

City of Fort Lauderdale

*City Hall
100 N. Andrews Avenue
Fort Lauderdale, FL 33301
www.fortlauderdale.gov*



Meeting Minutes - DRAFT

Tuesday, January 22, 2013

6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

***JOHN P. "JACK" SEILER Mayor - Commissioner
BRUCE G. ROBERTS Vice Mayor - Commissioner - District I
BOBBY B. DuBOSE Commissioner - District III
ROMNEY ROGERS Commissioner - District IV***

***LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JONDA K. JOSEPH, City Clerk
HARRY A. STEWART, City Attorney***

Meeting was called to order at 6:06 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

Present: 4 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Bobby B. DuBose and Commissioner Romney Rogers

Vote Roll Call Order for this Meeting

Vice Mayor Roberts, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler

Invocation

Chaplain Ron Perkins, Fort Lauderdale Police Department, Seafarer's House at Port Everglades

Pledge of Allegiance

Led by Robert Ritchie

Approval of MINUTES and Agenda

13-0125 APPROVAL OF MINUTES - December 4, 2012 Conference and Regular Meetings

Motion made by Vice Mayor Roberts and seconded by Commissioner Rogers to approve the minutes of the December 4, 2012 Conference and Regular Meetings.

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PRESENTATIONS

PRES-1 13-0075 PROCLAMATION DESIGNATING FEBRUARY 1, 2013 AS NATIONAL WEAR RED DAY IN THE CITY OF FORT LAUDERDALE

Vice Mayor Roberts presented a proclamation designating February 1, 2013, as National Wear Red Day in the City to Annette Watkins of the American Heart Association. Ms. Watkins thanked the Commission and invited the public to wear red on February 1 to support awareness of women's heart disease risk.

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.

Motion made by Vice Mayor Roberts and seconded by Commission DuBose that Consent Agenda Items CR-3 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: AYES: Vice Mayor Roberts, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

CONSENT AGENDA

Approval of the Consent Agenda

Approve the Consent Agenda

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

M-1 13-0121 EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: St. Demetrios Greek Orthodox Church, Mount Olivet Seventh-Day Adventist Church Trailblazer Parade, Kid Duck Fest, Sistrunk Parade and Street Festival, Florida AIDS Walk & Music Festival, Where the Cars Are, A-1-A Marathon, Walk for the Animals, South Florida Scottish Festival and Games, Clueless on Las Olas, and AutoNation Culture of Caring Concert

APPROVED ON THE CONSENT AGENDA

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

M-2 13-0067 GRANT ACCEPTANCE - \$15,000 - COMMUNITY EMERGENCY RESPONSE TEAM AND CITIZEN CORPS PROGRAM from Florida Division of Emergency Management - no local match required - October 1, 2012 - September 30, 2013

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

M-3 13-0111 GRANT APPLICATION - \$20,000 - MEMORIAL DAY WEEKEND BEACH ACTIVITIES - BROWARD COUNTY CULTURAL TOURISM PROGRAM - \$20,000 City match

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

M-4 13-0183 GRANT APPLICATION - \$161,150 - ENHANCED MARINE LAW ENFORCEMENT GRANT PROGRAM - Broward County - outboard motors and enhanced patrols - estimated City cost of \$61,600

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

M-5 13-0047 TASK ORDER 25 - TAXIWAY GOLF RELOCATION AT EXECUTIVE AIRPORT with Kimley-Horn and Associates, Inc. - \$55,945
APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

M-6 13-0077 TASK ORDER 25 - EVALUATION OF STORMWATER MANAGEMENT SYSTEM ALTERNATIVES FOR NE 20 AVENUE, NORTHEAST SIDE OF VICTORIA PARK with CDM Smith Inc. in the amount of \$77,085 plus \$3,543.19 for engineering administration fees
APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

M-7 13-0172 NEIGHBORHOOD LINK COMMUNITY BUS ROUTE - Second Amendment to Interlocal Agreement with Broward County
APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

CONSENT RESOLUTION

CR-1 13-0234 AMENDING RESOLUTION 08-63 TO CORRECT SCRIVENER'S ERROR - description of utility easement vacation between NE 5 Street and NE 5 Avenue
ADOPTED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

CR-2 13-0004 GRANT APPLICATIONS - \$1,886,500 - JOB ACCESS REVERSE COMMUTE AND NEW FREEDOM PROGRAMS FOR COMMUNITY BUS SERVICE INCLUDING REPLACEMENT VEHICLES - South Florida Regional Transportation Authority - local match of \$471,625 from various sources
ADOPTED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

CR-3 13-0220 AUTOMATED RED LIGHT CAMERA TRAFFIC ENFORCEMENT SYSTEM - \$1,624,500 - Second Amendment to Agreement with American Traffic Solutions, Inc. and amend operating budget by appropriating funds - three-year term extension and adding camera locations

Proposed Locations 25 (northbound north A-1-A and NE 23 Street), 26 (northbound north A-1-A and NE 30 Street) and 27 (southbound north A-1-A and NE 30 Street) were removed.

The City Manager advised that as a result of the City Auditor's assistance, a revised pricing mechanism to the one in Commission Agenda Memorandum 13-0220 is proposed. For months that a camera begins operating, the City would pay on a pro rata basis. ATS has agreed to this. The City Auditor explained that staff was concerned that the per violation processing fee could subject the City to legal challenges. As opposed to escrowing funds until all appeals are resolved, staff decided on this alternative. In any event, staff believes there would have been a sufficient number of citations processed to have gotten the City to the maximum fee anyway. The City Manager clarified that staff was looking at developing a pricing mechanism based upon low and high traffic roads. Being that there is a provision in State law that prevents a contingency fee, there was concern that the processing fee could be considered a contingency fee. This is a more conservative approach of \$4,250 maximum on a pro-rated basis.

In response to Commissioner DuBose, the City Manager indicated that a bill to repeal red light cameras entirely has been filed by a legislator in Miami-Dade County.

Alain Jean, representing American Traffic Solutions, Inc., confirmed that Senator Garcia has filed a bill on this topic this session and did so last year as well. He did not believe it would succeed because the leadership supports this concept. In further response to Commissioner DuBose, he indicated that he does not have life safety data at this time, but offered to provide it to him. The level of motorists running red lights has substantially decreased. Vice Mayor Roberts clarified that this is a matter of life safety and serious injury protection, and not revenue. Although the City currently derives revenue from this program, revenue will decrease when behaviors change over time. He thought the cameras make a difference, but they have not been in place long enough for a true analysis. He was pleased that some partially equipped intersections are being completed. The program's outcomes will become more evident in the next year. He noted that the City is avoiding a controversial issue by no longer issuing citations for right turn violations. Commissioner DuBose requested the life safety data be furnished to show what the program is achieving.

In response to Mayor Seiler, the City Manager advised that the Commission decided which intersections to add when this item was presented in April of 2012. Police Chief Frank Adderley confirmed that there have been no changes since the approval in April of 2012. In further response, Vice Mayor Roberts believed camera locations 25, 26, and 27 as shown in Exhibit 2 were originally proposed, but were not deemed a priority. The cameras were reallocated to intersections with higher accident rates and traffic volume. The City Manager thought the Commission had identified additional locations and they were added. Mayor Seiler called into question the logic for proposing those locations as they are not major intersections. Vice Mayor Roberts agreed. Police Chief Adderley advised that those cameras have not been installed yet. The logic for selecting those locations was based on research from ATS indicating a high volume of red light violators. The City Manager indicated these locations could be removed and staff will present justification at a later date.

Motion made by Commissioner DuBose and seconded by Vice Mayor Roberts to approve the item as amended and described above, and subject to 1) provision of data that the program has enhanced safety and 2) removal of locations 25 (N/B N. A-1-A and NE 23 Street), 26 (N/B North A-1-A and NE 30 Street), and 27 (S/B North A-1-A and NE 30 Street).

ADOPTED AS AMENDED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PURCHASING AGENDA**PUR-1 12-2504** **CONTRACT FOR EMPLOYEE FINANCIAL LOAN PROGRAM with BMG Money, Inc.**

Paragraph entitled Marketing in agreement amended to delete the following "Employer hereby authorizes BMG Money to disclose Employer's participation in the Program in any marketing materials prepared by or on behalf of BMG Money. Payroll Deduction Authorization form also revised.

Pursuant to an email from the Deputy Director of Finance, dated January 22, 2013, provided to the Commission, Mayor Seiler announced that the payroll deduction authorization form (Exhibit 2) and the agreement (Exhibit 1) in Commission Agenda Memorandum 12-2504 have been revised and made a part of the record. The authorization form is attached to these minutes. The paragraph titled Marketing is revised to delete: "Employer hereby authorizes BMG Money to disclose Employer's participation in the Program in any marketing materials prepared by or on behalf of BMG Money."

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PUR-2 13-0030 **CONTRACT AWARDS FOR LANDSCAPE ARCHITECTURAL CONSULTANT SERVICES from 1) Keith and Schnars, P.A., 2) Calvin, Giordano & Associates, Inc. and 3) EDSA, Inc. and authorize City Manager to execute on behalf of City****APPROVED**

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PUR-3 13-0045 **ONE-YEAR CONTRACT FOR PURCHASE OF FIRE HYDRANTS in the estimated amount of \$209,882.50 from HD Supply Waterworks, LTD and authorize City Manager or designee to approve renewal options****APPROVED**

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PUR-4 13-0050 **PURCHASE OF BEACH CLEANER in the amount of \$55,300 from Carrington Enterprises, Inc.****APPROVED**

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PUR-5 13-0087 **PURCHASE OF AMMUNITION in the total amount of \$95,079.93 from Florida Bullet, Inc. (\$58,062.50 proprietary and \$12,986) and Lawmen's and Shooters' Supply, Inc. (\$24,031.43)****APPROVED**

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PUR-6 13-0109 CANCEL AGREEMENT FOR PURCHASE OF AGGREGATES from Florida Silica Sand Company - ITB 413-10789

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PUR-7 13-0118 TWO-YEAR CONTRACTS FOR ANNUAL DREDGING SERVICES in the total amount of \$661,226 based on unit prices from Cavache, Inc. (primary contractor) and Waterfront Property Services, LLC d/b/a Gator Dredging (secondary contractor)

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PUR-8 13-0199 PURCHASE OF RESCUE TRANSPORT UNIT in the amount of \$341,891 from Hall-Mark Fire Apparatus, Inc.

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

PUR-9 13-0226 MONTH TO MONTH CONTRACT EXTENSION FOR SINGLE FAMILY RESIDENTIAL HOUSEHOLD GARBAGE, TRASH AND YARD WASTE COLLECTION in the estimated amount of \$492,197.31 from Choice Environmental Services of Broward, Inc. - up to ninety days commencing February 1, 2013

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

RESOLUTIONS

R-1 13-0201 DECLARING OFFICIAL INTENT TO ISSUE PARKING REVENUE BONDS OR NOTES - AQUATIC COMPLEX PARKING GARAGE

Commissioner Rogers introduced the resolution which was read by title only.

ADOPTED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

- R-2 13-0110** DOCK PERMIT APPLICATION - 2630 BARCELONA DRIVE - use, maintenance and repair of existing marginal dock and seawall
Applicant: Stephen Francis Power

Vice Mayor Roberts introduced the resolution which was read by title only.

ADOPTED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

- R-3 13-0095** APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS - vacancy information provided under Conference Item BD-2

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

Beach Redevelopment Board	Ina Lee (Mayor Seiler) Daniel S. Matchette (Mayor Seiler) Jordana L. Jarjura (Vice Mayor Roberts) Melissa Milroy (Vice Mayor Roberts) Anthony Abbate (Commissioner Rogers)
Budget Advisory Board	Josias N. Dewey (Mayor Seiler)
Cemetery System Board of Trustees	Vicki Mowrey (Mayor Seiler) Larry M. Ott (Mayor Seiler) Damon R. Adams (Vice Mayor Roberts) Mark Van Rees (Vice Mayor Roberts) Patricia Hayes (Commissioner Rogers) John Sykes (Commissioner Rogers)
Community Services Board	Mark Fillers (Vice Mayor Roberts)
Nuisance Abatement Board	Dale Hoover (Consensus) Donald Ray Karney, III (Consensus/Alternate) Adriane Reese (Consensus - reinstated/moved to full member) D. Ryan Saunders (Consensus) Cindy Smith (Consensus)
Parks, Recreation and Beaches Board	Charles Love (Commissioner Rogers)

Vice Mayor Roberts introduced the following resolution which was read by title only.

ADOPTED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

ORDINANCES

- O-1 12-2585** FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES - POLICE AND FIREFIGHTERS RETIREMENT SYSTEM - PARTIALLY ELIMINATING THE SURVIVOR REMARRIAGE PENALTY CLAUSE - Section 20-129 (b)(2), Duration Survivor Benefits

Vice Mayor Roberts introduced the ordinance which was read by title only.

As for the fiscal impact, the City Auditor explained at Mayor Seiler's request, that the actuaries assumed this would not benefit the plan. If someone gets remarried, it (currently) results in a positive gain. But, effectively, it does not have an actuarial impact because the actuaries have assumed that (remarriage) would never take place. Any individual who does get remarried, would be a de minimis cost to the system. Therefore, the City is in compliance with the ordinance that requires the City to fully fund any new enhanced benefits.

PASSED FIRST READING

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

- O-2 13-0126** FIRST READING OF ORDINANCE - AMENDING PAY PLAN, Schedule I (Supervisory, Professional and Managerial employees - P.E.R.C. Exempt) - adding one new class - Chief Information Security Officer, and title change and revision of one class - Manager of Police information Technology and Projects

Vice Mayor Roberts introduced the ordinance which was read by title only.

PASSED FIRST READING

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

- O-3 13-0139** SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES - WASTEWATER COMMODITY ADJUSTMENT (CREDIT) FOR COMMERCIAL ACCOUNTS when an excessive consumption is the result of a known water leak - Chapter 28, Article II, Division 3, Section 28-76 - Rates and Charges

Vice Mayor Roberts introduced the ordinance which was read by title only.

ADOPTED ON SECOND READING

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and Commissioner Rogers

- 12-0255** WALK-ON MOTION: SUPPORTING FORT LAUDERDALE HISTORICAL SOCIETY'S GRANT APPLICATION FOR 2013 BROWARD COUNTY CULTURAL INVESTMENT PROGRAM

Mayor Seiler noted that the request for a letter to be send to the Broward Cultural Council's grant review panel was requested by the Fort Lauderdale Historical Society and addressed at the conference meeting. A copy of the letter is attached to these minutes. The City Clerk indicated that copies were provided to the Commission.

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

APPROVED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and
Commissioner Rogers

Note: There being no other matters to come before the Commission, the meeting was adjourned at 6:37 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk