

# COMMISSION AGENDA REPORT

COMMISSION MEETING DATE: 07-10-2012 AGENDA ITEM: O-08  
COMMISSION REPORT NO: 12-1166  
PREPARED BY:

Harry Stewart 07-03-2012 15:56:53

DEPT: City Attorney Office

DEPARTMENT DIRECTOR'S SIGNATURE

Paul G. Bangel, Senior Assistant City Attorney - (954) 828-5001

AUTHOR'S NAME, TITLE, AND TELEPHONE NUMBER

Lee R. Feldman 07-05-2012 18:28:41

CITY MANAGER'S SIGNATURE

TITLE 1: CHARTER AMENDMENT - BALLOT LANGUAGE - NOVEMBER 6, 2012 GENERAL ELECTION

TITLE 2: SALE SURPLUS CITY-OWNED PROPERTY AFFORDABLE HOUSING OR ECONOMIC DEVELOPMENT

SUBJECT:

Amending Ordinance C-11-36, to change referendum date of ballot question to November 6, 2012 - City Charter amendment to provide for sale of surplus real property for affordable housing or economic development purposes.

REQUESTED ACTION (STAFF RECOMMENDATION - CONTENT OF MOTION):

Introduce ordinance on first reading.

## REGULAR AGENDA

## CONFERENCE

- |  |   |  |   |
|--|---|--|---|
| <input type="radio"/> Motion             | <input type="radio"/> Motion for Discussion | <input type="radio"/> Old/New Business   | <input type="radio"/> City Commission Reports |
| <input type="radio"/> Public Hearing     | <input checked="" type="radio"/> Ordinance  | <input type="radio"/> Exec Closed Door   | <input type="radio"/> City Manager Reports    |
| <input type="radio"/> Resolution         | <input type="radio"/> Presentation          | <input type="radio"/> Conference Reports |   |
| <input type="radio"/> Purchase           | <input type="radio"/> Citizen Presentation  | <input type="radio"/> Advisory Boards    |   |
| <input type="radio"/> Consent Resolution |   |  |   |

Public Notice Advertised:

FUNDS APPROPRIATION/TRANSFER (provide index code, subobject, and title of subobject):

No budgetary impact.

## FOR PROCUREMENT ITEMS ONLY

PROCUREMENT REFERENCE NO:

TRANSACTION TYPE:

BIDS SOLICITED/RECEIVED:

WBE:

LATE BID:

Vendor:

MBE:

NO BID:

Amount:

Details:

Procurement Recommendation:

Exhibit 1

Memo # 12-1232

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**Description of Exhibits:**

1. Resolution No. 12-99	2. Ordinance 11-36	3. Draft Ordinance
4.	5.	6.
7.	8.	9.

**EXHIBITS: AVAILABLE VIA HARDCOPY: Exhibit #s:** **PRIOR COMMISSION/BOARD ACTION: (attach additional file if necessary)**

June 1, 2010 - City Commission Conference Meeting - CAR #10-0785; City Commission referred this matter back to Charter Revision Board for further review.

June 15, 2010 - City Commission Regular Meeting - CAR #10-0864; City Commission adopted Resolution No. 10-158 as amended to provide for a unanimous vote and the description of the city-owned property as "surplus."

November 1, 2011 - City Commission Regular Meeting - CAR #11-1630, 1st reading, vote 5-0.

November 15, 2011 - City Commission Regular Meeting - CAR #11-1632, 2nd reading, adopted as amended 5-0.

June 5, 2012 - City Commission Regular Meeting - CAR #12-1017, introduced Resolution 12-99, authorizing Broward County Supervisor of Elections to place proposed City Charter amendment on November 6, 2012, General Election ballot - amend City Charter to provide for sale of surplus City-owned property for affordable housing or economic development purposes and to provide for unanimous vote. 5-0.

**BACKGROUND/DETAIL:**

If the corresponding ballot question is approved by the voters, Ordinance No. C-11-36 will add Section 8.22 to the Charter of the City of Fort Lauderdale, Florida, 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 upon unanimous vote of the City Commission. The proposed ordinance amends Ordinance No. C-11-36 to change the referendum date to November 6, 2012.

**Attorney's Initials:**

**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.**

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**WHEREAS, Article VII, Section 7.11 of the Charter of the City of Fort Lauderdale provides that special elections may be called by Resolution of the City Commission at any time provided 30 days intervene between the date of the adoption of such Resolution and the date of such election; and**

**WHEREAS, the City Commission has recommended that the Charter of the City of Fort Lauderdale be amended and that the proposal to amend said Charter be submitted to the electors on November 6, 2012; and**

**WHEREAS, it is the desire of the City Commission to submit to the electorate of the City of Fort Lauderdale at the next election the proposal to amend the City's Charter 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; and**

**WHEREAS, Section 166.031, Florida Statutes, provides that a governing body of a municipality may by ordinance submit to the electors of the municipality a proposed amendment to all or any part of its Charter, which proposed amendment shall be submitted to a vote of the electorate at the next general election held within the municipality or at a special election called for such purpose,**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

**SECTION 1.** That a special election is hereby called to be held in conjunction with the general election to be held 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, which proposal shall be submitted to the electors in a ballot to be used in the special election, said ballot to be in substantially the following form and shall hereinafter referred to as the "Ballot":

Charter Amendment No. \_\_\_\_\_  
Sale of Real Property

Should the Charter of the City of Fort Lauderdale, Florida, be amended 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? Such sale shall be approved by a unanimous vote of the City Commission.

☐ YES  
☐ NO

**SECTION 2.** That said special election shall be held at the same polling places in the several precincts, respectively, in the City as the polling places for the general election to be held on the same day. The inspectors and clerks who shall conduct said special election ("Election Officials") shall be the same as those selected and appointed for the general election. The polling places for the special election shall be open from 7:00 a.m. to 7:00 p.m. on the same day. In accordance with the Constitution and the laws of the State of Florida, all qualified electors of the City shall be entitled and permitted to vote in the special election.

**SECTION 3.** Voting Instructions. Electors desiring to vote for the amendment to the Charter shall be instructed to do so by marking the box adjacent to the words "YES, for approval" following the statement of the question relating to the amendment to the Charter. Electors desiring to vote against the amendment to the Charter shall be instructed to do so by marking the box adjacent to the words "NO, for rejection" following the statement of the question relating to the amendment to the Charter.

**SECTION 4.** Printing of Ballot. The City Clerk is hereby authorized and directed to deliver a form of the Ballot set forth herein to the Supervisor of Elections of Broward County ("Supervisor") for printing; to ascertain that the wording of the Ballot is correctly printed thereon; and to ensure that any reprinting, if necessary, is ordered by the Supervisor, all within such time as is necessary to allow compliance with any mailing requirements imposed by law in connection with absentee ballots.

**SECTION 5.** Absentee Ballots. Absentee ballots containing the question set forth in Section 1 above shall be prepared for the use of absent, qualified electors entitled to cast such ballots in the Referendum in accordance with Chapter 101, Florida Statutes.

**SECTION 6.** Special Election Procedure. The special election shall be held and conducted in the manner prescribed by law for holding general elections in the City. The election Officials at each polling place in the several precincts, respectively, shall prepare and file return of such special election and deliver the same to Broward County Canvassing Board for canvassing in the manner provided by applicable law. Said returns shall be certified to the City Commission of the City ("Commission"), which shall declare the results thereof and record the same in its minutes along with the number of qualified electors of the City who voted at the special election on the questions proposed and the number of votes cast for and against approval of the questions on the Ballot. The Commission shall certify the results of said special election to the Florida Department of State in the manner provided by applicable law.

**SECTION 7.** Qualified Electors. The Supervisor is hereby authorized and requested to make up and certify a list of the names of all qualified electors residing in the City. A certified copy of such list shall be furnished to the City Clerk and filed among the records of the Commission.

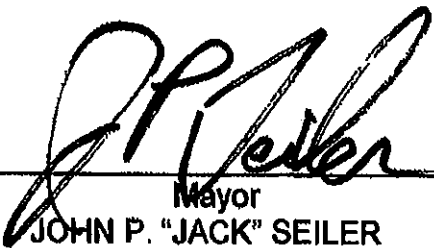
**SECTION 8.** Notice of Special Election. The City Clerk shall prepare a notice of the special election in the manner required by law to be published together with an appropriate caption in such form as the City Clerk shall determine, in the Sun-Sentinel, a newspaper of general circulation in the City, once in the fifth, third, second and first weeks prior to the week in which the special election is to be held, the first publication to be not less than 30 days prior to the date of such special election. The City Clerk shall secure from the publisher of said newspaper an appropriate affidavit of proof that the notice has been duly published, and said affidavit shall be made a part of the record of the Commission.

**SECTION 9.** Severability. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence or paragraph hereof.


**SECTION 10. Repealing Clause.** All resolutions in conflict or inconsistent herewith are hereby repealed insofar as any conflict or inconsistency exists herewith.

**SECTION 11. Effective Date.** This Resolution shall take effect immediately upon its adoption.

ADOPTED this the 5th day of June, 2012.

  
\_\_\_\_\_  
Mayor  
JOHN P. "JACK" SEILER

ATTEST:

  
\_\_\_\_\_  
City Clerk  
JONDA K. JOSEPH

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**ORDINANCE NO. C-11-36**

**AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE SALE OF SURPLUS REAL PROPERTY FOR AFFORDABLE HOUSING OR ECONOMIC DEVELOPMENT PURPOSES; PROVIDING FOR APPROVAL BY THE ELECTORS; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.**

WHEREAS, the Charter Revision Board has recommended to the City Commission that certain amendments be made to the Charter of the City of Fort Lauderdale; and

WHEREAS, the City Commission has approved certain changes to the City's Charter as recommended by the Charter Revision Board to be submitted for voter approval;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

**SECTION 1.** That the Charter of the City of Fort Lauderdale be, and is hereby amended to add Section 8.22 as follows:

**Sec. 8.22 Sale of real property for affordable housing or economic development purposes.**

Notwithstanding any provision contained herein to the contrary relative to the requirements of selling city-owned property, the city commission shall have the power to conclude sales or transfers of surplus real property without the necessity of complying with the provisions of Sec.8.04 for minimum acceptable value or competitive bidding, following a designation by resolution approved by unanimous vote of the commission that the real property in question shall be used solely for affordable housing or economic development purposes. Such sale or transfer shall be made upon such terms and conditions as the commission shall by resolution determine.

**SECTION 2.** That this ordinance shall not take effect unless the same is approved by a majority of the electors of the City of Fort Lauderdale voting at the election to be held on March 13, 2012. The ballot measure to be submitted shall be in substantially the following form:

Charter Amendment  
Sale of Real Property

Should the Charter of the City of Fort Lauderdale, Florida, be amended 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? Such sale shall be approved by a unanimous vote of the City Commission.

YES \_\_\_\_ NO \_\_\_\_


**SECTION 3.** That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

**SECTION 4.** That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.


**SECTION 5.** That this Ordinance shall be in full force and effect ten days from the date of certification by the Supervisor of Elections for Broward County, Florida, of approval by the electors.

PASSED FIRST READING this the 1st day of November, 2011.

PASSED SECOND READING this the 15th day of November, 2011.

  
\_\_\_\_\_  
Mayor  
JOHN P. "JACK" SEILER

ATTEST:

  
\_\_\_\_\_  
City Clerk  
JONDA K. JOSEPH



ORDINANCE NO. C-12-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NUMBER C-11-36 OF THE CITY OF FORT LAUDERDALE, FLORIDA, SETTING THE DATE FOR A BALLOT QUESTION WHETHER TO AMEND THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO PROVIDE FOR THE SALE OF SURPLUS REAL PROPERTY FOR AFFORDABLE HOUSING OR ECONOMIC DEVELOPMENT PURPOSES, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission conditionally approved Ordinance No. 11-36, amending the Charter of the City of Fort Lauderdale regarding the sale of real property conditioned on approval by a majority of the electors of the City of Fort Lauderdale voting at the election on March 13, 2012; and

WHEREAS, pursuant to Resolution No. 12-99, the ballot question has been rescheduled for November 6, 2012,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 2 of Ordinance No. C-11-36 of the City of Fort Lauderdale, Florida, is amended to provide as follows:

That this ordinance shall not take effect unless the same is approved by a majority of the electors of the City of Fort Lauderdale voting at the election to be held on ~~March 13~~November 6, 2012. The ballot measure to be submitted shall be in substantially the following form:

Charter Amendment

Sale of Real Property

Should the Charter of the City of Fort Lauderdale, Florida, be amended to provide for the sale of surplus city-owned real property for affordable housing or economic development purposes without the necessity of establishing a

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

ORDINANCE 12-

PAGE 2

minimum acceptable value or competitive bidding? Such sale shall be approved by a unanimous vote of the City Commission.

YES \_\_\_\_ NO \_\_\_\_

SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 5. That this Ordinance shall be in full force and effect upon its final passage.

PASSED FIRST READING this the \_\_\_\_ day of \_\_\_\_\_ 2012.

PASSED SECOND READING this the \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor  
JOHN P. "JACK" SEILER

ATTEST:

\_\_\_\_\_  
City Clerk  
JONDA K. JOSEPH

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C-12-

EXHIBIT 1  
Memo # 12-1232  
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# City of Fort Lauderdale

## City Commission Agenda Item

#

**TO:** Honorable Mayor & Members  
Fort Lauderdale City Commission

**FROM:** Lee Feldman, City Manager

**DATE:** August 21, 2012

**TITLE:** FXE Project 11750 - Taxiways Echo Pavement Rehabilitation – Kimley-Horn and Associates, Inc. – Task Order No. 21

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### **Recommendation**

- It is recommended that the City Commission approve Task Order No. 21 with Kimley-Horn and Associates, Inc. in the amount of \$346,804.50 and authorize the City Manager to execute Task Order No. 21 on behalf of the City.

### **Background**

The Airport Pavement Management System identified Taxiway Echo as having a Pavement Condition Index (PCI) of 44 and 21, respectively. The Federal Aviation Administration recommends that when a pavement's PCI goes below 70 maintenance/rehabilitation should be completed. With the taxiway showing severe signs of cracking, depressions, and weathering, Airport staff has initiated a multi-year funding program for rehabilitating the airfield pavement along the taxiway as well as improve the taxiway connectors at Taxiways E2, Hotel, and Quebec to meet current FAA design standards for D-III aircraft.

Staff has negotiated Task Order No. 21 and associated fees with Kimley-Horn and Associates, Inc., the Airport's General Consultant, to provide the above-mentioned services in the amount of \$346,804.50. The Task Order will consist of providing construction-phasing alternatives, conducting airport staff review meetings, preparing construction plans and bid specifications, surveying, geo-technical testing, non-destructive pavement testing and analysis, DBE compliance services, and bid assistance services.

Funds for this Task Order are available from the Airport's approved CIP and from grants from the FAA and FDOT in amounts of \$329,776 for reimbursement of approximately 95% of eligible costs.

This item was reviewed and approved by the Aviation Advisory Board at its June 28, 2012 meeting.

Airport staff has reviewed both the Task Order and fees and recommend approval of Task Order No. 21 with Kimley-Horn and Associates, Inc.

**Resource Impact**

- Funding for this item is available in the FY 12 budget in Fund 468, Account Number 11750, Subfund 01, Sub-object Code 6599, Construction Services in the amount of \$17,340.22, FY 12 budget in Fund 468A, Account Number 11750, Subfund 01, Sub-object Code 6599, Construction Services in the amount of \$312,124.05, FY 12 budget in Fund 468B, Account Number 11750, Subfund 01, Sub-object Code 6599, Construction Services in the amount of \$17,340.23.

**Attachment(s) Task Order No. 21**

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Prepared By: \_\_\_\_\_

Department Director: \_\_\_\_\_

Finance Director Certification: \_\_\_\_\_