

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
SEPTEMBER 18, 2012

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12-2150	5	C-12-34	ORDINANCE AMENDING SCHEDULES I AND II OF PAY PLAN, CODE OF ORDINANCES, SECTION 20-67 - SPECIAL PAY \PRACTICES AND RETIREE HEALTH BENEFIT	34
12-2162	6	12-174 12-175	FINAL PUBLIC HEARING FOR RESOLUTIONS - CITY OF FORT LAUDERDALE MILLAGE RATE AND BUDGET – FISCAL YEAR BEGINING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013.	35

**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
September 18, 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 Mary Gillis
		Sergeant Derek Joseph

Invocation was offered by Jonathan Brown, Housing and Community Development Program Manager, followed by the recitation of the pledge led by a youth in the audience.

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 Roberts and seconded by Commissioner Rogers to approve the minutes of the June 25, 2012 Workshop and August 21, 2012 Conference Meeting. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

**PRES-1 12-2185 PROCLAMATION DECLARING SEPTEMBER 4, 2012 AS
"DOROTHY SINGLETON DAY" IN RECOGNITION OF MS.
SINGLETON'S 100TH BIRTHDAY**

Commissioner DuBose presented a proclamation declaring September 4, 2012, as Dorothy Singleton Day in the City in recognition of Ms. Singleton's 100th birthday.

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.

M-1 12-2188 City Attorney Search Committee - Motion to Approve City Attorney Recruitment Advertisement and Brochure

There is no fiscal impact associated with this action.

M-2 12-1985 INTERFACILITY TRANSPORT SERVICE AGREEMENT WITH FORT LAUDERDALE HOSPITAL, INC. for medical transport of patients, in substantially the form provided, and authorize City Manager to execute on behalf of City

Please see funding information attached to these minutes.

M-3 12-1986 INTERFACILITY TRANSPORT SERVICE AGREEMENT WITH ATLANTIC SHORES HOSPITAL, LLC for medical transport of patients, in substantially the form provided, and authorize City Manager to execute on behalf of City

Please see funding information attached to these minutes.

M-4 12-2066 INTERFACILITY TRANSPORT SERVICE AGREEMENT WITH NORTH BROWARD HOSPITAL DISTRICT for medical transport of patients, in substantially the form provided, and authorize the City Manager to execute on behalf of City

Please see funding information attached to these minutes.

M-5 12-2144 SETTLEMENT OF VEHICLE GENERAL LIABILITY FILE VA GL 11-1043 (EDLYMS GONZALEZ) - \$67,500

Please see funding information attached to these minutes.

M-6 12-2062 EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: 1) Cypress Creek Round Up, 2) Caribes Art Fest, 3) Tap 42 Beer Fest, 4) Where the Cars Are, 5) Shooters Halloween Party, 6) Halloween Rod Run, 7) Light the Night Walk, 8) Boat Parade and 9) Las Olas Octoberfest.

There is no fiscal impact associated with this action.

- M-7 12-2064 AGREEMENT FOR BOAT SERVICE AND REPAIR FACILITY with Apex Marine, LLC for October 1, 2012 through September 30, 2013 and authorize execution thereof.**

Please see funding information attached to these minutes.

- M-8 12-2063 EXTENSION OF SUBGRANT AGREEMENT FOR HAZARD MITIGATION - POLICE HEADQUARTERS - Florida Division of Emergency Management - extension to November 30, 2012 and authorize City Manager to execute on behalf of City**

There is no fiscal impact associated with this action.

- M-9 12-2072 ACCEPTANCE OF BROWARD COUNTY ENHANCED MARINE LAW ENFORCEMENT GRANT PROGRAM FUNDS - \$157,232 - Agreement with Broward County for Fiscal Year 2013 and authorize City Manager to execute on behalf of City**

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- M-10 12-2017 TASK ORDER 2012-02 FOR PEELE-DIXIE INJECTION WELL INTERIM PRESSURE TEST ASSISTANCE - \$22844 - Hazen and Sawyer, P.C. and authorize City Manager to execute on behalf of City**

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- M-11 12-2022 TASK ORDER 24 FOR TAXILANE CHARLIE PAVEMENT REHABILITATION AT EXECUTIVE AIRPORT in an amount not to exceed \$194,565 - Kimley-Horn and Associates and authorize City Manager to execute on behalf of City**

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- M-12 12-2023 TASK ORDER 21 FOR TAXIWAY ECHO PAVEMENT REHABILITATION in an amount not to exceed \$346,804.50 - Kimley-Horn and Associates, Inc. and authorize City Manager to execute on behalf of City**

Please see funding information attached to these minutes.

M-13 12-2123 ALLOCATE FUNDS - RIVERLAND SANITARY SEWER AND WATER MAIN PROJECT TO RIVERLAND WOODS HOMEOWNER'S ASSOCIATION - \$6,000

Please see funding information attached to these minutes.

This Commission Agenda Memorandum (12-2123) was revised in accordance with Memorandum 12-265. See announcement on page 11.

M-14 12-2112 REIMBURSABLE FIVE-YEAR AGREEMENT FOR AIR TRAFFIC CONTROL SERVICES AT EXECUTIVE AIRPORT with Federal Aviation Administration and authorize proper City Officials to execute on behalf of City

Please see funding information attached to these minutes.

M-15 12-2146 NON-RENEWAL OF INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR COMMUNITY BUS SERVICE PROVIDED BY HOUSING AUTHORITY OF FORT LAUDERDALE

Please see funding information attached to these minutes.

M-16 12-2174 GRANTING OF REVOCABLE LICENSE TO NEW RIVER 3 VENTURE, LLC FOR PORTION OF SMOKER PARK - Staging of Materials and Equipment Associated with Construction of New River Phase III

There is no fiscal impact associated with this action.

M-17 12-2203 DESIGN AND CONSTRUCTION OF AQUATIC COMPLEX RENOVATION - DEVELOPER'S AGREEMENT with Recreational Design & Construction, Inc. - Guaranteed Maximum Price - \$32,437,434

CONSENT RESOLUTION

CR-1 12-2168 CITY AUDITOR EMPLOYMENT CONTRACT RENEWAL

Please see funding information attached to these minutes.

RESOLUTION NO. 12-176

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT OF EMPLOYMENT PROVIDING FOR AN INCREASE IN THE COMPENSATION PAID TO CITY AUDITOR, JOHN C. HERBST.

CR-2 12-2204 BAHIA MAR PLANNED UNIT DEVELOPMENT - 60-Day Extension of Deadline to Comply with Conditions of Approval

There is no fiscal impact associated with this action.

RESOLUTION NO. 12-177

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA EXTENDING THE DEADLINE PROVIDED FOR IN CONDITIONS 1 AND 1 OF EXHIBIT "C" OF ORDINANCE NO. C-11-12 BY SIXTY (60) DAYS, PURSUANT TO CONDITION NO. 13 OF EXHIBIT "C" OF ORDINANCE NO. C-11-12.

CR-3 12-2111 AUTHORIZE CITY MANAGER TO SIGN A LIMITED POWER OF ATTORNEY on behalf of City to obtain titles and tags for vehicles being purchased from Municipal Fleet Services, LLC d/b/a Government Fleet Services

There is no fiscal impact associated with this action.

RESOLUTION NO. 12-178

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DELEGATING TO THE CITY MANAGER THE AUTHORITY TO SIGN A LIMITED POWER OF ATTORNEY AUTHORIZING MICHAEL TOWERS AND KATRINA POWELL, INDIVIDUALLY, OF MUNICIPAL FLEET SERVICES, LLC, D/B/A GOVERNMENT FLEET SERVICES, TO SIGN DOCUMENTS ON BEHALF OF THE CITY OF FORT LAUDERDALE IN ORDER TO OBTAIN TITLES AND TAGS FOR VEHICLES PURCHASED BY THE CITY FROM MUNICIPAL FLEET SERVICES, LLC, D/B/A GOVERNMENT FLEET SERVICES, AND TO SIGN ON BEHALF OF THE CITY OF FORT LAUDERDALE SUCH DOCUMENTS AS ARE NECESSARY TO SELL OR OTHERWISE DISPOSE OF SUCH VEHICLES.

- CR-4 12-2165 DELEGATING SIGNATURE AUTHORITY TO CITY MANAGER for Task Orders, Construction Contracts and Professional Services Agreements after approval by City Commission**

There is no fiscal impact associated with this action.

RESOLUTION NO. 12-179

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DELEGATING TO THE CITY MANAGER SIGNATURE AUTHORITY FOR TASK ORDERS, WORK ORDERS, CONSTRUCTION CONTRACTS AND PROFESSIONAL SERVICES AGREEMENTS AFTER APPROVAL OF SUCH ITEMS BY CITY COMMISSION AND PROVIDING AN EFFECTIVE DATE.

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- CR-5 12-1899 QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM - recommending iCare LLC as a program applicant and providing for local financial support in the amount of \$24,000 contingent upon approval by State of Florida**

Please see funding information attached to these minutes.

RESOLUTION NO. 12-180

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RECOMMENDING THAT iCare, LLC BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS APPLICANT PURSUANT TO SECTION 288.106, FLORIDA STATUTES, PROVIDING THAT FUNDS IN THE AMOUNT OF \$24,000 ARE AVAILABLE AS LOCAL FINANCIAL SUPPORT AS PROVIDED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

<p>PURCHASING AGENDA</p>

- PUR-1 12-1971 PURCHASE TORO GROUNDMASTER ROTARY MOWER in the amount of \$51,335.96 from Tesco South Incorporated, d/b/a Hector Turf**

Please see funding information attached to these minutes.

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- PUR-2 12-2045 PURCHASE SPECIALIZED SHIPBOARD FIREFIGHTING TRAINING in the amount of \$249,000 from Resolve Maritime Academy, Inc.**

Please see funding information attached to these minutes.

PUR-3 12-2048 PROPRIETARY PURCHASE - SOFTWARE MAINTENANCE CONTRACT RENEWALS in the amount of \$92,413.10 with Radio IP and Smart Business Systems, Inc. contingent upon approval and appropriation of funds

Please see funding information attached to these minutes.

PUR-4 12-2052 PURCHASE 20,000 LB. CAPACITY FORKLIFT in the amount of \$132,793 from Ring Power Inc.

Please see funding information attached to these minutes.

PUR-5 12-2053 ONE-YEAR CONTRACT FOR MAINTENANCE OF CITY-OWNED STORMWATER STRUCTURES in the amount of \$69, 650 from A & A Drainage & Vac Services, Inc. and authorize City Manager or his designee to approve all renewal options

Please see funding information attached to these minutes.

PUR-6 12-2060 PURCHASE AND INSTALLATION OF SIX HIGH MAST LIGHTING LOWERING SYSTEMS in the amount of \$105,000 from Horsepower Electric Inc.

Please see funding information attached to these minutes.

PUR-7 12-2067 PROPRIETARY PURCHASE OF VIDEO SECURITY SYSTEM UPGRADES in the amount of \$38,544.80 from AVI integrators, Inc. d/b/a Security 101

Please see funding information attached to these minutes.

PUR-8 12-2079 PURCHASE OF CISCO SMARTNET COMPUTER NETWORKING EQUIPMENT in the amount of \$36,002.20 from Prosys Information Systems, Inc.

Please see funding information attached to these minutes.

PUR-9 12-2080 PURCHASE OF UNINTERRUPTABLE POWER SUPPLIES in the amount of \$152,000 from CDW Government LLC

Please see funding information attached to these minutes.

PUR-10 12-2132 FORT LAUDERDALE CITY EXCURSION 13-WEEK PILOT PROJECT in the amount of \$30,000 - Downtown Fort Lauderdale Transportation Management Association

Please see funding information attached to these minutes.

PUR-11 12-2148 AWARD FISCAL YEAR 2013 HOUSING OPPORTUNITIES FOR PERSONS WITH HIV/AIDS (HOPWA) GRANT FUNDS in the amount of \$9,687,461.68 and authorize City Manager to execute contracts on behalf of City

Please see funding information attached to these minutes.

PUR-12 12-2154 CLARIFICATION TO CONTRACT 425-10983 - FEES RELATING TO TITLES AND TAGS FOR USED VEHICLES PURCHASED

Please see funding information attached to these minutes.

PUR-13 12-2182 APPROVE ENVIROWASTE SERVICES GROUP, INC. AS SUBCONTRACTOR TO CONTRACT FOR WASTEWATER FLOW, RAINFALL MONITORING AND RELATED SERVICES with ADS, LLC

There is no fiscal impact associated with this action.

Motion made by Vice Mayor Rodstrom and seconded by Commissioner Rogers that Consent Agenda Items M-01, M-16, M-17, CR-01, CR-02, PUR-05, and PUR-11 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.

M-1 12-2188 City Attorney Search Committee - Motion to Approve City Attorney Recruitment Advertisement and Brochure

Mayor Seiler noticed that the residency requirement for the city attorney position was not included in the advertisement (Exhibit 1 of Commission Agenda Memo 12-2188). Discussion ensued regarding the population statistic for the city reflected in the brochure. In response to Commissioner Rogers, the City Attorney indicated that the operating budget for the City Attorney's office is \$3.3 million annually. Mayor Seiler requested these corrections be made.

Motion made by Vice Mayor Rodstrom and seconded by Commissioner Rogers to approve the item as amended with the advertisement reflecting an operating budget of \$3.3 million, and the residency requirement. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

M-16 12-2174 GRANTING OF REVOCABLE LICENSE TO NEW RIVER 3 VENTURE, LLC FOR PORTION OF SMOKER PARK - Staging of Materials and Equipment Associated with Construction of New River Phase III

Commissioner Rogers referred to an email, dated September 18, 2012, and additional backup submitted by the Applicant's attorney, Jordana Jarjura. The email and attachments were provided by Ms. Jarjura and attached to the minutes. Commissioner Rogers wanted to be sure that access is maintained for the Riverwalk to remain open and safety is a priority.

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

M-17 12-2203 DESIGN AND CONSTRUCTION OF AQUATIC COMPLEX RENOVATION - DEVELOPER'S AGREEMENT with Recreational Design & Construction, Inc. - Guaranteed Maximum Price - \$32,437,434

Art Seitz, 1905 North Atlantic Boulevard, recalled sending numerous emails to the Commission about successful aquatic complexes located elsewhere. He thought the proposed project is third-rate, and no recent changes have been made to facilitate the IndyCar Series (IndyCar) which he preferred to the two Olympic-sized swimming pools. He contended that 150,000 people attended the IndyCar event in Baltimore. Rather than a sign, he thought the aquatic complex roof should have green space, park space, and multi-purpose vista space overlooking the ocean. Further, there should be an infrastructure to support media coverage. The developer, RDC (Recreational Design and Construction, Inc.), claims to have built and completed Disney's Typhoon Lagoon which was constructed in the 1980's, though RDC was incorporated in the 1990's. He elaborated upon financial and legal challenges faced by financiers of RDC, (Wave House San Diego) and Ron Jon. He claimed that due diligence was not performed to certify either of the financiers. He recalled a business plan developed by City staff that would have been profitable; however, this plan will result in a revenue loss. He urged the Commission to re-issue the RFP.

Commissioner Rogers liked the proposed design. He thought the proposed agreement will protect the City. However, he was uncomfortable that the agreement proposes a delegation of authority to the City Manager for change orders that do not exceed five percent of the guaranteed maximum price (GMP), which could equate to \$1.5 million. Although Commission approval is required to fund the change order; issues could arise if the change order is executed by the City Manager and not approved by the Commission. He also thought this project's level of risk does not call for a developer's fee of \$4.7 million or 17.78 percent. A typical developer's fee is 15 percent. Being that the developer (RDC) for this project is also the contractor, he thought some overhead is included in these numbers as well. Mayor Seiler understood that the 17.78 percent includes both the contractor and developer overhead. Commissioner Rogers understood it to be a separate developer fee. Vice Mayor Rodstrom thought the proposed developer's fee is standard and commensurate with other vendors contracted with the City. They are a team together. She did not find the fee to be unreasonable. Commissioner Roberts also thought that 17 percent is standard for City projects. The City Manager advised that the City charges a portion of the proposed 17 percent fee for projects managed by the Public Works

Department because staff acts as the architect, engineer and construction manager. Typically developer fees are for the overall management of the project and the risk associated with it. This project is unique in that it has a GMP and a developer's contingency of about \$600,000. RDC will bear any cost that goes over that amount. Part of the developer's fee is associated with the project's risk, as well as normal overhead and profit. Commissioner Rogers recalled that the contract brought forward in July had the same GMP as this agreement, \$32,437,434, but the developer's fee has been reduced from 22.8 percent to 17.78 percent on this agreement. He reasoned that the developer's construction estimate may have been too low previously, so construction was increased on this contract and it was reduced on the back end. Although the GMP does place some obligation on RDC, the proposed project does not pose the typical developer risk because the property is City-owned and the City will pay them. Therefore, 15 percent is an appropriate developer's fee. Further, if a change order occurs, the Commission should be made aware of it. He did not object to a delegation of authority that is within the budget, but a Commission vote should be required if it exceeds the budget's parameters.

The City Manager clarified that the proposed agreement does not include added construction costs. Since the July contract, the shift occurred in the developer's fee in two areas. First, it was recognized that RDC is also acting as the pool subcontractor, and the GMP line item for pools did not include the normal overhead and profit attributable to a subcontractor, so a portion of the developer's fee was moved to reflect a traditional overhead and profit for the pool contractor. Second, the developer's contingency was set up to be the first means of relief that the developer can utilize in case of cost overruns. The thought was that would provide a cleaner developer's fee in terms of representing the project's management, overhead, and profit. At 90 percent, the City will retain a professional construction cost estimator who will review each line item of the GMP to determine whether the City agrees with the amount. So, the line item costs shown today are subject to adjustment. At 90 percent, if the GMP is reduced, the developer's fee will also be reduced proportionally. As for delegation of authority for change orders, staff has looked at this because there have been complaints from both the Commission and contractors regarding unnecessary delays associated with the time needed to bring the item forward on an agenda. The goal is to keep this project on schedule which is the purpose for the recommendation of latitude. He cannot approve anything unless there is a budget that has been approved and appropriated by the Commission. Commissioner Rogers pointed out that the Commission meets twice a month. He reiterated concern about five percent or \$1.5 million. The City Manager clarified that the concept is not for one change order, but for a series of change orders, not to exceed the cumulative amount. The goal is for flexibility in the field and to keep the process flowing. Mayor Seiler agreed that five percent is too high. He suggested a dollar limit.

Commissioner Rogers pointed out that there is 9.5 percent general conditions and fee within the construction cost. With the developer being the general contractor, there is overhead and profit within that cost, as well as the 17.78 percent developer fee. Joe Cerrone of Recreational Design and Construction, Inc., explained that the developer's fee encompasses the design/builder and developer. So all of the figures, lines 1 through 16, as shown in Exhibit 3, are inclusive. A copy of Exhibit 3 is attached to these minutes. There is no additional 9.5 percent; rather the developer's fee is inclusive in the 17.78 percent. There are no additional buried fees. The developer's fee was reduced from 22.8 to 17.78 percent because of the identification of the developer's contingency. It was separated for clarity. A small amount of the fee was moved to identify RDC's third role as the commercial pool contractor. In further response, he indicated that the general conditions noted in Exhibit 3 do not include RDC's contractor fee. The general conditions are direct job costs or the amount that it takes to manage the project in the field. The general conditions do not cover anything that is contained in the developer's fee. He indicated

that a standard developer's fee for RDC is higher than 17.78 percent. A 20 percent developer's fee was obtained for their last completed job. Although this is a complicated and risky project, he did not feel that any aspect is beyond RDC's scope of expertise. RDC has done this before and is comfortable with the risk which is why a guaranteed maximum price was offered.

The City Clerk drew attention to the funding information that was provided in the City Manager's Memorandum 12-2203 which is attached to these minutes.

As to change orders, Mayor Seiler suggested any single change order that exceeds \$25,000 be submitted to the Commission. Commissioner DuBose was also concerned about delegating change order authority of such a large amount. He thought the Commission should be notified of all change orders, including those that are less than the \$25,000 threshold.

Motion made by Vice Mayor Rodstrom and seconded by Commissioner DuBose to approve the item as amended to provide for Commission approval of any single change order in the amount of \$25,000 or more, and the cumulative provision remains unchanged. Roll call showed: YEAS: Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: Commissioner Rogers.

**M-13 12-2123 ALLOCATE FUNDS - RIVERLAND SANITARY SEWER AND WATER
MAIN PROJECT TO RIVERLAND WOODS HOMEOWNER'S
ASSOCIATION - \$6,000**

Pursuant to Memorandum 12-265, attached to these minutes, the City Clerk announced that the funding information for this item was revised.

**M-15 12-2146 NON-RENEWAL OF INTERLOCAL AGREEMENT WITH
BROWARD COUNTY FOR COMMUNITY BUS SERVICE PROVIDED
BY HOUSING AUTHORITY OF FORT LAUDERDALE**

Commissioner DuBose requested a deferral to November 20, 2012. A meeting is scheduled with Broward County to address this matter.

Motion made by Commissioner DuBose and seconded by Commissioner Rogers to defer the item to November 20, 2012. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

CR-1 12-2168 CITY AUDITOR EMPLOYMENT CONTRACT RENEWAL

Vice Mayor Rodstrom advised that she removed this item from the consent agenda to vote no.

Robert Walsh, 401 East Las Olas Boulevard, thought the City Auditor's salary level is a little high in comparison with other cities. He felt the City Auditor should have brought the City's 401(a) Defined Contribution Plan rate to the Commission's attention.

All members of the Commission commended the City Auditor on his job performance. Vice Mayor Rodstrom clarified that she does not oppose this contract renewal, but has a philosophical issue with the salary increase, given the challenging economic times. Commissioner Rogers drew attention to the City Auditor's salary having been frozen for a number of years. Commissioner DuBose was also somewhat divided on the increase, but appreciated the City Auditor's efforts.

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

CR-2 12-2204 BAHIA MAR PLANNED UNIT DEVELOPMENT - 60-Day Extension of Deadline to Comply with Conditions of Approval

Art Seitz, 1905 North Atlantic Boulevard, indicated that a Planned Unit Development (PUD) is the ultimate variance. He thought the City should receive some real benefits in return for providing the developer a 99-year lease. He questioned whether the developer will flip the property. There has been talk of adding a pedestrian way to this project, but a community center and bicycle greenway have not been included. He thought this transaction will only provide the City a Waldorf Astoria. He elaborated upon features like elevated restaurants that should be included. He did not believe the public good is being taken into account. Mayor Seiler clarified that this item is for a 60-day extension in order negotiate an agreement.

Peter Henn, representing LXR Luxury Resorts & Hotels (Rahn Bahia Mar) requested the opportunity to continue working with the City Manager for the next 60 days and bring back a lease term sheet.

Skip Zimbalist, President of Show Management, indicated that the Fort Lauderdale International Boat Show supports this item.

Mary Fertig, Idlewyld Improvement Association, noted that the site plan was approved fourteen months ago through a collaborative effort. She expressed desire for the lease to be completed soon so the collaborative results can be realized.

Vice Mayor Rodstrom expressed concern about the proposed extension to November 20, as her resignation is effective November 19. As the district commissioner and having the most project history of all members of the Commission, she asked that this item instead be extended to November 6.

Motion made by Vice Mayor Rodstrom and seconded by Commissioner DuBose to approve the item as amended to provide for an extension to November 6, 2012. Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

PUR-5 12-2053 ONE-YEAR CONTRACT FOR MAINTENANCE OF CITY-OWNED STORMWATER STRUCTURES in the amount of \$69, 650 from A & A Drainage & Vac Services, Inc. and authorize City Manager or his designee to approve all renewal options

Stephanie Toothaker, representing F.A. Johnson, Inc. (F.A. Johnson), indicated that her client is out of town, and has a pending appeal of the denial of their bid protest. A request for a two-week deferral, dated September 14, 2012, has been submitted and made a part of the record. She has requested a meeting with the Deputy Director of Finance in the interim if possible to see if some disputed matters could be resolved.

Mayor Seiler disclosed that, years ago, he covered a hearing for another attorney who represented F.A. Johnson, Inc. However, the City Attorney has advised that there is no conflict of interest.

James Scrima, owner of A & A Drainage & Vac Services, Inc. (A & A), noted that A & A was the lowest responsive and responsible bidder. A & A is properly licensed to perform services in this contract, and has produced all of the supporting documentation. He urged the Commission to approve the contract tonight.

Commissioner Rogers indicated that he has questions about this matter and thought it is fair to allow the bid protestor to express their complaint. The City Manager did not believe there is a time crunch for this matter, but, if deferred, it should be verified that the intended bidder will be available to attend. Mr. Scrima confirmed that he can attend the October 2, 2012, regular meeting.

In response to Commissioner Roberts, the City Manager pointed out that staff has double verified their position to deny the bid protest as reflected in Memorandum 12-261 and Exhibit 4 of Commission Agenda Memorandum 12-2053. The City Auditor has also confirmed the accuracy of staff's position that no special licensing is required by Broward County to perform this type of service. Commissioner Rogers expressed concern that the successful bidder's price is less than half or about one-third of the other bidders. He recalled times when vendors have failed due to underbidding which causes the City to ultimately pay a higher cost. Furthermore, it is important for the Commission to know the recommended bidder's financial wherewithal.

Motion made by Commissioner Rogers and seconded by Commissioner Roberts to defer the item to October 2, 2012.

Although he questioned the necessity of a deferral, Commissioner Roberts indicated that it is for the sake of transparency and moving the item forward. In response to Commissioner Rogers, Mr. Scrima explained that A & A is currently contracted with four other cities, and the proposed bid includes the same pricing used for those cities. One of the contracts has been in effect for over five years, and there has never been an issue or a fail. He believed the City's Public Works Department has contacted the other cities to verify A & A's quality of workmanship and pricing.

In response to Mayor Seiler, Ms. Toothaker indicated that there is a dispute regarding the licensing requirement as her client has a letter from Broward County, indicating that licensing is required. This is the issue that they hope to resolve with staff in the interim of the deferral.

Roll call showed: YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, and Commissioner DuBose. NAYS: Mayor Seiler.

PUR-11 12-2148 AWARD FISCAL YEAR 2013 HOUSING OPPORTUNITIES FOR PERSONS WITH HIV/AIDS (HOPWA) GRANT FUNDS in the amount of \$9,687,461.68 and authorize City Manager to execute contracts on behalf of City

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

The City Manager advised that he requested this item be removed from the consent agenda as he wanted clarification from the City Attorney about a potential conflict pertaining to legal services under the project category of non-housing support services as shown in Exhibit 1 of Commission Agenda Memorandum 12-2148. He asked that this item be considered tonight with the exception of funding for this in the amount of \$250,556, and that issue be deferred to October 2, 2012. He listed the other agencies requesting HOPWA (Housing Opportunities for Persons with AIDS) funding, and the total recommended funding amounts for each as shown in Exhibit 1.

Motion made by Commissioner DuBose and seconded by Vice Rodstrom to approve the item as amended of funding all of the agencies listed in Exhibit 1, except Legal Aid, in the amount of \$250,556.98, for a total funding amount of \$9,436,903.70, and to defer consideration of funding for Legal Aid to October 2, 2012. This motion was defeated after the following amendments were offered as shown in the proceeding discussion.

Mayor Seiler opened the floor for public comment.

Mike De Lucca, President of Broward Regional Health Planning Council, Inc. (Broward Regional), highlighted points in a letter, dated September 11, 2012, that he submitted to Mayor Seiler, as well as a comparative chart entitled, HOPWA Tenant Based Rental Voucher Bid 825-11034. A copy of the letter and chart are attached to these minutes. He noted that the cost savings in Broward Regional's proposal is \$276,617 each year for three years. He asked the Commission to consider the information provided in the comparative chart as part of Broward Regional's bid.

In response to Mayor Seiler, Wendy Gonsler, Community Services Board member, explained that the Board (serving as Evaluation Committee) (Committee) did not receive Mr. De Lucca's comparative chart, only individual applications from each agency, not a side-by-side comparison. She pointed out that scoring has a number of components, only one of which is finance. The Committee looked at the whole spectrum of criteria which included the program, the agency and the agency's history of providing services, and each agency was scored individually. Being that the scores did not differ significantly, this matter was discussed at length. The Committee felt the current program was not broken, and, given the close scores, it was not justified to disrupt the community and clients, and cause significant administrative upheaval by changing providers. Therefore, those considerations weighed in with program and capability of agency overrode any financial concerns. Mayor Seiler asked where on the scoring sheet that the actual allocation for services in the community is taken into consideration. Ms. Gonsler explained that the costs are only predictions. Some agencies base the (predicted) cost on services that were previously provided, while others only predict. This also results in scoring differences. Ms. Gonsler was given a copy of the chart provided by Mr. De Lucca. As for information reflected in the chart that Broward Regional would be able to provide 32 new vouchers, Ms. Gonsler indicated this was not presented to the Committee, they did not have a

side by side comparison. She presumed that Broward House would likely provide a different comparison than Broward Regional. Mayor Seiler wanted to know about the closeness in the scores. Ms. Gonsler indicated it was close and they decided there was not justification to change the program and cause an upheaval. Commissioner Rogers understood that the agencies themselves do not provide housing rather other housing is administered through this voucher system. Therefore, he questioned how the Committee's concern for now upsetting a program would apply to this category. Ms. Gonsler explained the voucher system is electronically maintained in one place. The Committee understood from staff that a transfer of that activity has historically created an upheaval for clients. Because it was so close, the Committee decided that was the final criteria pushing them to leave it unchanged. Because Broward House has other programs within HOPWA, their staff is allocated across different programs which may cause their application to appear either under or over-staffed for a given program.

In response to Vice Mayor Rodstrom, Mr. De Lucca advised that the voucher allocation line item is in both applications. The price of the voucher is the same for either organization; it is the amount going into the voucher. Broward Regional has been able to find efficiencies and use the savings for new people to get housing. He noted the differences in costs shown in the chart he provided and emphasized it represents 32 new vouchers every year. Broward Regional has experience and financial backing that will prevent trouble when moving from one system to another. The idea of having 32 new vouchers every year will bring hope to people.

In response to Mayor Seiler, Jonathan Brown, Housing and Community Development Program Manager, explained that this contract includes about 287 vouchers. Splitting the contract was considered, but there was concern regarding how to decide which clients are assigned to which agency. Also, there would be only one waiting list, so an additional mechanism would have to be created. Other municipalities have used more than one agency. However, over the last few years, staff has found that contracting with one agency has made the program easier to administer for both the agency and City staff.

Jasmin Shirley, Community Services Board member, explained that her involvement in the evaluation process was considered a conflict of interest because she works with a number of (HOPWA) agencies. So she was asked not to participate, and to only look on silently. If she had been allowed to participate, she would have provided a comparative analysis to the other Committee members. She did not believe that the reviewers performed a truly comparative analysis on this contract. There is reason to favor the agency that can provide 32 additional vouchers in that the voucher cost is the same for both agencies. She highly recommended the Commission reconsider this matter. She does not agree with the review.

In response to the City Auditor, Kirk Buffington, Deputy Director of Finance, explained that this Committee was instructed to abide by the evaluation criteria in the RFP. However, the Committee may believe they found a way to rank as they did within the individual criteria. In terms of the evaluation categories, Mayor Seiler questioned where efficiency and cost effectiveness are factored in. Mr. Buffington advised that the Committee likely reviewed the operation's efficiencies under the organizational capacity and experience category. Historically, the evaluation criteria does not contain a price-per-client element. Mayor Seiler thought that would be something to consider in that the objective must be to provide services to more people. Mr. Brown explained that the overall efficiency is evaluated when the agency budgets are reviewed, as well as the number of clients that each agency proposes to serve. He believed those criteria are captured under the soundness and feasibility category. Mayor Seiler asked about the evaluation information if the Committee did not know that one agency was providing

32 more vouchers. Ms. Gonsler indicated that the RFP question was not posed in exactly that way. The lowest price may not provide the best delivery of services. She did not believe the Committee thought one agency could provide services significantly better than the other. All of the factors were taken into consideration, and finance was only one. Mayor Seiler asked her, hypothetically, whether knowing that 32 additional vouchers could be provided for the same amount, change her opinion. Ms. Gonsler indicated that she could not answer that question hypothetically because she did not know if the 32 vouchers would be provided in exactly the same way, with exactly the same efficiency. She thought this RFP was problematic in that the scoring system was in no way appropriate for this type of grant, and the Committee conveyed that to staff and wanted to also make the Commission aware of this point. She explained that the scoring system was confusing. She suggested it be looked at going forward. She wanted Broward House to explain their funding allocations as to the number of vouchers. She recalled initially sharing Mayor Seiler's opinion about splitting the contract; however, the Committee determined that it would result in redundancy of some administrative functions. She noted that Broward House has more staff than Broward Regional that would result in greater administrative costs, though still within the federal guidelines of seven percent.

In response to Commissioner Roberts, Ms. Shirley explained that she works with all but one of the bidders through her employer, Broward Health, and serves on several of their boards. She had wanted to participate in terms of providing guidance and working through questions like those being raised now. As for quality of care, she noted that all tenant based vouchers have the same value, regardless of the agency. A client can utilize a voucher to secure housing as a tenant any way they choose. Any other amenities an agency claims to have to further support a client have nothing to do with a tenant based voucher.

Michael McGuigan, president of Broward House, indicated that all vouchers are not necessarily the same in terms of value. Since Broward House took over providing tenant based voucher services in January, 2009, the average cost of a voucher has dropped. There were abuses. Some ineligible clients were receiving vouchers. Broward House cleaned up the files. Based upon that experience, he agreed that it is difficult for the agency, clients, and City staff to change providers mid-stream. With the same amount of funding in the voucher line item, Broward House was able to increase the number of vouchers from about 220 to about 270 by appropriately redefining client income as the City's cost for each voucher is reduced if the correct total household income is captured. This RFP provides additional funding and therefore additional vouchers are proposed. Broward House will provide the same level of scrutiny to every current and future voucher to ensure the highest efficiency, with clients paying the maximum allowable under the rules and the City pays the minimum. The clients for the proposed bid have not yet been identified. But Broward House's staff works closely with each voucher family to help them increase their income which, in turn, reduces the City's cost. Broward House has a firm track record in this regard. The City's voucher cost has gone down over the last four years even though rents have increased. If more efficiencies are found, the number of vouchers can be increased. It is not a fixed number. He offered to work with City staff to locate efficiencies in their budget. Broward House will provide the most efficient service possible and continue to decrease the voucher cost.

In response to Commissioner DuBose, Mr. McGuigan indicated that this bid proposes to increase the number of vouchers from 278 to about 332. He felt they would first look at efficiencies in service delivery. Assigning new vouchers is very labor intensive. Once that is completed, there may be some staff efficiencies going forward and those dollars could be used for additional vouchers. Ms. Shirley confirmed for Commissioner DuBose that Broward House is one of the largest HIV/AIDS community service organizations in the area of housing and

supportive services. Commissioner DuBose suggested that Broward House agree to lower its administrative fee percentage. He found it problematic that Broward House is charging more money in the process of becoming more efficient, while Broward Regional has reached that level of efficiency and is providing more vouchers. Ultimately, this is about the individuals in need of these services, and maximizing the funding. Mr. McGuigan stressed that Broward House only provides HIV/AIDS-related services. He believed that Broward House is one of the big reasons for these dollars coming to Broward County. He agreed that the funding amount is a drop in the bucket compared to the need, but over the years Broward House has provided the best efficiencies possible. He reiterated his desire to work with City staff to find other efficiencies. Broward House does have more staff members than Broward Regional, but each employee has some role in the many services Broward House delivers. He contended that no organization can operate at a seven percent administrative fee level. There must be funds from another source. He cautioned that the least expensive is not always the best. Three hundred families rely on this program. He offered to bring back any other efficiencies that can be found. Commissioner DuBose indicated that the City does not have the liberty to award an agency that provides less vouchers for a needed service. In further response, Mr. McGuigan explained that Broward House's administrative cost has been seven percent for the entire time that it has provided HOPWA services, as it is for every other provider currently. Commissioner DuBose asked whether seven percent is still necessary being that the agency has become more efficient since the administrative clean-up several years ago. Mr. McGuigan clarified that staff delivery costs and administrative costs are completely different. Commissioner DuBose asked whether Broward Regional receives additional funding to supplant administrative costs. Mr. De Lucca explained their budget is about \$10 million, so they are strong on the back-end. The agency has a CPA, rather than a COO (Chief Operating Officer). They have four employees in accounting. They calculated the cost of assigning these vouchers. Having experience with handling all stimulus funding in the county, Broward Regional is aware of program costs. Broward Regional is not supplanting any funds, the proposed administrative cost figure is the agency's cost. Mr. McGuigan thought the more appropriate question would be what is the administrative cost across the agency. Broward House's federally negotiated indirect rate for administrative costs across the agency on a \$12 million budget is 15.3 percent. Broward House had a larger staff when the administrative clean-up took place because that process was staff intensive. When the clean-up was completed, a staff member was let go and those funds were used for vouchers. If possible, the agency will do this again. He reiterated that the level of service necessary for the new voucher clients is not currently known. The selection process is random, and some clients need more help than others. However, staff will not be increased. Moreover, a possible staff reduction will be looked at.

Robert Walsh, 401 East Las Olas Boulevard, noted that there is a substantial amount of funding available locally for HIV/AIDS programs. He questioned the salary level of the agency president. Although he believed the number of HIV cases should be falling, it is instead rising because some individuals do not take preventative measures. He contended that Alzheimer's patients do not receive any government funding. He indicated that rents have been lower due to the economic downturn. He urged the City Auditor to obtain financial breakdowns from all of the bidding agencies. He thought both agencies deserve the same amount of funding.

In closing, Mr. De Lucca asked the Commission to consider that Broward Regional performs all of the eligibility for the Ryan White Program Part A which serves over 7,000 people each year. He referred to their cost data and indicated that Broward Regional knows what it takes to administer this program.

As to salary, Mr. McGuigan indicated that of the individuals speaking this evening, he has the

lowest salary.

Ms. Shirley commented that housing means the difference of life or death for HIV/AIDS patients. It provides them a means to properly store and take their medications. She urged the Commission to recognize the value of a voucher in terms of additional people who can be served and their lives saved.

Ms. Gonsler elaborated upon the substantial amount of time spent by the Committee including many of the issues raised this evening. She admitted that they are not health care experts and there were probably bits of information they did not have. However, there was objectivity to look at all of the criteria. This was not a matter of supporting one agency over another, rather it was about getting quality services to clients in an efficient manner. In response to Commissioner Rogers, Ms. Gonsler indicated that the Committee was given the option of splitting the contract, but decided in terms of administration, there would be duplication of effort and resources. Commissioner Rogers suggested letting some of the general principles of competition come into play in an effort to improve. The comparison must be apples-to-apples, and there must be confidence in the providers. He felt the funding is substantial enough to split the contract and determine the efficiency equation in the long run. There is a fine line. If the wrong call is made there will be inefficiencies. Ms. Gonsler pointed out that financial was the lowest weighted factor in the RFP. This needs to be considered going forward, if financial is the most important factor. Commissioner Roberts thought this RFP process should be revised and vetted by the Committee. There has been some progress, but measurable outcomes need to be the biggest part of what is presented in the RFP especially for a sizeable allocation like this one. He was concerned about the practicality of agencies having to adjust their budgets at the last second before a new fiscal year. Based on the issues raised tonight, he thought the Committee's ability to evaluate had been strained by the RFP process. He still felt undecided. He stressed that the evaluation process must be improved by next year and there must be a level playing field in terms of assessing the programs. Ms. Gonsler noted that the Committee has developed effective performance indicators for HOPWA agencies that are awarded funding. She agreed that the performance indicators should become the proposal criteria going forward. Commissioner Rogers noted the importance of the efficiency factor, given the current economic climate and the expectation that funding will continue to shrink. Therefore, the criteria must drive the performance factor. It must be appropriately weighted. He agreed with Commissioner Roberts that the evaluation process needs improvement.

Vice Mayor Rodstrom expressed concern that Broward Regional can provide so much more than Broward House with the same amount of funding. She wanted to support the agency that can benefit the community most although she appreciated the Committee's. Mayor Seiler noted that both agencies are qualified. Generally, he would defer to the Committee's recommendation. However, being that Broward Regional can provide 32 more vouchers at the same price, the Commission is obligated to consider this. It does not make sense that the financial aspect was not a primary factor in the RFP as the objective should be to provide the most assistance and help the most people. Commissioner DuBose agreed with Commissioner Roberts that the evaluation process has improved. However, the paramount issue for him is the individuals served and those who need this service. Therefore, he cannot support the proposed recommendation and leave 32 people without the housing that could save their lives. He expressed support for the individuals who receive this service. Vice Mayor Rodstrom pointed out that Ms. Shirley's information was valuable. The outcome may have been different if she had been given opportunity to participate in the Committee's deliberations.

In response to Mayor Seiler, the City Attorney advised that the Commission is not supposed to

weigh anything having to do with the fact that Ms. Shirley abstained from discussion as a member of the Committee. He explained that the Commission can change the scoring based upon the information provided tonight. But the Commission should not change the criteria in the RFP, and then score the new criteria as this would violate the City's purchasing rules. Another option is to reject all of the bids and re-issue the RFP with new criteria. The decision tonight should be based upon the criteria that in the RFP.

In response to Commissioner Rogers, Mr. Buffington read the four criteria from the RFP. In further response, Mr. McGuigan confirmed that Broward House can perform the services with 12 percent program costs and 7 percent administrative costs as it has since January, 2009. However, he did not think it could be done if the agency's entire \$12 million budget was based on vouchers. This agency, like other non-profit organizations, relies on other funding sources like donations, to make up budget shortfalls. Commissioner Rogers considered the possibility that Broward Regional is willing to provide the services for a combined 10.5 percent for program and administrative costs because it has allocated funds from other sources. He thought that shows a commitment to get more vouchers to clients. Mr. McGuigan remarked that Broward Regional has only provided a proposal, whereas Broward House has performed these services for the last four years, and knows the associated costs. He reiterated that Broward House will look for efficiencies and any savings will go toward vouchers. Commissioner Rogers indicated that, if Broward Regional is willing to commit to 89.5 percent voucher allocation, it is the agency's discretion as to where the funding for administrative and program costs is derived. If both agencies are capable of providing the proposed service, then it is a matter of which agency is willing to dedicate the most resources in order to get the most funding for vouchers. He asked whether Broward Regional's commitment of 89.5 percent for vouchers would translate to their dedication to find resources to cover the program and administrative costs. Mr. McGuigan indicated that all of the HOPWA providers administer their programs well. However, some of those providers would not be able to administer this voucher program as it extends far beyond their capacity. He was uncertain if this is the case for Broward Regional. A HOPWA agency's ability to provide one service does not translate to it being able to provide another service.

Commissioner Roberts expressed willingness to split the contract for this year to create the element of competition. However, he was uncertain if that would be damaging. Greg Brewton, Sustainable Development Director, indicated that it could be done and staff believes this could be a proper solution. Staff has always expressed concern regarding the discrepancy between the two agencies' administrative costs. It seems that both agencies have committed to allow City staff to monitor their programs and recommend changes. Staff is tasked with measuring (these programs) which requires monitoring. Commissioner DuBose thought splitting the contract is an excellent approach. He recalled that it was successful in administering the NSP (Neighborhood Stabilization Program) program. This may need to be looked at across the board for all (HOPWA) providers. In response to Mr. Brewton, Mr. McGuigan affirmed his commitment to adopt any efficiencies that are identified. He invited City staff's assistance. He raised questions of how it could actually be accomplished. Commissioner Roberts believed if program and administration costs are not reduced, funding will run out for an agency at some point if costs are not reduced. Mr. De Lucca confirmed that Broward Regional will work with City staff to find any efficiencies. Mr. Brewton indicated that both agencies' records would need to be open for City staff's review. As for how the split contract would be administered, he believed that all three parties would be at the table to work out the process. Staff will monitor the number of vouchers to ensure there is even distribution and allocation. He also confirmed for Commissioner Rogers that the contract would include the agencies' voucher allocation commitments which can be measured.

Motion made by Commissioner Roberts and seconded by Commissioner Rogers to approve the tenant based voucher allocation for fiscal year 2013 as amended by evenly dividing the amount of \$3,377,420.93 between Broward House and Broward Regional Health Planning Council, and that both agencies work with City staff for the purposes of locating efficiencies and program monitoring. YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

Motion made by Commissioner Roberts and seconded by Commissioner DuBose to approve all remaining parts of the item except Non-Housing Support Services (Legal Aid) in the amount of \$250,556.98. YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

Motion made by Commissioner Roberts and seconded by Commissioner DuBose to defer consideration of Non-Housing Support Services funding for Legal Aid to October 2, 2012. YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

RESOLUTIONS

R-1 12-2143 APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS

All vacancy information is provided under Conference item BD-2.

There is no fiscal impact associated with this action.

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

Audit Advisory Board	Bob Oelke (Commissioner DuBose) Richard D. Owens (Commissioner Rogers)
Budget Advisory Board	Brady Cobb (Vice Mayor Rodstrom) Drew Saito (Vice Mayor Rodstrom) Nadine Hankerson (Commissioner DuBose) Bryson Michael Ridgway (Commissioner DuBose) Andrew W. Russo (Commissioner Rogers)
Community Services Board	Helen Hinton (Commissioner DuBose) Jasmin D. Shirley (Commissioner DuBose) Benjamin P. Bean (Commissioner Rogers) Ann Clark (Commissioner Rogers) H. Bradley Katz (Consensus – Person living with or advocate for HIV/AIDS Community category)
Historic Preservation Board	Jackie Scott (Vice Mayor Rodstrom)
Parks, Recreation and Beaches Board	Joanne Medalie (Vice Mayor Rodstrom) Shirley Smith (Vice Mayor Rodstrom) Larry Mabson (Commissioner DuBose) Joseph Bellavance (Commissioner Rogers)

	Angela Ward (Commissioner Rogers)
Planning and Zoning Board	Bradford Cohen (Vice Mayor Rodstrom)
Reapportionment Committee	Jackie Scott (Vice Mayor Rodstrom) Sonya Burrows (Commissioner DuBose)
Sustainability Advisory Board	Robert B. Caine (Mayor Seiler)

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 12-181

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.

R-2 12-1957 QUASI JUDICIAL - VACATION OF UTILITY EASEMENT

Applicant: Stanley R. Gumberg, Trustee and the Coral Ridge Mall
Location: 3200 North Federal Highway
Case: 6-M-12

There is no fiscal impact associated with this action.

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

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

Mayor Seiler opened the floor for public comment.

David Bishop, 2640 NE 35 Drive, noted that his residence is located just east of Coral Ridge Mall (mall) and there has been a serious flooding issue here for many years. He brought this matter to City staff's attention, but has not received a response. When a rainstorm occurs, mall customers are parking on 26 Avenue because of the mall's flooded parking lot, and the fence is used as a cut-through. This issue should be rectified by the mall in return for this vacation. He believed that the mall has requested the vacation of easement because it wishes to build a department store and add more parking in the area that floods. He submitted photographs, a copies of which are attached to these minutes. He requested a deferral to allow time for City staff to examine this matter. He noted that there is only one drainage pipe for the entire parking lot.

Mayor Seiler indicated that he also lives near the mall and was not aware of flooding. Albert Carbon, Public Works Director, also was not aware of any flooding. Mr. Bishop explained when

vehicles cannot use the parking lot, they use 26 Avenue. Some discussion ensued as to what is occurring. In response to Commissioner Roberts, Damon Ricks of Flynn Engineering, representing the Applicant, indicated that he was not aware of a flooding issue. The vacation of easement is for infilling part of the building and is not related to the flooding issue. Nevertheless, Commissioner Roberts requested a two-week for staff followup, although he also was not aware of a flooding issue. Mayor Seiler noted that any new development or redevelopment must address this issue.

There was no one else wishing to speak.

Motion made by Commissioner Roberts and seconded by Commissioner Rogers to defer the item to October 2, 2012. YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THAT WATER AND SEWER EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 2458, PAGE 439 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA OVER A PORTION OF TRACT "A", "RESUBDIVISION OF A PORTION OF CORAL RIDGE GALT ADDITION NO. 2", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 36, PAGE 15 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED EAST OF NORTH FEDERAL HIGHWAY (US1; SR5), NORTH OF EAST OAKLAND PARK BOULEVARD, WEST OF NORTHEAST 26TH VENUE AND SOUTH OF NORTHEAST 35TH DRIVE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

PUBLIC HEARINGS

PH-1 12-2055 QUASI-JUDICIAL - FIRST READING - VACATION OF 40 FOOT RIGHT-OF-WAY - NE 7 Avenue between Sunrise Boulevard and NE 9 Street - Case 8-P-11

Applicant: Holman Automotive, Inc.

There is no fiscal impact associated with this action.

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

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

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

Commissioner Roberts understood concern about pedestrian access for the future, but pointed out that there are other accesses to the park. He did not believe a pedestrian walkway to enter the park is the safest approach with the intersection at Federal Highway and Sunrise Boulevard being busy. Vice Mayor Rodstrom did not want to include the staff conditions (shown in Commission Agenda Memorandum 12-2055) because she wanted the property to be redeveloped for an improved appearance. Hope Calhoun, representing the Applicant, indicated no objection to Conditions 2 and 3; however, the Applicant would prefer not to provide the pedestrian easement reflected in Condition 1. She agreed that it poses a safety issue. This vacation has been ongoing for three years and, in an effort to reach a compromise, Condition 1 was reluctantly agreed upon at the Planning and Zoning Board (Board) level. Mayor Seiler took issue with the Applicant's change of response at the Commission level. The City Manager explained that pedestrian mobility is very much a concern. Staff met with the Applicant several times. Being that the type of future development is unknown, staff felt it was important to preserve the concept of a pedestrian movement from Sunrise Boulevard south on the Applicant's property. Staff does not want to lose any pedestrian connectivity from Sunrise south. Vice Mayor Rodstrom noted that the proposed walkway leads into a busy intersection. Ms. Calhoun pointed out that Condition 1 presupposes that the pedestrian easement is granted prior to the vacation taking effect, which is problematic. The City Manager clarified that, once a development is in the works, and depending upon the type of development, the City will then consider moving the pedestrian access to a more appropriate location. But, staff felt that if the City foregoes a pedestrian access now, there is no chance of getting one in the future. He responded to Vice Mayor Rodstrom's concern, indicating the Condition 1 language addresses that concern. NE 7 Avenue is a long block and the only pedestrian access is located at the vehicular driveway to Holiday Park or at the Fort Lauderdale Police Mounted Unit stables' accessway, this distance is too long. Ms. Calhoun recalled the Applicant's offer to provide pedestrian access on the existing opening on 10 Avenue, but it was not accepted. She presented a sketch (Exhibit A) of the existing condition at the north end of NE 7 Avenue looking onto Sunrise Boulevard. A copy of the sketch is attached to these minutes. The proposed location does not connect to Sunrise. The easement would cut through an automobile dealership. The Applicant has consistently stated their preference not to provide pedestrian access at this location. In response to Mayor Seiler, the City Manager advised that this item would not have received a positive staff recommendation if the Applicant had not agreed to Condition 1. He was concerned that the Applicant made a proposal to staff in order to obtain their favorable recommendation. Vice Mayor Rodstrom emphasized that the proposed location has never been acceptable for pedestrians. If the abutting businesses do not care about the easement, then it is a road to nowhere. Commissioner Rogers pointed out that the intersection is regulated by a traffic signal. He felt the pedestrian easement will help to promote the City's walkability goal and soften the corner. It is simply a matter of the City seeking to get something in return for vacating a portion of NE 7 Avenue. Commissioner DuBose agreed with Vice Mayor Rodstrom with respect to safety. Although the intersection has a traffic signal, it has a curved configuration and one of the lanes flows continuously. Children may cross here because it is close to Holiday Park.

Mayor Seiler thought the fair approach would be for staff to withdraw their recommendation and refer the matter back to the Board for a review based on its own merits. Commissioner DuBose disagreed as the Applicant's reluctance to agree to Condition 1 was stated on record. The condition was agreed to in order to move the item forward. It seems staff was unwilling to compromise. The Commission ultimately sets policy and, therefore, routinely amends items. Fundamentally, this is a safety matter. He took issue with staff's insistence. He understood the City's desire not to forego something, but a compromise is necessary. He thought 10 Avenue would be a safer option. The City Manager agreed that 7 Avenue is not the place for pedestrian access. However, 10 Avenue would be too far of a distance. Depending upon the future development, the goal would be for a location east of 8th and west of 9th. He clarified that the Applicant wanted staff's positive recommendation before going before the Board; and, after several weeks of discussion, the proposed intersection was reached as a compromise. Staff agrees with the safety concerns, and consequently asked for a different location in the future. Commissioner Roberts indicated he raised the safety issue with the Applicant before the Applicant expressed reluctance. The 10 Avenue option is not that far away. If that is the case, Mayor Seiler wanted to know what the City would receive in exchange for vacating public right-of-way. Ms. Calhoun explained that the Applicant will have the ability to develop and plat the property. Commissioner Roberts recalled that the City has vacated other rights-of-ways and alleys without receiving anything in return, other than a good development for the particular site.

Mayor Seiler pointed out that some members of the public may have objected to losing pedestrian access, if not for the Applicant agreeing to Condition 1. It is problematic that the Applicant accepted the conditions before the Board and now wants to change that agreement. This item was noticed to the public with Condition 1. If this condition is eliminated, the public will not have access through this property. Ms. Calhoun indicated that the Applicant did not agree to Condition 1 in order to receive staff's recommendation. The Applicant does not think it is the best approach but agreed in order to move forward. This was stated at the Board meeting. She noted that development of the property will result in increased tax revenues and economic development. Vice Mayor Rodstrom noted that the Applicant will have to come back to the Board and Commission when the development moves forward and other contingencies could be imposed then. Mayor Seiler pointed out if the condition language is removed tonight, the Applicant will never again be required to provide a pedestrian easement. Commissioner Roberts objected to this location. Commissioner Rogers thought the Applicant will act responsibly but the City should receive something for the vacation and there should be something provided now that could be discussed in the future. Commissioner Roberts agreed; he wanted a way to preserve such an opportunity. Ms. Calhoun indicated that the proposed location for the easement could be recorded now as a placeholder; and, upon redevelopment, the location will automatically change. The problem is how to accomplish a placeholder. She suggested this location be recorded with limited access. Mayor Seiler did not object to shifting the location, but wanted language that provides for the City having access to Sunrise Boulevard as his concern is that the Applicant may sell the property. Regardless of who owns the property, Vice Mayor Rodstrom noted that the owner will have to come before the Commission to redevelop. She and Ms. Calhoun indicated that NE 7 Avenue is rarely used by Victoria Park residents to access Sunrise Boulevard. The City Attorney advised that staff found the proposed to be the best way to preserve the City's rights and give the developer comfort to move forward and trade off the location in the future. He was not certain how to make an automatic change in the easement. As for the Applicant bringing this back to the City for redevelopment, he explained that the City's contingencies would be limited to the Unified Land Development Regulations (ULDR). The City cannot request something, unless the need for it is created by the development. He did not believe the City will be able to acquire a walkway other than what is being brought forward by the developer. He explained to Vice Mayor Rodstrom that the amenities provided at Satori

Apartments were trade-offs for park impact fees. The City is limited to the impact that the developer is putting on the property at the time.

Bob Bamonte of Holman Automotive, Inc., Applicant, indicated that he has worked with Ms. Calhoun on the proposed vacation for three years. The Applicant has agreed to the easement depicted in the Exhibit A sketch, but is concerned that it divides the property and prohibits development of the site. He requested the condition that, upon redevelopment, if an alternate location cannot be agreed upon, it revert to what is depicted in Exhibit B sketch because it does not divide the site. A copy of the Exhibit B sketch provided by the Applicant is attached to these minutes. Mayor Seiler was not certain whether the Exhibit B location is desirable. He asked what language could be included to allow the Applicant flexibility without denying the public access. The City Attorney did not know that it is possible. Once the City vacates, it loses all control of it. Further discussion ensued in search of a workable solution. In response to Vice Mayor Rodstrom, Mr. Bamonte explained that FDOT's (Florida Department of Transportation) requirement to obtain a vacation of the right-of-way is because it is unsafe. Otherwise the Applicant will lose one of its two entrances on Sunrise Boulevard. He confirmed for the City Manager that FDOT's concern was vehicular access from that right-of-way, not pedestrian.

Commissioner Rogers recalled that the area was previously utilized, though the bisecting roadway does not make for the highest and best use for the site. Mr. Bamonte explained that this developed over many years. The prior owners used the property as if they owned it. Going forward the proposed location is not workable. Commissioner Rogers reiterated that the City should receive something for the vacation although he is not necessarily opposed to Exhibit B. He agreed that the best approach is to refer it back to the Board. Mr. Bamonte recalled asking the Board for language allowing the Applicant to automatically obtain the location shown in Exhibit B upon redevelopment, if they cannot agree to an alternative. He presented an aerial map, a copy of which is attached to these minutes, and noted that the south property line is from 7 Avenue to 10 Avenue. There is no access because it is bordered by the mounted police horse stables and fenced. More discussion ensued regarding possible alternatives wherein consensus was reached for the Applicant to provide 20 feet on 10 Avenue (along Holiday Park) in exchange for a 40-foot vacation on 7 Avenue. The City Manager noted that it will ultimately depend upon the site plan. Ms. Calhoun noted if needed upon redevelopment the Applicant would work with the City in relocating it. If an agreement cannot be reached at the time, it would remain. Mayor Seiler clarified that all of the other conditions would remain the same. The City Attorney indicated that this revision can be included on second reading on October 2, 2012.

Vice Mayor Rodstrom introduced the following ordinance on FIRST reading, with an amendment to Condition 1, as described above:

ORDINANCE NO. C-12-36

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF NORTHEAST 7TH AVENUE BETWEEN BLOCK 218 AND BLOCK 219, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED EAST OF NORTH FEDERAL HIGHWAY (US 1; SR 5), SOUTH OF EAST SUNRISE BOULEVARD, WEST OF NORTHEAST 10TH AVENUE AND NORTH OF NORTHEAST 9TH STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

OB 12-2213 GRANTEE RELATIONSHIP WITH BROWARD COUNTY'S HOMELESS INITIATIVE PARTNERSHIP DIVISION FOR THE PURPOSE OF SERVING AS LEAD AGENCY IN FEDERAL GRANT APPLICATION IN THE ESTIMATED AMOUNT OF \$497,000 WITH MATCHING FUNDS OF UP TO \$150,000 FOR SERVICES IN BROWARD COUNTY'S HOMELESS CONTINUUM OF CARE

Motion made by Commissioner Rogers and seconded by Vice Mayor Rodstrom to authorize the City Manager to enter into potential grantee relationship with Broward County's homeless initiative partnership division for the purpose of serving as lead agency in federal grant application in estimated amount of \$497,000 with matching funds of up to \$150,000 for services in broward county's homeless continuum of care.

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

ORDINANCES

O-1 12-2059 SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES - SECTIONS 20-127 AND 132 - DEFINITION OF ACTUARIAL EQUIVALENCE AND EXTEND TERMS OF TRUSTEES - POLICE AND FIREFIGHTERS RETIREMENT SYSTEM

Vice Mayor Rodstrom introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-32

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CITY OF FORT LAUDERDALE CODE OF ORDINANCES, CHAPTER 20, PERSONNEL, ARTICLE 4, PENSION, DIVISION 3, POLICE AND FIREFIGHTERS RETIREMENT SYSTEM, SECTION 20-127, "DEFINITIONS" TO REVISE THE DEFINITION OF ACTUARIAL EQUIVALENCE; AMENDING SECTION 20-132, "ADMINSTRATION" TO EXTEND THE TERMS OF TRUSTEES FROM TWO YEARS TO FOUR YEARS; 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.

**O-2 12-2149 SECOND READING OF ORDINANCE AMENDING SCHEDULE I OF
PAY PLAN TO INCLUDE ONE NEW CLASS - BUSINESS MANAGER,
TRANSPORTATION AND MOBILITY**

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-33

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 A NEW CLASS, AND 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, Commissioner DuBose, and Mayor Seiler. NAYS: Vice Mayor Rodstrom.

**O-3 12-2202 FIRST READING OF ORDINANCE AMENDING CODE OF
ORDINANCES - CHAPTER 25, STREETS AND SIDEWALKS -
UNDERGROUNDING OF UTILITY FACILITIES - Special Assessment
Program**

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-37

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CITY OF FORT LAUDERDALE CODE OF ORDINANCES SECTION 25-124, ENTITLED "DEFINITIONS" REVISING DEFINITIONAL TERMS; AMENDING SECTION 25-129.1(B), ENTITLED "FINDINGS AND SUPPORT FOR UNDERGROUND UTILITY LINE ASSESSMENT" AND SECTION 25-129.4, ENTITLED "INITIATION OF PROCESS" TO REQUIRE A THRESHOLD OF SEVENTY PERCENT (70%) OF THE SIGNED AND RETURNED BALLOTS WITHIN A PROPOSED UNDERGROUND SPECIAL ASSESSMENT AREA BE "IN FAVOR" OF THE PROPOSED SPECIAL ASSESSMENT AS A CONDITION PRECEDENT TO THE SPECIAL ASSESSMENT PROCESS; REQUIRING MAILING OF THE BALLOTS BY THE CITY CLERK; PROVIDING FOR AUTHORIZATION OF AN AGREEMENT WITH AND EXPENDITURES FOR COORDINATING CONSULTANT SERVICES FOR THE PREPARATION OF PLANS & SPECIFICATION AND STUDY; PROVIDING FOR

SIMULTANEOUS IMPLEMENTATION OF A METHOD OF REIMBURSEMENT TO THE CITY BY THE OWNERS OF PARCELS WITHIN THE UNDERGROUND SPECIAL ASSESSMENT AREA FOR THE FUNDING OF THE COSTS OF THE COORDINATING CONSULTANT SERVICES; REQUIRING PREPARATION OF THE BALLOT UPON BEING PROVIDED WITH PRELIMINARY PLANS WITH A 90% COMPLETION AND STRUCTURE OF THE BALLOT FOR THE SPECIAL ASSESSMENT; AMENDING SEC. 25-129.13, ENTITLED "EFFECT OF FINAL ASSESSMENT RESOLUTION" REQUIRING A COMPETITIVE NEGOTIATION PROCESS FOR SELECTING THE CONTRACTORS FOR CONSTRUCTION OF THE UNDERGROUND UTILITY LINE FACILITIES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Seiler opened the floor for public comment.

Mary Fertig, Idlewyld Improvement Association (Idlewyld Association), indicated that Idlewyld Association conducted a survey to obtain an updated view of residents' opinions on undergrounding, subsequent to questions raised at the May 1, 2012, conference meeting. Over 50 percent responded. The majority were in favor and less than 20 percent opposed. The survey allowed respondents to submit questions and the Idlewyld Association will work with City staff to provide answers. A primary question raised is what will be the City's contribution and whether the franchise fees paid in electric bills will be utilized for infrastructure needs. In response to Mayor Seiler, she explained that the surveys were mailed with return envelopes, and follow-up emails were sent. Almost every response was received via postal mail. As for the proposed 30-day completed ballot turnaround time, she thought there should be consideration concerning out-of-town residents.

Howard Steinholz, president of Seven Isles Homeowners Association, Inc. (Seven Isles Association), expressed the Seven Isles Association's unanimous support of the ordinance.

There was no one else wishing to speak.

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.

**O-4 12-2087 QUASI-JUDICIAL - SECOND READING OF ORDINANCE
REZONING TO COMMUNITY FACILITY-HOUSE OF WORSHIP AND
SCHOOL (CF-HS)**

From: Residential Single Family/Low Medium Density District (RS-8) Applicant:
Sunset Presbyterian
Location: 3550 Davie Boulevard
Land Use: Low Residential
Case: 5-Z-12

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-31

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM "RS-8" TO "CF-HS", A PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 50 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, LOCATED SOUTH OF DAVIE BOULEVARD, EAST OF SOUTHWEST 36TH AVENUE, WEST OF SOUTHWEST 35TH AVENUE AND NORTH OF SOUTHWEST 13TH COURT, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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.

Motion made by Commissioner DuBose and seconded by Commissioner Roberts to reconsider Agenda Item O-4 in order to include the quasi-judicial procedure. YEAS: Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, Commissioner DuBose, and Mayor Seiler. NAYS: None.

Members of the Commission announced the disclosures were the same as those indicated on first reading.

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

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-31

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM "RS-8" TO "CF-HS", A PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 50 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, LOCATED SOUTH OF DAVIE BOULEVARD, EAST OF SOUTHWEST 36TH AVENUE, WEST OF SOUTHWEST 35TH AVENUE AND NORTH OF SOUTHWEST 13TH COURT, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A"

ATTACHED THERETO TO INCLUDE SUCH LANDS.

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.

O-5 12-2117 FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES - CHAPTER 18, NUISANCES - ESTABLISHING A REGISTRATION PROGRAM FOR ABANDONED RESIDENTIAL PROPERTY

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-38

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 18, NUISANCES, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA TO INCLUDE A CITY RESIDENTIAL ABANDONED PROPERTY PROGRAM; PROVIDING FOR ABANDONED PROPERTY REGISTRATION BY FORECLOSING MORTGAGEES; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESPONSIBILITY FOR COMPLIANCE OF NUISANCE VIOLATIONS; PROVIDING FOR INSPECTIONS OF ABANDONED PROPERTY; AND FURTHER PROVIDING FOR SEVERABILITY 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.

O-6 12-2145 FIRST READING OF ORDINANCE AMENDING UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-20, PARKING AND LOADING REQUIREMENTS - implementing recommendations of Barrier Island Parking Study on the barrier island - Case 9-T-12

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-39

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, REVISING THE PARKING AND LOADING REQUIREMENTS FOR THE CENTRAL BEACH DISTRICTS AND THE NORTH BEACH AREA BY AMENDING SECTION 47-20.2, PARKING AND LOADING ZONE REQUIREMENTS, TO ADD PARKING REQUIREMENTS FOR THE CENTRAL BEACH DISTRICTS AND NORTH BEACH AREA;

AMENDING TABLE 3 OF SECTION 47-20.2, PARKING AND LOADING ZONE REQUIREMENTS, TO REVISE PARKING CALCULATIONS FOR SPECIFIC USES AND ADD SPECIFIC PARKING CALCULATIONS FOR ZONING DISTRICTS WITHIN THE CENTRAL BEACH AREA; CREATING TABLE 4 OF SECTION 47-20.2, PARKING AND LOADING ZONE REQUIREMENTS, TO ADD A TABLE OF PARKING CALCULATIONS FOR SPECIFIC USES WITHIN THE NORTH BEACH AREA; AMENDING SECTION 47-20.3, REDUCTIONS AND EXEMPTIONS, TO CHANGE THE CRITERIA FOR PARKING REDUCTIONS PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CODIFICATION AND 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.

BUDGET AGENDA

- 1 12-2163 FINAL PUBLIC HEARING FOR RESOLUTIONS - SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT - MILLAGE RATE AND BUDGET - FISCAL YEAR BEGINING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013.**

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

Mayor Seiler announced that this is the second of two public hearings held as required by law on the Sunrise Key Neighborhood Improvement District millage rate and budget for fiscal year 2013. He opened the public hearing and noted its purpose.

The City Manager announced that the proposed millage rate of 1.0000 mill will generate revenue in the amount of \$79,500.

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

Mayor Seiler announced that the final millage rate for all Sunrise Key Neighborhood Improvement District purposes will be 1.0000 mill, which represents an increase of 1.08 percent over the rolled-back rate of .9893 mills.

Vice Mayor Rodstrom introduced the following resolution approving the millage rate:

RESOLUTION NO. 12-170

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013.

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 approving the budget:

RESOLUTION NO. 12-171

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FOR FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013.

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.

2 12-2110 PUBLIC HEARING - RESOLUTION - SETTING CENTRAL WASTEWATER REGION LARGE USER RATE FOR FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013

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

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 12-172

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SETTING A RATE PER 1,000 GALLONS OF WASTEWATER TREATED, DURING FISCAL YEAR 2012/2013, FOR ALL LARGE USER WASTEWATER CUSTOMERS OF THE CENTRAL WASTEWATER REGION AND PROVIDING 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.

3 12-2088 SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 28, WATER, WASTEWATER AND STORMWATER RATES - PROVIDING FOR CURRENT AND FUTURE RATE AND CHARGE INCREASES

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

Vice Mayor Rodstrom introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-35

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED WATER, WASTEWATER AND STORMWATER, TO PROVIDE FOR CURRENT AND FUTURE INCREASES TO WASTEWATER USER RATES, TAPPING CHARGES, WATER RATES, SPRINKLING METER CHARGES, PRIVATE FIRE SERVICE PROTECTION CHARGES, STORMWATER MANAGEMENT PROGRAM RATES, SERVICE AVAILABILITY CHARGES; PROVIDING FOR AN EFFECTIVE DATE.

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

4 12-2164 RESOLUTION - APPROVING FIVE-YEAR COMMUNITY INVESTMENT PLAN, AS AMENDED, FOR 2013-2017 AND APPROPRIATING FUNDS FOR FISCAL YEAR 2013 PROJECTS

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 12-173

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADOPTING THE FIVE-YEAR COMMUNITY INVESTMENT PLAN (CIP), AS AMENDED, FOR 2013-2017.

In response to Commissioner Rogers, the City Manager explained that the North Beach Parking Lot project listed on page 17 of Exhibit 1 (Commission Agenda Memorandum 12-2164) is also referred to as the Natchez property.

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.

5 12-2150 SECOND READING OF ORDINANCE AMENDING SCHEDULES I AND II OF PAY PLAN, CODE OF ORDINANCES, SECTION 20-67 - SPECIAL PAY PRACTICES AND RETIREE HEALTH BENEFIT

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

Vice Mayor Rodstrom introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-34

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SCHEDULES 01 AND 02 OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY MODIFYING THE PAY RANGE AMOUNTS FOR SCHEDULE I, TO WIT: SUPERVISORY, PROFESSIONAL, AND MANAGERIAL - P.E.R.C.- EXEMPT EMPLOYEES, AND SCHEDULE II, TO WIT: NON-BARGAINING CONFIDENTIAL EMPLOYEES, TO PROVIDE IN FISCAL YEAR 2013 FOR A ONE PERCENT COST-OF-LIVING ADJUSTMENT, A THREE PERCENT DECREASE OF THE MINIMUM OF EACH PAY RANGE, AND A THREE PERCENT INCREASE OF THE MAXIMUM OF EACH PAY RANGE, TO PROVIDE IN FISCAL YEAR 2014 FOR A ONE PERCENT COST-OF-LIVING ADJUSTMENT AND A THREE PERCENT INCREASE OF THE MAXIMUM OF EACH PAY RANGE; ELIMINATING PAY RANGE STEPS; AMENDING SECTION 20-67 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY ELIMINATING LONGEVITY PAYMENTS FOR EMPLOYEES HIRED ON OR AFTER OCTOBER 1, 2012; AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY ELIMINATING THE RETIREE HEALTH INSURANCE BENEFIT FOR SCHEDULE I AND SCHEDULE II EMPLOYEES HIRED ON OR AFTER OCTOBER 1, 2012; AND 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, Commissioner DuBose, and Mayor Seiler. NAYS: Vice Mayor Rodstrom.

6 12-2162 FINAL PUBLIC HEARING FOR RESOLUTIONS - CITY OF FORT LAUDERDALE MILLAGE RATE AND BUDGET - FISCAL YEAR BEGINING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013.

Mayor Seiler announced that this is the second of two public hearings to be held as required by law on the City's millage rate and budget for fiscal year 2013. He opened the public hearing and noted its purpose.

The City Manager noted that the current millage rate of 4.1193 and the current fire assessment fee of \$135 per single residential unit are maintained in the final budget for fiscal year 2013. The current millage rate is a 1.1 percent increase over the rolled-back rate. He read a prepared statement. A copy of this statement is attached to these minutes. He went on to review Memorandum 12-260 provided the Commission that delineates items not funded in the proposed 2013 budget as well as potential offsets to allow for funding. A copy of the memorandum is attached to these minutes.

Mayor Seiler opened the floor for public comment.

P.J. Espinal, 120 NW 16 Street, felt disappointed that the City's budget is unbalanced, and that the reserve funds have been utilized for several consecutive years. She disagreed with borrowing funds to pay daily expenses. She thought the City's credit rating is going to be lowered. It became the City's priority to build up reserve funds about five years ago after an active hurricane season. She expressed concern about reduced public input as the budget agenda items were brought forward at a late hour. Fort Lauderdale is a destination of choice for businesses; therefore, she opposed vacating parcels or selling surplus property for low prices. She thought the practice of reducing CIP (community investment program) funds for some projects and moving the funding to other projects caused an issue with HUD (U.S. Department of Housing and Urban Development) several years ago as these grant funds are specifically designated. With regard to the City selling property, Vice Mayor Rodstrom agreed. But, the right-of-way noted in item PH-1 was vacated for a trade because it cannot legally be sold. Ms. Espinal stressed that the City should not give away something that it might need later as the property could change ownership and be utilized differently in the future. Although the reserves have been utilized, Commissioner Roberts remarked that the reserve is at a desired level of over 17 percent. The City committed to not allow the reserves to drop below 16 percent, or two months of operating expenses. The total reserves citywide are over \$180 million. Mayor Seiler explained that the reserve fund threshold is based on a generally accepted accounting policy. Commissioner Roberts asserted that the City has ample reserve funds to restore basic services in the event of a hurricane while awaiting FEMA (Federal Emergency Management Agency) reimbursement.

Robert Walsh, 401 East Las Olas Boulevard, thought the budget items should have been addressed at a separate meeting, rather than being brought forward at a late hour. He suggested the City's 401(a) contribution rate be 18 percent for the City Manager, and 9 percent for other (non-classified) employees which will create a savings of over \$300,000. He was pleased that the police K-9's and bunker gear will be funded. He elaborated upon what he believes to be a means for the City to generate revenue. He thought the City Auditor should have brought forward the 401(a) contribution rate matter. He agreed with Commissioner Roberts that the budget appears to be satisfactory.

Fred Carlson, 625 Orton Avenue, commended the City Manager on the proposed final budget. He cautioned against continuously deferring projects as that may stress the city's infrastructure and, therefore, be problematic in the future. Mayor Seiler clarified that water and sewer line replacement projects are not being deferred but rather funding is derived from a separate fund. Commissioner Rogers indicated that the New River seawall project was partially deferred as some portions of it are being repaired. Mr. Carlson believed that, if the City can adjust the operating expenses and take a conservative approach to projects approved early in the fiscal year, perhaps it will not be necessary to defer projects at the end of the fiscal year.

Charles King, 105 North Victoria Park Road, noted Plantation's recent 22 percent millage rate increase. He contended that Plantation police officers were encouraged by the union to support a 32.5 percent millage rate increase because it would benefit the FOP (Fraternal Order of Police). He thought residents are in a zero sum game with unions. He asked when the last time the City's budget was balanced without using reserves. Mayor Seiler noted the City Auditor's advisement that the proposed budget is balanced. Mr. King thought checks and balances are needed to prevent the City from significantly raising taxes in the future. Action taken at the last meeting may be financially disastrous, but this will not be known for years. In response to Mayor Seiler, he clarified his suggestion for the City to operate within its means, make across the board cuts and not raise taxes. He thought taxes will be raised in years to come in order to balance the budget. Mayor Seiler remarked that the City's position is to endeavor not to raise taxes, and a track record of four consecutive years has been established. Mr. King urged the Commission to balance the budget without using reserves.

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

Vice Mayor Rodstrom submitted a chart of the City's unfunded liability contribution that includes information from the CAFR (Comprehensive Annual Financial Report) and the City's Financial Advisor, FirstSouthwest. A copy of the chart is attached to these minutes. She referred to approaches utilized in an attempt to balance the budget this year, including pension obligation bonds, Bonus Incentive Retirement Program and the City's contribution rate for the 401(a). She noted that some money has been borrowed from the pension obligation bonds and placed in the budget stabilization fund.

In response to Vice Mayor Rodstrom, the City Manager explained that the purpose of the pension obligation bonds was to lower the City's unfunded liability, and, therefore, have a lower annual retirement contribution. Vice Mayor Rodstrom noted that the \$60 million unfunded liability contribution added to the \$26 million debt service equates to \$86 million in cost this year. The City Manager pointed out that issuing the pension obligation bonds will reduce the City's unfunded liability in 2013 by 75 percent. When the pension obligation bonds are issued, those funds will be deposited into the City's pension plan which will immediately reduce the City's annual retirement contribution. The combined debt service and annual retirement contribution will be less than the annual retirement contribution would be if the pension obligation bonds had not been issued. Vice Mayor Rodstrom sought clarification as to whether any of the City's pension liability in 2013 will be paid from the general fund. The City Manager clarified that the City will pay 75 percent of the unfunded liability; as well as the annual retirement contribution for the General Employees Retirement System (GERS) and the Police and Firemen's Retirement System (PFRS), plus what is necessary to fund 25 percent of the unfunded liability.

Vice Mayor Rodstrom referred to the negative outlook Moody's Investors Service (Moody's) gave the City based on its continued use of reserves. The Moody's report mentions the City's challenge to maintain the coverage ratio and sustain investment returns. She recalled that the amount of interest for the pension obligation bonds was previously estimated to be about \$136 million over the course of 20 years at a 4.11 percent. The City Manager believed that the rate changed due to a situation in Europe and actions taken by Chairman of the Board of Governors of the Federal Reserve System. Based on preliminary pricing today, the interest rate would be 4.23 percent. The rate may come down if Europe continues to have issues. Vice Mayor Rodstrom recalled that the previous estimate of 4.11 percent was believed to be on the high side, and that the actual rate would be lower. The City Manager confirmed for her that the amount of interest over the life of the bonds will be slightly more than \$136 million at a 4.23 percent interest rate. Debt service will be about \$28 million which includes \$11 million per year for 20 years in interest.

Vice Mayor Rodstrom remarked on the negative trend since 2006 reflected in the chart. In response to her question, the City Manager advised that the City is not paying any interest to set aside \$16 million in the Budget Stabilization reserve; it is a reimbursement to the City of a prefunded portion of the fiscal year 2013 PFRS unfunded liability. The City paid 1.4 percent interest on the \$30 million short-term funding. The City Auditor explained that the City budgeted about \$30 million for this year's PFRS pension payment, and that money was borrowed last year in order to prepay. The City had funds in the current year budget to repay that borrowing. By virtue of issuing the pension obligation bonds, the amount the City owes to the PFRS pension fund will drop roughly in half. Thus, the pension contribution is overfunded because of the prepayment. The funds cannot be released back to the City. Therefore, a prefunding for next year has been created. The City Manager indicated that the pension obligation will be funded the same way next year as it is this year. The contribution will be significantly reduced. Until an actuarial evaluation is done, he was uncertain what the amount will be next year, but it should not vary greatly unless the assumptions are changed. Vice Mayor Rodstrom objected to utilizing pension obligation bonds to close the budget gap. The City Manager reiterated that the pension obligation bonds reduce the amount of interest the City pays on the unfunded liability which lowers the annual pension costs. The City will continue to budget for the normal retirement cost portion, plus 25 percent of the unfunded liability and debt service.

Vice Mayor Rodstrom asked if pledged revenues are being used to pay for the pension obligation bonds. The City Manager explained that the City is designating specific revenue sources that are currently part of the general fund and using that to enhance the credit and lower the interest rate. Vice Mayor Rodstrom further elaborated upon those revenues being pledged and pointed out that these funds are all normally in the general fund. The City Manager clarified that the municipal revenue sharing portion of the gas tax is being pledged. He went on to point out that the pension contribution is currently funded from the general fund. He noted that the gas tax revenue in this instance is not used for roadway resurfacing.

Vice Mayor Rodstrom thought the pension obligation bonds are binding future commissions and possibly obligating future taxpayers to cover the debt. She cautioned that the Commission raised taxes by 24 percent in 2003 and 2004 which increased the City's reserves to over \$90 million. This could happen again. The City Manager clarified that every bond issue has its underlying general obligation rating which relates to the fiscal health of the City. Moody's issued a negative outlook which was affirmed by Standard & Poor's (S&P). With regard to a specific issue, S&P rated the pension obligation bonds as AA, but Moody's called this special obligation debt and used a different credit standard. The A1 rating was consistent with Moody's method of evaluating these types of deals. He believed Moody's negative outlook was clearly based upon

the City's repeated use of reserves. Staff has been working on diminishing the amount of reserves until recurring revenues equal recurring expenditures. Vice Mayor Rodstrom indicated that the City has had many years to resolve this; yet, the unfunded liability is increasing and revenues are not. It is not sustainable. Further, she did not believe there is a satisfactory plan in place for next fiscal year. Staff has not provided any options to pension obligation bonds. She thought it would be better to borrow from a bank at 1 percent annually without fees than for 20 years at 4.23 percent. The City Manager advised that there would still be associated fees and he did not think the City would have had access to the capital necessary to discharge 75 percent of the unfunded liability. Vice Mayor Rodstrom pointed out that as a result of the pension obligation bonds, money is being given to money managers to invest in the stock market. She also pointed out the bond market fluctuation compared to a bank loan. Commissioner Rogers pointed out that the City is already investing in the stock market. Every future commission will have a pension obligation until the pension is fully funded and actuarially equal. Vice Mayor Rodstrom stressed that the pension obligation is escalating. She inquired as to what measures are being taken to make that obligation sustainable. Commissioner Rogers noted that the City has started pension reform process. Given the \$17 million cost for the Bonus Incentive Retirement Program, Vice Mayor Rodstrom questioned it being termed as pension reform. In further response to Vice Mayor Rodstrom, the City Manager indicated that \$27 million is budgeted at this point for the 401(a) until the Commission makes a decision on this matter.

Commissioner Roberts thought the pension obligation bonds are a reasonable approach to an existing debt problem. Over the past 20 years, the PFRS has returned 7.38 percent and the GERS 7.81 percent. He referred to an email sent by a District I constituent, expressing support of pension obligation bonds and elaborating upon historic rates of return for a conservative mutual fund, the Vanguard Wellington Fund, which returned 13.5 percent in the past year, 10.5 in the past three years, 4.11 in the past five years, 7.79 in the past ten years and 8.13 since the fund's founding in 1929. Commissioner Roberts thought the long-term median return is about 8 percent on these types of investments. In addition, he believed the Commission has maintained an adequate reserve. He agreed that the purpose of reserve funds is to access them if needed during challenging economic times. Despite costs that are beyond the City's control like the E911 Call Taking and Police Dispatch Services unfunded mandate, the Commission has decreased the amount of reserve funds utilized each year for the past four years. He pointed out that 27 percent of the City's entire budget is fund balance. In the past four years, the general fund operating budget was reduced by almost five percent, 258 employee positions were eliminated and a reorganization was implemented. Although increased revenues are needed going forward, the only way to achieve this now is to reduce services. He is unwilling to reduce services. He thought there are a number of positives in the proposed budget, given the challenging economic conditions. In comparison to last year, salaries and fringe benefits have been reduced by \$3.4 million. The right things are being done in challenging circumstances while maintaining delivery of vital services. He referred to the City Auditor's Memorandum 11/12-22.2 provided and made a part of the record that indicates the proposed budget is balanced.

Commissioner Rogers felt it is more risky to do nothing than to issue the pension obligation bonds. The unfunded mandate for E911 Call Taking and Police Dispatch Services has been challenging. He thought the City has kept services level, although there have been some cutbacks and possibly more in the future. Presently, the City has an acceptable balanced budget which can be observed in terms of the bottom line and monitoring expenses. The revenue stream will increase when property values rise.

Vice Mayor Rodstrom expressed concern that this item is last on the agenda and being addressed at 11 pm, although the public notice indicated 6 pm. She has received numerous emails from citizens who wanted to express their opinions, but had to leave. Mayor Seiler asked her to forward the emails to him as he has not received any.

Commissioner DuBose asked about the City Hall roof replacement that is referenced in Memorandum 12-260, delineating items that have not been budgeted. The City Manager advised that the roof needs to be replaced as it may not last through another harsh rainy season. Staff originally looked at funding a roof replacement through the escrow program. He confirmed that replacement is contingent upon the Commission approving the escrow program proposal or identifying another funding source. Commissioner DuBose pointed out that if faced with a heavy storm during hurricane season, there will be no choice but to fund a roof replacement and a \$600,000 expenditure will be an impact. The City Manager indicated that a last resort funding option would be to utilize the reserves. In further response, he explained that the \$26,000 in additional funding for elections was not included in the final budget proposal as the budget process was underway when staff was made aware of the November special election cost. It must be funded, either now, or other interim cuts or savings during the year will need to be found. The City Clerk pointed out that there may not be a second election, depending upon the winning candidate's percentage of votes. The \$26,000 is the additional cost imposed by the Broward County Supervisor of Elections. The total cost for the primary election and the general election is \$140,000 and \$84,000, respectively. In further response to Commissioner DuBose, the City Manager advised that the two K-9 replacement dogs are not presently included in the budget. If the K-9's are not funded, he will meet with the Police Chief to identify funding in the police department budget. Further, there are currently defibrillators at every other lifeguard tower, and the proposed funding would provide for a defibrillator at every tower. All of the potential offsets listed in Exhibit A to the memorandum are in the proposed budget, except for revenue increases from the public service tax and sanitation franchise fees. Commissioner DuBose felt these unfunded items are pressing and must be considered before approving this budget. He thought the state lobbying service cost of \$50,000 should be considered as an offset. In further response, the City Manager advised that \$250,000 is the entire allocation for speed humps and crosswalks; he suggested utilizing \$100,000 of this allocation. The Pavement Management System (PMS) is currently being funded in the general fund, but it is a legitimate gas tax expense. If that \$100,000 is charged to the gas tax fund, there will then be \$640,000 for road repaving. There was prior consensus approval for a PMS pilot program, but the City would still be responsible for the \$100,000 cost if the pilot proves unsuccessful. In conclusion, Commissioner DuBose felt there are items that can be removed from the budget for a year, especially the state lobbying service.

In response to Vice Mayor Rodstrom, the City Manager explained that the City could have met the pension obligation this year by utilizing the reserve or budget cuts because the obligation (pension contribution) would have exceeded the amount currently budgeted by about \$5 million. If the bonds were not issued, the City's pension contributions for 2013 would have been roughly \$32 million and \$28 million for PFRS and GERS, respectively. Most of this \$60 million contribution amount is funded in the current budget which includes both the normal retirement contribution and the debt service on the pension obligation bonds. The purpose of the bonds is to lower the annual pension cost. Until the PFRS and GERS perform their annual actuarial evaluations, he is uncertain of the amount of the City's pension contribution payment for next year. Interest on the remaining unfunded liability will be 7.75 percent for one pension plan and 7.5 percent for the other; and, based on preliminary pricing, interest on the debt could be 4.23 percent.

Mayor Seiler noted the City Auditor's assertion that the proposed final budget is balanced. The budget process started in June. However, he did not believe that a single amendment has been raised throughout the process. He recalled the City Manager's suggestion to increase the fire assessment fee. Commissioner DuBose pointed out that the proposed final budget has been amended since what was presented on September 5. He was concerned about the unfunded items. Mayor Seiler agreed that the \$26,000 in additional funding for the special election is a hard number that the City will have to pay. But, he was not concerned about locating that funding, or \$18,000 for two police K-9's. However, the roof replacement is his biggest concern. He thought the escrow program and other funding options should be discussed. If more budget cuts are to be made, the Commission must make suggestions. Commissioner DuBose noted that additional information was brought forward tonight that was not provided on September 5, and now is the time to address unfunded items. He has raised these issues tonight in order to obtain feedback from the Commission. Mayor Seiler noted that the election cost will have to be paid. Funding for the roof replacement must be located, but it is not a necessity today. He would like to have the mobile laptops, but the City could save \$680,000 if this funding can be derived from the Law Enforcement Trust Fund. Although he would like to have the unfunded items (shown in Memorandum 12-260), he can live without them tonight except as just discussed. Further, he does not want to cut funding for speed humps and crosswalks.

Commissioner DuBose indicated that based on his experience, it is better to not delay the roof replacement because it can cause additional problems to arise. Also, based on the new roof's life expectancy, the City should budget each year so that funds are in place when another replacement is needed and the same applies to other items with a useful life of ten or twenty years. He believed some of the unfunded items will have to be addressed sooner than expected. In closing, Mayor Seiler pointed out that there would not be any unfunded items if the \$6 million E911 Call Taking and Police Dispatch Services charge from Broward County did not occur. Commissioner DuBose thought that the budget deficit was originally greater than \$6 million. Mayor Seiler agreed, but noted that other adjustments were made. Vice Mayor Rodstrom maintained that the Commission has been aware of the deficit for the last four years. Mayor Seiler noted that another significant cost has been the Southside School. He recalled that the City had already spent \$7 million on Southside School when this Commission took office, and, since 2003, it has continued to be a cost. He thought the Commission shared his frustration regarding the amount spent. He does not see a light at the end of the tunnel. He felt staff has done an excellent job in a difficult time. Commissioner DuBose agreed.

Commissioner Roberts agreed that costs for the special election and the roof replacement are the most important. As for mobile laptops, he indicated that the priority for replacement should be those over six years old, which is about 77. He wanted the City Manager to look at this. However, he was confident that the Police Department can find funding for the two K-9's. There needs to be some flexibility as the year progresses. For example, he thought the increase in election costs could come from existing salary savings. Based on his budgeting experience, he thought the list of unfunded items is a good road map for concerns, but those items shown after the K-9 dogs on Exhibit A do not need to be addressed tonight. He agreed that delaying the roof replacement will lead to compounded issues and increased costs. As to the point of staff excelling in challenging circumstances, he noted that some employees are utilizing their personal resources to make things work. Employees should be provided with the resources and support needed to perform their jobs.

Commissioner Rogers referred to the Community Investment Plan that is helpful in identifying funding that is essentially discretionary in that it can be utilized for another purpose without affecting existing services. The roof replacement is essential. The E911 Call Taking and Police

Dispatch Services arose as did the Joseph C. Carter Park project. He recalled that \$1.5 million was allocated from the general fund to provide a match for the Joseph C. Carter Park project (Carter Park). He suggested the district park funds (Project Numbers P11724; P11725; P11726; and P11727 as shown on page 5 of Exhibit 1 from Budget Item 4) in the amount of \$424,762 be used to replace a portion of the \$1.5 million Carter Park match, and use those funds instead to pay for the roof replacement. It would not affect any essential services. He felt it is better to replace the roof than to anticipate future expenditures.

The City Manager advised that several commissioners have designated projects and committed to using all or a portion of those funds. In other words, these funds are somewhat committed. Commissioner Rogers stressed that this is an example of the hard decisions that need to be made. Commissioner DuBose recalled that there have been votes on some of the items funded with district park funds. He believed these funds have been committed by the Commission. Nonetheless, the roof replacement is a real issue and a more immediate conversation is needed. Commissioner Rogers referred to page 19 of Exhibit 1 and indicated that a total of \$144 million in CIP funds are available as of September 6, 2012. It is now the Commission's decision as to whether some of this funding should instead be spent on something else. Commissioner Roberts reiterated that the City Manager can bring back recommendations on priorities as they develop including a plan of action with respect to the roof replacement. The memorandum simply serves as a warning more or less.

Mayor Seiler announced that the final millage rate for all general City purposes exclusive of debt service will be 4.1193 which represents a 1.11 percent increase in the millage rate over the rolled-back rate of 4.0738 mills. The final millage rate for debt service for the 2005 General Obligation Refunding Bonds is .0524. The final millage rate for debt service for the 2011A General Obligation Bonds is .0510. The final millage rate for debt service for the 2011B General Obligation Bonds is .1115.

Commissioner Roberts introduced the following resolution approving the millage rate:

RESOLUTION NO. 12-174

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE FINAL MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013.

Vice Mayor Rodstrom thought that the millage and budget should have been divided into two agenda items. The City Attorney indicated that there are two resolutions.

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 approving the budget:

RESOLUTION NO. 12-175

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013, WHICH INCLUDES THE BUDGET FOR THE GENERAL FUND, COMMUNITY REDEVELOPMENT FUND, SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FUND, BEACH BUSINESS IMPROVEMENT DISTRICT FUND, HOUSING AND COMMUNITY DEVELOPMENT AGENCY FUND, BUILDING FUNDS, SCHOOL CROSSING GUARD FUND, POLICE CONFISCATION FUNDS, DEBT SERVICE FUNDS, CEMETERY PERPETUAL CARE FUND, ARTS AND SCIENCE DISTRICT GARAGE FUND, SANITATION FUND, WATER AND SEWER FUND, CENTRAL REGIONAL WASTEWATER FUND, STORMWATER FUND, PARKING FUND, AND AIRPORT FUND.

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

Note: The City Commission adjourned the regular meeting at 11:56 p.m. and returned to the conference meeting agenda, City Manager Reports.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk