

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
JULY 10, 2012

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DRAFT

**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
July 10, 2012**

Meeting was called to order at 6:00 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: City Manager Lee R. Feldman

Also Present: Acting City Manager Stanley Hawthorne
City Auditor John Herbst
City Clerk Jonda K. Joseph
City Attorney Harry A. Stewart
Sergeant At Arms Sergeant Jaime Costas
Sergeant Derek Joseph

Invocation was offered by Commissioner DuBose, followed by the recitation of the pledge led by Barbra Stern.

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 April 17, 2012 Conference and Regular Meetings and May 1, 2012 Conference Meeting. YEAS: Vice Mayor Rodstrom, Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

**1. MARCUS GARVEY APPRECIATION DAY – AUGUST 17, 2012 (PRES-01)
MARCUS GARVEY ROOTZ EXTRAVAGANZA – JOSEPH C. CARTER PARK**

Commissioner DuBose presented a proclamation designating August 17, 2012, as Marcus Garvey Appreciation Day in the City to David Deal, Recreation Program Coordinator. He noted that the City is partnering with the Rootz Foundation to host Marcus Garvey Rootz Extravaganza commemorating the 125th anniversary of Mr. Garvey's birth on Friday, August 17, 2012, at Joseph C. Carter Park. Mr. Deal thanked the Commission, and expressed pride to work for this diverse City.

2. SUSTAINABLE DEVELOPMENT STAFF – 2012 AWARD FOR OUTSTANDING ACHIEVEMENT FROM FLORIDA TRUST FOR HISTORIC PRESERVATION (PRES-02)

Charles Jordan, Trust for Historic Sailboat Bend, presented the City with the Florida Trust for Historic Preservation's 2012 Outstanding Achievement award in the field of Preservation, Education, and Media for Architectural Resource Surveys. Commissioner Rogers accepted the award. Mr. Jordan pointed out that these architectural resource surveys provide the necessary data to recognize the City's historic assets. He hoped this survey process will continue on a Citywide basis. Greg Brewton, Sustainable Development Director, thanked City staff and the (Fort Lauderdale) Historical Society for establishing a working relationship that benefits the City.

3. 34TH ANNUAL COMMUNITY APPEARANCE BOARD WOW AWARD PROGRAM – SPONSORS AND KEYNOTE SPEAKER (PRES-03)

Mayor Seiler and the entire City Commission, as well as Barbra Stern, Chair of the Community Appearance Board, recognized the following sponsors of the 34th Annual Community Appearance WOW Award Program: Dickey Consulting Services, Inc.; Doumar, Allsworth, Laystrom, Voigt, Wachs, Adair, & Bosack, LLP; Elias Leonard Dsouza, P.A.; Earnest/Tighe Law Firm, P.A.; The Rubin Group; Holiday Inn Express and Suites, Fort Lauderdale Executive Airport; Judith Stern Consulting, Inc.; Lochrie & Chakas, P.A.; Rick Docen Photography; Mimi Sall; Stiles Corporation; The Harbor Shops; and The Home Depot. Ms. Stern also expressed gratitude to the City Manager for serving as the program's keynote speaker.

4. PARKS AND RECREATION MONTH – JULY, 2012 (PRES-04)

Vice Mayor Rodstrom presented a proclamation declaring July, 2012, as Parks and Recreation Month in the City to Phil Thornburg, Parks and Recreation Director. Mr. Thornburg thanked the Commission. He invited the public to visit the City's parks and take part in the recreational programs.

5. OUTSTANDING CITY EMPLOYEES (PRES-05)

Phil Thornburg, Parks and Recreation Director, presented the Employee of the Month Award to Corynna Keen, Assistant Aquatic Complex Manager; Tracie McKay, Pool Lifeguard I; Marcia Vahey, Pool Lifeguard II; Bonnie Fiallo, Pool Lifeguard I; Jim Grace, Municipal Maintenance Worker IV; John Paragone, Municipal Maintenance Worker II; and Jeffrey Aquino, Municipal Maintenance Worker III. He recognized Ms. Keen, Ms. McKay, Ms. Vahey, and Ms. Fiallo for skillfully performing CPR on an individual in cardiac arrest during a swimming competition at the Fort Lauderdale Aquatic Complex. He also acknowledged Mr. Grace and Mr. Paragone for conscientiously helping an individual who had fallen into the Intracoastal out of the water and back onto dry land. Finally, he commended Mr. Aquino for bravely assisting an individual who had fallen into the New River out of the water and back onto dry land.

Consent Agenda**(CA)**

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

EVENT AGREEMENTS AND RELATED ROAD CLOSINGS**(M-01)****No budgetary impact**

Event Agreements: Tarpon Bend Anniversary Party, A Cry at Midnight, Florida Panthers REDvolution Summer Tour, Jamaica Independence Day, Tunnel to Towers Run, Pedal 4 Kids, Great Prostate Cancer Challenge 5K Run/Walk, BBQ for the Homeless and Turkey Trot Run.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1070

**LANDSCAPING INSTALLATION AND MAINTENANCE AGREEMENT –
BROWARD COUNTY - BROWARD BOULEVARD LIVABLE MOBILITY GRANT****(M-02)****No current year budget impact.**

Landscaping Installation and Maintenance Agreement with Broward County as part of the Broward Boulevard Livable Mobility Grant - between Andrews Avenue and State Road 7.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1087

**CHANGE ORDER 2 - BORAN CRAIG BARBER ENGEL CONSTRUCTION
CO., INC. – CREDIT - (\$80,704.69) - ADD 100 WORK DAYS - FIRE STATION 35****(M-03)****Please see funding information attached to these minutes.**

Change Order 2 to Boran Craig Barber Engel Construction Co., Inc., in CREDIT amount of (\$80,704.69) and the addition of 100 work days to contract period to provide for new items - Fire Station 35 - 1969 East Commercial Boulevard.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0924

CHANGE ORDER 2 - CHAZ EQUIPMENT COMPANY, INC. - \$33,565.33 (M-04)
DIXIE WELLFIELD WELL ABANDONMENT - ADD 144 CALENDAR DAYS

Please see funding information attached to these minutes.

Change Order 2 to Chaz Equipment Company, Inc., in the amount of \$33,565.33 plus 17 percent engineering fees, and the addition of 144 calendar days to contract period for emergency work - Dixie Wellfield Well Abandonment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1068

CHANGE ORDER 1 - FINAL ADJUSTING CREDIT (\$108,729.87) (M-05)
SOUTHEAST UNDERGROUND UTILITIES, CORP. –
A-I-A LIGHT REPLACEMENT PROJECT

Please see funding information attached to these minutes.

Change Order 1 - Southeast Underground Utilities, Corp. - final adjusting CREDIT, in the amount of (\$108,729.87) - State Road A-1 -A Light Replacement Project.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1075

CHANGE ORDER 1 (FINAL) - ENGINEER CONTROL SYSTEMS (M-06)
CORPORATION - \$57,625.80 - BRIDGE AT WEST LAKE DRIVE
OVER MERCEDES RIVER

Please see funding information attached to these minutes.

Change Order 1 (FINAL) to Engineer Control Systems Corporation, in the amount of \$57,625.80, plus 14 percent engineering fees, for additional work in Annual Contract for Bridge Repairs, Maintenance and Painting - bridge at West Lake Drive over Mercedes River and approve funds transfer.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0926

CHANGE ORDER 2 - MBR CONSTRUCTION, INC. - \$158,692.22 (M-07)
FLAGLER DRIVE GREENWAY AND BICYCLE FACILITY

Please see funding information attached to these minutes.

Change Order 2 to MBR Construction, Inc., in the amount of \$158,692.22 plus 7 percent engineering fees, utilizing available Community Development Block Grant funding for additional scope of work - Flagler Drive Greenway and Bicycle Facility.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1098

TASK ORDER 6 - CDM SMITH INC. - LOHMEYER WASTEWATER TREATMENT PLANT - \$425,164 - EMERGENCY GENERATOR CONNECTION AND ELECTRICAL SWITCHGEAR UPGRADES (M-08)

Please see funding information attached to these minutes.

Task Order 6 with CDM Smith Inc. f/k/a Camp Dresser & McKee Inc. in the not-to-exceed amount of \$425,164 and 2 percent administration fees (\$8,503.28) - design and construction services for emergency generator connection and electrical switchgear upgrades at Lohmeyer Wastewater Treatment Plant.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0765

TASK ORDER 2012-01 - AMEC ENVIRONMENT AND INFRASTRUCTURE, INC. - \$80,836 - WASTEWATER PUMP STATION D-37 (M-09)

Please see funding information attached to these minutes.

Task Order 2012-01 with AMEC Environment and Infrastructure, Inc., in the amount of \$80,836 - groundwater monitoring and a Remedial Action Plan for replacement of Wastewater Pump Station D-37.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1115

TASK ORDER 17 - CDM SMITH INC. - NOT TO EXCEED \$50,000- WASTEWATER PUMP STATION REHABILITATION - TECHNICAL ASSISTANCE (M-10)

Please see funding information attached to these minutes.

Task Order 17 with CDM Smith Inc., f/k/a Camp, Dresser & McKee Inc, in the not to exceed amount of \$50,000 for assistance in City in-house design of Phase III Wastewater Pump Station Rehabilitation, on an as-needed basis and delegate authority to City Manager to approve and execute future task order amendments provided funds are available.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1039

BROWARD HIGHWAY BEAUTIFICATION GRANT - FLORIDA (M-11)
DEPARTMENT OF TRANSPORTATION - STATE ROAD A-1-A AND
SE 17 STREET CAUSEWAY

Grant and funding appropriation is scheduled on the 7/10/12 Commission agenda, Consolidated Budget Amendment CAR 12-1110.

1) Acceptance of Broward Highway Beautification Grant from Florida Department of Transportation for State Road A-1 -A and SE 17 Street Causeway, 2) expand project boundaries west to U.S. 1 to include first median of causeway and 3) authorize use of City funds for design and construction management services contingent upon approval of consolidated budget amendment.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0901

CONTRACT AWARD - RECREATIONAL DESIGN & CONSTRUCTION, INC. - (M-12)
\$126,748.94 - BASS PARK POOL RENOVATIONS

Please see funding information attached to these minutes.

Contract with Recreational Design & Construction, Inc., in the amount of \$126,748.94 plus 17 percent engineering fees and 10 percent contingency fees for Bass Park Pool Renovations.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1043

TASK ORDER 6 - URS CORPORATION SOUTHERN - \$104,306 (M-13)
INTRACOASTAL WATERWAY DREDGING AT LAS OLAS MARINA –
AQUATIC COMPLEX

Please see funding information attached to these minutes.

Task Order 6 with URS Corporation Southern, in the amount of \$104,306 plus 2 percent engineering fees - coastal engineering services for Intracoastal Waterway Dredging at Las Olas Marina - Aquatic Complex.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1141

**FIRST EXTENSION AND AMENDMENT TO AGREEMENT - CRAVEN,
THOMPSON & ASSOCIATES, INC - SISTRUNK BOULEVARD STREETScape
AND ENHANCEMENT - NOT TO EXCEED \$168,000** (M-14)

Please see funding information attached to these minutes.

First Extension and Amendment to Agreement with Craven, Thompson & Associates, Inc., to extend services ending no later than September 30, 2012, for the not to exceed amount of \$168,000 and 2 percent engineering fees - Sistrunk Boulevard Streetscape and Enhancement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1164

**SETTLEMENT OF VEHICLE ACCIDENT GENERAL LIABILITY FILE
VA GL 11-1043 - \$80,000** (M-15)

Please see funding information attached to these minutes.

Settlement of Vehicle Accident General Liability File VA GL 11 -1 043 (Edlyms Gonzalez) - \$80,000

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1054

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

**SETTLEMENT OF VEHICLE ACCIDENT GENERAL LIABILITY FILES
VA GL 09-980 - \$39,000 AND VA GL 09-981 - \$75,000** (M-16)

Please see funding information attached to these minutes.

Settlement of Vehicle Accident General Liability Files: 1) VA GL 09-980 (Estate of Richard Sanzare) - \$39,000 and 2) VA GL 09-981 (Dorothy Sanzare) - \$75,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1058

**SETTLEMENT OF POLICE PROFESSIONAL LIABILITY FILE
PP L 10-1118 – \$30,000 - WINSTON DUDLEY v.
DANIEL R. GOWANS AND CITY OF FORT LAUDERDALE** (M-17)

Please see funding information attached to these minutes.

Settlement of Winston Dudley v. Daniel R. Gowans and City of Fort Lauderdale - U.S. District Court, Southern District of Florida, Case 11-62708-CIV Middlebrooks/Vitunac - \$30,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1145

GRANT ACCEPTANCE - COMMUNITY EMERGENCY RESPONSE (M-18)
TEAM PROGRAM - \$9,600 - FLORIDA DIVISION OF EMERGENCY MANAGEMENT

No Budgetary Impact

Acceptance of grant funds, in the amount of \$9,600, from Florida Division of Emergency Management - Community Emergency Response Team Program - October, 2011 - April, 2014.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1069

GRANT ACCEPTANCE - CITIZEN CORPS PROGRAM - \$9,600 (M-19)
FLORIDA DIVISION OF EMERGENCY MANAGEMENT

No Budgetary Impact

Acceptance of grant funds, in the amount of \$ 9,600, from Florida Division of Emergency Management - Citizen Corps Program - October, 2011 - April, 2014.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1071

BACK TO SCHOOL IMMUNIZATION CAMPAIGN (M-20)
MEMORANDUM OF AGREEMENT – BROWARD COUNTY HEALTH DEPARTMENT

No Budgetary Impact.

Memorandum of Agreement with Broward County Health Department - Back To School Immunization Campaign - Fort Lauderdale Fire Rescue Paramedics to assist in administering of vaccinations to school age children.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1092

GRANT APPLICATION - 2012 ASSISTANCE TO FIREFIGHTERS GRANT – (M-21)
\$410,000 - FEDERAL EMERGENCY MANAGEMENT AGENCY

Please see funding information attached to these minutes.

Grant application to U.S. Department of Homeland Security for rescue (ambulance) unit with \$82,000 local match.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1157

KIDS IN DISTRESS BACK TO SCHOOL DRIVE - (M-22)
JULY 15 – AUGUST 15, 2012

No budgetary impact.

Fort Lauderdale Fire-Rescue Department to receive donations from the public for second annual Back to School Drive to benefit Kids in Distress.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1136

NO OBJECTION TO PLAT NOTE AMENDMENT - NORTHWEST (M-23)
GARDENS IV - CASE 3-P-11A

No Budgetary Impacts

Applicant: Housing Authority
Location: Southwest corner of NW 12 Avenue and NW 8 Street
Zoning:

Reside
 ntial Multifamily Mid Rise/Medium
 High Density RMM-25

Future Land Use: Northw
 est Regional Activity Center

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1108

IAVM 2012 VENUE CONNECT TRADE SHOW - CO-SPONSORSHIP – (M-24)
BANNERS

No Budgetary Impacts.

Co-sponsorship of IAVM 2012 Venue Connect Trade Show to allow installation of thirty banners along 17 Street Causeway between Federal Highway and Intracoastal Waterway, on July 18-25, 2012 - Greater Fort Lauderdale Convention and Business Bureau.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1182

**RADIO COMMUNICATIONS SYSTEM - HOSTED MASTER SITE (M-25)
 AGREEMENT - MOTOROLA SOLUTIONS, INC. - \$25,000 SET-UP
 AND \$150,000 ANNUALLY**

Funding for this item is contingent upon the appropriation and approval of the 2012-2013 operating budget.

Agreement with Motorola Solutions, Inc., in substantially the form provided, to include City on a hosted master site for radio communications system - initial one-time set-up fee of \$25,000 and annual connectivity fee of \$150,000.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0943

CONTRACT RENEWALS - OCTOBER, NOVEMBER, DECEMBER 2012 (M-26)

Funds associated with this item are listed as part of Exhibit 1. Funds for these contract items are subject to approval and appropriation in the 2012-13 budget

Extension of listed contracts that expire during October, November and December, 2012, including two from July and one from August, 2012, and authorizing proper City Officials to execute all necessary documents, contingent upon each respective vendor agreeing to extension.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1051

**GRANT APPLICATION - 2012 BULLETPROOF VEST PARTNERSHIP – (M-27)
 \$104,906 - UNITED STATES DEPARTMENT OF JUSTICE**

Matching funds for this grant award, would come from FD001-01-9129, subject to approval of the FY 12/13 Budget.

Grant application for 2012 Bulletproof Vest Partnership Program funding in the amount of \$104,906, with a local match of \$52,453, from United States Department of Justice.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1084

AQUATIC COMPLEX DEVELOPER'S AGREEMENT – GUARANTEED (M-28)
MAXIMUM PRICE - \$32,437,434 –
RECREATIONAL DESIGN & CONSTRUCTION, INC.

Please see funding information attached to these minutes.

Authorization to enter into a Developer's Agreement in substantially the same form, with Recreational Design & Construction, Inc. for design and construction of the renovation of Aquatic Complex with a guaranteed maximum price of \$32,437,434, subject to the approval of Exhibit F (Form of Payment Bond), Exhibit G (Form of Performance Bond) and Exhibit H (Release and Affidavit) by the City Attorney and subject to the Risk Manager approving insurance requirements.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1173

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

GRANT AGREEMENT WITH PERFORMING ARTS CENTER AUTHORITY (M-29)
BROWARD CENTER FOR THE PERFORMING ARTS - CAPITAL EXPANSION
AND RENEWAL PROJECT

Funding of \$300,000 will be available contingent upon the approval and appropriation of FY 12-13 budget

Authorization to enter into Grant Agreement with Performing Arts Center Authority for capital expansion and renewal project - Broward Center for the Performing Arts in the amount of \$300,000 annually and a total amount of \$4.5 million for a fifteen year period.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1158

LAUDERDALE ISLES WATER MANAGEMENT DISTRICT (M-30)
FISCAL YEAR 2013 NON AD-VALOREM ASSESSMENT

No current year budget impact.

1) accepting Lauderdale Isles Water Management District non ad -valorem assessment fee, 2) setting a public hearing date for September 5, 2012 and 3) advising Broward County Property Appraiser of such information.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1130

CONSENT RESOLUTION

**ATLANTIC BEACH CLUBS-TWO, INC. - BEACH BOATING RESTRICTED (CR-01)
WAIVER - 525-10962 - MOTORIZED WATERCRAFT CONCESSION –
\$234,000 PROJECTED REVENUE**

Revenue in the amount of \$12,500 is in the current year budget (exhibit 5).

Three-year contract with Atlantic Beach Clubs-Two, Inc. for motorized watercraft concession on Fort Lauderdale beach and waiver to operate this concession on the public beach subject to City Attorney approval.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0758

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

RESOLUTION NO. 12-125

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AWARDED CITY OF FORT LAUDERDALE RFP #525-10962 (MOTORIZED WATERCRAFT CONCESSION) TO ATLANTIC BEACH CLUBS-TWO, INC., A FLORIDA CORPORATION (HEREINAFTER, "ATLANTIC BEACH") AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A THREE YEAR CONTRACT WITH "ATLANTIC BEACH" FOR THE OPERATION OF A MOTORIZED WATERCRAFT CONCESSION ON FORT LAUDERDALE BEACH; AND GRANTING, PURSUANT TO CHAPTER 8, ARTICLE V, DIVISION 3 OF THE CITY CODE OF ORDINANCES A WAIVER FOR "ATLANTIC BEACH" TO OPERATE A MOTORIZED WATERCRAFT CONCESSION ON THE PUBLIC BEACH AS DEFINED IN CITY CODE SECTIONS 8-52 AND 8-71 UPON CERTAIN TERMS AND CONDITIONS; REPEALING ANY PRIOR RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR CITY ATTORNEY REVIEW AND APPROVAL OF THE CONTRACT PRIOR TO EXECUTION BY THE PROPER CITY OFFICIALS; AND PROVIDING FOR AN EFFECTIVE DATE.

SIDEWALK - SOUTH MIAMI ROAD - HARBORDALE ELEMENTARY SCHOOL - GRANT REDUCTION - AMENDMENT TO AGREEMENT – FLORIDA DEPARTMENT OF TRANSPORTATION (CR-02)

This item is contingent upon approval of the consolidated Budget Amendment CAR 12-1110 on this same Commission Agenda.

Supplement 1 Amendment to Local Agency Program Agreement with Florida Department of Transportation to decrease original construction grant amount of \$224,936 to actual total participating bid amount of \$86,091.20 - installation of sidewalk along South Miami Road adjacent to Harbordale Elementary School.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0948

RESOLUTION NO. 12-126

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT TO THE LOCAL AGENCY PROGRAM (LAP) AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO DECREASE THE ORIGINAL CONSTRUCTION GRANT AMOUNT FROM \$224,936.00 TO THE ACTUAL TOTAL FDOT PARTICIPATING BID AMOUNT OF \$86,091.20, PROVIDING FUNDING FOR THE CONSTRUCTION OF A SIDEWALK FROM SE 12 STREET TO SE 17 STREET ALONG SOUTH MIAMI ROAD ADJACENT TO HARBORDALE ELEMENTARY SCHOOL AND PROVIDING FOR AN EFFECTIVE DATE.

NO OBJECTION TO VACATION OF 694 FOOT ACCESS EASEMENT – CASE 2-M-12- - SOUTH OF STATE ROAD 84 BETWEEN SW 14 AVENUE AND SW 9 AVENUE (CR-03)

No budgetary impact.

Applicant: 84 Investments Inc.

Location: South of State Road 84, North of SW 26 Street between SW 14 Avenue and SW 9 Avenue

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-1095

RESOLUTION NO. 12-127

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPRESSING NO OBJECTION TO VACATING A PORTION OF THAT CERTAIN ACCESS

EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 32418, PAGE 230 OVER A PORTION OF PARCEL "A", "1150 S.R. 84 PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 163, PAGE 8 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED SOUTH OF STATE ROAD 84, NORTH OF SOUTHWEST 26TH STREET BETWEEN SOUTHWEST 14TH AVENUE AND SOUTHWEST 9TH AVENUE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

VACATION OF 10 FOOT UTILITY EASEMENT - CASE 3-M-12
BROWARD CENTER FOR THE PERFORMING ARTS

(CR-04)

No budgetary impact.

Applicant: Performing Arts Center Authority
Location: South of SW 2 Street, East of SW 7 Avenue, West of SW 5 Avenue and North of West Las Olas Boulevard

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-1096

RESOLUTION NO. 12-128

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A PORTION OF THAT 10 FOOT UTILITY EASEMENT OVER A PORTION OF AND ALONG THE SOUTH LINE OF PARCEL "A", "PERFORMING ARTS CENTER", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 140, PAGE 43 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED SOUTH OF SOUTHWEST 2ND STREET, EAST OF SOUTHWEST 7TH AVENUE, WEST OF SOUTHWEST 5TH AVENUE AND NORTH OF WEST LAS OLAS BOULEVARD, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

VACATION OF 50 FOOT DRAINAGE EASEMENT - CASE 4-M-12
BROWARD CENTER FOR THE PERFORMING ARTS

(CR-05)

No budgetary impact.

Applicant: Performing Arts Center Authority
Location: South of SW 2 Street, East of SW 7 Avenue, West of SW 5 Avenue and North of West Las Olas Boulevard

Recommend: Adopt resolution.
Exhibit: Commission Agenda Report 12-1097

RESOLUTION NO. 12-129

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING A 50 FOOT DRAINAGE EASEMENT OVER A PORTION OF PARCEL "A", "PERFORMING ARTS CENTER", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 140, PAGE 43 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED SOUTH OF SOUTHWEST 2ND STREET, EAST OF SOUTHWEST 7TH AVENUE, WEST OF SOUTHWEST 5TH AVENUE AND NORTH OF WEST LAS OLAS BOULEVARD, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

VACATION OF 2,697 SQUARE FOOT STORM DRAINAGE AND UTILITY EASEMENT - CASE 5-M-12 - BROWARD CENTER FOR THE PERFORMING ARTS (CR-06)

No budgetary impact.

Applicant: Performing Arts Center Authority
Location: 201 SW 5 Avenue
Recommend: Adopt resolution.
Exhibit: Commission Agenda Report 12-1099

RESOLUTION NO. 12-130

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING ALL OF THAT CERTAIN STORM DRAINAGE AND UTILITY EASEMENT AS RETAINED IN OFFICIAL RECORDS BOOK 15650, PAGE 229 BROWARD COUNTY RECORDS, CITY OF FORT LAUDERDALE ORDINANCE NUMBER C-88-30, NOW LYING IN PARCEL "A", "PERFORMING ARTS CENTER", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 140, PAGE 43 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED SOUTH OF SOUTHWEST 2ND STREET, EAST OF SOUTHWEST 7TH AVENUE, WEST OF SOUTHWEST 5TH AVENUE AND NORTH OF WEST LAS OLAS BOULEVARD, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

BEACH BUSINESS IMPROVEMENT DISTRICT - PRELIMINARY SPECIAL ASSESSMENT - FISCAL YEAR 2012-2013 (CR-07)

No budgetary impact.

Setting Beach Business Improvement District Preliminary Special Assessment Rate for Fiscal Year 2012-2013 and setting a public hearing on September 5, 2012.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-1127

RESOLUTION NO. 12-131

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF BEACH BUSINESS IMPROVEMENT SERVICES IN CERTAIN PORTIONS OF THE BEACH AREA LOCATED WITHIN THE CITY OF FORT LAUDERDALE, FLORIDA, MORE SPECIFICALLY DESCRIBED HEREIN; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR THE BEACH BUSINESS IMPROVEMENT ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

PINE CREST PREPARATORY SCHOOL - CAMPUS CAPITAL IMPROVEMENTS – BONDS - INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY (CR-08)

No Budgetary Impact

Interlocal Agreement with Palm Beach County to facilitate issuance of bonds by Palm Beach County to refinance campus capital improvements at Pine Crest Preparatory School.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-1076

RESOLUTION NO. 12-130

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, FLORIDA (THE "CITY") APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY, FLORIDA (THE "COUNTY") AND THE CITY IN ORDER TO FACILITATE

THE ISSUANCE OF BONDS BY THE COUNTY TO REFINANCE CERTAIN INDEBTEDNESS OF PINE CREST PREPARATORY SCHOOL, INC.; AUTHORIZING THE PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND PROVIDING AN EFFECTIVE DATE.

GRANT ACCEPTANCE - 2010 URBAN SECURITY INITIATIVE - \$56,250 (CR-09)
CITIZEN CORPS AND CITIZENS ON PATROL POLICE EXPLORERS TRAINING

No Budgetary Impact.

Acceptance of fiscal year 2010 Urban Area Security Initiative grant funds from U.S. Department of Homeland Security, in the amount of \$56,250 - Citizen Corps and Citizens on Patrol Police Explorers Training.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-1079

This Commission Agenda Report (12-1079) was revised. See announcement on page 23.

SPECIAL COUNSEL - KAPLAN KIRSCH & ROCKWELL LLP – (CR-10)
NOT TO EXCEED \$9,600 - CODE UPDATE - EXECUTIVE AIRPORT RULES
AND REGULATIONS - CHAPTER 7

Please see funding information attached to these minutes.

Appointment of Kaplan Kirsch & Rockwell LLP, as special counsel for update to Code of Ordinances, Chapter 7 - Airport Rules and Regulations and authorize an agreement with Kaplan Kirsch & Rockwell, in the not to exceed amount of \$9,600.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-1085

RESOLUTION NO. 12-131

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING THE LAW FIRM OF KAPLAN KIRSCH & ROCKWELL, LLP AS SPECIAL COUNSEL TO ADVISE THE CITY OF FORT LAUDERDALE IN CONNECTION WITH PROPOSED UPDATE OF CHAPTER 7, AIRPORT RULES AND REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE.

FUEL PRICE RISK MANAGEMENT PROGRAM AND ADDENDUM TO INVESTMENT POLICY**(CR-11)****No budgetary impact.**

Approving Fuel Price Risk Management Program Guidelines and Addendum to Investment Policy authorizing allowable investments for safeguarding City budget from fuel price volatility.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-1159

RESOLUTION NO. 12-132

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING FUEL PRICE RISK MANAGEMENT PROGRAM GUIDELINES AND AN ADDENDUM TO THE CITY'S INVESTMENT POLICY.

This Commission Agenda Report (12-1159) was revised. See page 23.

AMENDMENTS TO INVESTMENT POLICY**(CR-12)****No budgetary impact.**

Amendments to Investment Policy - setting the number of investment managers, providing for engagement of an investment advisor and otherwise updating the policy.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-0882

RESOLUTION NO. 12-133

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CITY'S INVESTMENT POLICY BY SETTING THE NUMBER OF INVESTMENT MANAGERS, PROVIDING FOR ENGAGEMENT OF AN INVESTMENT ADVISOR, AND OTHERWISE UPDATING THE CITY'S INVESTMENT POLICY.

CONSOLIDATED BUDGET AMENDMENT – APPROPRIATION**(CR-13)****Please see funding information attached to these minutes.**

Amendments to Fiscal Year 2012 Budget.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 12-1110

RESOLUTION NO. 12-134

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012, BY APPROPRIATING FUNDS AS SET FORTH IN EXHIBITS 1 THROUGH 14, AND PROVIDING FOR AN EFFECTIVE DATE.

PURCHASING AGENDA

725-10936 - NETWORK VULNERABILITY ASSESSMENT - \$106,650

(PUR-01)

Please see funding information attached to these minutes. Funding for this CAR is also contingent upon approval by the City Commission of the consolidated budget amendment CAR#12-1110

Purchase services to assess and report on potential vulnerabilities of the City-wide computer network.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1055

The Procurement Services Division has reviewed this item and recommends awarding to the top ranked proposer.

PANASONIC AND DELL COMPUTERS - \$59,527

(PUR-02)

Please see funding information attached to these minutes.

Purchase eight Panasonic semi-rugged computers and eight Dell laptop computers with batteries, port replicators and warranties.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-0953

Procurement Services Division has reviewed this item and approves the purchase utilizing the WSCA Contract and National IPA Contract.

**PROPRIETARY - HANSEN MAINTENANCE MANAGEMENT SYSTEM –
\$117,306.02****(PUR-03)**

Please see funding information attached to these minutes.

Annual maintenance for Hansen computerized maintenance management system.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1057

Procurement Services has reviewed this item and recommends approval of this proprietary purchase.

425-10983 - VARIOUS USED POLICE UNMARKED VEHICLES - \$1,222,000**(PUR-04)**

Please see funding information attached to these minutes.

Award twenty-eight month contract for purchase of various used police unmarked sedans and vehicles.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1094

The Procurement Services Division has reviewed this item and recommends an award to the single proposer.

**DEMOLITION SERVICES - \$29,555 PLUS 17 PERCENT ENGINEERING
FEES - FIRE STATION 35 - 1969 EAST COMMERCIAL BOULEVARD****(PUR-05)**

Please see funding information attached to these minutes.

Sixty-day contract extension for demolition services and award additional work for demolition of old Fire Station 35.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1152

The Procurement Services Division has reviewed this item and recommends increase funds.

PRE-DEMOLITION ASBESTOS ABATEMENT - FIRE STATION 35 - \$42,500**(PUR-06)**

Please see funding information attached to these minutes.

1) Waive formal bid process and 2) purchase asbestos abatement services for demolition of old

Fire Station 35 - 1969 East Commercial Boulevard.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1154

The Procurement Services Division has reviewed this item and recommends waiver of the formal bid process and award to the low responsive bidder.

626-10881 - CIVIL ENGINEERING CONSULTING SERVICES

(PUR-07)

Funding for these services will be from individual projects when services are contracted through individual Task Orders subject to available funding.

Consultants' Competitive Negotiation Act Selection Committee's recommendation of ranking firms - continuing contract for civil engineering consultant services and commencement of negotiations with seven top ranked firms: 1) The Corradino Group, Inc. 2) Calvin, Giordano & Associates, Inc., 3) Miller Legg & Associates, Inc., 4) Craven, Thompson & Associates, Inc., 5) Tetra Tech, Inc., 6) Atkins North America, Inc. and 7) Keith and Schnars, P.A.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1155

The Procurement Services Division has reviewed this item and recommends commencement of negotiations with the seven top ranked proposers.

402-10507 - INCREASE EXPENDITURE - DEMOLITION SERVICES - \$65,000

(PUR-08)

Please see funding information attached to these minutes.

Increase expenditure for additional demolition services during existing one-year contract extension.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 12-1168

The Procurement Services Division has reviewed this item and recommends increasing contract expenditure.

**SETTLEMENT OF VEHICLE ACCIDENT GENERAL LIABILITY FILE
VA GL 11-1043 - \$80,000**

(M-15)

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

GRANT ACCEPTANCE - 2010 URBAN SECURITY INITIATIVE - \$56,250 (CR-09)
CITIZEN CORPS AND CITIZENS ON PATROL POLICE EXPLORERS TRAINING

Mayor Seiler announced a revision to (Commission Agenda Report 12-1079) that this item is a motion only; no resolution is required.

AQUATIC COMPLEX DEVELOPER'S AGREEMENT – GUARANTEED (M-28)
MAXIMUM PRICE - \$32,437,434 –
RECREATIONAL DESIGN & CONSTRUCTION, INC.

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

FUEL PRICE RISK MANAGEMENT PROGRAM AND ADDENDUM TO (CR-11)
INVESTMENT POLICY

Pursuant to the email provided to the Commission, Section 2(b) of the City's Fuel Price Risk Management Program (FPRMP) Guidelines was revised to read: Within this account, the City will acquire, hold, and dispose of positions in exchange-traded futures and option contracts on Ultra-low Sulfur Diesel and Gasoline. The contracts used will constitute effective hedges for the City's Diesel fuel and gasoline consumption according to and in compliance with GASB 53.

Motion made by Commissioner Roberts and seconded by Commissioner DuBose that Consent Agenda Items M-04, M-11, M-29, CR-01, CR-02, CR-04, CR-05, CR-11, CR-12, CR-13, PUR-02, PUR-04 and PUR-07 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Vice Mayor Rodstrom, Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

CHANGE ORDER 2 - CHAZ EQUIPMENT COMPANY, INC. - \$33,565.33 (M-04)
DIXIE WELLFIELD WELL ABANDONMENT - ADD 144 CALENDAR DAYS

Vice Mayor Rodstrom noted this item may inure to her benefit or detriment and, therefore, she will abstain from voting.

Motion made by Commissioner Roberts and seconded by Commissioner DuBose to approve the item as presented. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None. Vice Mayor Rodstrom abstained. A memorandum of voting conflict is attached to these minutes.

BROWARD HIGHWAY BEAUTIFICATION GRANT - FLORIDA (M-11)
DEPARTMENT OF TRANSPORTATION - STATE ROAD A-1-A AND
SE 17 STREET CAUSEWAY

In response to Commissioner Rogers, Albert Carbon, Public Works Director, explained that this project has not yet been designed. These funds are being reallocated from the SR (State Road)

84 Marina Mile project (as reflected in Exhibit 1 of Commission Agenda Report 12-0901) in order to fund landscape improvements on 17th Street Causeway from US 1 to Mayan Drive. In response to Vice Mayor Rodstrom, Mr. Carbon indicated that a design will be created for this project. Vice Mayor Rodstrom and Commissioner Rogers thought the design should be brought back for review.

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

**GRANT AGREEMENT WITH PERFORMING ARTS CENTER AUTHORITY (M-29)
BROWARD CENTER FOR THE PERFORMING ARTS - CAPITAL EXPANSION
AND RENEWAL PROJECT**

Vice Mayor Rodstrom pointed out that items CR-04, CR-05, and (CR-06) (Commission Agenda Reports 12-1095, 12-1096, and 12-1097) are vacations of easement to aid the capital expansion and renewal project for the Broward Center for the Performing Arts (Performing Arts Center). She asked whether a value can be determined for the easements, and included as part of the City's total contribution. The City Attorney advised that it could be done, though it was not part of the original agreement. The City Attorney agreed to let the Commission know what value is determined for the easement property.

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

**ATLANTIC BEACH CLUBS-TWO, INC. - BEACH BOATING RESTRICTED (CR-01)
WAIVER - 525-10962 - MOTORIZED WATERCRAFT CONCESSION –
\$234,000 PROJECTED REVENUE**

In response to Commissioner Rogers, Phil Thornburg, Parks and Recreation Director, explained that the City currently has one watercraft concession at this location; and the proposed is a rebid, so a new vendor would be at the same location. In further response, he was not aware of any related safety issues.

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

**SIDEWALK - SOUTH MIAMI ROAD - HARBORDALE ELEMENTARY (CR-02)
SCHOOL - GRANT REDUCTION - AMENDMENT TO AGREEMENT –
FLORIDA DEPARTMENT OF TRANSPORTATION**

Vice Mayor Rodstrom removed this item from the consent agenda to note her intent to abstain from voting; a memorandum of voting conflict is attached to these minutes. However, this item was subsequently removed in entirety from the agenda.

Commissioner Rogers indicated that most of the issues are resolved and most of this sidewalk is complete. However, there is still a matter of concern about the area in front of Harbordale Elementary School and, neighborhood residents believe further work is necessary. He did not want to return the funding if it is still needed. In response to his request for a deferral, Albert Carbon, Public Works Director, indicated that there are no time-related issues for this item; the grant award was simply more than the City could spend on the project. He confirmed for Commissioner Rogers that this grant funded (installation of sidewalk that could extend up to 17th Street). Commissioner Rogers explained that a decision is still pending as to where to place the sidewalk. Area residents would like to consider the school's west side since parking and traffic flow issues preclude installation on the east side. Mr. Carbon agreed to bring the item back on August 21. Staff will endeavor to work out this issue with residents over the summer. In further response to Commissioner Rogers, he agreed to examine whether this grant can also fund a landscaping enhancement.

VACATION OF 10 FOOT UTILITY EASEMENT - CASE 3-M-12 (CR-04)
BROWARD CENTER FOR THE PERFORMING ARTS

See discussion of Item M-29.

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

VACATION OF 50 FOOT DRAINAGE EASEMENT - CASE 4-M-12 (CR-05)
BROWARD CENTER FOR THE PERFORMING ARTS

See discussion of Item M-29.

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

VACATION OF 2,697 SQUARE FOOT STORM DRAINAGE AND UTILITY (CR-06)
EASEMENT - CASE 5-M-12 - BROWARD CENTER FOR THE PERFORMING ARTS

See discussion of Item M-29.

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

FUEL PRICE RISK MANAGEMENT PROGRAM AND ADDENDUM TO (CR-11)
INVESTMENT POLICY

Vice Mayor Rodstrom thought this is considered hedging, although it is viewed as a safeguard to stabilize the City's fuel cost. In response to her question, Kirk Buffington, Deputy Director of

Finance, explained that the advisor for this program will be Linwood Capital, LLC (Linwood) which was selected through a competitive bid process. He was uncertain if the City Manager has appointed a designee; but, presumed it would be the City's Finance Director. Linwood specializes in fuel price management, and has a significant amount of experience in (futures) trading. He believed Linwood served as fuel price manager for Palm Bay, but was uncertain of the time period. He indicated that Linwood did not provide the City with a letter stating the risk involved.

In response to Commissioner Roberts, the City Auditor advised that the City has a set amount of fuel purchases throughout the year. Rather than being exposed to fluctuations in commodity prices, the City will use a futures strategy to lock in fuel prices in order to remove the variability from the City's budget during the year. The proposed does not guarantee the lowest price as it will not take advantage of a drop in fuel cost. However, this will prevent the City from experiencing an unexpected price increase. The proposed will provide budget stability, but not necessarily the lowest fuel price. A number of cities utilize this strategy, including Tallahassee. His office has recommended the proposed for the last four years, as it is believed to be an appropriate strategy as long as there is no speculation. It is strictly to allow the City to lock in fuel prices for its known consumption. He confirmed that he will provide oversight of this program's operation that is within the parameters of his position. Vice Mayor Rodstrom reasoned that there will not be speculation in terms of the amount of fuel usage; but, there is market speculation as the City would be buying a future on the fuel price. In response to her question, the City Auditor explained that there are two options: a futures contract which involves a monetary exchange (that takes place on a specified future date) or, what is essentially an insurance policy, wherein the cost is paid in order to have the right to acquire the fuel at a certain price, and at a certain point in time; but, there is no obligation to purchase it at that point in time. Hypothetically, if the City purchased an option on delivery for September, 2012, it would cost a premium of about ten cents above today's spot price; and that would be the City's investment in that contract. If the price were to rise above that, this option would have protected the City from that unexpected increase. If the price were to drop, the City would still be able to buy on the spot market through the City's contracted fuel supplier and the cost for that option will simply be an expense of the period, as if the City had purchased insurance to lock in the price. In summary, he noted that, if the fuel price goes down, the City will buy at the lower price, and bear the cost of the option. If the fuel price increases, the City will make a profit on the option which will offset the higher fuel cost.

Mayor Seiler opened the floor for public comment.

Fred Carlson, 625 Orton Avenue, noted his extensive experience in trading futures and hedging. He emphasized that all trading involves risk; losses are possible, even when the risk is hedged. He cautioned against presuming that the proposed will protect the budget. If risking a void in order to fix the budget, then an open mind is not being kept regarding the market's direction. Most major industrial firms hedge their raw material prices, but do not try to fix their budget costs; rather, their goal is to lay off some risk when it appears likely. The proposed is a matter of risk management. It is not without expense even if the market does not move.

There was no one else wishing to speak.

In response to Vice Mayor Rodstrom, Mayor Seiler explained that Linwood will be paid a monthly fee of \$2,000 for 12 months. John Rencher, Fleet Manager, noted that, through participation in a co-op, the City purchases approximately 1.4 million gallons of fuel annually. He was uncertain if Broward County or any other local government agencies participate in such

a program. But, he mentioned that at a recent fleet management conference, he observed that a lot of fleets are moving in this direction.

Motion made by Vice Mayor Rodstrom and seconded by Commissioner Rogers to approve the item as amended with Section 2(b) of the City's Fuel Price Risk Management Program (FPRMP) Guidelines revised to read: Within this account, the City will acquire, hold and dispose of positions in exchange-traded futures and option contracts on Ultra-low Sulfur Diesel and Gasoline. The contracts used will constitute effective hedges for the City's Diesel fuel and gasoline consumption according to and in compliance with GASB 53. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: Vice Mayor Rodstrom.

AMENDMENTS TO INVESTMENT POLICY

(CR-12)

In response to Vice Mayor Rodstrom, Kirk Buffington, Deputy Director of Finance, explained that an investment advisor has not yet been selected. Staff will be bringing forward a recommendation on August 21 for four investment managers, as well as an investment advisor who will assist staff in working with the investment managers. The City currently has two investment managers. The cost for the investment advisor has not yet been negotiated as the RFP process is still underway.

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

CONSOLIDATED BUDGET AMENDMENT – APPROPRIATION

(CR-13)

Vice Mayor Rodstrom noted that one of the amendments in this item may inure to her benefit or detriment and, therefore, she will abstain from voting.

Motion made by Commissioner Rogers and seconded by Commissioner Roberts to approve the item as presented. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None. Vice Mayor Rodstrom abstained. A memorandum of voting conflict is attached to these minutes.

PANASONIC AND DELL COMPUTERS - \$59,527

(PUR-02)

In response to Vice Mayor Rodstrom, Kirk Buffington, Deputy Director of Finance, explained that the Panasonic semi-rugged laptops cost \$3,329 each; these are military-grade laptops used in police cruisers, and are, therefore, more costly than other laptops. This pricing is from nationally competed cooperative contracts. Kevin Keimel, Information Technology Services, advised that this item is entirely grant funded.

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

425-10983 - VARIOUS USED POLICE UNMARKED VEHICLES - \$1,222,000**(PUR-04)**

Charles King, 105 North Victoria Park Road, thought the personally assigned vehicle program (PAV) removes incentive for police officers to reside in the city. He referred to a news article which indicated that the cities of North Miami and North Miami Beach are utilizing the pool car system because it will provide a significant savings. In light of the City's plans to purchase more police vehicles, he questioned when there will be enough. He thought the City's annual fuel cost for the Police Department is approximately \$23 million. Mayor Seiler thought the City Manager's opinion of (the pool car system) differs. Further, he pointed out that the news article referenced by Mr. King included disputes as to whether the pool car system would provide a savings. In response to Mayor Seiler, Police Chief Frank Adderley confirmed that this item is for the purchase of (47) used unmarked police vehicles that are one to two years old. Commissioner Roberts clarified that these are replacement vehicles, not additional vehicles. He and Commissioner Rogers agreed that the proposed method is more efficient. Commissioner Roberts stressed the inaccuracy of Mr. King's assertion regarding the Police Department's annual fuel cost which is actually about \$2.3 million. Mr. King expressed support of the pool car system.

In response to Van Muschany, 5881 NE 21 Road, Mayor Seiler explained that the City has a firm policy regarding vehicle purchases, and in general is making fewer vehicle purchases than before. Furthermore, used vehicles provide a substantial savings as the proposed vehicles are being purchased at a discounted price because the first year's depreciation was absorbed by the prior owner. Question arose as to the age of the replacement vehicles. In response to Vice Mayor Rodstrom, Albert Carbon, Public Works Director, confirmed that the vehicles to be replaced are 2003-2005, shown in Exhibit 3 to Commission Agenda Report 12-1094. In further response, Kirk Buffington, Deputy Director of Finance, noted that the contract has not been awarded, so the backup does not include a list of vehicles to be purchased. However, the vehicles listed in Exhibit 3 will be replaced with one- to two-year old vehicles of varying models and prices, depending upon availability when the purchase is made. He further explained to Vice Mayor Rodstrom that Municipal Fleet Services, LLC is a municipal leasing company. He noted that this is a new business concept; the City only received one response out of 969 bids that were sent out. The vendor has significant risk as it must buy back the vehicles after two years. Vice Mayor Rodstrom thought this item should be rebid as there is only one respondent. She asked if there is urgency for these vehicles. Mr. Buffington noted that all the major national rental car companies were solicited in the bid, as well as local dealerships, but none responded. He confirmed for Mayor Seiler that staff reached out to local businesses, but none were interested. In further response, Chief Adderley explained that although confiscated vehicles can be used for undercover operations, it is rarely done because they are seldom suitable for the role. Commissioner Roberts added that confiscated vehicles posed higher maintenance costs which was the impetus to abandon the idea.

In response to Vice Mayor Rodstrom, Katrina Powell, President of Government Fleet Services (GFS), indicated that GFS was incorporated on April 18, 2011. GFS has two locations, one in Longwood and one in Fort Lauderdale. She noted her prior experience as a city manager. This is a program she put in place in municipalities where she was employed. She contended it is tried and true. It involves rotating out the vehicles while they are still under warranty; it will provide a savings to the City as it allows for reduced maintenance and fuel costs as well as fleet diversification. The RFP requirement is that the vehicles have fewer than 35,000 miles and be no older than one to two years. GFS is currently contracted with twelve cities. She noted her previous employment as city manager for Fort Meade and Longwood and as assistant city manager in Deltona. Her acquaintance with City Manager Lee Feldman is through association

membership in the ICMA (International City/County Management Association) and FCCMA (Florida City and County Management Association). Vice Mayor Rodstrom inquired as to an approximate vehicle cost and delivery date. Ms. Powell explained that this would be a decision of City staff. The proposed contract is for twenty-eight months. Vehicles will be three percent below wholesale value based on the Manheim Market Report. She confirmed for Vice Mayor Rodstrom that GFS has not been contracted with Palm Bay.

In response to questions raised by Commissioner DuBose and Commissioner Rogers, Ms. Powell explained that a 200-point inspection is performed on the vehicles, they are like brand-new. GFS has not contracted with other levels of government such as the FBI; though they do similar types of contracting. In response to Vice Mayor Rodstrom, she indicated that the vehicles are warrantied, and GFS will include an extended warranty to cover any mileage that is already on the vehicle. The objective is to return the vehicle before the warranty expires to avoid significant depreciation. She will buy a certain type of vehicle at auction dependent upon the client's specified needs. This will be a customized used car program. Staff has indicated they would like forty-seven vehicles before the end of the current budget year. The intention is to receive 100 vehicles over each of the next two budget years for a total of 247 vehicles for approximately \$6 million. She confirmed that Fort Lauderdale is GFS's largest client.

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

626-10881 - CIVIL ENGINEERING CONSULTING SERVICES

(PUR-07)

In response to Commissioner Rogers, Kirk Buffington, Deputy Director of Finance, explained that staff changed their recommendation from three to seven firms based on their determination that more than three firms would be needed for the amount of work over the life of this contract. Of the 32 responses to the RFQ (Request for Qualifications), staff created a short-list of ten firms and those firms gave oral presentations. The first seven ranked firms had similar scores as shown on Exhibit 2 of Commission Agenda Report 12-1155. However, the notable scoring break at the eighth ranked vendor guided staff's determination to consider the seven top ranked proposers. Albert Carbon, Public Works Director, explained that this is a two-year contract with the possibility of two, one-year extensions. He elaborated upon upcoming contemplated Neighborhood Capital Improvement projects (NCIP). The variety of both, small and large firms will provide additional resources. The total amount of work to be performed by all seven of the proposed firms is approximately \$250,000 to \$350,000. He confirmed that he recommends seven firms.

Mayor Seiler thought the Selection/Evaluation Committee (committee), not staff, should have made the decision to award to seven firms. All of the documentation relating to the public process indicated three firms, but, subsequent to that, staff internally changed the rules. He stressed that there must be a transparent, open process. Mr. Buffington noted that the RFQ documents and the competitive process did not specify three firms; but rather, that a multiple number of firms. Mayor Seiler thought it could be perceived as the City playing favorites. Commissioner Roberts agreed with the questions posed. Also, it seems to be a minimal amount of work that is to be divided among seven firms. Susanne Torriente, Assistant City Manager, explained that, because the RFQ did not limit the number of firms to be ranked, staff felt more comfortable with seven proposers as this was the natural break or grouping of top scores. Mayor Seiler reiterated his concern about not having the committee's participation. Ms.

Torriente agreed that, moving forward, staff will bring such matters back to the committee. This process was very competitive. Thirty-three applicants were involved, and the City has not contracted these services since March.

Commissioner DuBose thought this is simply a matter of staff completing their due diligence after the item was brought to the committee. The ultimate determination is made by the Commission. He perceived this as the Commission being presented with two recommendations; one from the committee and staff's input. In response to Mayor Seiler, Ms. Torriente clarified that there is only one recommendation by the City Manager that expanded upon the committee's recommendation. Historically, three proposers have been selected, but that does not necessarily encompass all of the top scoring vendors. Given the City's desire to improve the CIP, staff thought it was necessary to have as many tools as possible in the toolbox. It is a sincere recommendation.

Commissioner Rogers thought the City has a good process in place. He recommended that changes in staff's philosophy should be brought back to the committee. Ms. Torriente offered to work with Mr. Buffington to improve the process moving forward. Mr. Buffington assured that staff will ensure a more open and transparent process if a similar situation occurs again. Staff's reasoning was based on the principle that an agenda item presented to the Commission has historically been viewed as the City Manager's recommendation, although the committee provides a recommendation. He pointed out that the final intent to award recommendation, which is made publicly, listed all seven firms. If the award recommendation showed seven and then only the top three were recommended, he was not certain what would happen to a protesting opportunity for the other four. This situation has not occurred since the protest ordinance was put in place.

Being that there is no deadline on this item, Commissioner Rogers suggested this be brought back to the committee to obtain their recommendation. Ms. Torriente reiterated that the City has not had civil engineering services contracted since March. Mayor Seiler suggested the top three proposers be awarded and bring back the others to the committee to see if they recommend including them also. Vice Mayor Rodstrom indicated that this would not allow the other four proposers time to protest. Commissioner DuBose disagreed with Mayor Seiler's suggestion. Vice Mayor Rodstrom suggested approving the item as recommended and correct the process going forward. Commissioner DuBose noted that the Commission is the policy maker and should make this determination based upon the information provided by staff. Mayor Seiler indicated that there is insufficient information in the backup for the Commission to make a decision. Commissioner Rogers reiterated his confidence in the committee process and the concern committee members may likely have with this situation. Commissioner DuBose remarked that credence is not always given to committee recommendations. The Commission has changed recommendations in the past. At some point, the Commission must be clear and follow the policy. He emphasized that the committee made a recommendation as did the City Manager, but the Commission must now make the decision.

Vice Mayor Rodstrom remarked that the backup print is too small and difficult to understand. In response to Commissioner Rogers, Mr. Carbon indicated that the committee was not made aware that the total dollar amount of work to be divided among all seven firms is \$350,000. Commissioner Rogers thought that is a relevant fact that should have been brought to the committee. He thought \$350,000 is a relatively small amount to be divided among seven firms. Mr. Carbon noted that the committee's composition. Stanley Hawthorne, Assistant City Manager, indicated that, if desired, staff can bring this back to the committee. However, the importance of the committee is to rank the proposers, and the integrity of that process was

preserved. It is the Commission's policy decision as to how many proposers to award. Mayor Seiler thought there should be a minimum of three top-ranked proposers. He reiterated his concern about the change from three to seven. Vice Mayor Rodstrom was concerned about the protest policy issue. Commissioner DuBose pointed out that the seven top-ranked firms have already been noticed. If the Commission decided to only award to the top three proposers, Mr. Buffington explained that staff would immediately reconvene the committee, and, based on the committee's recommendation, a new notice of intent to award would be posted, which would re-open the protest period. Fortunately the upcoming summer sabbatical would allow adequate time for this. If some are going back to the committee, Commissioner DuBose thought all seven should be sent back as the committee may not have considered the additional factors that staff considered when making their decision. Ms. Torriente reiterated that staff thought seven was better because of the natural break in the ranking. She added that the Public Works Department is short-staffed and these services have not been contracted since March. Vice Mayor Rodstrom noted also that the CDBG (Community Development Block Grant) funding has to be utilized or it must be returned.

In response to Commissioner Rogers, Ms. Torriente offered to provide the average contract amount over the last three years. Commissioner Rogers thought staff recommended seven proposers because more work was anticipated. He wanted to know the basis. Ms. Torriente explained that staff is endeavoring to restructure the Capital Improvement Program (CIP) and to plan ahead and plan better. Commissioner Rogers was concerned about the dollar level of work available. Ms. Torriente explained that staff is endeavoring to expedite work that was approved by the Commission, despite being short-staffed; therefore, her analysis was based more on resources than on the dollar amount. Vice Mayor Rodstrom thought such thinking was admirable. If the proposers are not concerned about the total dollar amount of work, then it is not staff's concern either. She believed the item should move forward as presented. In response to Mayor Seiler's inquiry as to when these contracts will take effect, Ms. Torriente explained that negotiations are still necessary. Mr. Carbon thought (some) contracts should be in effect by the end of 2012. He noted that some firms have already signed an existing agreement with the City, and the City will likely be able to negotiate prices and have a contract in place by (September 5). Staff is working solely on CDBG projects at this time in order to meet this year's deadline. In response to Commissioner DuBose, he elaborated upon various agreements that some of the firms have already executed. Mr. Buffington clarified that new agreements are required for new disciplines. The amount of negotiating time should be less. Debate ensued between Mayor Seiler and Commissioner DuBose as to the number of proposers to send back to the committee. Vice Mayor Rodstrom agreed with Commissioner DuBose that, for the sake of transparency, all seven proposers should be sent back to the committee, rather than awarding the top three and only sending back the remaining four proposers. Mayor Seiler did not feel this is necessary as none of the rankings will change; this is only a matter of how many firms are selected to be in the pool of top-ranked firms.

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

Motion made by Commissioner Rogers and seconded by Commissioner DuBose to send this item in its entirety back to the Selection Committee. Roll call showed: YEAS: Vice Mayor Rodstrom, Commissioner DuBose, Commissioner Rogers, Commissioner Roberts and Mayor Seiler. NAYS: None.

In response to Vice Mayor Rodstrom, Mr. Buffington explained that, if the committee members are available, this can be brought back on August 21, 2012. He confirmed for Mayor Seiler that the committee should make a recommendation as to how many of the proposers should be considered for award. He also confirmed for Vice Mayor Rodstrom that the same committee membership must be used.

RESOLUTIONS

**INITIATION OF GOVERNMENT CONFLICT RESOLUTION WITH
BROWARD COUNTY - E911 DISPATCH SERVICES AND
RADIO COMMUNICATIONS SERVICES**

(R-01)

No budgetary impact

Recommend: Introduce resolution and designate one Commission member to attend Conflict Assessment Meeting on August 6, 2012 at 2:00 p.m. and, if necessary, schedule a joint Conflict Resolution Meeting with Broward County Board of Commissioners on August 21, 2012 at 11:00 a.m.

Exhibit: Commission Agenda Report 12-1180

RESOLUTION NO. 12-119*

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, INITIATING CONFLICT RESOLUTION PROCEDURE REQUIREMENTS SET FORTH IN THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT; PROVIDING FINDINGS; PROVIDING INSTRUCTIONS TO THE CITY MANAGER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

*Resolution was revised

In response to Vice Mayor Rodstrom, the City Attorney advised that Chapter 164 of the Florida Statutes sets forth a procedure that must be followed in order for one government to sue another. This is a predicate to filing a lawsuit challenging Broward County for using countywide ad valorem tax funding in specific cities, but not others. In response to Mayor Seiler, he indicated that staff will notify other cities when this correspondence is sent to the County. Those cities may want to participate as well. Vice Mayor Rodstrom recalled that the Police Chief advised over four years ago, that funds would have to be budgeted for these services, but the funds were not budgeted. Commissioner Roberts disagreed as the situation was the same four years ago. The City should have taken this action four years ago. Debate ensued between Mayor Seiler and Vice Mayor Rodstrom regarding whether the City should have budgeted and paid for E911 dispatch services years ago. Vice Mayor Rodstrom emphasized the importance of public safety. She did not agree with suing the Broward Sheriff's Office (BSO) or Broward County. Mayor Seiler did not think this is a suit against the Sheriff. In response to Mayor Seiler, the City Attorney advised that the process requires the governing bodies of governmental

entities to meet, but the recommendation will be to sue BSO and the Broward County Commission. In response to Mayor Seiler, Vice Mayor Rodstrom thought that, if the City had been better informed four years ago, a decision may have been made to budget the funds and pay for these services; thereby, setting a precedent for other cities to follow. She felt that Fort Lauderdale should have taken that leadership role at the time. She felt this is the wrong approach.

Mayor Seiler suggested that Commissioner Roberts serve at the Commission's representative.

Motion made by Commissioner Rogers and seconded by Commissioner DuBose to introduce the resolution, to include appointment of Commissioner Roberts to attend the conflict assessment meeting and schedule the meeting, if necessary, on August 21, 2012, at 11 a.m.

In response to Vice Mayor Rodstrom, Mayor Seiler explained that a report regarding the City of Sunrise Mayor Ryan (Broward County Consolidated Communications Committee) proposal did not come forward because it did not occur until after the budget year. Commissioner DuBose thought the City has been treated unfairly in this matter. If there is any closed-door meeting that may be found necessary, Mayor Seiler recommended that the City Auditor be allowed to attend.

Mayor Seiler opened the floor for public comment.

Robert Walsh, 401 East Las Olas Boulevard, expressed support for Commissioner Roberts serving in the process. He felt there are only two choices. One is to pay the City's share and the other is for the City to provide the services itself. He asked what the City's cost would be to simply provide the services on its own. He agreed with Vice Mayor Rodstrom that this matter should have been addressed years ago. Mayor Seiler clarified that there are more than two options. The City's position is that Broward County is required to provide E911 dispatch services countywide, including Fort Lauderdale, under the Florida Emergency Communications Number State Plan Act. He believed other cities will join Fort Lauderdale in this action upon becoming aware of the strong legal position that these services are the County's obligation. In order to initiate any discussion with Broward County, it is necessary to move forward with this item.

There was no one else wishing to speak.

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 12-119

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, INITIATING CONFLICT RESOLUTION PROCEDURE REQUIREMENTS SET FORTH IN THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT; PROVIDING FINDINGS; PROVIDING INSTRUCTIONS TO THE CITY MANAGER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

BOARD AND COMMITTEE APPOINTMENTS**(R-02)****No budgetary impact****Recommend:** Introduce resolution.**Exhibit:** Commission Agenda Report 12-1104

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

Beach Business Improvement District Advisory Committee Thomas Hastings (Consensus/Alternate-Marriott Beach Place Towers Representative)

Community Appearance Board Kenneth Green (Commissioner DuBose)

General Employees Retirement System Board of Trustees Paul Tanner (Mayor Seiler)

Reapportionment Committee Eugenia "Genia" Duncan Ellis (Mayor Seiler)
Henry A. Sniezek (Commissioner Roberts)
Edward J. Smoker (Commissioner Rogers)
John Aurelius (Consensus – At-Large Category)
Michael C. Weymouth (Consensus – Business Community Category)

In response to Mayor Seiler, the City Clerk indicated that her staff will be reaching out to the Fort Lauderdale Council of Civic Associations for their appointment recommendation.

Commissioner Rogers introduced the following resolution:

RESOLUTION NO. 12-120

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

**SALE OF CITY OWNED PROPERTY TO HOUSING AUTHORITY –
AFFORDABLE HOUSING - NW 14 AVENUE AT NW 7 STREET AND
637 NW 10 TERRACE**

(R-03)

Please see funding information attached to these minutes.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-1135

Mayor Seiler opened the floor for public comment.

In response to Charles King, 105 North Victoria Park Road, Phil Thornburg, Parks and Recreation Director, explained that the parcels cost \$7,000 each. Mr. King questioned the City's price for the parcel located at 637 NW 10 Terrace as he claimed the assessed value on the Property Appraiser's website is \$39,130. Mr. Thornburg explained how the price was arrived at. This property has been (vacant for 15 years), and the plan is for the Housing Authority to utilize it for affordable housing. It was not offered to the public at this price. The City Charter allows the City to deal directly with other public entities. The City Attorney confirmed that competitive bidding is not required for an intergovernmental agency or eleemosynary organization. In response to Mr. King, he confirmed that the City could sell the parcel at market price. Mr. Thornburg explained to Mayor Seiler that he was not aware of this property being marketed. The Housing Authority expressed interest in it and the proposed price was arrived at through negotiation. One of the parcels is unbuildable. The objective was to utilize it to assist the Housing Authority build affordable housing. Mayor Seiler recalled the Commission's request a couple of years ago for all surplus property to be identified. He asked why this property was not on the surplus list, even though the City has owned it for 15 years. Commissioner DuBose thought the parcel is within the CRA (Community Redevelopment Agency) boundary, and there was a separate discussion regarding potential use. He thought it is being brought now because of the expansion of housing stock. He asked whether the parcels are buildable. Mr. King indicated that he viewed an aerial image and it looks to be a regular sized lot. The adjacent parcel with a building on it has an assessed value of \$120,000. He believed the parcel should be sold for more than \$7,000. Commissioner DuBose thought it is a matter of due diligence to move forward with this item as opposed to leaving the property vacant, given the revitalization that is taking place in the area. It will assist in the City's desire to address the matter of affordable housing stock. He noted that it would be a challenge to sell these parcels which is evident because they have not already sold. Mr. King was concerned there has never been any effort to sell the property until now.

Mayor Seiler reiterated his question of whether the parcels had been identified and reflected on the surplus property list. Commissioner DuBose recalled the Commission's decision to remove numerous surplus properties located in the CRA from the list. Alfred Battle, Northwest Community Redevelopment Agency Director, recalled there were some fifty parcels in the CRA on the surplus list that were removed. He and Commissioner DuBose did not recall specifically if these parcels were on the list. Commissioner DuBose suggested the item be deferred in order to determine what was done. Mayor Seiler explained his concern is with the process. All of the City's surplus properties were to be addressed, except for those located in the CRA which were to be utilized for affordable housing; nonetheless, he requested certainty from staff that the parcels located in the CRA had been identified for that purpose. Mr. Battle thought these parcels are located near the Northwest Gardens Phase II project; therefore, it is likely that a different process was utilized for these parcels. But, it is consistent with the objective for the

Housing Authority to utilize the City's surplus parcels to build affordable housing units. Commissioner Roberts also wanted the Housing Authority to provide their plan for how these parcels will be utilized.

Tam English, Executive Director, Fort Lauderdale Housing Authority, explained that there were discussions with City staff about these parcels for over two years. When the Housing Authority began developing an adjacent parcel, he asked the City Manager if these parcels could be moved forward. The City Manager set the price at \$14,000, primarily for the NW 10 Terrace parcel as the NW 14 Avenue parcel is only 25 feet wide (roughly 2,500 square feet) and non-buildable. The NW 10 Terrace parcel is about 5,000 square feet and will be utilized, along with two adjacent parcels, to build ten units. A lot must be at least 5,000 square feet in order to be buildable. In response to Commissioner Rogers, he indicated that the abutting parcel was purchased for approximately \$14,000 at a tax sale which is the going price for a vacant 5,000 square foot lot in this neighborhood. Mayor Seiler questioned why the City is not then getting \$15,000. Mr. English indicated that the City Manager set the price at \$14,000. In other situations, the City would donate the parcels to the Housing Authority. Commissioner Roberts was prepared to approve the item based on this clarification. In response to Mayor Seiler, he was uncertain as to how it is reflected in the documentation, but the intent was for the City to sell the NW 10 Terrace lot for \$14,000 and to donate the non-buildable lot on NW 14 Avenue.

There was no one else wishing to speak.

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 12-121

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO CITY OF FORT LAUDERDALE CHARTER SECTION 8.02, DETERMINING AND DECLARING ITS INTENTION TO SELL, GRANT AND CONVEY PUBLIC PROPERTY, MORE PARTICULARLY DESCRIBED BELOW, TO THE HOUSING AUTHORITY OF THE CITY OF FORT LAUDERDALE, A PUBLIC ENTITY ORGANIZED UNDER THE LAWS OF THE STATE OF FLORIDA, TO BE USED BY THE HOUSING AUTHORITY FOR CONSTRUCTION AND OPERATION OF AFFORDABLE HOUSING; SCHEDULING A PUBLIC HEARING BEFORE THE CITY COMMISSION ON AUGUST 21, 2012 TO PROVIDE THE CITIZENS AND TAXPAYERS OF THE CITY OF FORT LAUDERDALE AN OPPORTUNITY TO BE HEARD ON SUCH PROPOSAL AND TO EITHER CONFIRM OR REPEAL THIS RESOLUTION; REQUIRING THE CITY CLERK TO PUBLISH THIS RESOLUTION IN FULL IN TWO (2) ISSUES OF THE OFFICIAL NEWSPAPER OF THE CITY, AS MORE PARTICULARLY SET FORTH BELOW; REPEALING ANY RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**SITE PLAN WITH ALLOCATION OF POST 2003 DWELLING UNITS
FLAGLER VILLAGE - CASE 35-R-12****(R-04)**

No budgetary impact.

Applicant: The Spear Group
Location: 720 NE 4 Avenue
Zoning: Regional Activity Center-Urban Village RAC-UV
Future Land Use: Downtown RAC D-RAC

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-1114

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, expressed support of this item. He wanted the project to include oak trees along the street to match those at Bamboo Flats and other surrounding developments.

There was no one else wishing to speak.

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

Jeff Spear, President of the Spear Group, was available for questions.

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 12-122

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT PLAN INCLUDING ALLOCATION OF POST 2003 DWELLING UNITS TO DEVELOP A RESIDENTIAL DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF N.E. 7TH STREET AND N.E. 4TH AVENUE, FORT LAUDERDALE, FLORIDA IN AN RAC-UV ZONING DISTRICT.

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

In response to Mayor Seiler, Mr. Spear agreed to email him the date of their telephone communication.

**PRELIMINARY FIRE-RESCUE SPECIAL ASSESSMENT –
FISCAL YEAR 2012-2013**

(R-05)

No budgetary impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-1081

RESOLUTION NO. 12-123

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF FORT LAUDERDALE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Deferred to later in the meeting. See page 49.

**FISCAL YEAR 2013 MILLAGE RATE AND BUDGET - CITY MANAGER'S
PROPOSED BUDGET - ACCEPTING SUNRISE KEY NEIGHBORHOOD
IMPROVEMENT DISTRICT MILLAGE RATE**

(R-06)

No current year budget impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-1129

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING THE CITY MANAGER'S BUDGET MESSAGE, ESTIMATES AND RECOMMENDATIONS FOR FISCAL YEAR 2012-2013 AND AUTHORIZING THE CITY MANAGER TO COMPUTE PROPOSED MILLAGE RATES AND TO ADVISE THE BROWARD COUNTY PROPERTY APPRAISER OF SUCH PROPOSED MILLAGE RATES

Deferred to later in the meeting. See page 53

CITIZEN PRESENTATIONS

LAURIE SALLARULO – 2-1-1 BROWARD PROGRAM**(CIT-01)**

In place of Ms. Sallarulo, Lynn Shatas, board member of 2-1-1 Broward, expressed gratitude for the City's support. She noted that this organization provides the community with direct access to essential services. She provided information detailing call statistics for the 2011-2012 fiscal year. A copy of the handout is attached to these minutes. She remarked that first-time callers are becoming more frequent.

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

Mr. Bates submitted information, depicting Code Enforcement detail for his, and a neighboring home. A copy of the handout is attached to these minutes. This issue has not been resolved since his presentation on June 5. He expressed desire for due process and transparency. In response to Mayor Seiler, Greg Brewton, Sustainable Development Director, explained that staff reviewed this matter and determined that it is a code violation. The ULDR (Unified Land Development Regulations) would have to be amended in order to allow these shade structures in the setback. He was uncertain whether there is a difference between Mr. Bates' shade structure and his neighbor's. Enforcement is conducted on a complaint basis. Mayor Seiler pointed out that the neighboring property was cited and the case was closed. Mr. Brewton indicated that this case is being reopened. Mayor Seiler explained that the ULDR cannot be ignored; this is an illegal structure. Based on his recent research, Mr. Bates contended that there are 38 shade structures in the vicinity of his home and 174 in a two and one-half mile area; none are permitted or cited. Mr. Brewton indicated that this matter will be enforced throughout the city. Mayor Seiler explained if the structures are not temporary, they are in violation. Mr. Brewton explained that Mr. Bates' (permanent) structure is defined as such in the code.

**STEPHEN HILL - TOTAL DOLLAR VALUE OF LIENS ON VACANT HOUSES
MAKE IT IMPOSSIBLE TO SELL AND PUT BACK ON TAX ROLL****(CIT-03)**

Mr. Hill was not present.

**MAURICE F. WALKER - CODE ENFORCEMENT LIENS –
2308 NW 26 STREET****(CIT-04)**

Mr. Walker elaborated upon how the economic downturn has negatively affected him. His home has multiple (code enforcement) fines, and he has made efforts to do his due diligence. He was told that the fines would be cleared, but they were not. He submitted a copy of photographs of the property which was made part of the record. He explained that the photographs were taken by City staff and reflect, both, the code violation as well as the modification that was done to bring the property into compliance. However, the violations

recurred because he was out of state. The lender made him an offer to sell the property which is valued at \$50,000; however, the code enforcement fines are approximately \$480,000. He claimed that the property does not currently have any (code violations), but he cannot close the sale. If the property is sold, he would use the funds to obtain housing that is affordable. He submitted additional documentation concerning this matter, including a list of lien cases with settlement amounts. A copy is attached to these minutes. In response to Mayor Seiler, he explained that he did not pay any of the City's code enforcement fines, but he did take measures to bring the property into compliance. He attended a (Code Enforcement Board) meeting to submit proof of compliance, but the case was reopened 90 days later as if compliance did not occur. He confirmed for Mayor Seiler that there are nine outstanding code violations on the property. As for the latest violation for overgrown vegetation, he explained that he has been growing vegetables on his two-acre property as a means to survive. He referred to a letter in the documentation from the Broward County Property Appraiser (BCPA), dated June 18, 2012, which states that his property was granted a partial agricultural classification (farm rights); however, he had to clear the land in order to comply with the City code. In response to Mayor Seiler, he explained that the cost to clear the land is \$500, and the handout includes two \$500 receipts for this service, dated April 3, 2008 and April 3, 2012.

In response to Vice Mayor Rodstrom, Mr. Walker elaborated upon how he obtained a farm rights designation from the County. Vice Mayor Rodstrom noted the conflict between the City and County in terms of how this property can be utilized. In further response, Mr. Walker explained that his property is zoned residential/commercial. In response to Mayor Seiler, he noted that the overgrown vegetation is located at the back of the property, with approximately .375 acres in front of it. He elaborated upon the property's dimensions. He confirmed for Vice Mayor Rodstrom that the property is located in a residential neighborhood. Vice Mayor Rodstrom questioned how it seems Mr. Walker is permitted (by the County) to utilize his land for agricultural purposes, yet the City is currently developing an ordinance to legislate agricultural uses for residential property. In response to Commissioner DuBose, Mr. Walker confirmed that he attempted to provide City staff with the BCPA letter, but staff would not accept it. Greg Brewton, Sustainable Development Director, confirmed that the area in which Mr. Walker's home is located (Rock Island) was annexed into the City; and, although some zoning conflicts arose between the City and Broward County when the City zoned and reclassified the area, this property has always been zoned residential by the County. Furthermore, staff found that the County zoning classifications do not allow farm rights for this property. He clarified that the City's code violations are not related to this land being used as a farm, but, rather, due to trash and debris on the property. He pointed out that the City's code violations date back to 2006, and the BCPA letter is dated 2012. He was uncertain how the County's farm rights designation impacts the City's ordinances. In response to Commissioner DuBose, he was not aware of Mr. Walker being required to cut down his crops due to City's code violations.

In response to Mayor Seiler, Mr. Walker explained that the last code violation by the City for overgrown vegetation was issued in March, 2012, and the violation prior to that was related to land fill. Mayor Seiler asked whether any of the prior eight code violations were related to overgrown vegetation. Mr. Walker indicated that he has been planting since 2008. In response to Commissioner DuBose, Mr. Brewton explained that (Rock Island) was annexed into the City in 2005, and the City applied the County's zoning code for the first couple of years after the annexation. In response to Mayor Seiler, he agreed to provide the Commission with copies of each of the nine code violations for Mr. Walker's property. Mayor Seiler thought Mr. Walker may have a legitimate dispute for violations related to agriculture; however, the receipts he provided are duplicate, and are actually only for the same type of service. Mr. Walker

elaborated upon his efforts to resolve the violations. He noted that he must close on the sale of this property by the 17th. Mayor Seiler stressed that the Commission cannot waive over \$400,000 in code violations. Proof of compliance has not been provided. Commissioner Rogers asked Mr. Walker whether he has brought these issues before the Special Magistrate. Mayor Seiler pointed out that staff has recommended a 90 percent reduction of fines to approximately \$47,000 from violations amounting to some \$447,000, but more information is needed from staff as Mr. Walker is requesting a larger reduction. During more discussion, Mr. Brewton clarified that there is information from City staff who calculated all of the fines that exist on the property, some history and the City's hard costs. He explained that Mr. Walker needs to have a lien settlement discussion with staff. Mr. Walker claimed he had such a discussion but there was no flexibility on the part of staff when he presented receipts. Mr. Brewton indicated the meeting reflected the level of reduction permissible to be offered by staff. Mr. Walker explained that the property value today is \$50,000 and the amount set out by staff is \$47,000. Staff has questioned the relevancy of the documentation submitted to the violations. Mr. Walker explained that one violation has to do with wiring to the sprinkler pump that was exposed. The photograph shows it was corrected fifteen days after the citation. Mr. Brewton confirmed that the City's administrative costs for this matter are a little more than \$10,000. Mayor Seiler explained that the City's administrative costs will not be waived, even if a lien settlement is granted. He suggested that Mr. Walker meet with Mr. Brewton with respect to a lien reduction. Mr. Walker indicated that he already met with staff concerning a lien reduction and the result was \$10,000, however, the City Manager decided upon \$49,600. Mr. Brewton explained the City Manager's position is that the City recover at least ten percent of the liens.

PUBLIC HEARINGS

**HUD ANNUAL ACTION PLAN
GRANT FUNDING - CDBG, HOME, ESG AND HOPWA PROGRAMS**

(PH-01)

No budgetary impact.

2012-2013 HUD Annual Action Plan and funding requests - Community Development Block Grant, HOME Investment Partnership, Emergency Solutions Grant and Housing Opportunities for Persons with HIV/AIDS: 1) approve plan and appropriation of funding for the awards and 2) authorize submittal to HUD.

Recommend: Open hearing, close hearing, motion to approve.

Exhibit: Commission Agenda Report 12-1052

Mayor Seiler opened the floor for public comment.

Pablo Calvo, Broward Regional Health Planning Council, expressed gratitude for the City's support of the HOPWA (Housing Opportunities for Persons with HIV/AIDS) program. He noted the increase in clients served since 2011 and the amount of financial assistance that likewise increased during this fiscal year. He read a letter from a client commenting on quality of care. He also shared another instances where a home with less than one year remaining on the mortgage was on the verge of foreclosure that was prevented through assistance made

available through the program.

There was no one else wishing to speak.

In response to Vice Mayor Rodstrom, Jonathan Brown, Housing and Community Development Program Manager, was uncertain whether vendors can review the RFP before it is issued. Program funding allocations were addressed by the Community Services Board with all of the HOPWA agencies who attended their meeting in April. This item is based on the Community Service Board's recommendations. The RFP will be issued tomorrow. In response to Commissioner Rogers, he explained that the City received about \$50,000 in additional funds for the Emergency Shelter Grant (ESG) program this year which the Commission wanted to be included in the RFP. There was no request to include the additional funds for next year in the RFP, so staff has continued providing assistance to the agencies according to previous Commission direction. Commissioner Rogers thought another RFP would be issued for ESG. He wanted to be sure the City gets the biggest bang for its buck. Mr. Brown indicated that could be done if the Commission so directs. Commissioner DuBose did not recall the Commission directing staff to issue another RFP for ESG. He had been in total disagreement at the time. Commissioner Rogers recalled it was addressed during a conference meeting so there was no vote. He wanted to issue another RFP for ESG. Commissioner DuBose indicated that the County is able to leverage the program funds. The City does not incur overhead and other expenses. Therefore partnership with the County allows Fort Lauderdale citizens to receive the bigger bang for the buck. He was concerned that using a vendor would mean administrative costs. Commissioner Rogers wanted to see the County's response to an RFP. He wanted to see if there are any new opportunities besides what is currently being offered. Commissioner DuBose suggested as an alternative that the County services be reviewed. He believed it would be a disservice to City residents to issue an RFP. He emphasized the benefit of the City's partnership with the County for this program. Mayor Seiler reviewed details of the program including matches that are achieved. He agreed with Commissioner DuBose because of the matching funds by partnership with the County. Commissioner Rogers maintained his desire to issue an RFP in order to see what else might be available. In response to Commissioner Rogers, Mr. Brown explained that an audit firm is proposed because of under-staffing. Commissioner Rogers thought the law on this program requires a match. Mr. Brown was not certain whether state law requires a match. The County utilizes a portion of the match funds for staffing costs, but does not charge any administrative costs. Commissioner DuBose remarked that, even when the City funds and match funds are depleted, City residents still have access as residents of Broward County. He emphasized that this program is about emergency situations; the dollars are needed. In response to Commissioner Roberts, Mr. Brown explained that the ESG program is operated countywide; however, the City's (ESG) funds and the match will be utilized in Fort Lauderdale. Commissioner Roberts suggested that the County's services be assessed and the program be reviewed next year. He was satisfied with the current match. In terms of deadline, Mr. Brown confirmed that this needs to be approved tonight. As such, Commissioner Roberts did not think the timing is right to delay for an RFP. In response to Commissioner Rogers, Mr. Brown confirmed that an RFP will be issued for this program but the annual action plan must be provided to HUD by August 15. Once RFP proposals are received, staff will amend the annual action plan to include the HOPWA agencies that the Commission selects. Commissioner Rogers pointed to language that indicates Broward County must provide a match. He reasoned that any vendor would have to follow this provision as well. The RFP should include language stating that the funds will be limited to use in Fort Lauderdale. In this way the City could find out what else may be available in terms of services.

Mayor Seiler opened the floor for public comment.

Steve Werthman, Hope South Florida (HSF), indicated that the ESG program was previously discussed, he did realize it was specific to only one year of funding. He requested an RFP for any of the ESG Rapid Re-Housing funds. He elaborated upon research about homelessness prevention assistance. Rapid Re-Housing funds re-house people who are already homeless. He requested that there be a competitive process. HSF would not request administrative services but rather pool the funding with any other ESG funds HSF has received from other years, from Broward County, or similar programs. A match is required for any ESG funding received by any entitlement cities. Commissioner DuBose maintained that the City currently receives beyond the match. He wanted to know how much funding beyond the match that HSF would be able to allocate to Fort Lauderdale residents. Mr. Werthman indicated that this information could be included in the RFP. Commissioner DuBose cautioned that these are dangerous waters being posed. He totally disagreed with Commissioner Rogers. Vice Mayor Rodstrom agreed with Commissioner DuBose. A representative from Broward County could brief the Commission on the program, but she did not wish to delay the item tonight. In response to Mayor Seiler, Mr. Werthman explained that he has not previously addressed the ESG match with City staff other than the fact that it is a requirement for all ESG vendors. As to current contracts with the City, he believed that HSF currently has an HPRP (Homeless Prevention and Rapid Re-Housing Program) contract with the City that is about to end, and an upcoming award.

Mayor Seiler thought action must be taken on this item tonight. For next year, more detail could be provided as to what the County provides and what HSF could provide. He felt the ESG funds are well spent on the Homeless Assistance Center as it is, unquestionably, a successful program with a facility located in the City that benefits City residents. He was not familiar with the homeless prevention program and would be interested in hearing more about it. He was concerned about administrative and auditing costs as he thought these would not be part of a County partnership. In response to Mayor Seiler, Mr. Brown explained that the auditing cost will be derived from the administrative funds that HUD provides to the City. The County will not share this cost, unless requested by the Commission. It is programmatic monitoring. This would be assistance to monitor this program and maybe some of the other HUD programs. Mayor Seiler agreed with Commissioner DuBose that the Commission did not reach a definite resolution regarding the ESG funds. He did not want there to be any disruption in service this year; although, there could be discussion for next year. These funds need to be spent now. Commissioner Rogers wanted to be provided with a breakdown, showing how the County has leveraged these funds. Mayor Seiler felt that information could be obtained this year.

In response to Commissioner Rogers, Mr. Brown confirmed that the CDBG Administration cost reflected on page 3 of Exhibit 2 is for rehabilitation for any of the federal programs. The maximum percentage for General Administration is shown. CDBG dollars may be used to carry out costs in other programs. As such, the \$200,000 Rehabilitation Administration amount will be used for inspectors, for example. The Rehabilitation Administration amount is in addition to the General Administration amount. Commissioner Roberts and Mayor Seiler recalled that these administrative costs were increased so that the General Fund was no longer being used for the subsidy. This was a decision made by the Commission. It is not an uncommon practice.

Mayor Seiler concluded that this item will move forward as presented with the understanding that additional backup be provided if available for consideration next year. He encouraged Mr. Werthman to meet with the City next year before the meeting when a decision is to be made if he believes more could be done by HSF.

There being no other individuals wishing to speak on this matter, a **motion** was made by

Commissioner DuBose and seconded by Vice Mayor Rodstrom to close the public hearing. Roll call showed: YEAS: Vice Mayor Rodstrom, Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

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

Commissioner DuBose offered to provide a presentation at a future meeting regarding Broward County's contribution to the ESG program.

ORDINANCES

CODE AMENDMENT - CHAPTER 28 - WATER, WASTEWATER AND STORMWATER - RATE ADJUSTMENT FOR WATER AND SEWER LEAKS (O-01)

No budgetary impact.

Recommend: Introduce ordinance on second reading. Staff recommends approval.

Exhibit: Commission Agenda Report 12-1026

Vice Mayor Rodstrom introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTIONS 28-76 OF ARTICLE II, SEWERS AND SEWAGE DISPOSAL, DIVISION 3, ENTITLED "RATES AND CHARGES", AND AMENDING SECTIONS 28-143 AND 28-144 OF ARTICLE III, MUNICIPAL WATER SUPPLY SYSTEM, DIVISION 1, ENTITLED "GENERALLY", OF CHAPTER 28 OF THE CODE OF ORDINANCES, ENTITLED "WATER, WASTEWATER AND STORMWATER", PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

Commissioner Roberts had left the meeting momentarily and was not present for this vote.

CODE AMENDMENT - CHAPTER 24, ARTICLE III, SECTION 24-93 – (O-02)
SOLID WASTE PRIVATE COLLECTION SERVICES - INSURANCE REQUIREMENTS

No budgetary impact.

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 12-1109

Vice Mayor Rodstrom introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-18

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

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

Commissioner Roberts had left the meeting momentarily and was not present for this vote.

VACATION OF 10 FOOT ALLEY - NORTH OF NE 3 STREET AND WEST OF (O-03)
NE 3 AVENUE - FOURTH STREET LAND DEVELOPMENT, LLC. - CASE 3-P-12

No Budgetary Impacts.

Applicant: Fourth Street Land Development, LLC.

Location: North of NE 3 Street and West of NE 3 Avenue

Recommend: Introduce ordinance on second reading.

Exhibit: Commission Agenda Report 12-1001

Members of the Commission announced with whom he or she had spoken with and/or site visits made concerning this matter; Commissioner Roberts announced the same disclosures indicated on first reading.

Vice Mayor Rodstrom introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-23

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF A 10 FOOT ALLEY LYING WITHIN BLOCK B "FORT LAUDERDALE LAND AND DEVELOPMENT COMPANY OF LOTS 1, 2, 3 AND 4 BLOCK 2 TOWN OF FORT LAUDERDALE", ACCORDING

TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 57, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING NORTH OF THE NORTH LINE OF LOTS 1-15, AND SOUTH OF THE SOUTH LINE OF LOTS 40-54 OF SAID BLOCK B, LOCATED WEST OF NORTHEAST 3RD AVENUE AND EAST OF NORTH ANDREWS AVENUE, BETWEEN NORTHEAST 3RD STREET AND NORTHEAST 4TH STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

ESTABLISH REDEVELOPMENT ADVISORY BOARD
MIDDLE RIVER SOUTH MIDDLE RIVER SUNRISE BOULEVARD

(O-04)

No Budgetary Impact

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 12-1156

Commissioner DuBose introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-26

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING AN ADVISORY BOARD TO BE NAMED THE "MIDDLE RIVER SOUTH MIDDLE RIVER SUNRISE BOULEVARD REDEVELOPMENT ADVISORY BOARD"; PROVIDING FOR MEMBERSHIP, PURPOSE AND DUTIES OF THE BOARD; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

In response to Mayor Seiler, the City Attorney advised that the eleven appointments for this board could be made subsequent to the second reading of the ordinance. In further response, the City Clerk indicated that a list of applicants has not yet been compiled because the ordinance has not yet been adopted.

Mayor Seiler announced that any persons interested in serving on this board submit their names to the City Clerk's office by August 15 with anticipation that the Commission could consider this matter on August 21.

**CODE AMENDMENT - CHAPTER 16 - PROHIBITING SALE, DISPLAY,
DELIVERY AND POSSESSION OF HERBAL INCENSE,
SYNTHETIC MARIJUANA AND BATH SALTS**

(O-05)

No budgetary impact.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 12-1160

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-27

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE III, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA BY CREATING SECTION 16.55 PROHIBITING THE SALE, DISPLAY, DELIVERY AND POSSESSION OF HERBAL INCENSE, SYNTHETIC MARIJUANA AND BATH SALTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR LABEL REQUIREMENTS ON PACKAGING; PROVIDING FOR PENALTIES; AND FURTHER PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Commissioner Roberts recalled suggesting that this ordinance require these items to be stored in the stores under lock and key, similar to cold medicines. He will address this with the City Attorney prior to second reading. In response to Commissioner DuBose, the City Attorney advised that violation of this ordinance is a second degree misdemeanor. The only penalty for municipal ordinances is a misdemeanor. In response to Mayor Seiler, he indicated that the City does not have repeat offender penalties; the Florida Statute provides for a penalty of a \$500 fine or 60 days in jail which is the maximum sentence for the violation. Violation of the provision prohibiting controlled substances violates the State Statute which is a felony. He confirmed Commissioner Roberts' clarification that this ordinance extends beyond the schedules of the State Statute in terms of prohibited chemicals, so the municipal ordinance penalty would be the only penalty imposed and there would not be a provision for repeat offenders. Mayor Seiler wanted to get an ordinance on the books so that it can be enforced, and, if necessary, it can be made stricter in the future. Commissioner Roberts agreed, and pointed out that this ordinance allows for the illegal materials to be seized. The City Attorney advised that the ordinance disallows the sale of products that do not have ingredients listed on the label; however, the language can be revised to state that felony charges can be pursued if the ingredients included on the label are prohibited according to the State Statute's schedules. If the ingredients do not include any chemicals listed on the schedules, then the City can require the materials to be stored under lock and key. He indicated that an amendment will be brought back on second reading. Mayor Seiler wanted this version and the amended version to both be presented for the Commission to decide which to adopt. The City Attorney advised that the ordinance can be amended on second reading as long as the amendment fits within the title; if not, the original ordinance can be passed and another amendment presented separately.

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

**URBAN FARMS AND COMMUNITY GARDENS - CASE 3-T-12
UNIFIED LAND DEVELOPMENT REGULATIONS AMENDMENT –
SECTIONS 47-18, 47-20 AND 47-35**

(O-06)

No budgetary impacts.

Recommend: Introduce ordinance on second reading. Staff recommends approval.

Exhibit: Commission Agenda Report 12-1138

Mayor Seiler opened the floor for public comment.

Valerie Amor, a member of the Sustainability Advisory Board (board), indicated that the board feels that this ordinance is a step in the right direction as a means to provide access to local fresh food. The board supports this ordinance. She asked that this ordinance be reviewed in a year, and a workshop with the Planning and Zoning Board be held to provide recommended modifications in order to better serve the original intent of the board's action plan and to further environmental, economic and social sustainability in the city.

Steve Kantner, 660 Tennis Club Drive, thanked the Commission for moving this item forward and expressed his support.

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

Vice Mayor Rodstrom introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-24

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, PERMITTING URBAN FARMS AND COMMUNITY GARDENS BY CREATING SECTION 47-18.41, URBAN FARMS AND COMMUNITY GARDENS, ESTABLISHING REGULATIONS FOR URBAN FARMS AND COMMUNITY GARDENS; AMENDING ARTICLE II, ZONING DISTRICT REQUIREMENTS, TO PROVIDE FOR THE INCLUSION OF URBAN AGRICULTURE IN THE ZONING DISTRICT PERMITTED USE TABLES; AMENDING SECTION 47-20, PARKING AND LOADING REQUIREMENTS, TO PROVIDE FOR PARKING REQUIREMENTS; AMENDING SECTION 47-35 DEFINITIONS, TO PROVIDE DEFINITIONS; 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: Vice Mayor Rodstrom, Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

CHARTER AMENDMENT - ARTICLES III AND VII
GOVERNMENT OF CITY AND FORM OF GOVERNMENT AND ELECTIONS
\$52,782.00

(O-07)

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report12-1146

Commissioner Roberts introduced the following ordinance on FIRST reading:

In response to Vice Mayor Rodstrom, the City Clerk advised that this matter will be on the November ballot. In response to Commissioner Rogers, the City Attorney confirmed that the ballot question contains 75 words which is the limit. Commissioner Rogers suggested a revision to include the limitation of no more than two, four-year terms. He thought a period eight years is enough. The City Attorney explained that the ballot information was required to be at the Supervisor of Elections (SOE) office in early June; so, it cannot be amended. He indicated that the current term limit is three terms and it was not revised. Mayor Seiler pointed out that no one on the Commission at this time can benefit from this amendment.

ORDINANCE NO. C-12-28

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE ELIMINATION OF MUNICIPAL PRIMARY ELECTIONS, PROVIDING FOR MUNICIPAL ELECTIONS IN CONJUNCTION WITH THE GENERAL ELECTION IN NOVEMBER 2018 AND EVERY FOUR YEARS THEREAFTER, PROVIDING FOR THE MAYOR AND COMMISSIONERS ELECTED IN 2015 TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED AS A RESULT OF THE NOVEMBER 2018 ELECTION, PROVIDING FOR FOUR-YEAR TERMS FOR THE MAYOR AND COMMISSIONERS BEGINNING IN 2018, PROVIDING FOR A BALLOT MEASURE, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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

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

(O-08)

No budgetary impact.

Recommend: Introduce ordinance on first reading.

Exhibit: Commission Agenda Report 12-1166

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-12-29

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

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

**PRELIMINARY FIRE-RESCUE SPECIAL ASSESSMENT –
FISCAL YEAR 2012-2013**

(R-05)

Continued from page 37

No budgetary impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-1081

RESOLUTION NO. 12-123*

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF FORT LAUDERDALE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A

PUBLIC HEARING AND DIRECTING THE PROVISION OF
NOTICE THEREOF; PROVIDING FOR CONFLICTS;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.

*Resolution was revised.

Stanley Hawthorne, Assistant City Manager, noted that the maximum, not to exceed, preliminary Fire-Rescue Special Assessment is to be set tonight which can be lowered in September, if so desired. As for the millage rate, it can also be reduced in September from the rate set tonight, if so desired. In the next several weeks, staff wishes to review the City Manager's recommendations with the Budget Advisory Board (BAB) and the City Auditor in order to obtain input. Public hearings are set for September 5 and 18. He reviewed slides concerning the proposed budget and preliminary fire-rescue special assessment for fiscal year 2013. A copy of the slides is attached to these minutes.

In response to Vice Mayor Rodstrom, Mr. Hawthorne advised that the water and sewer rate increase combined is \$3.13. The last slide, Fiscal Year 2013 Proposed Full Time Equivalent Positions, incorporates the 81 positions eliminated as a result of the Bonus Incentive Retirement Program. Emilie Smith, Budget Manager, noted that the stormwater rate would increase less than 13-14 cents per month (less than 23 cents), based on a five percent proposed increase. Mr. Hawthorne indicated that there are also Community Investment Plan recommendations that will also be addressed with BAB and the Commission after the summer break.

Commissioner Rogers noted that the largest portion of personnel reduction occurred in Public Works and mostly enterprise funds. In terms of availability of reserves, he asked whether there is a policy with respect to balances for each enterprise fund. Mr. Hawthorne explained that for funds that have outstanding bonds, such as water and sewer, the City abides by the bond covenants. There has not been any formal policy adopted for funds that do not have bonds outstanding, although the BAB has made preliminary recommendations that were discussed with the Commission. Commissioner Rogers thought it would be helpful to have a written document of all such items, including bond covenants and the amount of funds in savings. As for savings, he thought the City's sanitation rates would be less next year based on actions taken this year. He did not believe that any of these anticipated savings have been taken into account. Although the desire is to budget conservatively, a realistic perspective is also necessary. He cautioned against simply repeating what was done last year. He requested this information to be brought forward before the final hearing. He noted some diminishing expenses as compared to last year in the area of Parking and Fleet. Last year, fleet purchases were reduced. He raised the idea of looking at this area even closer this year. Because of the reorganization, he is having difficulty making a comparison with last year. He requested some assistance in this regard.

Commissioner Roberts wanted feedback from the City Auditor and the BAB. He felt the focus tonight should be on setting rates. He wanted flexibility in balancing this budget at hearings moving forward. He anticipated setting higher rates tonight. They can be lowered, but not raised going forward. If the proposed funding mechanisms are not approved, there will be a need to, either, increase the millage rate or the fire-rescue special assessment. He stressed that revenue streams must be sought or budget cuts will have to be faced. He recalled that the Commission directed the BAB to bring back a revenue menu so to speak to assist in balancing the budget. He did not want to be stuck with having to look for efficiencies and find they are not possible and jeopardizing vital services that the Commission has committed to doing. He was

pleased with the measures that have been taken to reduce expenditures, reorganizing the government and eliminating departments and close to three hundred positions and maintaining the millage rate. Given the numerous changes over the last couple of years, he felt the City should allow for the dust to settle in 2013 in order to determine the level of efficiency in service delivery and whether more cuts can be made. The reorganization includes plans to hire back 37 percent of the reduced workforce. He cautioned against draconian cuts that cause services to suffer. He recalled a past experience where it took four years to rebuild the service level. Likely, there is staff and departments that are overtaxed due to the reorganization. He did not want further reductions that may not be necessary to inhibit staff's ability to deliver needed services. He reiterated that flexibility is needed in making budget decisions.

Commissioner DuBose recalled his prior opposition to reductions in personnel; he was pleased that this issue is being raised as staff has been impacted. He has unanswered questions from earlier discussions relating to pension bonds which play a significant role in the proposed budget. As to the element of flexibility, he thought the bigger issue is whether the Commission will stay the course with the millage rate. He believed measures have been taken to improve efficiency; although there is more to be done. The budget shortfall has been reduced from \$30 million to \$20 million which is moving in the right direction. There appears to be consensus to obtain feedback on the proposed budget from the City Auditor and BAB, so it seems premature to analyze it. There are so many other variables that must be addressed before the final budget is approved. Mayor Seiler agreed it is early in the process; simply a first step.

Vice Mayor Rodstrom indicated that her comments related to this matter were made during the conference meeting. She thought the shortfall is \$42 million, in that \$30 million would be borrowed together with the \$12 million shortfall. She wanted to address the employee retirement contribution percentage of 28-29 and the pension obligation bond savings of \$5-\$6 million that are spread over every departmental budget. In response to Mayor Seiler, Ms. Smith advised that the employee retirement contribution percentage currently in the proposed budget is 32.43, which is a rolling average. Mr. Hawthorne explained that the City Manager is working on that percentage. Along with a proposal for the managerial confidential employees, it is hoped that the recommendation will be neutral. The City Manager contemplates reducing the 401 which will result in some savings. The managerial confidential employees were not addressed when the unions were addressed. It will be a combined proposal that will hopefully be neutral in terms of balancing savings and cost. Based on the formula in place, it would be a five-year blended rate. Next year, the GERS (General Employees' Retirement System) pension contribution rate is increasing to about 34 percent. Vice Mayor Rodstrom concluded there is about \$300,000 of the employee retirement contribution spread over every departmental budget. The same is true about the \$5 million idea with respect to pension obligation bonds. Ms. Smith advised that the pension obligation bonds item of \$5 million is shown as one item, specifically a negative expenditure under Non-Departmental, General.

In response to Vice Mayor Rodstrom, Mayor Seiler pointed out that the proposed millage rate has remained unchanged for six years. Once the Commission sets the millage rate, it cannot be raised. Vice Mayor Rodstrom explained that unfortunately by voting for the millage rate, it is also a vote to accept the budget as well. Mayor Seiler reiterated that it is early in the process. He noted that the debt service millage rate is increasing slightly, but it was voter approved in 2004.

As for the fire-rescue special assessment, Mr. Hawthorne confirmed for Commissioner Roberts that it can still be reduced if the proposed figure is approved tonight, but it cannot be raised.

In response to Mayor Seiler, Fire-Rescue Chief Jeff Justinak advised that the fire-rescue special assessment was last adjusted in October, 2008, at which time the cost recovery rate was 49 percent. Vice Mayor Rodstrom recalled that efficiencies were examined at the time. In further response to Mayor Seiler, Chief Justinak indicated that six new fire stations have been opened since the last adjustment was made. Staffing has remained the same and simply reassigned to different locations. The number of stations has been reduced as two were consolidated. Equipment costs continue to rise. In response to Commissioner Rogers, he indicated that operating costs have been reduced to some degree. Mayor Seiler thought the fire assessment is related to the BAB's recommendations for cost recovery. The City is currently at a 53 percent cost recovery rate which is much lower than many cities. He went on to quote rates of other cities in the county. Commissioner Rogers thought the fire assessment is a regressive tax, although he understands its purpose. Some people are not paying any taxes based on valuation. This proposal equates to \$2.7 million. He preferred to proceed with the 82.5 percent level of pension obligation bonds which would provide about \$1 million and request the City Manager to find another \$1.7 million. In terms of efficiencies, the City has done a good job. This will be the last year that the reserves can be utilized, unless the minimum percentage balance is exceeded.

Although he agreed with the desire to look for more efficiencies and so forth, Commissioner Roberts stressed that it is the beginning of the process, and he did not want to take away any tools. He cautioned against making this type of decision now. He wanted to hear from the BAB, the City Auditor and the public hearings. Mayor Seiler raised a hypothetical concern of the City Auditor and BAB indicating that the cost recovery is too low, and they recommend that the millage rate be reduced, but not the fire assessment. It would not be possible because the rate was already set. All of the residents pay the fire assessment fee, whereas not all residents pay property taxes for reasons related to home value and homestead exemptions. He believed the final budget will be much different than what is presented today. The Commission must give the City Auditor, BAB, and the City Manager flexibility; however, he wanted to cap the millage rate in order to send the message that it will not be increased under any circumstances. As for flexibility, Mr. Hawthorne explained that the projections from the State show that the telecommunications service tax is about \$300,000 lower than what was already built into the budget. Also, with respect to the pension obligation bonds, the \$5 million that is factored into the General Fund is based on the 88 percent funding level because the savings is dispersed over various funds. For example, a 75 percent level would generate about \$4.3 million for the General Fund. Commissioner Rogers was certain that \$2.7 million could be identified. Commissioner Roberts cautioned that combining that amount with other issues could result in a huge domino effect. He wanted to have as many tools as possible. It is too soon to make this kind of decision. Commissioner Rogers noted that there are 92 funded, unfilled positions in the General Fund and 50 funded, unfilled positions in the other funds, which leads him to believe that there are still more efficiencies available. Commissioner Roberts emphasized the focus is the General Fund. He believed it is too early to decide upon cutting positions. He believed there is a huge surplus in the Water and Sewer Fund (enterprise) that negates the need for a 6.75 percent increase. Commissioner Rogers did not view the fire assessment fee as a true user fee. Mayor Seiler agreed with Commissioner Roberts in terms of flexibility and as such favored the fire assessment rate recommendation. He reiterated his desire to vote on capping the millage rate. Commissioner Roberts reiterated his concern about the lack of flexibility. Commissioner Rogers wanted to take action on the bonds first. In response to Commissioner Roberts, Mr. Hawthorne indicated that savings from the pension bonds at a 75 percent level is divided amongst the various funds; \$4.36 million for the General Fund. Commissioner Roberts calculated the additional shortfall from this evening's discussion is \$3.7 million.

In response to Commissioner Rogers, the City Attorney advised that the rate has to be set each year. The rate must be delivered to the Broward County Property Appraiser by August 3 for the TRIM notice.

Concluding that there was not a majority in favor of raising the rate, Commissioner Roberts introduced the following resolution as amended to reflect the current rate structure:

RESOLUTION NO. 12-123

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF FORT LAUDERDALE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Continued from page 37

**FISCAL YEAR 2013 MILLAGE RATE AND BUDGET - CITY MANAGER'S
PROPOSED BUDGET - ACCEPTING SUNRISE KEY NEIGHBORHOOD
IMPROVEMENT DISTRICT MILLAGE RATE**

(R-06)

No current year budget impact.

Recommend: Introduce resolution.

Exhibit: Commission Agenda Report 12-1129

Commissioner Roberts was opposed to leaving the millage rate unchanged because the fire assessment rate is not being increased and the pension obligation bond level is being reduced from 82 to 75 percent.

Mayor Seiler opened the floor for public comment.

Fred Carlson, 625 Orton Avenue, distributed an Investor's Business Daily article titled Rosy Forecasts Now for Public Pensions Mask Underfunding that was made a part of the record. The article points out that generally the anticipated or projected rate of return on investments for pension plans is too optimistic. He elaborated upon problems that could occur if nothing is done. He recommended a higher percentage level should be funded in order to reduce the unfunded obligation risk.

There was no one else wishing to speak.

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING THE CITY MANAGER'S BUDGET MESSAGE, ESTIMATES AND RECOMMENDATIONS FOR FISCAL YEAR 2012-2013 AND AUTHORIZING THE CITY MANAGER TO COMPUTE PROPOSED MILLAGE RATES AND TO ADVISE THE BROWARD COUNTY PROPERTY APPRAISER OF SUCH PROPOSED MILLAGE RATES

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

In response to Vice Mayor Rodstrom, Commissioner Roberts pointed out that the pension obligation bonds is a question separate from the millage rate. Vice Mayor Rodstrom suggested separating the subjects in this item. The City Attorney explained that the budget does not have to be adopted, but rather the millage rate has to be set.

Motion made by Commissioner DuBose and seconded by Commissioner Rogers to authorize a millage rate of 4.1193 as well as the voter mandated debt service and to advise the Broward County Property Appraiser of such millage rate.

During discussion of the above motion the City Attorney responded to Vice Mayor Rodstrom's question, clarifying that the voter mandated debt service must be included as it must be part of the TRIM notice.

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

Motion made by Vice Mayor Rodstrom and seconded by Commissioner DuBose to accept the millage rate of 1.0000 for Sunrise Key Neighborhood Improvement District and to advise the Broward County Property Appraiser of such millage rate. Roll call showed: YEAS: Vice Mayor Rodstrom, Commissioner DuBose, Commissioner Rogers, Commissioner Roberts and Mayor Seiler. NAYS: None

Note: The City Manager's budget message was received by the Commission, but there was no vote to accept it.

Note: The City Commission adjourned the regular meeting at 11:17 p.m. and convened as the Community Redevelopment Agency Board of Directors at 11:18 p.m. and the conference meeting, Agenda Item I-G, at 11:20 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk

DRAFT