this project. Ms. Smith explained that the grant for the SE 15 Street Boat Launch project was closed out, so staff had to apply again. If awarded, this project will not be abandoned; rather, an alternate funding source is being proposed which she enumerated. Commissioner Rogers did not want the funding transferred until he knows where the funds are going. He was concerned that the deck is being reshuffled before the Commission has prioritized the CIP. He reiterated his desire to separate all of the finished; however, he did not believe this approach is being taken.

In response to Mayor Seiler, the City Auditor advised that other items, including the Sun Trolley agreements (Items M-24 and M-25) as an example, on tonight's agenda are contingent upon approval of this item. He thought Exhibits 1 through 10 and Exhibit 12 simply reflect accounting clean-up issues; Exhibit 11 is policy-related; Exhibits 13 through 16 are policy-related; and Exhibit 17 is generic. He noted that Exhibit 18 includes Carter Park and other projects, and is important in terms of that project's continuity. Commissioner Rogers pointed out that the Sistrunk Park Addition – Open Space 88 project shown in Exhibit 18 is not going to move forward; therefore, he suggested utilizing this project's \$1,975,000 funding for Carter Park. He had no objection to most of this item; however, he has not had an opportunity to have his questions answered. Commissioner DuBose was concerned that removing parts of this item may cause a domino effect. He reiterated his agreement with Vice Mayor Rodstrom to vote on this item tonight and bring it back for reconsideration. Mayor Seiler agreed, and assured Commissioner Rogers that the item could be reconsidered on June 19. It seems that the items with which Commissioner Rogers is concerned are not those with a timeline concern. Some of the items are contingent upon others. He thought it is important to move forward with Carter Park and Osswald Park, as well as the TMA project (Sun Trolley). Commissioner Rogers indicated that he is not comfortable with that option. Vice Mayor Rodstrom was willing to vote on this item tonight as long as it is brought back for reconsideration because she has also questions about the operating fund.

Motion made by Commissioner DuBose and seconded by Commissioner Roberts to approve the item including a revision to Exhibit 11 shown in Memorandum 12-156 (attached to these minutes). Roll call showed: YEAS: Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose and Mayor Seiler. NAYS: Commissioner Rogers.

125-10876 - FINANCIAL AUDIT SERVICES - \$247,000**(PUR-05)**

Commissioner DuBose recalled his prior opposition and indicated that although he accepts this recommendation, this firm really lacks diversity which is important to him.

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

MOTIONS

COMPETITIVE SWIM TEAM AND INSTRUCTIONAL PROGRAM**(MD-01)****SERVICES - T.E.A.M. ELITE ATHLETIC MANAGEMENT INTERNATIONAL, INC.****No budgetary impact.**

Authorization 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 12-0976

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

BROWARD HOUSE THIRD YEAR ADDENDUM**(MD-02)****HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM****No budgetary impact.**

Third Year Addendum with Broward House with change in scope of services for fiscal year 2012 based on a cost reimbursement methodology.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0996

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

Greg Brewton, Sustainable Development Director, noted that City staff has worked with

them to address issues that do not impact the addendum; an accord was reached as reflected in the memorandum dated, May 11, 2012, that was submitted by Broward House and will be kept on file with the City. A copy of the memorandum is attached to these minutes.

Commissioner Rogers asked how the City's audit will differ between the original interpretation, and the interpretation that both parties have now. Mr. Brewton explained that the Commission's first direction had been to move forward based on what had been previously received, including any direction from HUD. He did not believe there will be any issue. If an issue arises with HUD, staff is prepared to submit documentation as to that is on file. Commissioner Rogers thought the issue was essentially an accounting auditing question. Mr. Brewton noted that staff addressed that matter with HUD, and conflicting information was exchanged. The first seven months could be in question, but moving forward with the last five months he felt the direction is correct. He confirmed the City and Broward House will work together to ensure that the City meets HUD requirements in terms of a required audit and the necessary documents to identify the cost directly related to the reimbursement. He indicated that Broward House maintains that there is still opportunity to re-address this matter with HUD. In response to Commissioner DuBose, he confirmed that the addendum is based on HUD's final determination. In further response to Commissioner Rogers, he also confirmed that the City is addressing Broward House in the same fashion that it would address any other provider. The original contract states that the provider, Broward House, will provide a reimbursement if there is audited issue. Michael McGuigan of Broward House, noted that the addendum complies with federal regulations, including those regarding audit findings and recapture. He confirmed for Mayor Seiler that Broward House, HUD and the City are in agreement.

