

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING**  
**AUGUST 21, 2012**

<b>Agenda #</b>	<b>File #</b>	<b>Resolution/ Ordinance</b>	<b>Page No.</b>
OB	12-1269	WALK-ON - Motion to Approve an Agreement with Rock the Ocean Festival Organization	22
OB	12-1290	WALK-ON - WALK-ON – A resolution authorizing the Fire-Rescue Department of the City of Fort Lauderdale to perform routine transfers.	30
PRES-1	12-1301	EXPRESSION OF APPRECIATION BY ANN MARIE FOX FOR ALL OF THE EFFORTS THAT MADE THE RICHARD MANCUSO GREENWAY POSSIBLE	1
PRES-2	12-1302	INTRODUCTION OF FIREFIGHTERS FROM MAR DEL PLATA, ARGENTINA BY GREATER FORT LAUDERDALE SISTER CITIES PRESIDENT AND SISTER CITIES COUNTRY CHAIR IN FURTHERANCE OF SISTER CITY RELATIONS	2
M-1	12-1268	EXTENSION OF 2009 URBAN AREA SECURITY INITIATIVE GRANT AGREEMENT TO JANUARY 30, 2013	2
M-2	12-1262	GRANT ACCEPTANCE - \$21,743 from Florida Department of Health via Broward County - Emergency Medical Services County Grant Program; approving contract and authorizing City Manager to execute on behalf of City - video laryngoscopes	2, 14
M-3	12-1264	FIFTH AMENDMENT TO URBAN AREA SECURITY INITIATIVE MEMORANDUM OF AGREEMENT - extension to November 30, 2012 and authorize the City Manager to execute on behalf of City	2
M-4	12-1214	SECOND ONE-YEAR EXTENSION AND AMENDMENT TO AGREEMENT - Partners In Action, Inc. d/b/a Kids Ecology Corp. for Nature Programming at Snyder Park effective September 15, 2012 and authorize City Manager to execute on behalf of City	3
M-5	12-1189	ONE-YEAR AGREEMENT WITH TWO, ONE-YEAR RENEWAL OPTIONS - Broward County R. C. Race Club, Inc. to operate remote control miniature racecars at Mills Pond Park effective October 1, 2012 and authorize City Manager to execute on behalf of City	3
M-6	12-1248	EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: 1) Young Professionals for Covenant House 20th Anniversary Party 2) Beach Bash 5K.	3
M-7	12-1278	ACCEPT DONATION OF BOMB SQUAD EQUIPMENT from Palm Beach Sheriff's Office - valued at \$18,000	3
M-8	12-1231	CHANGE ORDER 1 - Final with Intercounty Engineering Inc. - North Fork of the New River Pollution Control Structures - \$3,999.69 plus 17% engineering fees to close the project and authorize City Manager to execute on behalf of City.	3
M-9	12-1131	CONTRACT AWARD - Wrangler Construction Inc. for Shirley Small Park (a/k/a Melrose Park) Improvement - \$187,487 plus 14% for engineering and administration fees and authorize the City Manager to execute on behalf of City	3
M-10	12-1277	TASK ORDER 3 - CDM Smith Inc. in an amount not to exceed \$79,125 for Lohmeyer Wastewater Treatment Plant sludge feed wet well mixers and authorize City Manager to execute on behalf of City	3
M-11	12-1259	REIMBURSEMENT OF UP TO \$22,500 to Riverwalk Fort Lauderdale, Inc. d/b/a Riverwalk Trust - 2010 Business Capital Improvement Grant Program - design of wayfinding signage along Riverwalk	4
M-12	12-1163	TASK ORDER 1 to CIMA Engineering Corp. for Consultant Construction Management Services - Fire Station 35 - \$24,252.53 plus 2% engineering administration fees and authorize the City Manager to execute on behalf of the City	4
M-13	12-1258	CONTRACT AWARD with Wrangler Construction, Inc - Design and Install Decorative Street Signposts for Lauderdale Manors - \$40,890	4
M-14	12-1267	CHANGE ORDER 2 - Miller Pipeline, LLC f/k/a Miller Pipeline Corporation - Credit of \$3.00 and the addition of 45 non-compensable calendar days - Wastewater Conveyance System Long-term Remediation Program Sewer Basin A-12 and authorize City Manager to execute on behalf of City	4
M-15	12-1286	TASK ORDER 8 - URS Corporation Southern in the amount of \$24,985 - Seagrass Mitigation Assessment for Las Olas Marina Expansion Feasibility Study	4
M-16	12-1236	NO OBJECTION TO PLAT NOTE AMENDMENT - Comfort Suites Hotel 2201 N - 2201 North Federal Highway Applicant: Judy Antweiler/John L. Rickel Zoning: Boulevard Business (B-1) Land Use: Commercial Case 18-P-07A1	4

M-17	12-1240		NO OBJECTION TO PLAT NOTE AMENDMENT - Whiddon/Ergon/441 - 2100 South State Road 7 Applicant: Shoot Straight Fort Lauderdale Holding Company, LLC. Zoning: General Business (B-2) Case: 15-P-07A1	5
M-18	12-1122		ADDENDUM TO B-CYCLE REVOCABLE LICENSE AGREEMENT - B-Cycle, LLC to expand B-Cycle stations on city-owned property and authorize the City Manager to execute on behalf of City	5
M-19	12-1238		TASK ORDER 10 - Miller Legg & Associates, Inc. in the amount of \$79,115 for environmental sensitive area construction observation, tree relocation and site vegetative clearing observation on Parcels B, C and D of Airport Industrial Park and authorize City Manager to execute on behalf of City	5
CR-1	12-1190	12-138	RESCHEDULING SEPTEMBER 4, 2012 CITY COMMISSION MEETINGS TO SEPTEMBER 5, 2012	5
CR-2	12-1255	12-144	CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2012 BUDGET - APPROPRIATION	5
CR-3	12-1291	12-145	ASSIGNMENT OF SUPPLEMENTAL DEFERRED COMPENSATION PLAN AND THE VANGUARD GROUP ACCOUNT FOR SUCH PLAN TO GEORGE L. HANBURY, II and authorize City Manager to execute all necessary documents on behalf of City	6, 15
CR-4	12-1280	12-146	APPOINTMENT OF COUNSEL - Squire Sanders LLP as Bond Counsel and Steve Bullock, P.A. as Disclosure Counsel for issuance of taxable special obligation bonds, Series 2012, in an amount not to exceed \$340 million - pension funding	6, 5, 16
CR-5	12-1237	12-147	DOCK PERMIT APPLICATION authorizing Rick J. Burgess use, maintenance and repair of existing marginal dock and seawall located on public property immediately adjacent to his address of 711 Cordova Road	7
CR-6	12-1199	12-148	QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM - recommending ECI Pharmaceuticals LLC as a program applicant and providing for local financial support in the amount of \$12,000 contingent upon approval by State of Florida	7
CR-7	12-1270	12-149	RICHARD MANCUSO GREENWAY - AMENDMENT TO RESOLUTION 12-105 - providing a more detailed description of greenway	8, 15
CR-8	12-1271	12-150	Amendment To The Broward County Trafficways Plan - SW 9th Avenue Applicant: St. Jerome Catholic Church & School	8
CR-9	12-1235	12-151	FIRST AMENDMENT TO AMENDED AND RESTATED LEASE AGREEMENT - FXE Parcel 15, LLC - allowing for a new property description increasing the leased parcel size	9
PUR-1	12-1218		CONTRACT AWARD FOR WASTEWATER FLOW, RAINFALL MONITORING AND RELATED SERVICES in estimated annual amount of \$235,500 with ADS LLC	9
PUR-2	12-1220		PURCHASE SMART AUTOMOBILES TO BE USED AS PARKING ENFORCEMENT VEHICLES in the amount of \$69,235 from All Luxury Imports of Coconut Creek, Inc. d/b/a Mercedes-Benz of Coconut Creek	9
PUR-3	12-1117		PREPAYMENT OF \$5,307,443 - FIRE APPARATUS MASTER LEASE AGREEMENT with Capital One Public Funding, LLC	9
PUR-4	12-1223		PROPRIETARY PURCHASE TO REPAIR HIGH SERVICE PUMP AT FIVEASH WATER TREATMENT PLANT in the amount of \$68,464.94 from Tom Evans Environmental, Inc.	9
PUR-5	12-1243		PROPRIETARY PURCHASE FOR A ONE-YEAR MEMBERSHIP in the amount of \$33,473 with Water Research Foundation, Inc.	10
PUR-6	12-1272		PROPRIETARY AGREEMENT FOR HISTORIC PRESERVATION CONSULTING SERVICES in the amount of \$85,000 with Fort Lauderdale Society, Inc.	10
PUR-7	12-1224		PURCHASE AERATOR PIPE REPLACEMENT SERVICES AT FIVEASH WATER TREATMENT PLANT in the amount of \$144,231 from Underwater Engineering Services, Inc.	10
PUR-8	12-1222		PURCHASE COST ESTIMATING CONSULTING SERVICES FOR FIVEASH WATER TREATMENT PLANT CONSTRUCTION PROJECT in the amount of \$62,605 from Quantities, Inc.	10
PUR-9	12-1133		PROPRIETARY PURCHASE OF FLYGT BRAND REPLACEMENT PUMPS, PARTS AND SERVICE FOR UTILITY OPERATIONS from Xylem Water Solutions U.S.A., Inc. on an as-needed basis	10
PUR-10	12-1289		AWARD OF SUB-CONTRACTOR FOR FINANCIAL AUDIT SERVICES to Moore Stephens Lovelace, P.A.	10
PUR-11	12-1207		PROPRIETARY PURCHASE TO UPGRADE PROCUREMENT SOFTWARE SYSTEM - estimated amount of \$68,311 with Periscope Holdings, Inc.	10

PUR-12	12-1210	CONTRACT EXTENSION - MONTH-TO-MONTH, NOT TO EXCEED THREE MONTHS and a not-to-exceed amount of \$11,999.76 for State Legislative Lobbyist Services	11
PUR-13	12-1213	AMENDMENTS TO AGREEMENTS FOR PROFESSIONAL TRAFFIC AND TRANSPORTATION ENGINEERING CONSULTANT SERVICES with Kimley-Horn and Associates, Inc., Kittelson & Associates, Inc., Miller Legg & Associates, Inc. and T.Y. Lin International - provisions relating to insurance, definitions, compensation and reimbursables, construction changes	11
PUR-14	12-1191	FIVE-YEAR CONTRACT FOR INVESTMENT ADVISOR SERVICES - annual amount of \$90,000 with Bogdahn Consulting, LLC d/b/a The Bogdahn Group, LLC and authorize City Manager or designee to approve all renewal options contingent upon approval and appropriation of funds	11
PUR-15	12-1217	PURCHASE AND INSTALLATION OF MEDIAN LANDSCAPING SERVICES in the amount of \$256,941.91 from Orchidman Landscape Artisans Corp.	11
PUR-16	12-1205	TWO-YEAR CONTRACT FOR CONCRETE, STAMPED ASPHALT AND PAVING STONE REPAIR SERVICES - annual amount of \$83,140 with Straightline Engineering Group, LLC and authorize City Manager or designee to approve renewal options - ITB 223-11030	11
PUR-17	12-1196	ONE-YEAR CONTRACT FOR OVERHEAD DOOR MAINTENANCE SERVICES - estimated annual amount of \$95,175 with Above Garage Door of South Florida, Inc. and authorize City Manager or designee to approve all renewal options	11
PUR-18	12-1193	THREE-YEAR CONTRACT FOR DEPOSITORY AND MERCHANT CREDIT CARD SERVICES with TD Bank, National Association and J.P. Morgan Chase Bank d/b/a Paymentech, LLC and authorize City Manager or designee to approval all renewal options - RFP 725-10974	12
PUR-19	12-1111	TWO-YEAR CONTRACT FOR BULK TRASH COLLECTION SERVICES - estimated annual amount of \$274,100.95 with Choice Environmental Services of Broward, Inc. and authorize City Manager or designee to approve all renewal options - ITB 623-10995	12, 14
PUR-20	12-1216	PURCHASE BLEACHERS FOR HOLIDAY PARK GYMNASIUM in the amount of \$75,024.90 from Hussey Seating Company using State of Florida Contract	12, 14
PUR-21	12-1227	PURCHASE SANITARY SEWER INSPECTION SYSTEM in the amount of \$83,970 from Environmental Products of Florida Corporation - ITB 422-11045	12
PUR-22	12-1219	PURCHASE BEACH CLEANER SURF RAKES in the amount of \$145,236 from H. Barber & Sons, Inc. - ITB 422-11032	12
PUR-23	12-1281	AWARD OF UNDERWRITERS FOR SPECIAL OBLIGATION (PENSION FUND) FINANCING in the estimated amount of \$849,619 - top four ranked proposers: Citigroup Global Markets, Inc. as Senior Manager, and J.P. Morgan Securities LLC, Merrill Lynch, Pierce Fenner & Smith Incorporated and Morgan Stanley & Co. LLC, as three co-managers - RFP 725-11053	13,15, 20
PUR-24	12-1250	PURCHASE COMPUTER SOFTWARE AND HARDWARE TO UPGRADE PUBLIC WORKS AND CITY HALL DATA CENTERS in the amount of \$334,348.01 from Computer Systems Support, Inc., Dell Marketing Corporation and Software House International, using State of Florida and WSCA contracts	13
PUR-25	12-1247	PROPRIETARY PURCHASE OF MAINTENANCE AND REHABILITATION SERVICES FOR TEN SIGNAL CROSSINGS THROUGHOUT CITY in the amount of \$90,377.06 from Florida East Coast Railway, LLC and Flagler Development Group, a subsidiary of Florida East Coast Railway	13
PUR-26	12-1192	CONTRACT TERMINATION FOR CONVENIENCE WITH PRISM POWERWASH, INC. for enhanced maintenance and beautification services (215-10773) and powerwashing services (215-10772) for areas along Fort Lauderdale beach for the Beach Business Improvement District	13
PUR-27	12-1230	CONSULTANTS' COMPETITIVE NEGOTIATION ACT SELECTION COMMITTEE'S RECOMMENDATION OF RANKING FIRMS FOR CIVIL ENGINEERING CONSULTING SERVICES in accordance with RFQ 626-10881 and approve commencement of negotiations with top seven ranked firms: 1) The Carradino 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.	13
PUR-28	12-1203	REJECT ALL BIDS FOR FULL SERVICE COPIER LEASE AND UTILIZE BROWARD COUNTY AND STATE OF FLORIDA CONTRACT FOR CITY'S OFFICE COPIER PLAN - estimated amount of \$379,563.72 - ITB 723-10998	14
MD-1	12-1310	CODE ENFORCEMENT LIEN SETTLEMENT in the amount of \$25,000 for Case CE08060529 at 785 Middle River Drive	22

MD-2	12-1311		CODE ENFORCEMENT LIEN SETTLEMENT in the amount of \$18,000 for Cases CE07041641 and CE03031877 at 646 NW 14 Terrace	22
CIT-1	12-1297		JOHN J. ZULLO - FINES, FEES AND PARKING TICKETS	14, 23
CIT-2	12-1298		ART SEITZ - NEED TO BUILD WORLD CLASS, ARCHITECTURALLY WOW AQUATIC CENTER BUILDING TO BETTER SERVE INDY CAR RACE, BOAT SHOW, WINTERFEST BOAT PARADE, RESIDENTS AND VISITORS TO BROWARD COUNTY AND INTERNATIONAL SWIMMING HALL OF FAME	14, 23
CIT-3	12-1300		L. THOMAS CHANCEY - TREE PRESERVATION - UPDATING URBAN FOREST IN FORT LAUDERDALE	23
CIT-4	12-1299		ROSE BECHARD-BUTMAN - COMMUNITY VOLUNTEERS AND EDUCATIONAL ACTIVITIES FOR ENCOURAGING CONSERVATION OF NATURAL RESOURCES TO YOUNG CHILDREN AND ADULTS	23
CIT-5	12-1309		FRANCOIS LECONTE OF MINORITY DEVELOPMENT & EMPOWERMENT, INC. - HOUSING OPPORTUNITIES FOR PERSONS WITH HIV/AIDS (HOPWA) REQUEST FOR APPLICATION SUBMISSION OF AUGUST 14, 2012.	24
R-1	12-1215	12-135	SALE OF CITY-OWNED PROPERTY, PURCHASE AND SALE CONTRACT AND DEED OF CONVEYANCE - \$33,333 - Accepting offer from Ashton Holdings and Development for property with approximate street address of 604 SW 12 Avenue and authorizing proper City Officials to execute all necessary documents subject to City Attorney review	24
R-2	12-1242	12-136	DISPOSITION OF CITY-OWNED PROPERTY - DECLARING AS SURPLUS AND NO LONGER NEEDED FOR A PUBLIC PURPOSE AND AUTHORIZING BIDDING PROCESS - minimum bid amount of \$1,000 - northeast corner of NW 13 Street and 4 Avenue	26
R-3	12-1241	12-139	CONVEYANCE OF EASEMENT FOR RIGHT OF WAY OR PUBLIC ROAD PURPOSES to Florida Department of Transportation for ingress and egress to River Oaks Preserve and authorizing execution and delivery of easement deed	27
R-4	12-1261	12-140	CONVENIENCE AND LIQUOR STORE MORATORIUM 90-DAY EXTENSION imposed by Ordinance C-11-17 - Northwest Progresso community redevelopment area	27
R-5	12-1225	12-141	VACATION OF AERIAL EASEMENT Applicant: Holman Automotive, Inc. Location: South of SE 14 Court, north of SE 15 Street, west of Federal Highway and east of SE 4 Avenue, Croissant Park Case: 5-R-12A	28
R-6	12-1202	12-142	APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS All vacancy information is provided under Conference item BD-2	29
PH-1	12-1288		SALE OF CITY-OWNED PROPERTY, PURCHASE AND SALE CONTRACT AND DEED OF CONVEYANCE - \$14,000 - Accepting offer from Housing Authority for two parcels located at northwest corner of NW 7 Street and 14 Avenue and 637 NW 10 Terrace for affordable housing and authorizing proper City Officials to execute all necessary documents	30
PH-2	12-1229	C-12-30	FIRST READING OF ORDINANCE REZONING TO Commerce Center (CC) from General Business (B-2) Applicant: Victoria's Corporate Plaza, LLC. Location: 6245 NW 9 Avenue Land Use: Employment Center Case: 4-Z-12	31
PH-3	12-1060	12-137	RESOLUTION AUTHORIZING DESIGNATION OF SITE SPECIFIC AREAS DESCRIBED AS NORTHWEST GARDENS II, III and IV AND DR. KENNEDY HOMES as Brownfield areas and adding them to the Job Accelerator Zone - Affordable Housing.	32
PH-4	12-0743		DISCONTINUATION OF COMMUNITY BUS ROUTES AND NON-RENEWAL OF INTERLOCAL AGREEMENT with Broward County for Community Bus Service - motion authorizing City Manager to notify Broward County of City's intent not to renew the Interlocal Agreement	32
O-1	12-1232	C-12-29	SECOND READING - CHARTER AMENDMENT - BALLOT LANGUAGE - NOVEMBER 6, 2012, GENERAL ELECTION - SALE OF SURPLUS CITY-OWNED PROPERTY FOR AFFORDABLE HOUSING OR ECONOMIC DEVELOPMENT PURPOSES - changing referendum date	37
O-2	12-1228	C-12-28	SECOND READING - CHARTER AMENDMENT - ARTICLES III AND VII GOVERNMENT OF CITY AND FORM OF GOVERNMENT AND ELECTIONS	38
O-3	12-1265	C-12-27	SECOND READING - CODE AMENDMENT - PROHIBITING SALE, DISPLAY, DELIVERY AND POSSESSION OF HERBAL INCENSE, SYNTHETIC MARIJUANA AND BATH SALTS - Chapter 16	39
O-4	12-1279	C-12-26	SECOND READING - ESTABLISHING REDEVELOPMENT ADVISORY BOARD FOR MIDDLE RIVER - SOUTH MIDDLE RIVER - SUNRISE BOULEVARD COMMUNITY REDEVELOPMENT AREA - purpose and duties, number of members, criteria and term	39

**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE  
August 21, 2012**

Meeting was called to order at 6:05 p.m. by Mayor Seiler on the above date, in City Hall, 100 North Andrews Avenue, 1<sup>st</sup> floor Chambers.

Roll call showed:

Present: Commissioner Bruce G. Roberts  
Vice Mayor Charlotte E. Rodstrom  
Commissioner Romney Rogers  
Commissioner Bobby B. DuBose  
Mayor John P. "Jack" Seiler

Absent: None.

Also Present: City Manager Lee R. Feldman  
City Auditor John Herbst  
City Clerk Jonda K. Joseph  
City Attorney Harry A. Stewart  
Sergeant At Arms Sergeant Jaime Costas  
Sergeant Derek Joseph

Invocation was offered by Pastor Dwayne Black, Second Presbyterian Church, followed by the recitation of the pledge led by Pastor Dwayne Black.

**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 Rogers and seconded by Commissioner Roberts to approve the minutes of the June 19, 2012 and July 10, 2012 Conference and Regular Meetings. YEAS: Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, and Mayor Seiler. NAYS: None.

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**PRES-1 12-1301 EXPRESSION OF APPRECIATION BY ANN MARIE FOX FOR ALL OF THE EFFORTS THAT MADE THE RICHARD MANCUSO GREENWAY POSSIBLE**

Commissioner Rogers introduced Ann Marie Fox who expressed gratitude to the Commission, City staff, and friends for their efforts to bring about the Richard Mancuso Greenway as a tribute to her deceased husband. She mentioned her family's foundation which raises funds to provide free prostate cancer screening.

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**PRES-2 12-1302 INTRODUCTION OF FIREFIGHTERS FROM MAR DEL PLATA, ARGENTINA BY GREATER FORT LAUDERDALE SISTER CITIES PRESIDENT AND SISTER CITIES COUNTRY CHAIR IN FURTHERANCE OF SISTER CITY RELATIONS**

Fire Rescue Chief Jeff Justinak introduced firefighters from Mar Del Plata, Argentina, as well as Tony Marcelli, Chair of Cap-Haitien, Haiti, and Gabriel Zahora, Chair of Mar Del Plata, Argentina, Greater Fort Lauderdale Sister Cities (GFLSC). Chief Justinak provided a historic overview of the GFLSC organization. Mr. Marcelli thanked the Commission and Chief Justinak for receiving the Argentinian firefighters. Mr. Zahora remarked on the GFLSC's Public Safety Program which promotes a relationship between the City's police, fire-rescue, and lifeguards and public safety personnel in the sister cities. He thanked Chief Justinak; City staff; and the U.S. Ambassador to Argentina, Vilma Martinez. He presented the Commission with an expression of gratitude from the Volunteer Firefighters Federation of Buenos Aires for the City's support of the firefighters exchange and public safety programs.

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**CONSENT AGENDA**

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.

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**M-1 12-1268 EXTENSION OF 2009 URBAN AREA SECURITY INITIATIVE GRANT AGREEMENT TO JANUARY 30, 2013**

There is no fiscal impact associated with this action.

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**M-2 12-1262 GRANT ACCEPTANCE - \$21,743 from Florida Department of Health via Broward County - Emergency Medical Services County Grant Program; approving contract and authorizing City Manager to execute on behalf of City - video laryngoscopes**

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

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**M-3 12-1264 FIFTH AMENDMENT TO URBAN AREA SECURITY INITIATIVE MEMORANDUM OF AGREEMENT - extension to November 30, 2012 and authorize the City Manager to execute on behalf of City**

There is no fiscal impact associated with this action.

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- M-4 12-1214 SECOND ONE-YEAR EXTENSION AND AMENDMENT TO AGREEMENT - Partners In Action, Inc. d/b/a Kids Ecology Corp. for Nature Programming at Snyder Park effective September 15, 2012 and authorize City Manager to execute on behalf of City**

There is no fiscal impact associated with this action.

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- M-5 12-1189 ONE-YEAR AGREEMENT WITH TWO, ONE-YEAR RENEWAL OPTIONS - Broward County R. C. Race Club, Inc. to operate remote control miniature racecars at Mills Pond Park effective October 1, 2012 and authorize City Manager to execute on behalf of City.**

Please see funding information attached to these minutes.

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- M-6 12-1248 EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: 1) Young Professionals for Covenant House 20th Anniversary Party 2) Beach Bash 5K.**

There is no fiscal impact associated with this action.

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- M-7 12-1278 ACCEPT DONATION OF BOMB SQUAD EQUIPMENT from Palm Beach Sheriff's Office - valued at \$18,000**

There is no fiscal impact associated with this action.

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- M-8 12-1231 CHANGE ORDER 1 - Final with Intercounty Engineering Inc. - North Fork of the New River Pollution Control Structures - \$3,999.69 plus 17% engineering fees to close the project and authorize City Manager to execute on behalf of City.**

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- M-9 12-1131 CONTRACT AWARD - Wrangler Construction Inc. for Shirley Small Park (a/k/a Melrose Park) Improvement - \$187,487 plus 14% for engineering and administration fees and authorize the City Manager to execute on behalf of City**

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**M-11 12-1259 REIMBURSEMENT OF UP TO \$22,500 to Riverwalk Fort Lauderdale, Inc. d/b/a Riverwalk Trust - 2010 Business Capital Improvement Grant Program - design of wayfinding signage along Riverwalk**

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**M-12 12-1163 TASK ORDER 1 to CIMA Engineering Corp. for Consultant Construction Management Services - Fire Station 35 - \$24,252.53 plus 2% engineering administration fees and authorize the City Manager to execute on behalf of the City**

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**M-13 12-1258 CONTRACT AWARD with Wrangler Construction, Inc - Design and Install Decorative Street Signposts for Lauderdale Manors - \$40,890**

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**M-14 12-1267 CHANGE ORDER 2 - Miller Pipeline, LLC f/k/a Miller Pipeline Corporation - Credit of \$3.00 and the addition of 45 non-compensable calendar days - Wastewater Conveyance System Long-term Remediation Program Sewer Basin A-12 and authorize City Manager to execute on behalf of City**

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**M-16 12-1236 NO OBJECTION TO PLAT NOTE AMENDMENT - Comfort Suites Hotel - 2201 N - 2201 North Federal Highway - Applicant: Judy Antweiler/John L. Rickel - Zoning: Boulevard Business (B-1) - Land Use: Commercial - Case 18-P-07A1**

**There is no fiscal impact associated with this action.**

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**M-17 12-1240 NO OBJECTION TO PLAT NOTE AMENDMENT - Whiddon/Ergon/441 - 2100 South State Road 7 - Applicant: Shoot Straight Fort Lauderdale Holding Company, LLC. Zoning: General Business (B-2) - Case: 15-P-07A1**

**There is no fiscal impact associated with this action.**

**M-18 12-1122 ADDENDUM TO B-CYCLE REVOCABLE LICENSE AGREEMENT - B-Cycle, LLC to expand B-Cycle stations on city-owned property and authorize the City Manager to execute on behalf of City**

**There is no fiscal impact associated with this action.**

**M-19 12-1238 TASK ORDER 10 - Miller Legg & Associates, Inc. in the amount of \$79,115 for environmental sensitive area construction observation, tree relocation and site vegetative clearing observation on Parcels B, C and D of Airport Industrial Park and authorize City Manager to execute on behalf of City**

**Please see funding information attached to these minutes.**

**CONSENT RESOLUTION**

**CR-1 12-1190 RESCHEDULING SEPTEMBER 4, 2012 CITY COMMISSION MEETINGS TO SEPTEMBER 5, 2012**

**There is no fiscal impact associated with this action.**

RESOLUTION NO. 12-138

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE SEPTEMBER 4, 2012, REGULAR AND CONFERENCE MEETINGS OF THE CITY COMMISSION TO SEPTEMBER 5, 2012

**CR-2 12-1255 CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2012 - BUDGET – APPROPRIATION**

**Please see funding information attached to these minutes.**

RESOLUTION NO. 12-144

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 7, AND PROVIDING FOR AN EFFECTIVE DATE.

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**CR-3 12-1291 ASSIGNMENT OF SUPPLEMENTAL DEFERRED COMPENSATION PLAN AND THE VANGUARD GROUP ACCOUNT FOR SUCH PLAN TO GEORGE L. HANBURY, II and authorize City Manager to execute all necessary documents on behalf of City**

**There is no fiscal impact associated with this action.**

RESOLUTION NO. 12-145

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ("CITY") AUTHORIZING ASSIGNMENT OF ALL OF THE CITY'S RIGHT, TITLE AND INTEREST IN AND TO A SUPPLEMENTAL DEFERRED COMPENSATION PLAN ("PLAN") AND THE VANGUARD GROUP ACCOUNT FOR SUCH PLAN TO GEORGE L. HANBURY, II AND DELEGATING TO CITY MANAGER LEE R. FELDMAN THE AUTHORITY TO EXECUTE SUCH ASSIGNMENT OF THE PLAN AND THE VANGUARD ACCOUNT TO GEROGUE L. HANBURY, II; FURTHER AUTHORIZING EXECUTION BY CITY MANAGER LEE R. FELDMAN OF ANY DOCUMENTS NECESSARY OR INCIDENTAL TO THE ASSIGNMENT OF THE PLAN AND THE VANGUARD ACCOUNT; PROVIDING FOR PRIOR REVIEW AND APPROVAL BY THE CITY ATTORNEY; REPEALING ANY AND ALL RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

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**CR-4 12-1280 APPOINTMENT OF COUNSEL - Squire Sanders LLP as Bond Counsel and Steve Bullock, P.A. as Disclosure Counsel for issuance of taxable special obligation bonds, Series 2012, in an amount not to exceed \$340 million - pension funding**

**Please see funding information attached to these minutes.**

RESOLUTION NO. 12-146

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE LAW FIRM OF SQUIRE SANDERS (US) LLP, TO ACT AS BOND COUNSEL AND STEVEN BULLOCK, P.A. TO ACT AS DISCLOSURE COUNSEL TO THE CITY OF FORT

LAUDERDALE, FLORIDA IN CONNECTION WITH THE SPECIAL OBLIGATION BONDS, SERIES 2012, (PENSION FUNDING PROJECT).

This Commission Agenda Memo (12-1280) was revised in accordance with Memorandum 12-0226. See announcement on page 15.

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**CR-5 12-1237 DOCK PERMIT APPLICATION authorizing Rick J. Burgess use, maintenance and repair of existing marginal dock and seawall located on public property immediately adjacent to his address of 711 Cordova Road**

**There is no fiscal impact associated with this action.**

RESOLUTION NO. 12-147

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING, PURSUANT TO SECTION 8-144 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, THE USE, MAINTENANCE AND REPAIR, UNDER CERTAIN TERMS AND CONDITIONS, OF AN EXISTING MARGINAL DOCK AND SEAWALL ON PUBLIC PROPERTY, LOCATED ON CORDOVA ROAD ABUTTING THE WATERWAY ADJACENT TO PROPERTY OWNED BY RICK J. BURGESS AT 711 CORDOVA ROAD, THE LEGAL DESCRIPTION OF SUCH PROPERTY BEING MORE PARTICULARLY DESCRIBED BELOW; REPEALING ANY RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; ESTABLISHING AN EFFECTIVE DATE.

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**CR-6 12-1199 QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM - recommending ECI Pharmaceuticals LLC as a program applicant and providing for local financial support in the amount of \$12,000 contingent upon approval by State of Florida**

**Please see funding information attached to these minutes.**

RESOLUTION NO. 12-148

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RECOMMENDING THAT ECI PHARMACEUTICALS LLC BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS APPLICANT PURSUANT TO SECTION 288.106, FLORIDA STATUTES, PROVIDING THAT FUNDS IN THE AMOUNT OF \$12,000 ARE AVAILABLE AS LOCAL FINANCIAL SUPPORT AS PROVIDED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

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**CR-7 12-1270 RICHARD MANCUSO GREENWAY - AMENDMENT TO RESOLUTION 12-105 - providing a more detailed description of greenway**

**There is no fiscal impact associated with this action.**

RESOLUTION NO. 12-149\*

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADDING THE NAME OF "RICHARD MANCUSO GREENWAY" TO A PORTION OF THE CITY'S PUBLIC RIGHT-OF-WAY ALONG THE SOUTHERN BANK OF THE HIMMARSHEE CANAL BETWEEN SE 8<sup>TH</sup> AVENUE AND SE 10<sup>TH</sup> TERRACE AND CITY'S PUBLIC RIGHT OF WAY ALONG THE NORTHERN BANK OF THE HIMMARSHEE CANAL FROM SE 8<sup>TH</sup> AVENUE TO THE INTERSECTION OF THE HIMMARSHEE CANAL AND SE 2<sup>ND</sup> COURT.

\*Resolution was revised. See below and note announcement on page 15.

RESOLUTION NO. 12-149

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION 12-105 TO PROVIDE A MORE DETAILED DESCRIPTION OF THE RICHARD MANCUSO GREENWAY.

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**CR-8 12-1271 APPLICATION OF ST. JEROME CATHOLIC CHURCH AND SCHOOL FOR BROWARD COUNTY PLANNING COUNCIL TO REMOVE PORTION OF SW 9 AVENUE FROM BROWARD COUNTY TRAFFICWAYS PLAN - between SW 24 Street and SW 34 Street**

**There is no fiscal impact associated with this action.**

RESOLUTION NO. 12-150

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AND AUTHORIZING THE TRANSMITTAL OF AN APPLICATION TO THE BROWARD COUNTY PLANNING COUNCIL TO REMOVE A PORTION OF SW 9 AVENUE BETWEEN SW 24 STREET (SR 84) AND SW 34 STREET (PERIMETER ROAD) (SOUTH OF SR 84) FROM THE BROWARD COUNTY TRAFFICWAYS PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

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**CR-9 12-1235 FIRST AMENDMENT TO AMENDED AND RESTATED LEASE AGREEMENT - FXE Parcel 15, LLC - allowing for a new property description increasing the leased parcel size**

**Please see funding information attached to these minutes.**

**RESOLUTION NO. 12-151**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE AMENDED AND RESTATED LEASE AGREEMENT FOR PARCEL 15 AT FORT LAUDERDALE EXECUTIVE AIRPORT.

<p><b>PURCHASING AGENDA</b></p>
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**PUR-1 12-1218 CONTRACT AWARD FOR WASTEWATER FLOW, RAINFALL MONITORING AND RELATED SERVICES in estimated annual amount of \$235,500 with ADS LLC**

**Please see funding information attached to these minutes.**

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**PUR-2 12-1220 PURCHASE SMART AUTOMOBILES TO BE USED AS PARKING ENFORCEMENT VEHICLES in the amount of \$69,235 from All Luxury Imports of Coconut Creek, Inc. d/b/a Mercedes-Benz of Coconut Creek**

**Please see funding information attached to these minutes.**

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**PUR-3 12-1117 PREPAYMENT OF \$5,307,443 - FIRE APPARATUS MASTER LEASE AGREEMENT with Capital One Public Funding, LLC**

**Please see funding information attached to these minutes.**

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**PUR-4 12-1223 PROPRIETARY PURCHASE TO REPAIR HIGH SERVICE PUMP AT FIVEASH WATER TREATMENT PLANT in the amount of \$68,464.94 from Tom Evans Environmental, Inc.**

**Please see funding information attached to these minutes.**

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**PUR-5 12-1243 PROPRIETARY PURCHASE FOR A ONE-YEAR MEMBERSHIP in the amount of \$33,473 with Water Research Foundation, Inc.**

Please see funding information attached to these minutes.

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**PUR-6 12-1272 PROPRIETARY AGREEMENT FOR HISTORIC PRESERVATION CONSULTING SERVICES in the amount of \$85,000 with Fort Lauderdale Society, Inc.**

Please see funding information attached to these minutes.

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**PUR-7 12-1224 PURCHASE AERATOR PIPE REPLACEMENT SERVICES AT FIVEASH WATER TREATMENT PLANT in the amount of \$144,231 from Underwater Engineering Services, Inc.**

Please see funding information attached to these minutes.

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**PUR-8 12-1222 PURCHASE COST ESTIMATING CONSULTING SERVICES FOR FIVEASH WATER TREATMENT PLANT CONSTRUCTION PROJECT in the amount of \$62,605 from Quantities, Inc.**

Please see funding information attached to these minutes.

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**PUR-9 12-1133 PROPRIETARY PURCHASE OF FLYGT BRAND REPLACEMENT PUMPS, PARTS AND SERVICE FOR UTILITY OPERATIONS from Xylem Water Solutions U.S.A., Inc. on an as-needed basis**

The Lease Amendment results in additional positive fiscal impact to the city in the amount of \$14,888.46 per year beginning July 1, 2013.

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**PUR-10 12-1289 AWARD OF SUB-CONTRACTOR FOR FINANCIAL AUDIT SERVICES to Moore Stephens Lovelace, P.A.**

Please see funding information attached to these minutes.

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**PUR-11 12-1207 PROPRIETARY PURCHASE TO UPGRADE PROCUREMENT SOFTWARE SYSTEM - estimated amount of \$68,311 with Periscope Holdings, Inc.**

Please see funding information attached to these minutes.

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**PUR-12 12-1210 CONTRACT EXTENSION - MONTH-TO-MONTH, NOT TO EXCEED THREE MONTHS and a not-to-exceed amount of \$11,999.76 for State Legislative Lobbyist Services**

Please see funding information attached to these minutes.

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**PUR-13 12-1213 AMENDMENTS TO AGREEMENTS FOR PROFESSIONAL TRAFFIC AND TRANSPORTATION ENGINEERING CONSULTANT SERVICES with Kimley-Horn and Associates, Inc., Kittelson & Associates, Inc., Miller Legg & Associates, Inc. and T.Y. Lin International - provisions relating to insurance, definitions, compensation and reimbursables, construction changes**

Please see funding information attached to these minutes.

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**PUR-14 12-1191 FIVE-YEAR CONTRACT FOR INVESTMENT ADVISOR SERVICES - annual amount of \$90,000 with Bogdahn Consulting, LLC d/b/a The Bogdahn Group, LLC and authorize City Manager or designee to approve all renewal options contingent upon approval and appropriation of funds**

Please see funding information attached to these minutes.

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**PUR-15 12-1217 PURCHASE AND INSTALLATION OF MEDIAN LANDSCAPING SERVICES in the amount of \$256,941.91 from Orchidman Landscape Artisans Corp.**

Please see funding information attached to these minutes.

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**PUR-16 12-1205 TWO-YEAR CONTRACT FOR CONCRETE, STAMPED ASPHALT AND PAVING STONE REPAIR SERVICES - annual amount of \$83,140 with Straightline Engineering Group, LLC and authorize City Manager or designee to approve renewal options - ITB 223-11030**

Please see funding information attached to these minutes.

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**PUR-17 12-1196 ONE-YEAR CONTRACT FOR OVERHEAD DOOR MAINTENANCE SERVICES - estimated annual amount of \$95,175 with Above Garage Door of South Florida, Inc. and authorize City Manager or designee to approve all renewal options**

Please see funding information attached to these minutes.

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**PUR-18 12-1193      THREE-YEAR CONTRACT FOR DEPOSITORY AND MERCHANT CREDIT CARD SERVICES with TD Bank, National Association and J.P. Morgan Chase Bank d/b/a Paymentech, LLC and authorize City Manager or designee to approval all renewal options - RFP 725-10974**

**Please see funding information attached to these minutes.**

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**PUR-19 12-1111      TWO-YEAR CONTRACT FOR BULK TRASH COLLECTION SERVICES - estimated annual amount of \$274,100.95 with Choice Environmental Services of Broward, Inc. and authorize City Manager or designee to approve all renewal options - ITB 623-10995**

**Please see funding information attached to these minutes.**

This Commission Agenda Memo (12-1111) was revised in accordance with Memorandum 12-0226. See announcement on page 14.

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**PUR-20 12-1216      PURCHASE BLEACHERS FOR HOLIDAY PARK GYMNASIUM in the amount of \$75,024.90 from Hussey Seating Company using State of Florida Contract**

**Please see funding information attached to these minutes.**

This Commission Agenda Memo (12-1216) was revised. See announcement on page 15.

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**PUR-21 12-1227      PURCHASE SANITARY SEWER INSPECTION SYSTEM in the amount of \$83,970 from Environmental Products of Florida Corporation - ITB 422-11045**

**Please see funding information attached to these minutes.**

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**PUR-22 12-1219      PURCHASE BEACH CLEANER SURF RAKES in the amount of \$145,236 from H. Barber & Sons, Inc. - ITB 422-11032**

**Please see funding information attached to these minutes.**

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**PUR-23 12-1281 AWARD OF UNDERWRITERS FOR SPECIAL OBLIGATION (PENSION FUND) FINANCING** in the estimated amount of \$849,619 - top four ranked proposers: Citigroup Global Markets, Inc. as Senior Manager, and J.P. Morgan Securities LLC, Merrill Lynch, Pierce Fenner & Smith Incorporated and Morgan Stanley & Co. LLC, as three co-managers - RFP 725-11053

Please see funding information attached to these minutes.

This Commission Agenda Memo (12-1281) was revised in accordance with Memorandum 12-0226. See announcement on page 15.

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**PUR-24 12-1250 PURCHASE COMPUTER SOFTWARE AND HARDWARE TO UPGRADE PUBLIC WORKS AND CITY HALL DATA CENTERS** in the amount of \$334,348.01 from Computer Systems Support, Inc., Dell Marketing Corporation and Software House International, using State of Florida and WSCA contracts

Please see funding information attached to these minutes.

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**PUR-25 12-1247 PROPRIETARY PURCHASE OF MAINTENANCE AND REHABILITATION SERVICES FOR TEN SIGNAL CROSSINGS THROUGHOUT CITY** in the amount of \$90,377.06 from Florida East Coast Railway, LLC and Flagler Development Group, a subsidiary of Florida East Coast Railway

Please see funding information attached to these minutes.

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**PUR-26 12-1192 CONTRACT TERMINATION FOR CONVENIENCE WITH PRISM POWERWASH, INC.** for enhanced maintenance and beautification services (215-10773) and powerwashing services (215-10772) for areas along Fort Lauderdale beach for the Beach Business Improvement District

Please see funding information attached to these minutes.

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**PUR-27 12-1230 CONSULTANTS' COMPETITIVE NEGOTIATION ACT SELECTION COMMITTEE'S RECOMMENDATION OF RANKING FIRMS FOR CIVIL ENGINEERING CONSULTING SERVICES** in accordance with RFQ 626-10881 and approve commencement of negotiations with top seven ranked firms: 1) The Carradino 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.

There is no fiscal impact associated with this action.

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**PUR-28 12-1203 REJECT ALL BIDS FOR FULL SERVICE COPIER LEASE AND UTILIZE BROWARD COUNTY AND STATE OF FLORIDA CONTRACT FOR CITY'S OFFICE COPIER PLAN - estimated amount of \$379,563.72 - ITB 723-10998**

Please see funding information attached to these minutes.

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**M-2 12-1262 GRANT ACCEPTANCE - \$21,743 from Florida Department of Health via Broward County - Emergency Medical Services County Grant Program; approving contract and authorizing City Manager to execute on behalf of City - video laryngoscopes**

Mayor Seiler announced that this item was removed from the agenda at the request of the City Manager.

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**CIT-1 12-1297 JOHN J. ZULLO - FINES, FEES AND PARKING TICKETS**

Mayor Seiler announced that this item was withdrawn.

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**CIT-2 12-1298 ART SEITZ - NEED TO BUILD WORLD CLASS, ARCHITECTURALLY WOW AQUATIC CENTER BUILDING TO BETTER SERVE INDY CAR RACE, BOAT SHOW, WINTERFEST BOAT PARADE, RESIDENTS AND VISITORS TO BROWARD COUNTY AND INTERNATIONAL SWIMMING HALL OF FAME**

Mayor Seiler announced that this item was withdrawn.

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**PUR-19 12-1111 TWO-YEAR CONTRACT FOR BULK TRASH COLLECTION SERVICES - estimated annual amount of \$274,100.95 with Choice Environmental Services of Broward, Inc. and authorize City Manager or designee to approve all renewal options - ITB 623-10995**

Mayor Seiler announced that this item was revised to reflect that the approval is subject to appropriation in the 2013 budget, as shown in Memorandum 12-0226.

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**PUR-20 12-1216 PURCHASE BLEACHERS FOR HOLIDAY PARK GYMNASIUM in the amount of \$75,024.90 from Hussey Seating Company using State of Florida Contract**

Mayor Seiler announced that the funding for this item was changed from a direct purchase to a transfer and purchase.

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**PUR-23 12-1281      AWARD OF UNDERWRITERS FOR SPECIAL OBLIGATION (PENSION FUND) FINANCING in the estimated amount of \$849,619 - top four ranked proposers: Citigroup Global Markets, Inc. as Senior Manager, and J.P. Morgan Securities LLC, Merrill Lynch, Pierce Fenner & Smith Incorporated and Morgan Stanley & Co. LLC, as three co-managers - RFP 725-11053**

Mayor Seiler announced that this item was revised to reflect that the approval is subject to appropriation of bond proceeds, as shown in Memorandum 12-0226.

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**CR-4    12-1280      APPOINTMENT OF COUNSEL - Squire Sanders LLP as Bond Counsel and Steve Bullock, P.A. as Disclosure Counsel for issuance of taxable special obligation bonds, Series 2012, in an amount not to exceed \$340 million - pension funding**

Mayor Seiler announced that this item was revised to reflect that the approval is subject to issuance of the special obligation bonds, as shown in Memorandum 12-0226.

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**CR-7    12-1270      RICHARD MANCUSO GREENWAY - AMENDMENT TO RESOLUTION 12-105 - providing a more detailed description of greenway**

Mayor Seiler announced that this resolution was revised to make reference to the original resolution (Resolution 12-105).

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**Motion** made by Commissioner Roberts and seconded by Vice Mayor Rodstrom that Consent Agenda Items CR-03, CR-04, PUR-15, and PUR-23 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, and Mayor Seiler. NAYS: None.

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**CR-3    12-1291      ASSIGNMENT OF SUPPLEMENTAL DEFERRED COMPENSATION PLAN AND THE VANGUARD GROUP ACCOUNT FOR SUCH PLAN TO GEORGE L. HANBURY, II and authorize City Manager to execute all necessary documents on behalf of City**

In response to Mayor Seiler, the City Manager explained that this supplemental deferred compensation plan (plan) represents the former City Manager's, George L. Hanbury, II, first year of pension. The plan was assigned to the City, and the recommendation is to release these funds to Mr. Hanbury per his request.

**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, Vice Mayor Rodstrom, and Mayor Seiler. NAYS: None.

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**CR-4 12-1280 APPOINTMENT OF COUNSEL - Squire Sanders LLP as Bond Counsel and Steve Bullock, P.A. as Disclosure Counsel for issuance of taxable special obligation bonds, Series 2012, in an amount not to exceed \$340 million - pension funding**

This item was removed from the consent agenda by Vice Mayor Rodstrom, as well as by members of the public.

Peter Mavrack, 4515 NE 21 Lane, questioned the proposed strategy to borrow funds with respect to a pension obligation. Mayor Seiler noted the extensive attention to this matter by both the City and outside financial experts. The City Manager clarified that, contrary to information provided in a local newspaper article, the City is not borrowing funds solely to reinvest those funds. Rather, the City has a \$400 million unfunded liability; and part of the City's yearly annual retirement contribution is, either, a 7.5 percent interest payment or 7.75 percent interest payment on this amount, depending upon whether it is the General Employees' Retirement System (GERS) or the Police and Fire Retirement System (PFRS). Each plan has a slightly different interest rate which is the actuarial rate of return. The proposed borrowing will discharge 75 percent of the unfunded liability and reduce the City's interest payment from 7.75 percent to between 3.75 percent and 4.1 percent or the market rate at time of borrowing. This reduced interest rate will provide the City with an annual savings of \$4.3 million that will be ongoing through the life of the bonds. This is similar to refinancing a home mortgage at a lower interest rate.

In response to Mr. Mavrack, Mayor Seiler explained that the current Commission did not create the need to borrow funds in order to meet these pension obligations; rather this Commission has instituted pension reform. Pensions were eliminated for new general employees about five years ago, and pension benefits were reduced for new police and fire-rescue (public safety) hires. Pension reform has started, although more is needed. The proposed strategy is just the opposite of what occurred in Stockton, California, where funds were borrowed in order to pay for an increase to pension benefits.

Mr. Mavrack questioned providing a pension whatsoever for public safety employees, given the amount of their pay. He contended that the actual yearly pay for public safety employees ranges from \$100,000 to \$150,000 when pension benefits are factored in. Rather than promising pensions, he thought it is better to pay a higher salary so each employee can assume total responsibility for his or her retirement. He thought there should be pension reform for existing employees. Mayor Seiler pointed out that there are negotiated labor contracts in place. Further, the City's public safety employees' pay is not the highest in Broward County, rather it ranks in the middle. If the City were to attempt to not pay any pension benefits, it would not pass muster with the State. The City has the second lowest property tax rate of the twenty-five largest cities in Florida and reserves in excess of \$50 million. Therefore, rather than declaring financial urgency and imposing a contract, the City must utilize collective bargaining in good faith. Furthermore, the City's public safety employees could be offered more pay up front; but, that would pose a risk of Fort Lauderdale becoming a training ground for other cities. He wanted to maintain the City's high caliber of public safety employees, and the current level of responsiveness and professionalism in these departments. Mr. Mavrack thought conscientious public servants would prefer to be paid upfront, rather than for the City to take the proposed measures to meet the pension obligation. He was concerned about risks associated with borrowing. He did not want the City to violate contracts, but rather to renegotiate going forward. Mayor Seiler emphasized that the City has been renegotiating going forward. Employees are making greater contributions to their pensions. Mr. Mavrack believed that the results of the

renegotiations are inadequate; employees should take full responsibility for their retirement. He felt police and fire employees would accept the salary offer of \$150,000 and they take responsibility for their pensions. He believed the average rate of compensation for such employees in the City is about \$150,000. In response to Mayor Seiler, Police Chief Frank Adderley advised that the starting salary for a police officer is \$50,000. Mr. Mavruck reiterated that the aggregate pension and health benefits, over a 20-year term, give that salary an actual value of \$150,000. Mayor Seiler pointed out that Fort Lauderdale is the largest city in Broward County and likely the busiest, yet the salary for public safety employees only ranks in the middle. Mr. Mavruck reiterated his suggestion. Mayor Seiler advised that this has been done with general employees. If the City were to eliminate pension benefits for public safety employees, it would be the only city in Broward County to do so

Vice Mayor Rodstrom clarified that Mr. Mavruck is questioning why the City is paying debt with debt. She further inquired as to whether there is proof that the City has made money on its pension plan in the last five years. Mr. Mavruck believed Mayor Seiler and his district commissioner have acted in good faith; however, the current system is antiquated and not in the public's best interest. Mayor Seiler noted that the City's public safety employees will not agree to a 401(a) that is offered to new hire general employees. Imposing a 401(a) would result in a drastic loss of public safety employees. Imposing a 401(a) on the City's public safety employees would only work if all cities in Broward County did the same. He reiterated that the retirement benefits for the City's public safety employees are moderate, and not rich, in comparison to other Broward County cities. This is a problem which is why the City is still working on pension reform. He indicated that providing the higher salary upfront to public safety employees would be a greater amount of funds than pension contributions; and those funds would be lost if an employee chooses to resign after two years for example. Mr. Mavruck believed if it is as Mayor Seiler is suggesting, the City would not be in a position of having to borrow. It is irresponsible that the City has to borrow funds in order to cover this obligation.

The City Manager clarified that the City does not have to borrow funds in order to meet its pension obligation. Mayor Seiler stressed that the City is actuarially sound. He believed it is fiscally responsible to evaluate the proposed strategy, being that it could achieve a savings. The obligation is payable over X number of years. In further response to Mr. Mavruck, he explained that the pensions are not fully funded by the City because employees are also contributing. The City could fund these pension funds with future revenues, but it would be at 7.5 percent. Mr. Mavruck reasoned that the City would not have to pay that interest rate if it funded the pension obligation itself. Although employees are also contributing, he suggested the City fund its part one-hundred percent, so that it does not have to borrow. As to the reason for an unfunded accrued actuarial liability (UAAL), the City Auditor advised that the City had an overfunded pension plan about ten years ago. But, since then, benefits and assumptions were changed and experience was less than had been projected for a portion of that time. All of these factors created the unfunded liability which is for past services that have already been rendered. This debt is being amortized like a mortgage over a set number of years. The amortized debt is included each year in the City's payment for the pension plans. There are two cost components: the normal cost and the amortization cost; these costs combined are referred to as the annual required contribution. Each year, the City makes its annual required contribution in accordance with the law. The City is fully funding annual mandatory contributions. The City's plan is about 70 percent funded, not much lower than 85 percent which was the average for public sector before the market crash and considered to be a well-funded plan. Although the City's unfunded liability is larger than desired, there is no crisis in funding. The question is how the City can best liquidate this debt; is it a better option to pay the assumed rate of return over 30 years on the pension plan which is between 7.5 percent and 7.75 percent, or liquidate the debt by borrowing

funds at 3.84 percent. As for whether pension plans are beneficial philosophically, he clarified that about 30 percent of medium to large private sector companies still offer pensions. There are, both, good and bad pension plans as well as good and bad ways of funding. However, the proposed item is simply a financial issue and not a policy philosophical issue. Mr. Mavrick agreed, but thought the financial and philosophical components are connected and separating them could be problematic.

Mayor Seiler reiterated that the general employees' pension plan has been closed. He noted that the City must follow State law as relating to a defined benefit plan. Further dialogue between Mayor Seiler and Mr. Mavrick continued concerning the unfunded liability. Mayor Seiler noted that this Commission did not inherit a fully funded pension. Mr. Mavrick encouraged the Commission to address the unfunded liability head-on by changing the public safety employees' compensation structure. He believed it is unsustainable. The City Auditor added that there are three components that fund the plan: City contribution, employee contribution and investment returns. Ignoring any short-term volatility, over the lifetime of the plan, the investment earnings provide 60 percent of the total benefit that will ultimately be paid. So, it is actually the market, and not the City, that is providing the bulk of the funding. In response to Mr. Mavrick, he confirmed that the City guarantees the benefit. Mayor Seiler advised that State law requires it. Mr. Mavrick felt the City should negotiate with police and firefighters going forward, not for existing promises. Mayor Seiler reiterated that the City is reducing benefits. The City Manager confirmed that, when a City has a defined benefit plan which accepts State premium dollars, it must offer minimum defined benefits as part of the pension plan. So, the City cannot go below what was in place on January 1, 1999. Nonetheless, Mr. Mavrick believed that a solution could be reached. Mayor Seiler reiterated that the City has decreased benefits in every round of negotiations, while trying to avoid a mass exodus of public safety employees; reducing the City's pension obligations will not happen overnight. He emphasized that the Commission's primary objective is to provide for this community's safety and security. Mr. Mavrick agreed. He elaborated upon a mandate in Florida Law, Chapters 175 and 185 related to pension plans that the Commission unsuccessfully attempted to change last year. He noted that the obligation is there. It is a matter of what interest rate is paid on it. The issue started ten years ago and is the result of, both, the market and the benefits that were promised. He explained to Mr. Mavrick that he can listen to the labor negotiations after they occur, but State law prohibits outsiders from attending.

John E. Rodstrom, Jr., Broward County Mayor, indicated that he is speaking as a private citizen. He believed that borrowing funds to meet the City's \$399 million pension obligation is comparable to taking out a mortgage on one's home in order to invest in the stock market. He pointed out that Broward County borrowed funds in order to build a courthouse; however, the proposed is to borrow funds with the only return being the cash. This will cost the City \$135 million in interest over the life of the loan and \$1.8 million in fees. He elaborated upon the volatility of the stock market and pointed out that pension bonds were not being considered several years ago when the market was down. He thought the market may provide about 20 percent of growth, but it is getting close to the top; and is not going to be the place to invest. It is disingenuous to purport a \$95 million savings to the City when the interest rate is not fixed. The rate of return will vary each month. He thought the \$95 million savings is like refinancing a home today from five percent for a variable rate of two percent, and calculating the savings over the 30 years of the loan. He thought this is a bad idea.

In response to Vice Mayor Rodstrom, Mayor Seiler clarified that this item was revised to be subject to approval of the special obligation bond issue. The City Manager explained that certain professionals are needed in order to reach the point of having the bond resolution; the

preliminary official statement; and the rating agency presentations made. Payment for these services will be derived from the bonds. If the bonds are not approved, these professionals will not be compensated. It is not possible to approve the bonds without knowing who will be the underwriters.

**Motion** made by Commissioner Rogers and seconded by Commissioner Roberts to approve the item as amended to be subject to issuance of the special obligation bonds, as shown in Memorandum 12-0226.

Commissioner DuBose opposed this as the companion item. Since this matter was first presented, he has believed it involves risk that will be placed upon future generations; it is not 100 percent guaranteed. He stressed that this could possibly create more debt for the City and it exceeds his risk tolerance.

Commissioner Rogers clarified that this item is to appoint bond counsel. He thought there are misperceptions related to this matter. Although his risk tolerance is not high, the risk for doing nothing is that the City will continue to pay this obligation at the current rates of 7.5 percent and 7.75 percent each year, rather than a reduction to four percent. As for Mayor John Rodstrom's analogy, the difference is that the City essentially has a mortgage. He thought it is prudent for the City to refinance, so to speak, because interest rates are at record lows. Although it is risky to put these funds into the stock market, there is already a risk as the GERS and PFRS plans are currently in the market. However, over the past 21 years, the PFRS plan has earned 8.4 percent, despite September 11<sup>th</sup> and the 2008 stock market crash. In the history of the stock market, there has never been two bad consecutive 10-year periods. Everyone is in trouble if it is not possible to earn more than 4 percent in the stock market in the next ten years. Both pension plans have historically earned more than 4 percent over the long-term. He stressed the importance of focusing on the facts. This is not an easy decision, but he opposed doing nothing.

Commissioner Roberts agreed with Commissioner Rogers. He indicated that the City Auditor has verified a 7.15 percent return over the past 21 years; and the PFRS plan has shown returns in all but two or three of the last 10 years. Losses in 2008 were almost half of the normal rate of loss across the country. He views this in the long-term, and is confident that the desired returns will be obtained. A seven percent return is ideal, but, if the return exceeds four percent, the City will not lose money. He thought some points raised by Mr. Mavrack can be utilized in future negotiations, but at this time the City has this obligation which must be paid.

Vice Mayor Rodstrom agreed with Commissioner DuBose. This is a risk of the taxpayers' dollars. She has not seen the City's money managers' performance for the last five years. This is a unique situation for the national economy because major debt is being incurred. She would feel more comfortable if shown proof that the City has been getting an eight percent rate of return for the last five years; however, she presumed that the return is under three percent and the proposed funds will be borrowed at 4.10 percent. She cannot tolerate this level of risk.

Mayor Seiler explained that the City has accrued debt over the last ten years. The City can continue to pay this debt at 7.5 percent and 7.75 percent interest rates, and leave the funds in the stock market, and run the same risk. This would leave the City paying a higher interest rate, and completely at the whim of the stock market. He noted that the City's financial advisors support the proposed strategy. The City Auditor has opined on this as well. He pointed out that the local newspaper invited the City to the editorial board after printing an article that cast a negative light on the proposed strategy; and, then produced an editorial in support. It is the same stock market, regardless of whether the interest rate is at four percent or 7.5 percent. He

views this as a refinance of an existing obligation. This is a step in the overall pension process; the City has executed pension reform over the last four years and will continue over the next four years. The expense component of the obligation must be addressed as well as the funding. It is necessary to reduce the City's pension obligations and reduce pension benefits for, both, general and public safety employees.

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

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**PUR-15 12-1217 PURCHASE AND INSTALLATION OF MEDIAN LANDSCAPING SERVICES in the amount of \$256,941.91 from Orchidman Landscape Artisans Corp.**

In response to Mayor Seiler, the City Manager noted the scope of the project. He explained that this was a funded project in the City's 2012 fiscal year budget. Commissioner Rogers wanted more information; the backup only refers to this item's prior funding approval on January 17, 2012, but does not include a breakdown of the proposed improvements. Mayor Seiler suggested this item be deferred to allow time for further review.

**Motion** made by Commissioner Rogers and seconded by Mayor Seiler to defer the item to September 5, 2012. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, and Mayor Seiler. NAYS: None.

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**PUR-23 12-1281 AWARD OF UNDERWRITERS FOR SPECIAL OBLIGATION (PENSION FUND) FINANCING in the estimated amount of \$849,619 - top four ranked proposers: Citigroup Global Markets, Inc. as Senior Manager, and J.P. Morgan Securities LLC, Merrill Lynch, Pierce Fenner & Smith Incorporated and Morgan Stanley & Co. LLC, as three co-managers - RFP 725-11053**

This item was removed from the consent agenda by Vice Mayor Rodstrom, as well as members of the public.

Charles King, 105 North Victoria Park Road, opposed the proposed. He thought these are unfunded promises that should remain as such, instead of incurring debt to support pension plans that are not sustainable. He elaborated upon what he believed could be used as negotiating tools with the City's public safety employees.

Vice Mayor Rodstrom pointed out that the investments made by the City's money managers earned 4.28 percent in 2002, and 1.59 percent in 2007. She questioned how any losses in the first couple of years would be made up. The proposed strategy will cost the City about \$136 million in interest and fees. She noted the Commission's lack of control over the pension board's consensus building on investment decisions because of the board's membership structure. As an alternative, she suggested the City amortize the funds it currently has and save toward paying what is owed. The City Manager explained that the future liability of the plan is amortized over the period that the benefit was funded; it was originally 30 years with over 20 years remaining for each plan. The interest rates of 7.5 and 7.75 percent, depending upon the plan; are the rates for the City's annual retirement contribution which were determined by the actuary. In other words the City is amortizing and following a pay-as-you-go approach. Vice

Mayor Rodstrom thought this trend could be continued. The City Manager explained that this could be done; but, it would be necessary to identify the funds in the budget in order to make that payment, and this budget is predicated on a general fund savings of \$4.3 million. If the Commission does not approve the pension obligation bonds, staff will need to identify, either, a reduction in expenditures or increases in revenue that net \$4.3 million.

Vice Mayor Rodstrom asked whether the only reason for the proposed pension obligation bond strategy is to meet a \$4.3 million budget deficit. The City Manager explained that his recommendation for pension obligation bonds is to provide a means of lowering the City's annual retirement contribution. Vice Mayor Rodstrom maintained that the only way the City will consistently lower the annual retirement contribution using this methodology is if the City can obtain earnings from the investment; any losses will have to be made up by the taxpayers, as well as the annual shortfall. The City Manager advised that a five-year smoothing would be utilized, so, any loss or gain in excess of the assumed rate of return is absorbed over a five-year period. Ultimately, the City is obligated to make the plan actuarially sound each year which depends upon a number of factors, including market return, benefits provided, contributions, and state premiums received. There is the normal cost and the cost of paying the unfunded liability. Vice Mayor Rodstrom maintained that, if the City continues the current pay-as-you-go approach, and added \$5 million each year until 2040 or the life of the proposed bond issuance, the City would not have to pay \$136 million in fees and interest to money managers who have not made over 4.28 percent in the last ten years. The City Manager recalled that the Commission's directive for, both, last year and this year, was to deliver a budget with no tax and fee increases, no layoffs, no reduction in services and no use of reserves. Vice Mayor Rodstrom thought the City Manager, upon his arrival, should have brought forward a recommendation such as a millage rate increase or salary cut in order to make up for the budget shortfall which would have prevented the Commission from having to make a policy decision that places taxpayers' money at risk. The City Manager pointed out that a fire assessment fee increase was recommended this year, but not approved. Vice Mayor Rodstrom felt the City Manager should have specifically set out a cause and effect explanation. Instead the Commission was left to drive the train. Mayor Seiler felt the City Manager was very clear about the fire assessment fee increase recommendation. Commissioner Roberts recalled that he was the only Commission member to vote in favor of the fire assessment fee increase, and wanted flexibility with the millage rate. Vice Mayor Rodstrom emphasized that the City could find an additional \$5 million and continue with the current approach. The proposal expects a return of 7.75 percent, although the City has not earned more than 4.28 percent in the last ten years. These are unprecedented financial times. The country is going into debt and the City will now also be going into debt. She believed that this is a bad idea.

**Motion** made by Commissioner Roberts and seconded by Commissioner Rogers to approve the item as amended to provide that approval is subject to the appropriation of the bond proceeds, as shown in Memorandum 12-0226.

Commissioner DuBose opposed this item which correlates with item CR-04. The City has been meeting the pension obligation, although not 100 percent. He stressed the possibility that this approach could result in the City being worse off.

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

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**OB 12-1269 WALK-ON - Motion to Approve an Agreement with Rock the Ocean Festival Organization**

**Please see funding information attached to these minutes.**

Terry Rynard, Parks and Recreation Deputy Director, highlighted points in City Commission Agenda Memo 12-1269. She explained that this event will be held at Fort Lauderdale Beach Park which is the same area where the Super Bowl concert was held. The event promoter is Show Management, Inc. which also works on the Fort Lauderdale International Boat Show. No streets will be closed unless deemed necessary by the Police Department. A shuttle similar to what was done for the Super Bowl will be utilized. Vice Mayor Rodstrom noted that this event will be a similar format as the Super Bowl concert which was acceptable to the community.

**Motion** made by Vice Mayor Rodstrom and seconded by Commissioner DuBose to approve an agreement with Rock the Ocean Festival Organization for a two-day music event, April 5-6, 2013, on Fort Lauderdale Beach, and authorize the City Manager to execute on behalf of the City. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, and Mayor Seiler. NAYS: None.

<b>MOTIONS</b>
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**MD-1 12-1310 CODE ENFORCEMENT LIEN SETTLEMENT in the amount of \$25,000 for Case CE08060529 at 785 Middle River Drive**

**Please see funding information attached to these minutes.**

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

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**MD-2 12-1311 CODE ENFORCEMENT LIEN SETTLEMENT in the amount of \$18,000 for Cases CE07041641 and CE03031877 at 646 NW 14 Terrace**

**Please see funding information attached to these minutes.**

**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, Vice Mayor Rodstrom, and Mayor Seiler. NAYS: None.

<b>CITIZEN PRESENTATIONS</b>
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**CIT-1 12-1297 JOHN J. ZULLO - FINES, FEES AND PARKING TICKETS**

This item was withdrawn.

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**CIT-2 12-1298 ART SEITZ - NEED TO BUILD WORLD CLASS, ARCHITECTURALLY WOW AQUATIC CENTER BUILDING TO BETTER SERVE INDY CAR RACE, BOAT SHOW, WINTERFEST BOAT PARADE, RESIDENTS AND VISITORS TO BROWARD COUNTY AND INTERNATIONAL SWIMMING HALL OF FAME**

This item was withdrawn.

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**CIT-3 12-1300 L. THOMAS CHANCEY - TREE PRESERVATION - UPDATING URBAN FOREST IN FORT LAUDERDALE**

Mr. Chancey noted his credentials as a landscape architect, consulting arborist, and tree preservationist since the early 1970's. He presented slides concerning tree preservation in the city. A copy of the slides is attached to these minutes. In response to Commissioner Rogers, he discussed the black olive trees on Las Olas Boulevard. He wanted to work with City staff on tree preservation in order to prevent another issue like the removal of Mahogany trees at Fort Lauderdale High School. In further response, he affirmed that, if the purpose is to start over, there is a better tree for a median than a Black Olive tree. The desire is to stop the practice of limbing and opening trees up in the wrong position which could be a liability risk. He noted an upcoming Utility Advisory Committee meeting that will focus on developing solutions for what can be done with the City's trees, given the development that is taking place. The key is to address the matter in advance; the solutions do not have to cost more money.

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**CIT-4 12-1299 ROSE BECHARD-BUTMAN - COMMUNITY VOLUNTEERS AND EDUCATIONAL ACTIVITIES FOR ENCOURAGING CONSERVATION OF NATURAL RESOURCES TO YOUNG CHILDREN AND ADULTS**

Ms. Bechard-Butman noted her credentials as the Civic Improvement and Community Education Chair of the Fort Lauderdale Garden Club. She presented slides about the Fort Lauderdale Garden Club (FLGC). A copy of the slides is attached to these minutes. In response to Ms. Bechard-Butman's comments on the Mahogany tree issue at Fort Lauderdale High School (FLHS), Mayor Seiler advised that it was legal for the contractors working on the school site to obtain a permit from Broward County only and not the City. He has since addressed this matter with the School Board as the trees that were removed were beautiful, healthy and provided a canopy for the sidewalk. Ms. Bechard-Butman agreed. In addition to a permit requirement, she thought an effort should be made to incorporate large trees into a construction design before they are removed; and this could have been done at FLHS. She elaborated upon the measures taken to save one of the Mahogany trees at FLHS. Regardless of whether a

large tree is located on County or City property, justification for its removal should be required; and the FLGC's membership includes experts who can help make these decisions.

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**CIT-5 12-1309 FRANCOIS LECONTE OF MINORITY DEVELOPMENT & EMPOWERMENT, INC. - HOUSING OPPORTUNITIES FOR PERSONS WITH HIV/AIDS (HOPWA) REQUEST FOR APPLICATION SUBMISSION OF AUGUST 14, 2012.**

Mr. Leconte noted his credentials as CEO of Minority Development & Empowerment, Inc. (MDE), an organization that has provided social services to Haitian and Caribbean immigrants in South Florida for the past 16 years; as well as HOPWA (Housing Opportunities for People with Aids) services for the past four years. Their proposal submittal was late by two minutes due to a vehicle malfunction and consequently has not been allowed to participate in the process. MDE values the HOPWA program as a significant number of their clients are Haitian, and MDE is the only agency that provides this service to the Haitian population in Broward County.

Mayor Seiler referred to a letter submitted by Mr. Leconte, dated August 19, 2012, requesting leniency for this 2-minute late submission of a grant proposal for HOPWA services. A copy of the letter is attached to these minutes. He further noted that the Purchasing Department's Vendor's Receipt that reflects a receipt time of 2:02 p.m. with a 2 p.m. deadline. A copy of the receipt is also attached to these minutes. Being that the deadline was missed by only two minutes due to a vehicle malfunction, he felt inclined to accept this late submission.

**Motion** made by Commissioner Rogers and seconded by Commissioner Roberts to accept the late grant proposal submission of Minority Development & Empowerment, Inc. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, and Mayor Seiler. NAYS: None.

**RESOLUTIONS**

**R-1 12-1215 SALE OF CITY-OWNED PROPERTY, PURCHASE AND SALE CONTRACT AND DEED OF CONVEYANCE - \$33,333 - Accepting offer from Ashton Holdings and Development for property with approximate street address of 604 SW 12 Avenue and authorizing proper City Officials to execute all necessary documents subject to City Attorney review**

**Please see funding information attached to these minutes.**

The Commission announced the disclosures were the same as those indicated on prior considerations, with one additional communication announced by Mayor Seiler.

Vice Mayor Rodstrom introduced the following resolution:

## RESOLUTION NO. 12-135

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8.04 OF THE CITY CHARTER, ACCEPTING THE OFFER OF THIRTY-THREE THOUSAND THREE HUNDRED THIRTY-THREE AND NO/100 DOLLARS (\$33,333.00) FROM ASHTON HOLDINGS AND DEVELOPMENT, LLC, A FLORIDA LIMITED LIABILITY COMPANY, FOR THE PURCHASE OF SURPLUS PROPERTY, BEING MORE PARTICULARLY DESCRIBED BELOW, WITH THE APPROXIMATE STREET ADDRESS OF 604 SW 12<sup>TH</sup> AVENUE, FORT LAUDERDALE, FLORIDA; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE OF THE PROPERTY; AUTHORIZING EXECUTION AND DELIVERY OF A DEED OF CONVEYANCE TO THE PROPERTY; AND FURTHER AUTHORIZING THE EXECUTION OF ANY AND ALL INSTRUMENTS REASONABLY NECESSARY OR INCIDENTAL TO CONSUMMATION OF THE TRANSFER OF TITLE TO THE PROPERTY; REPEALING ANY AND ALL RESOLUTION IN CONFLICT HERewith; PROVIDING FOR REVIEW BY THE CITY ATTORNEY PRIOR TO EXECUTION OF DOCUMENTS RELATIVE HERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Seiler opened the floor for public comment.

Julian Siegel, Ashton Holdings and Development (Riverside Market), referred to the City Attorney's Memorandum 12-0210. Based on Subparagraph h, he requested a period of three years at an interest rate determined by the Commission to pay for the property.

In response to Mayor Seiler, the City Attorney explained that the bid did not contemplate financing. Mayor Seiler thought financing must be requested in the proposal. The City Manager articulated that, though staff is aware of the financing provision, a financing option for this proposal was not staff's intent; if it were, it would have been reflected in the RFP. Furthermore, he thought this item should be re-bid if a different set of parameters is to be considered by the Commission, as a financing option may have attracted other bidders. Mr. Siegel withdrew his request.

There was no one else wishing to speak.

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**R-2      12-1242      DISPOSITION OF CITY-OWNED PROPERTY - DECLARING AS SURPLUS AND NO LONGER NEEDED FOR A PUBLIC PURPOSE AND AUTHORIZING BIDDING PROCESS - minimum bid amount of \$1,000 - northeast corner of NW 13 Street and 4 Avenue**

**There is no fiscal impact associated with this action.**

The City Auditor asked how the value for this property was determined as it is much lower than the Broward County Property Appraiser's (property appraiser) assessed value. Staff explained to him that this price was based on their subjective determination of the parcel's value. He believed this is a policy decision for the Commission. Mayor Seiler understood that this parcel is of no value to the City. The City Manager explained that this is an unbuildable lot, a corner property with accumulated trash. The only interested party would be the property owner to the north whom staff contacted and the owner indicated that he would only purchase the parcel for a nominal price. Therefore, staff believed a \$1,000 price was fair as this sale will relieve the City of the associated maintenance. Commissioner Rogers asked if procedure for determining the value has changed. He wanted to sell this parcel; but being that, historically, the City's surplus properties have been appraised by staff, he questioned whether policy was changed such that the property values are now only based on the property appraiser's assessment. The City Manager advised that staff has found the property appraiser's assessment to be a good reference point for a nominal parcel like this. He noted that the City does not have to sell this property. Commissioner Rogers wanted to be certain that there is consistency. Likely, two policies are needed; one for buildable parcels, and one for unbuildable. Mayor Seiler amplified on the need for flexibility with parcels that have no value per see. For example, the property sold in item R-01 had value for parking. The City Manager explained that the latest policy direction which was related to the parcel in item R-01 was for staff to use the property appraiser's assessed value as a minimum value; but, for this item, staff did not adhere to that policy for the previously stated reasons. Commissioner Rogers questioned whether such policy is set forth in writing. The City Auditor assumed that the property appraiser takes into consideration whether a parcel is buildable when a value is ascribed. The City Manager explained that this is problematic because, historically, property appraisers value municipal property differently than non-governmentally owned property as it does not generate any taxes. He affirmed that the assigned value for this parcel, albeit subjective, reflects the parameters that staff is operating within.

Commissioner Roberts introduced the following resolution:

**RESOLUTION NO. 12-136**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING, PURSUANT TO CITY CHARTER SECTION 8.04, THAT THE VACANT PARCEL LOCATED APPROXIMATELY AT THE NORTHEAST CORNER OF NW 13TH STREET AND 1ST AVENUE, MORE PARTICULARLY DESCRIBED BELOW NOT NEEDED FOR PUBLIC USE AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY THAT SUCH PARCEL BE OFFERED FOR SALE FOR MINIMUM BIDS AS SET FORTH BELOW, WITH BIDS TO BE SUBMITTED BY SEPTEMBER 12, 2012 AND SCHEDULED FOR FURTHER PROCEEDINGS BEFORE THE CITY COMMISSION ON OCTOBER 2, 2012 TO CONSIDER A RESOLUTION ACCEPTING THE BEST OFFER FOR SAID

PARCEL AND AUTHORIZING CONVEYANCE OF SAID PARCEL OR REJECTING ANY AND ALL OFFERS; REQUIRING THE CITY CLERK TO PUBLISH THIS RESOLUTION IN ONE (1) ISSUE OF THE OFFICIAL NEWSPAPER OF THE CITY WITHIN SEVEN (7) DAYS OF THE ADOPTION HEREOF; REPEALING ANY RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR REVIEW BY THE CITY ATTORNEY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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**R-3      12-1241      CONVEYANCE OF EASEMENT FOR RIGHT OF WAY OR PUBLIC ROAD PURPOSES to Florida Department of Transportation for ingress and egress to River Oaks Preserve and authorizing execution and delivery of easement deed**

**There is no fiscal impact associated with this action.**

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 12-139

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION AND DELIVERY TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AN EASEMENT FOR RIGHT OF WAY OR PUBLIC ROAD PURPOSES AND UTILITIES, A COPY OF SUCH EASEMENT DEED BEING ATTACHED HERETO; REPEALING ANY AND ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

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

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**R-4      12-1261      CONVENIENCE AND LIQUOR STORE MORATORIUM 90-DAY EXTENSION imposed by Ordinance C-11-17 - Northwest Progresso community redevelopment area**

**There is no fiscal impact associated with this action.**

Commissioner DuBose introduced the following resolution:

RESOLUTION NO. 12-140

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF

FORT LAUDERDALE, FLORIDA, EXTENDING THE TERM OF ORDINANCE NO. C-11-17 FOR AN ADDITIONAL 90 DAYS FROM AUGUST 23, 2012.

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

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**R-5      12-1225      VACATION OF AERIAL EASEMENT - Applicant: Holman Automotive, Inc. - Location: South of SE 14 Court, north of SE 15 Street, west of Federal Highway and east of SE 4 Avenue, Croissant Park - Case: 5-R-12A**

**There is no fiscal impact associated with this action.**

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

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

Commissioner Rogers thought there will be a desire for pedestrians to cross Federal Highway when this dealership is developed on both sides of that road, and expressed concern about safety. Upon his request, the (Applicant) made a request to FDOT (Florida Department of Transportation) to look at crossing options, but was not successful initially as they are limited.

Commissioner Rogers introduced the following resolution:

**RESOLUTION NO. 12-141**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING AN AERIAL EASEMENT RETAINED OVER A VACATED 15 FOOT ALLEY IN BLOCK 51-L "CROISSANT PARK" RECORDED IN PLAT BOOK 10, PAGE 50 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BY ORDINANCE NO. C-8229, RECORDED IN THE OFFICIAL RECORD BOOK 10277, PAGE 786 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND LOCATED SOUTH OF SOUTHEAST 14<sup>TH</sup> COURT, EAST OF SOUTHEAST 4<sup>TH</sup> AVENUE, WEST OF SOUTH FEDERAL HIGHWAY AND NORTH OF SOUTHEAST 15<sup>TH</sup> STREET, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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

In response to Mayor Seiler, Mr. Mele indicated that the easement vacation for the (Sunrise Boulevard) location will be brought back next month.

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**R-6      12-1202      APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS -  
All vacancy information is provided under Conference item BD-2**

**There is no fiscal impact associated with this action.**

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

Beach Business Improvement District Advisory Committee	Eduardo Fernandez (Consensus – recommended by Greater Fort Lauderdale Chamber of Commerce) Aiton Yaari (Consensus – Beach Redevelopment Advisory Board representative) Dale Reed (Consensus – W Hotel representative) Scott Brooks (Consensus/Alternate – W Hotel representative) Amaury Piedra (Consensus – Weston Beach Resort representative) Marcos Borrás (Consensus – Bahia Mar representative) Jim Oliver (Consensus – Ritz Carlton Hotel representative) Thomas Hastings (Consensus/Alternate - Beach Place Tower representative) Kenyata Allain (Consensus – Thor Gallery at Beach Place representative) Bill Cunningham (Consensus – Marriot Courtyard representative)
Community Appearance Board	Carol Cappadona (Commissioner Roberts)
Nuisance Abatement Board Reapportionment Committee	Lorraine Saunders (Consensus – appointment to full member) Marilyn Mammano (Recommended by and from Council of Civic Associations) D. Ryan Saunders (At-Large)
Sustainability Advisory Board	Anthony Olivieri (Mayor Seiler) Jim Moyer (Commissioner DuBose)

Vice Mayor Rodstrom introduced the following resolution:

**RESOLUTION NO. 12-142**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF  
FORT LAUDERDALE, FLORIDA, APPOINTING BOARD  
MEMBERS AS SET FORTH IN THE EXHIBIT ATTACHED  
HERE TO AND MADE A PART HEREOF.

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

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

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**OB 12-1290 WALK-ON – A resolution authorizing the Fire-Rescue Department of the City of Fort Lauderdale to perform routine transfers.**

There is a positive fiscal impact to the city in the amount to be determined by the number of transports provided. Projected routine transfer revenue is budgeted for FY 2013 at \$1,340,137.

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 12-143

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8.02 OF THE CITY CHARTER, CONFIRMING RESOLUTION NO. 12-121 WHICH DECLARED THE INTENT OF THE CITY COMMISSION TO SELL, GRANT AND CONVEY PUBLIC PROPERTY TO THE HOUSING AUTHORITY OF THE CITY OF FORT LAUDERDALE TO BE USED FOR AFFORDABLE HOUSE; FURTHER, ACCEPTING THE OFFER OF FOURTEEN THOUSAND AND NO/100 DOLLARS (\$14,000.00) FROM THE HOUSING AUTHORITY OF THE CITY OF FORT LAUDERDALE FOR THE PURCHASE OF SUCH PUBLIC PROPERTY, MORE PARTICULARLY DESCRIBED BELOW; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR PURCHASE AND SALE OF THE PUBLIC PROPERTY; AUTHORIZING EXECUTION AND DELIVERY OF A DEED OF CONVEYANCE OF THE PUBLIC PROPERTY TO THE HOUSING AUTHORITY OF THE CITY OF FORT LAUDERDALE; AND FURTHER AUTHORIZING THE EXECUTION OF ANY AND ALL INSTRUMENTS REASONABLY NECESSARY OR INCIDENTAL TO CONSUMMATION OF THE TRANSFER OF TITLE TO THE PROPERTY; PROVIDING FOR AN EFFECTIVE DATE.

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

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

**PUBLIC HEARINGS**

**PH-1 12-1288 SALE OF CITY-OWNED PROPERTY, PURCHASE AND SALE CONTRACT AND DEED OF CONVEYANCE - \$14,000 - Accepting offer from Housing Authority for two parcels located at northwest corner of NW 7 Street and 14 Avenue and 637 NW 10 Terrace for affordable housing and authorizing proper City Officials to execute all necessary documents**

**Please see funding information attached to these minutes.**

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

Commissioner DuBose asked that this item be deferred to September 5, 2012, to allow him time to address this matter with the Housing Authority.

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

**Motion** made by Commissioner DuBose and seconded by Commissioner Roberts to defer this item to September 5, 2012. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, and Mayor Seiler. NAYS: None.

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**PH-2 12-1229 FIRST READING OF ORDINANCE REZONING TO Commerce Center (CC) from General Business (B-2) - Applicant: Victoria's Corporate Plaza, LLC. - Location: 6245 NW 9 Avenue - Land Use: Employment Center - Case: 4-Z-12**

**There is no fiscal impact associated with this action.**

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

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

Commissioner Roberts introduced the following ordinance on FIRST reading:

**ORDINANCE NO. C-12-30**

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM "B-2" TO "CC", THE NORTH 222.65 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, LESS THE EAST 253.96 FEET THEREOF, LOCATED NORTH OF CYPRESS CREEK ROAD (NORTHWEST 62<sup>ND</sup> STREET), SOUTH OF NORTHWEST 65<sup>TH</sup> STREET, WEST OF POWERLINE ROAD AND THE NORTH BOUNDARY OF SAID PARCEL LYING WESTERLY OF NORTHWEST 63<sup>RD</sup> STREET, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A"

ATTACHED THERETO TO INCLUDE SUCH LANDS.

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

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**PH-3 12-1060 RESOLUTION AUTHORIZING DESIGNATION OF SITE SPECIFIC AREAS DESCRIBED AS NORTHWEST GARDENS II, III and IV AND DR. KENNEDY HOMES as Brownfield areas and adding them to the Job Accelerator Zone - Affordable Housing.**

**There is no fiscal impact associated with this action.**

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

Vice Mayor Rodstrom introduced the following resolution:

RESOLUTION NO. 12-137

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, MAKING CERTAIN FINDINGS; DESIGNATING REAL ESTATE PARCELS TO BE DEVELOPED FOR AFFORDABLE HOUSING AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80(2)(b), FLORIDA STATUTES, FOR REHABILITATION AND REDEVELOPMENT FOR THE PURPOSES OF SECTIONS 376.77 — 376.86, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.

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

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**PH-4 12-0743 DISCONTINUATION OF COMMUNITY BUS ROUTES AND NON-RENEWAL OF INTERLOCAL AGREEMENT with Broward County for Community Bus Service – motion authorizing City Manager to notify Broward County of City’s intent not to renew the Interlocal Agreement**

**Please see funding information attached to these minutes.**

Mayor Seiler announced that this is a hearing pursuant to 49 USC Section 5307(d)(1) and Section 2.1.3(4) of the Interlocal Agreement.

Diana Alarcon, Transportation and Mobility Director, noted staff's recommendation for non-renewal of the Interlocal Agreement with Broward County, for discontinuation of the red and blue community bus service routes (shown on page 29, Exhibit 1 of Commission Agenda Memorandum 12-0743) with the Housing Authority. The City had contracted with the Housing Authority to operate the red and blue routes. Over the past year, the current routes and operations of the Housing Authority and TMA were reviewed by City staff; MPO (Metropolitan Planning Organization); BCT (Broward County Transit); TMA (Downtown Fort Lauderdale Transportation Management Association); Housing Authority; and the SFRTA (South Florida Regional Transportation Authority). Being that there is reduced funding and duplications in the operation, it was believed that the routes could be eliminated or streamlined for efficiencies. Therefore, staff is coordinating with the TMA and other partners to review the TMA routes for optimizing this service. When the blue and red routes are discontinued on October 1, the TMA community bus service and BCT will handle the currently available routes.

Mayor Seiler opened the floor for public comment.

Tam English, Executive Director, Fort Lauderdale Housing Authority, clarified that the Housing Authority assumed control of the blue and red routes over two years ago when the previous vendor, United Resident Council (URC), no longer had the financial means to operate them due to reduced funding from the City and Broward County. At that point, the Housing Authority had an agreement with the City that there would be an effort to locate additional funding to support the routes. However, no additional funding was provided during the first year of operation. The second year, the Housing Authority was given \$25,000 in CDBG (Community Development Block Grant) funding from the City. Since then, the buses have grown older and maintenance and fuel costs have risen. The Housing Authority has not received any CDBG funds from the City this year, and cannot move forward with a \$40,000 to \$50,000 shortfall. He was concerned that these routes were operating at capacity. According to City staff's review, one bus carried an average of 20.5 riders per hour and another averaged 18 riders per hour with a 20-person capacity for each. If two out of four bus lines are removed from the community, someone will not get served. Mr. English thought the City should find another vendor to operate these routes. The ridership is from northwest Fort Lauderdale, low-income, and the most-needy. He referred to a study indicating that seven percent of the ridership is from Housing Authority sites; and 93 percent from other part of the community. Given the small percentage from Housing Authority sites, the Housing Authority could not continue to fund the shortfall with HUD funds.

In response to Commissioner DuBose, Mr. English specified that the Housing Authority's shortfall last year was about \$50,000; the funding received from BCT that goes through the City was \$15 per operational hour or about \$68,000, and it costs about \$118,000 (per year) to maintain these routes. He believed the difference was funded by the Housing Authority. He has now requested \$25,000. Ms. Alarcon confirmed the cost of the routes is roughly \$120,000 per year. Mr. English explained that the hourly operational cost is \$25 to \$28. When URC operated the routes, BCT provided \$20 per hour in funding; the vendor got by, but there were shortfalls. He explained to Mayor Seiler that these buses operate nine hours per day. Commissioner DuBose noted that these buses have the highest ridership of all of the routes in this County funded program.

Given the high ridership, Mayor Seiler asked why the County is not funding the blue and red routes. Ms. Alarcon explained that there is other bus service available which is why staff examined duplication of routes. The City is working with the Housing Authority to identify some areas of expansion for the City's TMA northwest route. However, the majority of the blue and red routes duplicate the TMA or BCT routes. Commissioner DuBose agreed there will be some

common roads when traveling in any type of transportation. He wanted more detail about the level of duplication. In response to Mayor Seiler, Ms. Alarcon clarified that the City, in conjunction with the previously stated partner agencies, have indicated that there is duplication, not the County. Alternative routes were created that did not have duplication; so, it was believed that some of the blue and red routes could be eliminated, and some of the TMA northwest route could be expanded. Commissioner DuBose stressed that the blue and red routes are dedicated to central service destinations in District III, such as the Cooperative Feeding Program, Department of Children and Families, and WorkForce One; otherwise, riders would have to transfer frequently. Being that other buses travel to these sites, it could be said that there is some duplication, but those routes are not dedicated to central services. He knew the Sun Trolley and the TMA do not have a similar route. Ms. Alarcon was uncertain if there is another bus route dedicated to central service destinations, but bus service is available to reach those locations, though transfers may be necessary.

Commissioner DuBose emphasized that discontinuing these routes will affect individuals who are dependent upon them, like senior citizens. He was unsure if staff explored any alternatives to discontinuation; \$50,000 is a relatively small shortfall to address in comparison to the significant impact of discontinuation. He expressed gratitude to the Housing Authority for sustaining these routes for the last two years, and wanted to find a means to continue them.

In response to Commissioner Rogers, Mr. English elaborated upon the blue and red routes which loop between the downtown and Lauderdale bus stations. About two-thirds of the routes' actual miles are in the city, and about three-quarters of the stops are in the city. In response to Mayor Seiler, he was uncertain what percentage of the riders are not residents of Fort Lauderdale. He thought most riders are city residents that return to the city, rather than Lauderdale residents coming into Fort Lauderdale. Mayor Seiler and Commissioner DuBose inquired as to whether the City has asked the County to provide additional funding to continue these routes. Commissioner Rogers recalled that the (Housing Authority) applied for a transportation grant. Mr. English explained that another grant was provided from the SFRTA which would have provided \$60,000 toward a second new bus at a cost of \$75,000; he elaborated upon reasons why the \$15,000 match was not amassed. He confirmed that the Housing Authority is going to return the grant. In response to Mayor Seiler, he indicated that other funding sources, besides HUD, are minimal. Commissioner Rogers thought the City is endeavoring to create a transportation system that is cost-efficient in terms of not duplicating services. He noted that only seven percent of Housing Authority residents utilize the routes. Being that the original intent of the red and blue routes has morphed into something else, he thought this should be looked at holistically to determine the most cost-efficient means to operate. Regardless of whether the riders are residents of Housing Authority sites, Mr. English believed the main issue is the community's need for these routes. At this time, there is no plan for how the 6,500 riders per month will be accommodated. Commissioner Rogers disagreed because there are available BCT and TMA routes, though not door-to-door to central service locations. The goal is to work toward more efficiency. Mr. English believed there will be individuals without a bus to ride if these routes are discontinued; although there are other buses, he was not sure at what capacity they are operating. The blue and red routes have been full for the last six months with the highest ridership ever seen.

In response to Mayor Seiler, Mr. English explained that the cost per rider is about \$1.50. The County does not have any routes that are more cost-efficient than these routes. If the County is to be approached about this matter, it would be done by City staff, not the Housing Authority. Ms. Alarcon explained that the only funding the County will provide to any city is \$15 per hour for community bus service. The City has applied for as much funding as possible.

Commissioner DuBose asked whether the City has recently addressed this matter with the County. Ms. Alarcon recalled that, upon the County's advisement, City staff applied for funding through the Community Bus Service (program) in May and received it, but it only provided about \$6,700 in additional funding for the Housing Authority. Furthermore, this additional funding was based on a plan to expand the red and blue routes to Saturday operations which was not realized. In response to Mayor Seiler, she explained that these routes operate 9 hours per day, 5 days per week, Monday through Friday. In response to Commissioner DuBose, she indicated that the \$6,700 in funding cannot be utilized because Saturday operations were not added. In further response, she explained that the Housing Authority first made staff aware of the issue related to the red and blue routes in June; but staff had already begun to look into this matter about one year ago. Staff has specifically addressed this funding issue with the County numerous times since June.

Mayor Seiler thought it is the County's obligation to fund these routes, if the other bus route for this area is also at full-capacity. The County is paying for empty buses to operate throughout Broward, yet these routes are at capacity, some 193 hours per month, and need funding. He expressed willingness to address this matter with the County. Fort Lauderdale is unique, in comparison to suburban communities in the county. Vice Mayor Rodstrom indicated that the County has discontinued a lot of general bus service because of budget shortfalls; but, she believed the County will endeavor to add more service if there is extra funding in this budget cycle. She suggested and Mayor Seiler agreed that the Manager should send a letter to the County, indicating the Commission's priority and requesting consideration to fund these routes; as well as a letter to the TMA, asking for the Sun Trolley's route to include Gateway Terrace. Commissioner Rogers commented that this is a matter of the County not wanting to fund these routes, including the Sun Trolley Gateway Terrace route, because these services do not pay for themselves. Commissioner Roberts clarified that the County discontinued the Gateway Terrace route, and now wants the City to pick it up through the TMA. He thought these routes should be supplied by the County not the municipality. Commissioner Rogers noted that the County is the major transportation supplier with the associated infrastructure. If the County now wants to transition to a community bus system, they need to help pay for it. In response to Vice Mayor Rodstrom's comment that the BCT has also cut large routes, Commissioner Rogers pointed out that the County is cutting inefficient routes that do not have enough riders to support the route.

Mayor Seiler wanted the County to advise whether there are buses with similar routes operating at full-capacity. Commissioner Rogers noted that the blue and red routes are free and therefore, more frequently used. There is a need for more forward thinking regarding these matters. Although he and Commissioner Roberts (as board members of the Downtown Fort Lauderdale Transportation Management Association) endeavor to review these issues monthly and implement a comprehensive plan, it is necessary to bring them to the County with the goal of making the entire transportation system work together. The bottom line is that there is just not enough funding.

In response to Commissioner Roberts, Mr. English confirmed that the Housing Authority does not have excess funds to pay for these routes as all of their (non-HUD) funding supports the Step-Up Program. Commissioner Roberts recalled the City providing the Housing Authority with CDBG funding and other funding for Step-Up. If the City had known about this matter, that funding could have been utilized to prevent discontinuation of the red and blue routes. He felt the Housing Authority has room in its budget to support these routes and agreed with Vice Mayor Rodstrom's suggestion to send a funding request letter to the County. Mayor Seiler emphasized that these routes leave the City of Fort Lauderdale. Commissioner Roberts indicated that public transportation for the elderly and needy is a City priority. He urged Mr.

English to re-examine the Housing Authority's budget to determine if any reallocations can be made. Vice Mayor Rodstrom also thought the Commission should provide more support to staff in addressing this matter with the County. In terms of funding distribution, Commissioner Roberts remarked that the County should consider Fort Lauderdale's public transportation needs that are more extensive than other cities and consequently Fort Lauderdale should receive a larger share.

In response to Mayor Seiler, Mr. English indicated that the Housing Authority has traditionally received \$250,000 from the City to fund Step-Up; and, this year, the City provided, either, \$250,000 or \$275,000. The primary concern is not who operates the routes, but rather that the adjusted routes have the capacity to meet the needs. Commissioner Rogers pointed out that the Housing Authority has not provided a transition mechanism. There must be a plan to address these issues with all involved parties. Mr. English noted that the Housing Authority has been in continual contact with City staff since last September. If these routes must be discontinued, he simply wants to be certain that the Commission is aware of the ramifications. Commissioner Rogers stressed that the TMA and City staff have worked to implement a public transportation plan. He disagreed with the Housing Authority's approach which he thought is, either the City provides \$25,000, or the Housing Authority discontinues the bus routes. Mr. English clarified that the Housing Authority is not seeking the funding now; rather, he is asking the City to find a way to support these routes. One year ago, the Housing Authority told the TMA that it did not want to provide public transportation. Nonetheless, Commissioner Rogers pointed out that, subsequently, the Housing Authority applied for and received a grant which precluded the City from applying. Mr. English reiterated that the Housing Authority returned this grant so it could be given to the City.

Commissioner DuBose agreed with Commissioner Rogers. He thought this matter can be resolved. If the City had known about this, it would have reallocated some of the recent \$275,000 in CDBG (Community Development Block Grant) funding it provided to the Housing Authority in order to meet the need for these routes. He agreed with Vice Mayor Rodstrom's suggestion to notify Broward County via a letter. In the spirit of resolving this issue, he thought the Housing Authority should continue operating these routes for another year. Mr. English noted that there were two separate contracts, one for the bus routes and one for Step-Up. He reiterated that the Housing Authority has been addressing this matter with City staff and was not granted CDBG funding which is the reason for their shortfall. He clarified for Commissioner DuBose and Mayor Seiler that the total funding provided by the City this year was \$275,000, and last year \$150,000 or \$175,000. In response to Mayor Seiler, he noted that the Housing Authority has been endeavoring to find a way out of operating the bus routes if they are not properly funded. Given the minimal ridership of the Housing Authority clients, it is a better option to have the TMA or a similar agency operate these routes. Mayor Seiler agreed an inquiry should be made to the County. The most efficient method must be determined. But, in the short-term, he agreed with Commissioner DuBose that the Housing Authority could continue operating these routes until the City can reach a solution with the County. There was consensus agreement. In response to Commissioner Rogers, Mayor Seiler stressed that the City cannot fund bus routes that go outside the city. Ms. Alarcon confirmed for Mayor Seiler that staff will draft a letter to send to the County.

Roosevelt Walters, 1207 NW 10 Place, noted his experience and credentials as a 55-year resident of the city, and as a member of the TMA's advisory council. He recalled participating in the creation of these routes. He expressed dissatisfaction with this topic. The goal is to take care of those who cannot take care of themselves and this is where his allegiance lies, in terms of these bus routes. As for duplication, he pointed out that free buses are not comparable with

BCT routes costing \$1.75 per ride. As for capacity of BCT buses, he indicated that they are full during rush hour, but not otherwise. Both the red and blue routes have more than double of BCT's required ridership to maintain a community bus. He thought this matter should have been brought before the TMA board before going to the City Commission. He and several others have addressed this matter over the past year. He questioned whether the Commission has the authority to require the Housing Authority continue operating these routes. He did not believe the City would be able to obtain a larger share of County funding than \$15 per hour because funding is consistent for all of the municipalities unless there are some exceptions where funds would become available. Discontinuing the red and blue routes will worsen services and increase travel time. He urged the City to find a way to provide the red and blue routes as this ridership cannot afford to pay for the BCT routes.

Robert Walsh, 401 East Las Olas Boulevard, thought the Housing Authority's financial records should be examined by the Inspector General.

There being no further 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: Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, and Mayor Seiler. NAYS: None.

Commissioner DuBose reiterated his desire that the Housing Authority continue providing the routes for another year while the City works to resolve this. In light of HUD regulations requiring a public hearing to be held if a route is to be discontinued, Commissioner Rogers asked whether this hearing could be continued until answers are received from the County, or measures are taken to work out a plan with the Housing Authority. He was frustrated that, although the plan for public transportation is moving forward to be more community oriented, there are still significant funding issues. Public transportation is a subsidized system. But, the County does not allow the City to increase the Sun Trolley's fare. Being that the TMA board does not receive significant input from the County as to how these issues can be remedied, he thought it is worthwhile to address the County and force some dialogue. In response to Commissioner Roberts, the City Manager explained that there are some questions regarding the direct use of CDBG funding for community bus routes. But, the point is that the City created capacity by funding Step-Up for the Housing Authority to utilize their non-HUD funding for the bus routes. Mayor Seiler referred to other significant County expenses that the City has been absorbing such as E911 dispatch, and noted that the City cannot also foot the bill for the County's public transportation obligation. He suggested this item be deferred to September 5, 2012, to allow time to further address this issue with the County and the Housing Authority.

**Motion** made by Commissioner Rogers and seconded by Commissioner DuBose to defer this item to September 5, 2012. Roll call showed: YEAS: Commissioner DuBose, Commissioner Rogers, Commissioner Roberts, Vice Mayor Rodstrom, and Mayor Seiler. NAYS: None.

## ORDINANCES

O-1      12-1232      **SECOND READING - CHARTER AMENDMENT - BALLOT LANGUAGE- NOVEMBER 6, 2012, GENERAL ELECTION - SALE OF SURPLUS CITY-OWNED PROPERTY FOR AFFORDABLE HOUSING OR ECONOMIC DEVELOPMENT PURPOSES - changing**

**referendum date**

**There is no fiscal impact associated with this action.**

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

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**O-2    12-1228    SECOND READING - CHARTER AMENDMENT - ARTICLES III AND VII - GOVERNMENT OF CITY AND FORM OF GOVERNMENT AND ELECTIONS**

**Please see funding information attached to these minutes.**

Commissioner Roberts introduced the following ordinance on SECOND reading:

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

None.

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**O-3      12-1265      SECOND READING - CODE AMENDMENT - PROHIBITING SALE, DISPLAY, DELIVERY AND POSSESSION OF HERBAL INCENSE, SYNTHETIC MARIJUANA AND BATH SALTS - Chapter 16**

**There is no fiscal impact associated with this action.**

Commissioner Roberts introduced the following ordinance on SECOND 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.

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

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**O-4      12-1279      SECOND READING - ESTABLISHING REDEVELOPMENT ADVISORY BOARD FOR MIDDLE RIVER - SOUTH MIDDLE RIVER - SUNRISE BOULEVARD COMMUNITY REDEVELOPMENT AREA - purpose and duties, number of members, criteria and term**

**There is no fiscal impact associated with this action.**

Commissioner DuBose introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-12-26

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

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

Note: The City Commission adjourned the regular meeting at 9:58 p.m. and returned to the conference meeting agenda, Commission Reports, at 9:58 p.m.

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John P. "Jack" Seiler  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk

DRAFT