Roll call showed: YEAS: Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

RESOLUTIONS

SITE PLAN WITH ALLOCATION OF POST 2003 DWELLING UNITS (R-01)
ONE20FOURTH - CASE 31-R-12

No budgetary impact.

Applicant: Fourth Street Land Development, LLC. - One20fourth Street
Location: 120 NE 4 Street
Zoning: Regional Activity Center-City Center RAC-CC
Future Land Use: Downtown RAC D-RAC

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0954

Ella Parker, Sustainable Development, announced the following corrections to this

commission agenda report (12-0954): 1) the development will consist of 386 residential units, not 251; 2) parking garage will accommodate 514 vehicles, not 547; and 3) City's traffic consultant was T.Y. Linn International, not Miller Legg Engineering. Also, the number of units will be reflected in the resolution.

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. 12-96

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT PLAN INCLUDING ALLOCATION OF POST 2003 DWELLING UNITS TO DEVELOP A MIXED USE DEVELOPMENT LOCATED AT 120 N.E. 4TH STREET, FORT LAUDERDALE, FLORIDA IN A RAC-CC ZONING DISTRICT.

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

NORTHWEST GARDENS IV PLAT - CASE 3-P-11

(R-02)

No budgetary impact.

Applicant: Housing Authority, City of Fort Lauderdale
Location: 801 NW 7 Street
Zoning: Residential Multifamily Mid Rise/Medium High Density
RMM-25
Future Land Use: Northwest Regional Activity Center
Recommend: Introduce resolution.
Exhibit: Commission Agenda Report 12-0959

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

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 12-97

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA APPROVING A PLAT KNOWN AS "NORTHWEST GARDENS IV".

Which resolution was read by title only. Roll called showed: YEAS: Commissioner

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

DISPOSITION OF CITY OWNED PROPERTY - 604 SW 12 AVENUE – (R-03)
SURPLUS

No budgetary impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-0916

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 12-98

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING, PURSUANT TO CITY CHARTER SECTION 8.04, THAT CERTAIN PARCEL SP-11-11, MORE PARTICULARLY DESCRIBED BELOW, NOT NEEDED FOR PUBLIC USE AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY THAT SUCH PARCELS BE OFFERED FOR SALE FOR MINIMUM BIDS AS SET FORTH BELOW, WITH BIDS TO BE SUBMITTED BY JUNE 27, 2012 AND SCHEDULED FOR FURTHER PROCEEDINGS BEFORE THE CITY COMMISSION ON AUGUST 21, 2012 TO CONSIDER A RESOLUTION ACCEPTING THE BEST OFFER FOR SAID PARCEL AND AUTHORIZING CONVEYANCE OF PARCEL OR REJECTING ANY AND ALL OFFERS; REQUIRING THE CITY CLERK TO PUBLISH THIS RESOLUTION IN ONE (1) ISSUE OF THE OFFICIAL NEWSPAPER OF THE CITY WITHIN SEVEN (7) DAYS OF THE ADOPTION HEREOF; REPEALING ANY RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

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

CITY CHARTER AMENDMENT - BALLOT LANGUAGE - NOVEMBER 6, 2012 (R-04)
GENERAL ELECTION - SALE SURPLUS CITY-OWNED PROPERTY
AFFORDABLE HOUSING OR ECONOMIC DEVELOPMENT

No budgetary impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-1017

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, thought the language for this item should be more accurate as he felt the term, affordable housing, is misleading, and the term, economic development, is too broad. He opposed more low-income units being built in Flagler Village; rather, a percentage of (low-income housing) should be incorporated into (market rate housing) projects to keep from creating ghettos. Commissioner Rogers clarified that this is a proposed charter revision because, presently, the charter restricts all means of disposing of surplus property, except through the (competitive) bid process, and there are surplus properties that would be appropriate for economic development and/or affordable housing. The proposed would be the only mechanism to allow the City to dispose of surplus properties without utilizing the competitive bid process; currently, if that process is not used, the City must go through the CRA (Community Redevelopment Agency) or the Housing Authority. Mayor Seiler noted the history about this matter. Vice Mayor Rodstrom thought Mr. King wants a more specific definition for affordable housing and elaborated upon where definitions for various housing categories can be found.

There was no one else wishing to speak.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 12-99

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF FORT LAUDERDALE ON NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF FORT LAUDERDALE FOR THEIR APPROVAL OR DISAPPROVAL THE PROPOSAL TO AMEND THE CHARTER OF THE CITY OF FORT LAUDERDALE TO PROVIDE FOR THE SALE OF SURPLUS CITY-OWNED REAL PROPERTY FOR AFFORDABLE HOUSING OR ECONOMIC DEVELOPMENT PURPOSES WITHOUT THE NECESSITY OF ESTABLISHING A MINIMUM ACCEPTABLE VALUE OR COMPETITIVE BIDDING AND PROVIDING FOR APPROVAL OF SUCH SALE BY A UNANIMOUS VOTE OF THE CITY COMMISSION.

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

CITY CHARTER AMENDMENT - BALLOT LANGUAGE - NOVEMBER 6, 2012 (R-05)
GENERAL ELECTION- CIVIL SERVICE

No budgetary impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-1018

Commissioner Rogers introduced the following resolution:

Commissioner DuBose indicated that his position on this matter has been consistent. He does not support it. He felt it should remain in the charter. Since the last discussion on this matter, he has received several communications from, both, former and current staff members. He felt this class is protected under the charter and was included in the charter for that reason. Commissioner Roberts was pleased with the City's current administration, but recalled having issues with the prior administration; therefore, he was not comfortable moving forward with this item. Vice Mayor Rodstrom agreed with Commissioner Roberts, and indicated that she also will not support the item. Commissioner Rogers indicated that the proposed is simply taking what is already in the charter and putting it into ordinance form. He thought the process is unwieldy. The previous item is an example. He supported the item. He also approves of the current administration. He believed this is necessary to bring about change. He thought civil service employees would still be protected under an ordinance.

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF FORT LAUDERDALE ON NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF FORT LAUDERDALE FOR THEIR APPROVAL OR DISAPPROVAL THE PROPOSAL TO AMEND THE CHARTER OF THE CITY OF FORT LAUDERDALE TO PROVIDE FOR POSITIONS IN THE NON-CLASSIFIED SERVICE TO BE DESIGNATED BY RESOLUTION OF THE CITY COMMISSION AND TO PROVIDE FOR THE CITY'S PAY PLAN TO BE ESTABLISHED BY RESOLUTION OF THE CITY COMMISSION.

Which resolution was read by title only. Roll called showed: YEAS: Commissioner Rogers and Mayor Seiler. NAYS: Commissioner Roberts, Vice Mayor Rodstrom, and Commissioner DuBose.

CITY CHARTER AMENDMENT - BALLOT LANGUAGE - NOVEMBER 6, 2012 (R-06)
GENERAL ELECTION – ELECTIONS

No budgetary impact.**Recommend:** Introduce resolution.**Exhibit:** Commission Agenda Report 12-1045

RESOLUTION NO. 12-100*

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF FORT LAUDERDALE ON NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF FORT LAUDERDALE FOR THEIR APPROVAL OR DISAPPROVAL THE PROPOSAL TO AMEND THE CHARTER OF THE CITY OF FORT LAUDERDALE TO ELIMINATE MUNICIPAL PRIMARY ELECTIONS, TO PROVIDE FOR MUNICIPAL ELECTIONS IN NOVEMBER 2018 AND EVERY FOUR YEARS THEREAFTER, AND TO PROVIDE FOR FOUR-YEAR TERMS FOR MAYOR AND COMMISSIONERS BEGINNING IN NOVEMBER 2018.

*Resolution was revised. See discussion on page 28.

Mayor Seiler opened the floor for public comment.

Stephanie Toothaker, vice chair of the Government Affairs Committee, Greater Fort Lauderdale Chamber of Commerce (Chamber), indicated that, both, the Government Affairs Committee and the Chamber's executive board voted unanimously to support changing the date of the City's general election to November, and to extend the terms of mayor and commissioners to four years in order to be consistent with statewide elections. The Chamber believes this is a fiscally conservative position that will provide a savings to taxpayers.

There was no one else wishing to speak.

Vice Mayor Rodstrom wanted to know the impact is one of the ballot questions is not approved by voters. The City Attorney advised that the primary would then be held on the same date as the primary election for the gubernatorial race, which is usually in late August or early September. The proposed is a two-part ballot question and both parts can either be passed or stand alone, if one passes without the other. In response to Commissioner DuBose, Mayor Seiler confirmed that the City could move the (general) election to the fall and still have a primary in August. The City Attorney added that another option would be to not move the (general) election to the fall and eliminate the primary. Mayor Seiler pointed out that the City Clerk and Assistant City Attorney Miller had found legislation that disallows a municipal primary for a general election that is held in November. Vice Mayor Rodstrom supported having one election in November and eliminating the primary. The City Attorney explained that a special act states that Broward County municipalities that have elections in November cannot have primaries. He did not believe staff had taken this into consideration. If the City's elections are moved to November, the City cannot have a primary. Mayor Seiler was concerned that

voters may approve moving the elections to November, but not want to eliminate the primary. Commissioner DuBose indicated that it could force the City to go against the will of the people.

The City Attorney noted that staff can clarify the ballot language and it can be amended; but there is a narrow timeline in which to provide this to the Broward County Supervisor of Elections (Supervisor of Elections). Vice Mayor Rodstrom was concerned that the item was rushed. Considerable discussion ensued about the deadline and possible revisions to the language of the ballot question. The City Attorney suggested the Commission approve a resolution authorizing staff to combine the two (questions) into one question that is 75 words or less in order to meet the Supervisor of Elections' deadline and get a place holder on the ballot. He clarified that all of the ballot questions being passed by resolution must be followed up by an ordinance because the charter can only be amended by ordinance. There was not enough time to pass the ordinance.

Paul Bangel, Senior Assistant City Attorney, explained that the questions could be revised such that it would substantially state: Should the Charter of the City of Fort Lauderdale be amended to eliminate municipal primary elections and to provide for municipal elections in conjunction with the general election in November, 2018, and every four years thereafter, to provide for the mayor and commissioners elected... In response to Mayor Seiler, he was uncertain whether Yes, for approval and No, for rejection counts toward the word limit. Vice Mayor Rodstrom was concerned that two questions may confuse voters. In response to Mayor Seiler, Mr. Bangel was not certain if there is a single subject requirement but that was a reason why he separated the two questions. Commissioner DuBose questioned whether the portion of the charter, stipulating that the City must hold a primary election has to be specifically addressed in the question. The City Attorney explained requirements for the ballot question separate from the actual amendment to the charter. There could be different sections of the ordinance that amend different sections of the charter, but all on the same subject of elections. Further discussion ensued on possible revisions. There was consensus for the following amended ballot question: "Should the Charter of the City of Fort Lauderdale, Florida, be amended to eliminate municipal primary elections, and to provide for municipal elections in conjunction with the general election in November 2018 and every four years thereafter, to provide for the mayor and commissioners elected in 2015 to serve until their successors are elected and qualified in the November 2018 election, and to provide for four-year terms for the Mayor and Commissioners beginning in 2018." Mr. Bangel noted that the question is exactly 75 words, not including the "Yes, for approval" and "No, for rejection" language.

Commissioner DuBose introduced the following amended resolution:

RESOLUTION NO. 12-100

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF FORT LAUDERDALE ON NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF FORT LAUDERDALE FOR THEIR APPROVAL OR DISAPPROVAL THE PROPOSAL TO AMEND THE CHARTER OF THE CITY OF FORT

LAUDERDALE TO ELIMINATE MUNICIPAL PRIMARY ELECTIONS, TO PROVIDE FOR MUNICIPAL ELECTIONS IN NOVEMBER 2018 AND EVERY FOUR YEARS THEREAFTER, AND TO PROVIDE FOR FOUR-YEAR TERMS FOR MAYOR AND COMMISSIONERS BEGINNING IN NOVEMBER 2018.

Roll call showed: YEAS: Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

Vice Mayor Rodstrom requested a copy before it is transmitted.

BOARD AND COMMITTEE APPOINTMENTS

(R-07)

No budgetary impact

Recommend: Introduce resolution

Exhibit: Commission Agenda Report 12-0968

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

Aviation Advisory Board	Mark Volchek(Mayor Seiler) Avery A. Dial (Vice Mayor Rodstrom) Stephen Stella (Vice Mayor Rodstrom) Bruce Larkin (Commissioner Roberts) Ron Carlson (Commissioner DuBose) Linda Iverson (Commissioner Rogers) Patrick Kerney(Commissioner Rogers)
Board of Adjustment	Sharon A. Zamojski(Consensus/Full Member) E. Birch Willey (Consensus/Alternate Member)
Citizens Police Review Board	Ted Fling (Vice Mayor Rodstrom)
Community Appearance Board	Beatriz J. Martinez (Commissioner Roberts)
Education Advisory Board	Franco Evan Ripple (Vice Mayor Rodstrom)
Marine Advisory Board	Jimmie Harrison (Vice Mayor Rodstrom)
Performing Arts Center Authority	Barbara H. Jones (Consensus)
Planning and Zoning Board	Michelle Tuggle(Commissioner DuBose)
Visioning Committee	Leigh R. Kerr (Mayor Seiler)

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 12-101

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

CITIZEN PRESENTATIONS

ROBERT WALSH - CIVIL SERVICE EMPLOYEES AND 401A BENEFIT PROGRAM**(CIT-01)**

Mr. Walsh noted that item R-05 was defeated. He referred to the City's 401(a) benefit program and asked that it be corrected. He questioned why no one brought this to the Commission's attention. He questioned why an employee in the City Auditor's Office was laid off on July 1, given that the budget is allocated to October 1. Mayor Seiler noted that a workshop regarding the 401(a) program is being scheduled.

BEAU BATES - UNFAIR CODE ENFORCEMENT PRACTICES**(CIT-02)**

Mr. Bates explained that, due to health reasons, he wanted to install a shade structure for his vehicle as he does not have a carport. He observed other shade structures in his neighborhood that were not permitted and had not been cited by Code Enforcement, and installed the same type. He presented slides concerning this matter. A copy of the slides is attached to these minutes. All of the shade structures depicted in the slides are permanent in that they are attached to the ground. One structure located only 50 feet away from his home was cited two years ago, but the inspector determined that it was temporary and commonplace in the neighborhood, and the case was closed. He presented a copy of the Code Enforcement Detail (detail) which is attached to these minutes. He also presented slides depicting his shade structure which he indicated could be removed in less than 20 minutes. He felt it is unfair that staff advised him to obtain a series of permits that will cost approximately \$5,000 for a structure that cost less than \$400. In response to Vice Mayor Rodstrom, Greg Brewton, Sustainable Development Director, explained that it is a structure as defined in the ULDR (Unified Land Development Regulations) which is in violation of the setback requirements; and a structure is defined as an item that is either permanently affixed to the ground or moveable. This was an issue a few years ago, and the building official made this determination which is supported by the ULDR. He agreed to provide Vice Mayor Rodstrom with information as to whether such structures are addressed in the South Florida Building Code, and whether it differentiates between temporary and fixed.

Nonetheless, it is a violation of the ULDR if the structure is in the setback; and most residentially zoned properties have a 25-foot frontyard setback. Mr. Bates pointed out that the nearby shade structure depicted in the detail is located only five feet from the street. In response to Mayor Seiler, Mr. Brewton indicated that he would examine why that case was closed. Mr. Bates distributed copies of the detail to the Commission. In response to Vice Mayor Rodstrom, he indicated that there was no permit for the structure in the detail. Discussion ensued between Commissioner Roberts and Mr. Brewton about a similar case in the same neighborhood that went before the Board of Adjustment. Commissioner Roberts thought this is a matter of equity and fairness. Mayor Seiler agreed.

PUBLIC HEARINGS

**REZONING TO COMMERCE CENTER - 3000 CYPRESS CREEK ROAD – (PH-01)
CASE 2-Z-12**

No budgetary impact

Applicant:	Aequicap Insurance Company
Location:	3000 Cypress Creek Road
Current Zoning:	Boulevard Business B-1 Proposed
Zoning:	Commerce Center CC
Future Land Use:	Employment Center

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

Exhibit: Commission Agenda Report 12-0970

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

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-19

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM "B-1" TO "CC", ALL OF PARCEL C, "VANTAGE INDUSTRIAL PARK SECTION 2", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 100, PAGE 21, OF THE PUBLIC RECORDS OF BROWARD

COUNTY, FLORIDA, LESS THE EAST 457.51 FEET MEASURED ALONG THE SOUTH LINE THEREOF, LOCATED AT THE SOUTHEAST CORNER OF WEST CYPRESS CREEK ROAD AND NORTHWEST 31ST AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHEDTHERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only. Roll called showed: YEAS: Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, Commissioner Rogers, 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 second reading.

Exhibit: Commission Agenda Report 12-0972

Commissioner Roberts introduced the following ordinance on SECOND 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 Roberts, Vice Mayor Rodstrom, Commissioner DuBose, Commissioner Rogers, 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 second reading.
Exhibit: Commission Agenda Report 12-0973

Commissioner Rogers introduced the following ordinance on SECOND 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 Roberts, Vice Mayor Rodstrom, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

CYROSE DEVELOPMENT OF REGIONAL IMPACT - CASE 33-R-11
DEVELOPMENT ORDER RESCISSION

(O-03)

No budgetary impact

Applicant: Northwestern Mutual Life Insurance Company
 Location: 500 NW 62 Street
 Zoning: Heavy Commercial/Light Industrial Business B-3
 Future Land Use: Employment Center

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 12-0969

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-20

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCINDING ORDINANCE NO. C-97-61, AS AMENDED, WHICH ORDINANCE AMENDED AND RESTATED THE DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER FOR THE CYROSE DEVELOPMENT OF REGIONAL IMPACT LOCATED SOUTH OF CYPRESS CREEK ROAD, WEST OF I-95 AND THE SEABOARD COAST LINE RAILROAD SYSTEM, EAST OF POWERLINE ROAD AND NORTH OF COMMERCIAL BOULEVARD WITHIN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR

SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

**PLANNED UNIT DEVELOPMENT ZONING DISTRICT MORATORIUM (O-04)
EXTENSION**

No Budgetary Impacts.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 12-0979

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-21

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXTENDING THE MORATORIUM WITHIN THE CITY OF FORT LAUDERDALE ON THE FILING OR ACCEPTANCE OF AN APPLICATION FOR REZONING OF ANY PROPERTY TO A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT FOR AN ADDITIONAL NINETY (90) DAY PERIOD; AND PROVIDING AN EFFECTIVE DATE.

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

**AMENDMENTS TO PAY PLAN, SCHEDULE I AND CODE AMENDMENTS (O-05)
SECTIONS 20-83 AND 20-74**

Please see funding information attached to these minutes. Financial Impact of Pay Plan Amendments.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 12-1021

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-22

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE,

FLORIDA, AMENDING SCHEDULE I OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING AND ADDING NINE NEW CLASSES AND CHANGING THE TITLE OF THREE CLASSES; AMENDING ORDINANCE NO. C-11-38 TO DESIGNATE A CLASS AS ADMINISTRATIVE ASSISTANT TO THE CITY MANAGER; AMENDING ORDINANCE NO. C-04-53 AND SCHEDULE I SPECIAL PAY PRACTICES OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, REGARDING ASSIGNMENT PAY; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

Commissioner Roberts expressed support in this reorganization, and remarked that it will create a net savings of \$3.2 million per year. Vice Mayor Rodstrom indicated that she will not support this item because her experience has been that amendments to the pay plan lead to additional costs. She wanted to keep employees in place. Debate ensued between her, Mayor Seiler, and Commissioner Roberts regarding how this item correlates with the reorganization as a whole, in terms of cost and savings. Vice Mayor Rodstrom indicated that this item is only a part of the reorganization.

Which ordinance was read by title only. Roll called showed: YEAS: Commissioner Roberts, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: Vice Mayor Rodstrom.

Note: The City Commission adjourned the regular meeting at 8:03 p.m. and returned to the conference meeting, Commission Reports.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk