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# City of Fort Lauderdale

City Hall  
100 N. Andrews Avenue  
Fort Lauderdale, FL 33301  
[www.fortlauderdale.gov](http://www.fortlauderdale.gov)



## Meeting Minutes - APPROVED

Tuesday, September 3, 2013

6:00 PM

City Commission Chambers

## City Commission Regular Meeting

**FORT LAUDERDALE CITY COMMISSION**

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

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

Meeting was called to order at 6:07 p.m. by Mayor Seiler.

## ATTENDANCE ROLL CALL

**Present:** 3 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis

**Absent:** 2 - Commissioner Bobby B. DuBose (arrived momentarily) and Commissioner Romney Rogers (arrived momentarily)

**Also Present:** City Manager, Lee R. Feldman; City Auditor, John Herbst; City Clerk, Jonda K. Joseph; City Attorney, Cynthia A. Everett; Sergeant At Arms, Sergeant Eddie Stewart and Sergeant Jeff Brull (9:40 p.m.)

### Vote Roll Call Order for this Meeting

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

### Invocation

Commissioner Romney Rogers

### Pledge of Allegiance

Led by Mr. Sal Gatano, president of South Middle River Civic Association

### Approval of MINUTES and Agenda

**13-1067** APPROVAL OF MINUTES for June 24, 2013 Special Meeting for Resource Recovery System and July 2, 2013 Conference and Regular Meetings

Motion made by Commissioner DuBose and seconded by Vice-Mayor Roberts to approve the noted minutes.

#### APPROVED

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

### OTHER BUSINESS

Mayor Seiler recognized Senator Maria Sachs.

Senator Sachs announced an upcoming non-political workshop at 6 p.m. September 11 at the Beach Community Center in Fort Lauderdale. She said representatives from Tallahassee would be there to work with residents on their individual insurance needs in anticipation of hurricane season.

**PRESENTATIONS**

**PRES-1 13-1161 PROCLAMATION DECLARING SEPTEMBER, 2013, AS NATIONAL PREPAREDNESS MONTH IN THE CITY OF FORT LAUDERDALE**

Vice-Mayor Roberts read a proclamation declaring September 2013 as National Preparedness Month in Fort Lauderdale.

Battalion Chief Jo-Ann Lorber said September is the most active time for South Florida hurricanes and urged the public to make preparedness a part of their daily lives throughout the year. She said Community Emergency Response team classes would be offered next month and again in January.

Mayor Seiler reminded the public of an event hosted by the Fort Lauderdale Fire and Safety Museum to honor the first responders who served on 9-11.

**PRES-2 13-1203 COMMUNITY APPEARANCE BOARD WOW AWARD PRESENTATION FOR DISTRICT II**

Commissioner Trantalis presented the WOW Award to Gregory Cable for his home in Fort Lauderdale, which was recognized for enhancing the neighborhood and the City.

**PRES-3 13-1240 PROCLAMATION DECLARING THE MONTH OF SEPTEMBER AS NATIONAL CHILDHOOD OBESITY AWARENESS MONTH IN THE CITY OF FORT LAUDERDALE**

Commissioner DuBose presented a proclamation to Roxanne Smith, training coordinator for the Children's Service Council of Broward County, declaring September as National Childhood Obesity Awareness Month in Fort Lauderdale.

**PRES-4 13-1241 PROCLAMATION DECLARING THE MONTH OF SEPTEMBER AS NO MORE HOMELESS PETS MONTH IN THE CITY OF FORT LAUDERDALE**

Commissioner Rogers presented to Claire Cornish a proclamation declaring September as No More Homeless Pets Month in Fort Lauderdale.

**PRES-5 13-1231 OUTSTANDING CITY EMPLOYEES**

Public Works Director Hardeep Anand presented the STAR of the Month Award to Engineering Technician II Craig Barrett and Project Manager I Louis Oliveira.

**CONSENT AGENDA**

**Consent Agenda**

**(CA)**

Mayor Seiler announced the procedure for consent items.

**Motion** made by Commissioner Trantalis and seconded by Commissioner DuBose that Consent Agenda Items M-1, M-8, M-9, M-11, M-12, M-13, CR-1, CR-4, PUR-1 and PUR-6 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

### Approval of the Consent Agenda

#### Approve the Consent Agenda

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**M-1 13-1116** EVENT AGREEMENTS: Lauderdale Fest Oktoberfest; Las Olas Oktoberfest; Festival of Souls; Where the Cars Are; Pet Fair; Beach Bash 5K and 30th Birthday at Quarterdeck

**Pet Fair event removed.**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**M-2 13-1117** EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: Off the Hookah Anniversary Party; 2013 Fight for Air Run/Walk Fort Lauderdale; 54th Annual Fort Lauderdale International Boat Show and Farmers Market at Broward Health Medical

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**M-3 13-1110** TASK ORDER 2 - UNDERGROUNDING OF OVERHEAD UTILITY LINES - IDLEWYLD - RIVIERA ISLES AREA A - \$77,975 - Keith and Schnars, P.A.

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**M-4 13-1178** ACCEPTANCE OF GRANT FUNDS FOR NATIONAL NIGHT OUT AGAINST CRIME - \$1,000 - Target Corporation

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**M-5 13-1168** PURCHASE ONE-YEAR EXCESS WORKERS' COMPENSATION INSURANCE POLICY - \$477,600

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- M-6 13-1176** ADDITION OF ONE NEW CLASS TO TEAMSTERS LOCAL 769 COLLECTIVE BARGAINING AGREEMENT (Airport Maintenance Technician) AND FOUR NEW CLASSES TO FEDERATION OF PUBLIC EMPLOYEES COLLECTIVE BARGAINING AGREEMENT (Information Technology Security Analyst, Mobile Data Technology Administrator, Floodplain Manager and Stormwater Operations Chief)

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- M-7 13-1120** THIRD AND FINAL ONE-YEAR EXTENSION TO AGREEMENT FOR NATURE PROGRAMMING AT SNYDER PARK - Partners in Action, Inc., d/b/a Kids Ecology Corp. and authorize proper City officials to execute agreement on behalf of City

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- M-8 13-1121** FIRST ONE-YEAR EXTENSION TO AGREEMENT FOR OPERATING REMOTE CONTROL MINIATURE RACE CARS AT MILLS POND PARK - Broward County R.C. Race Club, Inc. and authorize proper City Officials to execute agreement on behalf of City

Commissioner Rogers asked about using the space toward more soccer and lacrosse fields. Phil Thornburg, Director of Parks and Recreation, advised that this space would not impact any potential field expansion.

**Motion** made by Commissioner Rogers and seconded by Vice-Mayor Roberts to approve the item as recommended.

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- M-9 13-1113** ACCEPTANCE OF BROWARD COUNTY ENHANCED MARINE LAW ENFORCEMENT GRANT PROGRAM FUNDS - \$155,216 - Agreement with Broward County for Fiscal Year 2013-2014 and authorize City Manager to execute on behalf of City

The City Auditor noted there was a change in the language and he wanted to ensure that the revision Memorandum No. 13-1113 was entered into the record.

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

**Subject to funding approval on the October 1, 2013 budget amendment.**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**M-10 13-1163** FIRST ONE-YEAR EXTENSION TO ANNUAL CONTRACT FOR ASPHALTIC CONCRETE PAVEMENT - Weekley Asphalt Paving, Inc., in an amount not to exceed \$2,133,738

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**M-11 13-1210** ASSIGNMENT, DELEGATION AND RELEASE AGREEMENT AS TO THE INTERLOCAL AGREEMENT PROVIDING FOR DISTRIBUTION OF THE PROCEEDS ACCORDING TO FLORIDA EMERGENCY TELEPHONE ACT - Broward County

Vice-Mayor Roberts said he requested M-11, M-12 and M-13 be removed from the Consent Agenda because he has concerns about funding and accountability issues. A lot of the specifics have not been fleshed out and there are significant costs associated, some with unidentified sources of funding. He added that the language on closes unit response should be fine-tuned so the City does not get in a situation where it does not have the resources to respond locally because it has extended a service to another jurisdiction. Control in this area will be important moving forward.

The City Manager said all the entities in the county will have to establish protocols on the closest unit response issue. It is his opinion that battalion chiefs ought to be instructed that if deploying a unit outside the City would compromise the City's service delivery, they decline dispatch. There are releases in this item as well as M-12 and M-13 indicating that past issues are resolved going forward.

Commissioner Rogers pointed out a typographical error for correction in Exhibit 1, paragraph 6.

**Motion** made by Vice-Mayor Roberts and seconded by Commissioner Trantalis to approve the item as recommended.

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**M-12 13-1212** AGREEMENT FOR PARTICIPATION IN CONSOLIDATED REGIONAL E-911 COMMUNICATIONS SYSTEM - Broward County

Please see comments under M-11 above.

J. Scott Bayne, 309 SW 26 St., said professional firefighters are concerned with consolidated dispatch because it will make the City of Fort Lauderdale a donor city. He elaborated on problems with how the closest unit response is anticipated to function. Fort Lauderdale citizens pay for local services, not for its employees to donate those services to other jurisdictions. Fort Lauderdale has protocols and EMS treatments that other cities do not provide. The firefighters are opposed to this item.

Vice-Mayor Roberts said he believes protocols related to EMS in particular would be subject to approval by the contract with the City's medical director. Bayne noted that other cities operate under different protocols. Vice-Mayor Roberts indicated the City would strive to have its standard protocols applied when responding in Fort Lauderdale.

Commissioner Trantalis inquired how the City is responding to resistance on the matter from first responders.

The City Manager commented that change is not easy. What the City is experiencing is common for areas that are regionalizing and the end result is a successful unified system. This is not the first step to a regionalized firefighting system. A regionalized firefighting system is clearly not on the table. It is important for the City to maintain a fire rescue system with a high level of service for the citizens and visitors. The City's medical director represents jurisdictions that make up about 80 percent of the firefighting personnel in Broward County, so there should not be a concern about protocols not being followed. Issues with working with other jurisdictions should be handled by training and drills. As Fort Lauderdale is the last municipality to come into the system, many issues will be resolved beforehand.

**Motion** made by Commissioner Trantalis and seconded by Commissioner DuBose to approve the item as recommended.

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**M-13 13-1211 INTERLOCAL AGREEMENT FOR COOPERATIVE PARTICIPATION IN A REGIONAL PUBLIC SAFETY INTRANET - Broward County**

Please see comments under M-11 on page 6.

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

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**CONSENT RESOLUTION**

**CR-1 13-1224 RYAN WHITE CARE ACT - Urging Florida Representatives and Senators of U.S. Congress to reauthorize Ryan White Care Act with strategic changes to reduce HIV infections and improve access to care**

Joey Wynn, chair of the South Florida AIDS Network, said those in the HIV community support the Ryan White Care Act and favor reauthorization. The problem is timing because the strategy for obtaining reauthorization can be different for different people. Time should be allowed for local stakeholders to weigh in and buy in.

Jasmin Shirley, vice-president of Community Health Services at Broward Health, agreed with Wynn. The Affordable Care Act could impact and prompt changes to the Ryan White Care Act, and those measures should be considered before adopting the resolution. There are multiple parts to it. She suggested a workshop so people in the local area can understand what is going to happen. The resolution should say that the City Commission supports the full continuation of funding for the Ryan White Care Act, which is different than reauthorization. She is concerned with continuity of services. Some discussion ensued as to the City's participation beyond adoption of the resolution at this point in time. Commissioner DuBose said he did not understand the urgency since major changes would be

coming October 1. He preferred to reconsider the resolution when the new healthcare act has been implemented. He was not ready to vote today. Shirley explained there is no sunset, therefore funding could be continued until Congress addresses the matter.

Michael Rajner, P.O. Box 2133, provided information for the record. He is an HIV/AIDS patient who accesses some of his medication through the Ryan White Care Act. The Ryan White Care Act will continue as long as Congress agrees to fund it. The resolution was drafted by the AIDS Healthcare Foundation and is not representative of local stakeholders. The act allows people to access life-saving medication when all other alternatives fail or refuse treatment. More input is needed from stakeholders. Broward County leads the nation in HIV infection because it fails to have the right leadership to facilitate dialogue on critically important issues. Fort Lauderdale is a stakeholder in the Housing Opportunities for Persons with AIDS (HOPWA) program countywide. The impact of a 6 percent funding cut in that program should be the Commission's priority.

Jason King, legislative affairs manager for the AIDS Healthcare Foundation, believed the resolution is not controversial but rather a request for programmatic reprioritization that would better address the HIV/AIDS epidemic. He provided statistics about local HIV diagnoses. The Foundation has scheduled a town hall meeting for stakeholders. He urged the Commission to adopt the resolution. He pointed out conflicts in the opposition's comments.

Michael Kahane, 2309 DeSota Drive, said he is an employee of the AIDS Health Care Foundation and spoke in support of the resolution which simply encourages debate to take place at the congressional level. The Foundation is the largest provider of HIV services in the county. The resolution language has been provided to all of the Foundation's patients. There have not been any objections.

There was no one else wishing to speak.

Commissioner Trantalis said he wants to ensure the Commission is engaged in the process of reauthorizing the Ryan White Care Act. He does not think the resolution is controversial. While debate is merited, a deadline exists at the end of the month. The concern is that the Affordable Healthcare Act has been rejected by the State of Florida and services will not be provided. It has been suggested that the Ryan White Care Act may be an alternative. The resolution is simply a suggestion for further discussion that would take place at the national level. Commissioner DuBose noted that several concerns were raised about the timing of the resolution and added that he agrees the Commission should take a position in support of local HIV/AIDS residents. He took issue with some comments made by King about other speakers in that they deal with this daily. He suggested deferring the item until his concerns about the resolution, not the act, can be addressed. Mayor Seiler suggested Commissioners DuBose and Trantalis work with the City Attorney on language.

**Motion** made by Commissioner Trantalis and seconded by Vice-Mayor Roberts to defer the item to September 17, 2013.

**Deferred to Sep 17, 2013**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**CR-2 13-1087**

**CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2013  
BUDGET - APPROPRIATION**

**ADOPTED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers



**CR-3 13-1181**

GRANT APPLICATION - FLORIDA HIGHWAY BEAUTIFICATION  
COUNCIL GRANT FUNDS - STATE ROAD A-1-A (NE 21 Street to  
Oakland Park Boulevard) - Florida Department of Transportation -  
\$100,000 in grant funds and City match of \$120,000

**ADOPTED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,  
Commissioner DuBose and Commissioner Rogers

**CR-4 13-1139**

ESTABLISHING SOLID WASTE LICENSED PRIVATE COLLECTOR  
FRANCHISE FEE AT TWENTY-THREE PERCENT - effective October  
1, 2013

The item was approved with funding revisions shown in Commission Agenda Memorandum 13-1139, which is attached to these minutes.

**ADOPTED - Revision - See Memorandum 13-1139**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,  
Commissioner DuBose and Commissioner Rogers

## **PURCHASING AGENDA**

**PUR-1 13-1005**

ONE-YEAR CONTRACT FOR MOTOR REWIND SERVICES in the  
estimated amount of \$180,710 from Kaman Industrial Technologies  
Corporation d/b/a Florida Bearings - ITB 433-11240

Harold Johnson, representing Condo Electric Motor Repair, spoke in objection to the contract award and provided a document package for the record. The City Attorney advised that a formal protest was not filed. Kirk Buffington, Deputy Director of Finance, clarified that Johnson attempted to file a formal protest but it was not done so in a timely manner and no fee was submitted, as required by ordinance. He later clarified that the check for the protest fee was received after the protest period. The fee is non-refundable regardless of whether it is timely. Johnson said he was not provided correct information about the timeline for submitting a protest. A check was submitted to Procurement Services and it has been cashed. A copy is in the document package. He objected to the award despite several errors in the tabulation. The award is on a group basis and not by item. Item 116 was removed from the award. Condo Electric's bid was 20 percent above the normal rate. The award recommendation is 50 percent more than the normal rate.

Alan Rooks of Florida Bearings explained that Item 116 is provided if there is an emergency and has nothing to do with the total value of the bid. Florida Bearings is Fort Lauderdale-based including its employees. Florida Bearings was the lowest bidder.

Jason Nasiatka of Florida Bearings said that typically prior to the bid submittal date there is a period of time during which vendors can ask questions regarding the bid. He does not believe in this case any questions were asked, meaning that the bid package was acceptable. He asked the Commission to award to the low bidder, Florida Bearings.

Johnson provided more detail of what occurred once the bids were opened for Commissioner DuBose. The buyer directed him to the ordinance on July 22 and told him he had five days to file a protest, but the five days had already elapsed. Buffington noted that the bid protest procedure is provided in the City's general terms of the bid documents. Johnson continued his dispute, saying the bid

recommendation was not posted on the City website. There was discussion related to what is posted on the City website, the protest timeline and other City websites used for bids. Johnson understood a protest could not be filed until there was a posting.

In response to Commissioner DuBose, Bob McKenney of Procurement Services explained there was an initial spam problem with receipt of emails. Jose Espinola of Condo Electric, said when they previously tried to do business with the City in 2008, he and Johnson were misled in that Procurement Services had told their sales representatives that Condo Electric was the lowest bidder. They found out later that a typographical error in their bid documents prompted the City to reject the bid.

Commissioner DuBose explained that there is information available about the bidding process and procedures. An avenue was afforded to Condo Electric. The only thing that concerned him is that Condo Electric's protest fee check was deposited even though he was outside the protest deadline. He favored upholding staff recommendation.

**Motion** made by Commissioner Trantalis and seconded by Vice-Mayor Roberts to approve the item as recommended.

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,  
Commissioner DuBose and Commissioner Rogers

**PUR-2 13-1080**

**TWO-YEAR CONTRACT FOR PURCHASE OF FERTILIZER** in the estimated annual amount of \$150,000 from Diamond R Fertilizer Co. Inc., John Deere Landscapes, Inc. and Sunniland Corporation

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,  
Commissioner DuBose and Commissioner Rogers

**PUR-3 13-1094**

**INCREASE EXPENDITURE FOR EMS AMBULANCE BILLING AND ELECTRONIC PATIENT CARE REPORTING SERVICES** in the amount of \$115,000 with Advanced Data Processing Inc. d/b/a Intermedix

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,  
Commissioner DuBose and Commissioner Rogers

**PUR-4 13-1095**

**INCREASE ANNUAL ESTIMATED EXPENDITURE FOR FIRE AND MEDICAL SUPPLIES** in the amount of \$75,000 from Broward Sherriff's Office and authorize a Release and Waiver of Liability by the proper City Officials

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,  
Commissioner DuBose and Commissioner Rogers

**PUR-5 13-1100**

**PURCHASE OF COMPUTER HARDWARE AND SOFTWARE TO UPGRADE EMERGENCY OPERATIONS CENTER'S DATA CENTER** in the estimated not to exceed amount of \$112,200 from Computer Systems Support, Inc., CDW Government LLC, Dell Marketing Limited Partnership and SHI International Corp.

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**PUR-6 13-1102**

**ONE-YEAR CONTRACT EXTENSION FOR FLEET MANAGEMENT AND MAINTENANCE SERVICES** in the not to exceed amount of \$5,415,258 with First Vehicle Services, Inc.

Charles King, 105 N. Victoria Park Road, questioned the expense of the purchase including the take-home policy for police officers. He suggested dashboard cameras in police vehicles. In response to Commissioner Trantalis, the City Manager discussed warranties on fleet items. He clarified that the contract covers things like preventative maintenance, in addition to broken mirrors and minor repairs that can be done without taking the vehicle to a body shop. In response to Commissioner Rogers, he said there could be an opportunity to include trolley repair in this contract but he was not sure whether it could be amended later or if a separate request for proposals would be needed.

Vice-Mayor Roberts said the contract will enhance efficiency for the entire fleet. He advised that police officers pay for their own fuel through payroll deduction. This is currently being reviewed for potential further refinement.

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

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**PUR-7 13-1115**

**PROPRIETARY PURCHASE - SOFTWARE UPGRADE FOR CYBORG PAYROLL HUMAN RESOURCES EMPLOYEE BENEFITS SYSTEM** in the not to exceed amount of \$32,670 from SumTotal Systems, LLC

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**PUR-8 13-1099**

**PROPRIETARY PURCHASE - UPGRADE OF T2 PARKING MANAGEMENT SYSTEM** in the estimated, not to exceed total amount of \$319,470 from T2 Systems, Inc., Dana Safety Supply, Inc., Mythics, Incorporated, SHI International Corp., Computer Systems Support, Inc., CDW Government LLC and Dell Marketing Limited Partnership

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**PUR-9 13-1049**

**PURCHASE OF CITY-WIDE AUTOMATIC VEHICLE LOCATION SYSTEM WITH ANNUAL MAINTENANCE AND SUPPORT in the amount of \$175,000 from Track Star International, Inc.**

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**PUR-10 13-1197**

**PURCHASE AND INSTALLATION OF TWO OUTBOARD MOTORS in the amount of \$52,496.70 from Parker Yacht Management, LLC**

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**PUR-11 13-1057**

**AGREEMENT FOR BEACH EQUIPMENT RENTAL CONCESSION - Boucher Brothers Beach Management Fort Lauderdale, LLC - with addition of proposed changes**

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

## **MOTIONS FOR DISCUSSION**

**MD-1 13-1232**

**PROPOSED LIEN SETTLEMENTS (Special Magistrate & Code Enforcement Board cases) - 839 SW 13 Street and 6847 NW 25 Terrace**

**Motion** made by Commissioner Trantalis and seconded by Commissioner Rogers to approve the item as recommended.

**APPROVED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

## **CITIZEN PRESENTATIONS**

**CIT-1 13-1216**

**SADLER JAMES - Inspector General Report regarding Aquatic Complex - Recreational Design & Construction**

James cited a report from the Broward Office of the Inspector General alleging misconduct by the City of Fort Lauderdale in award of the contract for the design and construction of the Aquatic Complex. He concluded that the City used taxpayer money to replace private enterprise. He also questioned why the City is continuing with this contract.

**CIT-2 13-1066** CHRISTINE TIMMON - Racism and Immigration and Establishing Immigration Offices

Timmon provided a handout on Congressional Investigation of Hispanic Hate Groups that was made a part of the record. She said elected officials are attempting to bring in residents from other countries and she has requested a constitutional investigation.

**CIT-3 13-1217** LARRY GIERER - City of Oakland Park Ordinance - United Way of Broward County Commission on Substance Abuse Board of Governors

Mayor Seiler recognized Gierer as a former mayor and commissioner and thanked him for his leadership.

Gierer said he wanted to promote a City of Oakland Park ordinance requiring mandatory training to businesses that sell alcohol after midnight. He shared a brief history about the evolution of the ordinance and reviewed potential losses attributed to alcohol. He urged the Commission to consider adopting a similar ordinance.

Later in the meeting (CIT-5), Commissioner Rogers asked the City Manager to look at the ordinance.

**CIT-4 13-1218** DENNIS ULMER - Remembering 9/11

Ulmer outlined the September 11, 2001, terrorist attacks. America always triumphs over evil. Those who died in the attacks are heroes, as well as those who responded to assist. He thanked the families of those who lost their lives in the attacks and urged the public to remember them. He invited the public to a ceremony at the Fire and Safety Museum on September 11 at 9:30 a.m.

**CIT-5 13-1219** CHARLES KING - Lack of Training and Professionalism Among Security Guards and Bouncers in the City's Bars

King referenced a beach brawl at Dirty Blondes Sports Bar that he said exposed what goes on in this city. He alluded to a videotaped attack that involved bar bouncers and the public. The responding City police officers have a conflict of interest because they work security at many of the beach bars. He was concerned about the lack of concern on the part of the bar owner. He questioned how off-duty detail works.

Commissioner Trantalis referenced a conversation from the last conference meeting during when the Commission discussed performance standards for personnel employed at bars in the city. At that time, the City Manager was directed to provide recommendations related to the matter. Vice-Mayor Roberts said that police response also was discussed. He believed there was no detail at this establishment at the time, but rather detail working at the Elbo Room responded to the incident.

**RESOLUTIONS****R-1 13-1214 FIVE-YEAR COMMUNITY INVESTMENT PLAN AS AMENDED FOR 2014-2018**

Commissioner Rogers questioned whether funds could be found to beef up the line item on repair and maintenance. The City Manager said he believes the City will have more capacity in the coming years to boost that area. This year's budget has additional funds slated for repair, including increases in landscape maintenance and street repaving. Commissioner Rogers referred to emergency repairs that have been approved to emphasize he did not wish to address maintenance in that way. He also referred to the number of FTE's and thought this may be an area to use. The City Manager advised that a facilities study RFP has been issued.

Mayor Seiler opened the floor for public comment.

Dirk Lowry, president of Lauderdale Isles Civic Improvement Association, said he represents 750 homeowners who are concerned about dredging in the canals. Commissioner Rogers said he attended an Association meeting. He believes this is a serious concern. There has not been any dredging in several years. Mr. Lowry advised that the last dredging was in 2002.

Geoff Raines, member of the Lauderdale Isles Water Management District Board of Governors, spoke in protest to the lack of funds allocated for dredging of their canals. City surveying and engineering work has determined that nine of the canals in Lauderdale Isles require dredging. They were told that Lauderdale Isles was at the top of the list for next dredging cycle. The City's canal cleaning crew has been downsized. If dredging is delayed too much longer the surveying and engineering work may become outdated. Annual dredging should be part of maintaining the City's infrastructure.

In response to Mayor Seiler, the City Manager advised that this work is among some \$25 million of requested unfunded public works items. Commissioner Rogers said he would like to explore using stormwater funds for canal dredging. The City Manager believed that would be an eligible funding source, but those funds are available for other items requested by the Commission. Commissioner Rogers asked about an objective way of prioritizing dredging. He was concerned about the fact that some homeowners do not have clearance for their boats. The City Manager advised that there is about \$540,000 in the CIP for dredging. Staff could look at reprioritizing. The City Manager said staff is in the preliminary stages of determining how much linear footage exists and could potentially develop annual assessments on a five- or seven-year cycle for dredging. Commissioner Rogers asked that the City Manager to look at the prioritization and funding dredging to a higher level before the next meeting. Bill Gray, a member of the Lauderdale Isles Civic Improvement Assoc., said tons of sand were dumped in the canals recently during sewer work. While dredging was a prior need, it is now critical. He provided photographs taken between August and October of 2011 for the record.

There was no one else wishing to speak.

Commissioner Trantalis introduced the resolution, which was read by title only.

The item was deferred until after Item PH-4.

**ADOPTED**

**Aye:** 3 - Mayor Seiler, Vice-Mayor Roberts and Commissioner Trantalis

**Nay:** 2 - Commissioner DuBose and Commissioner Rogers

**R-2 13-1119 REIMBURSABLE GRANT APPLICATION - BROWARD BOATING IMPROVEMENT PROGRAM - REMOVAL OF ABANDONED AND DERELICT VESSELS - \$50,000 - authorizing City Manager to execute all necessary documents for acceptance of funds  
REMOVED FROM AGENDA**

**R-3 13-1148 GRANT APPLICATION - 2013 EDWARD BYRNE JUSTICE ASSISTANCE COUNTYWIDE SOLICITATION GRANT PROGRAM - \$90,000 - SUBSTAND ABUSE PREVENTION PROGRAM - Florida Department of Law Enforcement - no local match**

Commissioner Trantalis introduced the resolution, which was read by title only.

**ADOPTED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**R-4 13-0957 QUASI-JUDICIAL - CONSIDER SITE PLAN EXTENSION FOR GRAND BIRCH CONDOMINIUM - 321 North Birch Road - Case 53-R-12**

Applicant: Grand Birch Condominium, LLC

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Mayor Seiler said there has been a request to defer Item R-4 to January 21, 2014, but because of the Martin Luther King Jr. holiday, the mayor suggested the item be deferred to the second meeting in January.

**Motion** made by Commissioner Trantalis and seconded by Vice-Mayor Roberts to defer the item to the second meeting in January of 2014 as requested by the Applicant. A copy of their letter of request, dated August 30, 2013, was made a part of the record.

**Deferred to second meeting in January, 2014**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**R-5 13-1126 APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS - vacancy information provided under Conference Item BD-2**

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

Beach Business Improvement  
District Advisory Committee

Ina Lee (consensus)  
Eduardo Fernandez (consensus)  
Dale Reed & Marylouise Fitzgibbons (consensus)

Amaury Piedra and Blake Crawford (consensus)  
Marcos Borrás and Kevin Quirk (consensus)  
Greg Cook and John Cashion (consensus)  
Bill Cunningham and Thomas Miller (consensus)  
Kenyata Allain and Carmen Barbagelata (consensus)

Budget Advisory Board

June D. Page (Vice-Mayor Roberts)  
Drew Saito (Vice-Mayor Roberts)

Central City Redevelopment Advisory Board

Katherine S. Barry (consensus)  
Shannon C. Harmeling (consensus)  
Christine T. Jones (consensus)  
Randall Klett (consensus)  
Thomas A. Maleta (consensus)  
Tim Smith (consensus)  
Ray Thrower (consensus)  
Michael J. Vonder Meulen (consensus)  
Ronald Weinbaum (consensus)

Community Appearance Board

Justin Herron (Commissioner Trantalis)

Community Services Board

Mark Fillers (Vice-Mayor Roberts)  
Wanda Francis (Vice-Mayor Roberts)  
Wendy Gonsler (Vice-Mayor Roberts)  
Jason King (Commissioner Trantalis)

Economic Development Advisory Board

Jason Hughes (Commissioner Trantalis)  
Cort A. Neimark (Vice-Mayor Roberts)

Education Advisory Board

Idan Eckstein (Commissioner Trantalis)

Enterprise Zone Development Agency

Brandon P. Stewart (consensus)

Nuisance Abatement Board

Robert L. Wolfe Jr. "Bob" (consensus)  
Elizabeth "Betty" DiMaio (consensus)

Commissioner Trantalis introduced the resolution, which was read by title only.

**ADOPTED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,  
Commissioner DuBose and Commissioner Rogers



**PUBLIC HEARINGS****PH-1 13-1209****QUASI-JUDICIAL - DE NOVO HEARING - BROWARD COUNTY  
COURTHOUSE PHASE TWO - PARKING GARAGE WING - SITE  
PLAN LEVEL II DEVELOPMENT PERMIT - Case 48-R-11**

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

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

Commissioner Rogers said he wanted to approve the item with two conditions: that the garage be available to the public after hours for a reasonable price and archaeological precautionary measures be taken similar to those required for South Side School and Hardy Park. Mayor Seiler opened the floor for public comment. Steve Hammond with the Broward County Public Works Department said while this parking garage is not slated for after-hours public parking, he would take the request back to County officials for consideration. He understood the garage further south is contemplated to be open to the public. He spoke to the county archaeologist in preparation for tonight's meeting and confirmed there are no significant issues related to this site. He believed a letter was provided in their application package, but offered to provide additional documentation if the Commission would like. Mayor Seiler said he does not foresee there being any archaeological relics on the site and does not support that condition. He does support the condition related to public parking as long as security issues can be resolved. He requested that the motion be amended to requiring public parking after hours provided security issues are resolved. Commissioner Rogers agreed to Mayor Seiler's suggestions but he would like an updated letter from the County confirming why an archaeological study on the site is not warranted.

The motion was amended to include two conditions: that public parking be available after courthouse hours and an updated letter from the County regarding the archaeological study be provided. Hammond noted that their discussions with the Broward Sheriff's Office have precluded this garage from being made available to the public although the garage to the south is a great candidate for public access. Mayor Seiler wanted both garages to be available to the public.

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

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

**Additional conditions imposed**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,  
Commissioner DuBose and Commissioner Rogers

**PH-2 13-1079****RESOLUTIONS - SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FISCAL YEAR 2014 PROPOSED TENTATIVE MILLAGE RATE (1.0000) AND TENTATIVE BUDGET**

The City Manager announced residents of this neighborhood are taxed for security. The district voted the millage rate at one mill during a May 22, 2013, meeting.

Mayor Seiler opened the floor for public comment.

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

Commissioner Trantalis introduced the resolution approving the proposed millage rate, which was read by title only.

**ADOPTED**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

Commissioner Trantalis introduced the resolution approving the proposed budget, which was read by title only.

**ADOPTED**

**Aye:** 3 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis and Commissioner Rogers

**Nay:** 2 - Commissioner Trantalis and Commissioner DuBose

**PH-3 13-1105****RESOLUTION - FISCAL YEAR 2014 - INCREASING WATER, WASTEWATER USER AND STORMWATER MANAGEMENT PROGRAM RATES, TAPPING CHARGES, SPRINKLING METER CHARGES, PRIVATE FIRE SERVICE PROTECTION CHARGES AND SERVICE AVAILABILITY CHARGES BY FIVE PERCENT**

**Revision - See Memorandum 13-1105**

Mayor Seiler opened the floor for public comment.

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

In response to Commissioner DuBose, the City Manager explained the intent is an annual automatic 5 percent increase provided in the ordinance based on the rate study results. There is a provision preventing the collection of too much revenue based on a five-point test conducted each April for the previous September 30. In such event, customers would receive a refund. He elaborated on the history of rate studies dating back to just before this Commission was seated. The reserve is quite close to 120 days of operating costs. Stormwater maintenance has been increased about \$300,000 annually. The intent is to have a regular storm drain cleaning schedule. Commissioner DuBose

was concerned that even though there is an annual rate increase, the service level is not being raised. The City Manager advised that expenses are increasing each year to just provide the same level of service. He went on to clarify that there are two different utilities: 1) water and sewer where the five-point test is applied and 2) stormwater. There are three charges: water, sewer and stormwater. The increases amount to 92 cents for water, \$1.55 for sanitary sewer and 19 cents for stormwater.

The City Manager also responded to Commissioner Rogers' questions concerning bond indebtedness and acknowledged Vice-Mayor Roberts' comment about infrastructure repairs. He elaborated on what will need to be addressed with respect to stormwater once the technical advisory board finishes its analysis. Ultimately, the City will need to consider dividing the utility into one for the coast and one for the mainland. The forecasting model to be used this evening relates to the general fund and the return on investment coming from the utilities as well as reimbursement for general fund costs in the utilities. The return on investment is about \$14.8 million from water and sewer and \$3 million plus from the central regional plant annually. Vice-Mayor Roberts pointed out that decisions relating to stormwater management service level improvements are separate from this issue which is ongoing.

It was noted for the record that the stormwater residential customer rate increase is 19 cents. Mayor Seiler asked that backup documents be amended which was subsequently accomplished by a revision to Memorandum 13-1105.

Commissioner Trantalis introduced the resolution, which was read by title only.

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

**Nay:** 1 - Commissioner DuBose

**PH-4 13-1078 RESOLUTIONS - CITY OF FORT LAUDERDALE FISCAL YEAR 2014 PROPOSED MILLAGE RATE (4.1193) AND TENTATIVE BUDGET  
Revision - See Memorandum 13-191**

The City Clerk announced a revision to this item reflected in Memorandum 13-191 which is attached to these minutes.

Mayor Seiler announced that this is the first of two public hearings to be held as required by law on the millage rate and budget for fiscal year 2014. He opened the hearing and noted its purpose. The City Manager explained that the Fiscal Year 2014 tentative budget includes maintaining the current millage rate of 4.1193 and increasing the annual fire assessment to \$225 per single-family residential unit. He added that the current millage is a 4.17 increase over the rollback rate.

He outlined the premises on which the budget was based and increases that are proposed to maintain the same level of service. He discussed changes that have been made to the tentative budget for Fiscal Year 2014.

Mayor Seiler opened the floor for public comment.

Dennis Ulmer, 1007 NW 11 Place, said he thinks resiliency preparation is critical in light of flooding and storm damage. He noted that he attended a budget advisory meeting on August 26 and believes that a 1-cent sales tax in Broward County should be explored. He also said in the future the City needs to replace the City Hall building and police department building.

Steve Holt and Cindi Watts spoke on behalf of the board of directors and staff at Family Central. Holt thanked commissioners for the support they've provided in the past. Family Central has made a request for \$49,000 that can be used to serve about 3,000 children in Fort Lauderdale.

Stephanie Pollard, director of grants and government relations at 2-1-1 Broward, explained the function of her agency and said it has a request filed with the City for \$35,000. Mayor Seiler said the City budgeted an allocation at the same funding level as last year.

Charles King, 105 N. Victoria Park Road, said the City has not had a balanced budget since 2005 and has wasted a lot of money over the years. He reviewed some expenditures which he thought were wasteful. Mayor Seiler corrected him on some inaccuracies.

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

Vice-Mayor Roberts introduced the resolution approving the proposed millage rate, which was read by title only.

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,  
Commissioner DuBose and Commissioner Rogers

**Revision - See Memorandum 13-191**

In response to an inquiry from Commissioner Trantalis, the City Manager said his office is continuing conversations with the police department to try to make changes to their compensation packages. He said he has not heard back regarding pension information for the fire department so did not have anything new to report on that. He said even if agreements could be reached with police and fire, it could not be included in the budget until the next fiscal year.

Commissioner Trantalis said he is seeking some savings that can be recovered so the City does not have to raise the fire assessment fee. He is concerned that the Commission is proceeding with a level of spending on police and fire compensation packages that consultants have deemed unsustainable.

Commissioners discussed their positions on whether allowing police officers to have take-home vehicles is an expense that could be reduced.

Commissioner Trantalis said he recommends readjusting compensation packages in order to reduce the budget by \$12 million, which would allow for the Commission to not raise the fire assessment fee. Mayor Seiler said that would violate collective bargaining and referenced the City Manager's previous statement that new compensation packages could not be included in the budget until the next fiscal year.

Commissioner DuBose said he, too, has concerns about the fire assessment and believes it is a tax.

Budget Manager Emilie Smith clarified some details of the budget. Commissioner DuBose stated that the Commission made a policy decision on the level where they wanted to keep the reserves, and the consultants' model shows the reserves with an excess of \$4.6 million. The City Manager said if the Commission wants to use reserves to get down to that figure set by policy, it should be for a one-time expenditure, not an ongoing budget item.

Commissioners discussed options for lowering the fire assessment fee.

Commissioner Rogers reviewed the priority list for canal dredging and said because there is an excess in the reserve fund, he would like some of it to go to the Community Investment Plan for repairs and maintenance.

Vice-Mayor Roberts said he is comfortable with the City Manager's proposal for this year and noted that the advisory boards have provided their recommendations.

Vice-Mayor Roberts introduced the resolution approving the proposed budget, which was read by title only.

**Aye:** 3 - Mayor Seiler, Vice-Mayor Roberts and Commissioner Rogers

**Nay:** 2 - Commissioner Trantalis and Commissioner DuBose

**Revision - See Memorandum 13-191**

**ORDINANCES**

**O-1 13-1085 FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SECTIONS 2-194(c) AND 2-199.2 COMPETITIVE NEGOTIATIONS AND PREFERENCE - PROVIDE FOR REQUESTS FOR QUALIFICATIONS AND EXPAND THE APPLICATION OF LOCAL BUSINESS PREFERENCE**

Mayor Seiler opened the floor for public comment.

Charles King, 105 N. Victoria Park Road, said the ordinance appears to give more weight to local firms. He suggested a way to keep more money in the community would be to have a residency requirement for new City employees.

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

Commissioner Trantalis introduced the ordinance, which was read by title only.

**PASSED FIRST READING**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**O-2 13-1143 FIRST READING OF ORDINANCE AMENDING SCHEDULE I OF CITY'S PAY PLAN BY CREATING TWO NEW CLASSES - Stormwater Operations Manager and Organizational Development and Training Coordinator**

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

The City Manager clarified that staff's intent is to hire the two positions prior to budget adoption.

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

**PASSED FIRST READING**

**Aye:** 3 - Mayor Seiler, Vice-Mayor Roberts and Commissioner Rogers

**Nay:** 2 - Commissioner Trantalis and Commissioner DuBose

**O-3 13-1122** FIRST READING OF ORDINANCE AMENDING UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-18.31, SOCIAL SERVICE FACILITY - to categorize social service facility uses and provide additional regulations of the use (Request to defer to September 17, 2013)

**Motion** made by Commissioner Trantalis and seconded by Vice-Mayor Roberts that Item O-3 be deferred to September 17, 2013.

**Deferred to Sep 17, 2013**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**O-4 13-1128** FIRST READING OF ORDINANCE AMENDING UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-22 SIGN REQUIREMENTS - to permit sandwich signs and banner signs as a permanent permitted use subject to specific criteria

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

Commissioner Rogers said he had a question from the public about whether this would be developed under the Unified Land Development Regulations (ULDR) with a separate fee. Jenni Morejon, Deputy Director of Sustainable Development, said all of the criteria, including the fee, will carry over from the pilot program. Commissioner Rogers asked that the program be publicized on the City's website.

Commissioners discussed how complaints about sign placement were addressed.

Commissioners discussed whether, since the ordinance was designed to help small business owners, it was appropriate to assess an annual \$95 fee. Commissioner Trantalis suggested assessing an initial \$95 fee and charging \$25 for subsequent years. Mayor Seiler asked staff to come back with a recommendation on fees.

Commissioner Rogers introduced the ordinance, which was read by title only.

**PASSED FIRST READING**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

**O-5 13-1223** SECOND READING OF ORDINANCE - DISSOLVING NORTHWEST NEIGHBORHOOD IMPROVEMENT DISTRICT

Commissioner Trantalis introduced the ordinance, which was read by title only.

**ADOPTED ON SECOND READING**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,  
Commissioner DuBose and Commissioner Rogers

**O-6 13-1096**

**FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 28, ARTICLE I - PROVIDE STANDARDS FOR FLORIDA-FRIENDLY FERTILIZER USE ON URBAN LANDSCAPES - creating Section 28-4**

Commissioner Trantalis introduced the ordinance, which was read by title only.

**PASSED FIRST READING**

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,  
Commissioner DuBose and Commissioner Rogers

**O-7 13-1140**


**SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES, ARTICLE III, SECTION 24-69 - SOLID WASTE PRIVATE COLLECTION SERVICES - LICENSED PRIVATE COLLECTOR FRANCHISE FEE AND PAYMENT METHODOLOGY**

**Revision - See Memorandum 13-1140**


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

**Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,  
Commissioner DuBose and Commissioner Rogers

Note: The City Commission adjourned the regular meeting at 12:06 a.m. and returned to the conference meeting agenda, Item BUS-5, from 12:06 a.m. to 12:51 a.m.

  
\_\_\_\_\_  
John R. "Jack" Seiler  
Mayor

ATTEST:

  
\_\_\_\_\_  
Jonda K. Joseph  
City Clerk



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**#13-1139**

CR-4  
REVISION

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

**FROM:** Lee Feldman, ICMA-CM, City Manager *L. Feldman*

**DATE:** September 3, 2013

**TITLE:** REVISED CR-4 - Motion to adopt a Resolution establishing Solid Waste  
Licensed Private Collector Franchise Fees

**Recommendation**

It is recommended that the City Commission approve a Resolution establishing the franchise fees for licensed private collectors of solid waste at 23 percent of the gross receipts, or equivalent value, received by each licensed private collector within the City.

**Background**

~~Franchise fees are used to support solid waste programs within the City including household hazardous waste collection and disposal, bulk collection programs, recycling programs, clearing illegally dumped materials from lots, canal cleaning, debris removal in public places and streets, and code enforcement efforts.~~

Franchise fees are used to support the General Fund. The City has historically based solid waste franchise fee payment for licensed private collectors on gross receipts. The franchise fee is currently set at 17 percent of the total gross receipts collected by licensed private haulers for all solid waste collected. Franchise fees are remitted to the City on a monthly basis.

The cost of solid waste disposal has decreased 39% from \$67.93 per ton to \$41.48 per ton under the City's new Interlocal Agreement with Broward County. As a result of competition in the marketplace and the decrease in the tipping fee, gross revenues from licensed private solid waste collectors has also decreased.

Increasing the franchise fee from 17 percent to 23 percent of gross receipts, or equivalent value, received by each licensed private collector stabilizes City revenues and allows the City to maintain the same level of service currently provided to City residents.

Staff has researched the franchise fee of other municipalities in the South Florida market. Fees range from between 10 percent to 25 percent of gross receipts received.



Based on the data gathered, City staff has determined that the recommended increase to 23 percent of gross receipts does constitute a fair and reasonable fee.

**Resource Impact**

There is a balanced estimated fiscal impact to the City associated with this action. The Fiscal Year 2013 Franchise Fee revenue budget estimate is \$3,500,000.00. Future Fiscal Year 2014 has been estimated in the same amount.

FISCAL YEAR	FUND	SUBFUND	FUND NAME	INDEX #	INDEX NAME	SUBJECT#	SUBJECT NAME	AMOUNT
2013	409	01	Sanitation	PBS010504	Finance - Sanitation	J182	Private Collector Fees	\$3,500,000.00
<del>2014</del>	<del>409</del>	<del>01</del>	<del>Sanitation</del>	<del>PBS010504</del>	<del>Finance - Sanitation</del>	<del>J182</del>	<del>Private Collector Fees</del>	<del>\$3,500,000.00</del>
2014	001	01	General Fund	FIN040301	Other General Fund Revenue	J182	Private Collector Fees	\$3,500,000.00

Related CAM(s): #13-1039  
#13-1140

Attachment: Exhibit 1 – Resolution

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Prepared by: Julie Leonard, Assistant Public Works Director – Sustainability

Department Director: Hardeep Anand, P.E., Public Works



CITY OF  
FORT LAUDERDALE

9-3-13  
PH-4  
REVISED

City Manager's Office

**Memorandum**

**Memorandum No: 13-191**

**Date:** September 2, 2013

**To:** Honorable Mayor and Commissioners

**From:** Lee R. Feldman, ICMA-CM, City Manager 

**Re:** Revised Agenda Item PH-4  
FY 2014 Tentative All Funds Budget – Exhibit "1"

Following a final consultation with the City Auditor's Office today, we are recommending the following changes to the FY 2014 Tentative All Funds Budget, Exhibit "1", for your review and consideration.

At this time, the Self-Insured Health Benefits Fund is in a deficit position, and it is recommended to stabilize the Fund until such time as we see favorable results from the implementation of the City's new Wellness Center and a full year of enhanced employee contributions. While this temporary loan does not directly impact the General Fund budget, it reduces the Anticipated Year End Balance for the General Fund by \$2.1MM until such time as the City Health Insurance Fund stabilizes. Even with the loan to the Self-Insured Health Benefits Fund, the General Fund Available Fund balance remains above the minimum 16.6% threshold at 19%.

<b>Self-Insured Health Benefits Fund Change</b>		<b>General Fund Change</b>	
Addition of Due To/From General Fund	\$2,104,890	Addition of Due To/From Self-Insured Health Insurance Fund	\$2,104,890

These changes have been reflected on the attached Revised Exhibit "1". Please contact me directly with any questions, comments, or concerns.

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Attachment: 1) Revised Exhibit "1" FY 2014 Tentative All Funds Budget  
2) Changes to FY 2014 Proposed Budget

C: Stanley D. Hawthorne, Assistant City Manager  
Susanne M. Torriente, Assistant City Manager  
Cynthia A. Everett, City Attorney  
Jonda K. Joseph, City Clerk  
John C. Herbst, City Auditor  
Chaz Adams, Public Affairs Manager  
Douglas R. Wood, Director of Finance  
Linda Logan-Short, Comptroller  
Emilie Smith, Budget Manager



**CHANGES TO FY 2014 PROPOSED BUDGET - GENERAL FUND**  
**Since Proposed Budget on July 9, 2013**

<b>FY 2014 Proposed Revenue</b>		<b>FY 2014 Proposed Expenditures</b>	
	<b>\$ 275,619,235</b>		<b>\$ 275,441,422</b>
<b>Revenues &amp; Other Sources Adjusted Since Proposed Budget</b>		<b>Expenditures &amp; Other Uses Adjusted Since Proposed Budget</b>	
<b>General Fund 001.01</b>			
Add Revenue for Local Government Half-Cent Sales Tax Revis on by Florida Dept. of Revenue on July 2, 2013	130,436	Add Funding for NCIP & BCIP Projects Funding for Neighborhood and Business Community Investment Plan Projects	433,600
Add Revenue for Ad Valorem Increase Ad Valorem Revenue to from 95% to 96% based on historical trends	1,016,347	Add Funding for Capital Maintenance Plan To fund Citywide Maintenance, Repair, and Rehabilitation Projects	2,095,875
Add Revenue for Fire Assessment Increase Fire Assessment Revenue due to revised exemptions and an increase to 97% based on historical trends	850,000	Add Funding to General CIP Projects Increase funding for Community Investment Plan Projects	280,000
Decrease Revenue for FPL Franchise Fees Per Auditor Recommendation based on historical trends	(1,600,000)	Decrease Fleet Overhead Per Auditor Recommendation revise Fleet Overhead Allocations	(79,941)
Increase Revenue for FPL Utility Tax Per Auditor Recommendation based on historical trends	1,600,000	Decrease Fleet Overhead Per Auditor Recommendation move in-car camera program to Fleet Fund	(655,843)
Add Revenue for Firefighters 175 Insurance Premium Tax Per Auditor Recommendation for correct accounting purposes	3,000,000	Decrease Fleet Overhead Per Auditor Recommendation move in-car camera program for Parks & Recreation Beach Barrier to the Sanitation Fund	(54,528)
Add Revenue for Police 185 Insurance Premium Tax Per Auditor Recommendation for correct accounting purposes	1,882,276	Add expense for Police & Fire Premium Insurance Tax Per Auditor Recommendation for correct accounting purposes	4,882,276
Reduction of GF Cost Allocation Removal of General Fund Sunrise Key Allocation - Not included in their budget	(815)	Add Landscaping Service Contract Move landscaping Contract from Sanitation Fund for correct accounting purposes	25,954
Decrease Revenue for Sanitation ROI Removal of Sanitation Return on Investment (ROI)	(1,215,073)	Decrease funding for vehicle expense Per Auditor Recommendation fund vehicle purchases should be in the fleet fund	(25,000)
Add Revenue for Private Collections Add Private Collection (Franchise fees) from the Sanitation Fund	3,655,000	Personnel adjustments Per Auditor Recommendation salary adjustments to correct payroll projection	146,501
Add Revenue for Gas Tax Add revenue to allow for transfer to TMA	213,199	Transfer out to Sanitation Fund Transfer for fund stabilization	2,055,000
		Transfer out to Misc. Federal/State County Grant Fund Transfer for Transportation Management Association (TMA) for correct accounting purposes	213,199
		Add expense for Police and Fire Add funding for transitional costs related to E911 Dispatch moving to the county	387,200
		Due To/From Self-Insured Health Benefits Fund For fund stabilization	2,104,890
<b>TOTAL REVENUE ADJUSTMENTS</b>	<b>\$ 9,531,370</b>	<b>TOTAL EXPENDITURE ADJUSTMENTS</b>	<b>\$ 11,809,183</b>
<b>FY 2014 BUDGET AS OF September 3, 2013</b>			
<b>FY 2014 TENTATIVE REVENUE</b>	<b>\$ 285,150,605</b>	<b>FY 2014 TENTATIVE EXPENSES</b>	<b>\$ 287,250,605</b>
		<b>TOTAL SURPLUS GENERAL FUND</b>	<b>(2,100,000)</b>

**CHANGES TO FY 2014 PROPOSED BUDGET - OTHER FUNDS**  
**Since Proposed Budget on July 9, 2013**

Revenues & Other Sources Adjusted Since Proposed Budget		Expenditures & Other Uses Adjusted Since Proposed Budget	
<b>Law Enforcement Confiscated Property Fund 104.01</b>			
		<b>Add funding for General Employees Retirement System</b>	<b>16,084</b>
		Police Confiscation	
		Per Auditor Recommendation Law Enforcement Confiscated Property Fund needs to fund pension for employee	
		<b>Personnel adjustments</b>	<b>8,394</b>
		Per Auditor Recommendation salary adjustments to correct payroll projection	
		<b>Add expense for Police and Fire</b>	<b>200,000</b>
		Add funding for transitional costs related to E911 Dispatch moving to the county	
<b>REVENUE ADJUSTMENTS</b>	<b>-</b>	<b>EXPENDITURE ADJUSTMENTS</b>	<b>224,478</b>
<b>Central Beach Redevelopment Area Fund 106.01</b>			
		<b>Decrease funding for CRA Beach - Auto Liability</b>	<b>(396)</b>
		CRA no longer has vehicles (sold at auction per fleet)	
<b>REVENUE ADJUSTMENTS</b>	<b>-</b>	<b>EXPENDITURE ADJUSTMENTS</b>	<b>(396)</b>
<b>Northwest Progresso Flagler Heights Redevelopment Area Fund 106.02</b>			
<b>Decrease funding from Airport</b>	<b>108,381</b>	<b>Decrease funding for Personnel adjustment</b>	<b>(90,904)</b>
Increase Fire Assessment Revenue due to revised exemptions and an increase to 97% based on historical trends		Adjustment to personnel complement	
<b>REVENUE ADJUSTMENTS</b>	<b>108,381</b>	<b>EXPENDITURE ADJUSTMENTS</b>	<b>(90,904)</b>
<b>DEA Confiscated Property Fund 107.01</b>			
		<b>Add expense for Police and Fire</b>	<b>850,000</b>
		Add funding for transitional costs related to the E911 Dispatch moving to the county	
<b>REVENUE ADJUSTMENTS</b>	<b>-</b>	<b>EXPENDITURE ADJUSTMENTS</b>	<b>850,000</b>
<b>Sunrise Key Fund 112.01</b>			
		<b>Decrease funding for Other Services</b>	<b>(4,500)</b>
		Reduction of Other Services per district request	
		<b>Decrease funding for General Fund Overhead</b>	<b>(815)</b>
		Remove General Fund Allocation funding	
<b>REVENUE ADJUSTMENTS</b>	<b>-</b>	<b>EXPENDITURE ADJUSTMENTS</b>	<b>(5,315)</b>
<b>Building Permits Fund 140.01</b>			
		<b>Decrease funding for Fleet Overhead</b>	<b>(6,042)</b>
		Per Auditor Recommendation revise Fleet Overhead Allocations	
		<b>Increase funding for overtime</b>	<b>50,000</b>
		To assist with peak workloads	
<b>REVENUE ADJUSTMENTS</b>	<b>-</b>	<b>EXPENDITURE ADJUSTMENTS</b>	<b>43,958</b>
<b>Sanitation Fund 409.01</b>			
<b>Decrease Revenue for Private Collections</b>	<b>(3,655,000)</b>	<b>Add funding for Carcass Removal</b>	<b>100,000</b>
Move Franchise fees to the General Fund		Animal carcass removal from city properties beginning October 1st - unfunded mandate from Broward County	
<b>Transfer In from General Fund</b>	<b>2,055,000</b>	<b>Decrease funding for Solid Waste</b>	<b>(50,000)</b>
Add revenue for correct accounting purposes		Reduce funding in FY 2014 due to a change in the current contract	
		<b>Decrease funding for two turf maintenance contracts</b>	<b>(65,901)</b>
		Move Landscape contract for ditches, railroad rows; vacant lots, and Palm Aire Canal to Stormwater Fund and the General Fund	
		<b>Decrease funding for lot clearing</b>	<b>(11,993)</b>
		Remove lot clearing expense	
		<b>Decrease funding for Fleet Overhead</b>	<b>(47,254)</b>
		Per Auditor Recommendation revise Fleet Overhead Allocations	
		<b>Add funding for other equipment expense</b>	<b>54,429</b>
		Per Auditor Recommendation move in-car camera Driver Enhancement Program from overhead expense to capital costs	
		<b>Increase funding for two Recycling/Sanitation vehicles</b>	<b>420,000</b>
		Add funding in FY 2014 two replacement Recycling/Sanitation	
		<b>Personnel adjustments</b>	<b>219,134</b>
		Adjustment to personnel complement	
		<b>Decrease funding for Return on Investment</b>	<b>(1,215,073)</b>
		Remove funding to the General Fund for Return on Investment	
<b>REVENUE ADJUSTMENTS</b>	<b>(1,600,000)</b>	<b>EXPENDITURE ADJUSTMENTS</b>	<b>(596,658)</b>

**CHANGES TO FY 2014 PROPOSED BUDGET - OTHER FUNDS**  
**Since Proposed Budget on July 9, 2013**

Revenues & Other Sources Adjusted Since Proposed Budget		Expenditures & Other Uses Adjusted Since Proposed Budget	
<b>Water &amp; Sewer Fund 450.01</b>			
		Remove Bond Costs Amortization	(384,854)
		Per Auditor Recommendation to correct accounting purposes - GASB 65 only insurance costs apply.	
		Add funding for Office Space	4,557
		Increased office space for Sustainability Team	
		Decrease funding for Fleet Overhead	(111,470)
		Per Auditor Recommendation revise Fleet Overhead Allocations	
		Add funding for other equipment expense	113,589
		Per Auditor Recommendation move in-car camera Driver Enhancement Program from overhead to capital costs	
		Personnel adjustments	(115,929)
		Adjustment to personnel complement	
Revenue Adjustments	-	<b>EXPENDITURE ADJUSTMENTS</b>	<b>(494,107)</b>
<b>Central Regional Fund 451.01</b>			
		Remove Bond Costs Amortization	(56,000)
		Per Auditor Recommendation to correct accounting purposes - GASB 65 only insurance costs apply.	
		Decrease funding for Fleet Overhead	(16,105)
		Per Auditor Recommendation revise Fleet Overhead Allocations	
		Add funding for other equipment expense	6,215
		Per Auditor Recommendation move in-car camera Driver Enhancement Program from overhead to capital costs	
REVENUE ADJUSTMENTS	-	<b>EXPENDITURE ADJUSTMENTS</b>	<b>(65,890)</b>
<b>Parking Fund 461.01</b>			
Add Transfer in for Administrative Aide reimbursement	34,922	Add funding for Administrative Aide Budget Modification	52,383
Budget Modification reimbursement from Airport and TMA		Add funding for Administrative Aide split between Parking, Airport, and the TMA	
		Decrease funding for Fleet Overhead	(10,133)
		Per Auditor Recommendation revise Fleet Overhead Allocations	
		Add funding for other equipment expense	20,329
		Per Auditor Recommendation move in-car camera Driver Enhancement Program from overhead to capital costs	
REVENUE ADJUSTMENTS	34,922	<b>EXPENDITURE ADJUSTMENTS</b>	<b>62,579</b>
<b>Airport Fund 468.01</b>			
Add Revenue for Parcel Leases	72,143	Add funding for Administrative Aide Budget Modification	17,461
Per Auditor Recommendation		Administrative Aide share between Parking, Airport, and the TMA	
Decrease Miscellaneous Revenues	(25,000)	Decrease funding for Fleet Overhead	(2,448)
Per Auditor Recommendation		Per Auditor Recommendation revise Fleet Overhead Allocations	
		Add funding for other equipment expense	4,518
		Per Auditor Recommendation move in-car camera Driver Enhancement Program from overhead to capital costs	
REVENUE ADJUSTMENTS	47,143	<b>EXPENDITURE ADJUSTMENTS</b>	<b>19,531</b>
<b>Stormwater Fund 470.01</b>			
		Add funding for Disposal Tip Fees	24,045
		Move the contract for Melrose Ditch from Sanitation	
		Decrease funding for Fleet Overhead	(44,080)
		Per Auditor Recommendation revise Fleet Overhead Allocations	
		Add funding for other equipment expense	11,068
		Per Auditor Recommendation move in-car camera Driver Enhancement Program from overhead to capital costs	
		Decrease funding for CIP Projects	(1,700,000)
		Remove funding for	
REVENUE ADJUSTMENTS	-	<b>EXPENDITURE ADJUSTMENTS</b>	<b>(1,708,967)</b>

**CHANGES TO FY 2014 PROPOSED BUDGET - OTHER FUNDS**  
**Since Proposed Budget on July 9, 2013**

Revenues & Other Sources Adjusted Since Proposed Budget		Expenditures & Other Uses Adjusted Since Proposed Budget	
<b>City Insurance Fund 543.01</b>			
		Add funding for Fleet Overhead	314
		Per Auditor Recommendation revise Fleet Overhead Allocations	
		Add funding for other equipment expense	753
		Per Auditor Recommendation move In-car camera Driver Enhancement Program from overhead to capital costs	
<b>REVENUE ADJUSTMENTS</b>	-	<b>EXPENDITURE ADJUSTMENTS</b>	<b>1,067</b>
<b>Self-Insured Health Benefits Fund 545</b>			
<b>Due To/From General Fund</b>	<b>2,104,890</b>		
For fund stabilization			
<b>REVENUE ADJUSTMENTS</b>	<b>2,104,890</b>	<b>EXPENDITURE ADJUSTMENTS</b>	-
<b>Central Services Fund 581.01</b>			
		Decrease funding for Fleet Overhead	(654)
		Per Auditor Recommendation revise Fleet Overhead Allocations	
		Add funding for other equipment expense	3,813
		Per Auditor Recommendation move In-car camera Driver Enhancement Program from overhead to capital costs	
		Personnel adjustments	9,038
		Per Auditor Recommendation salary adjustments to correct payroll projection	
		Personnel adjustments	118,432
		Adjustment to personnel complement	
<b>REVENUE ADJUSTMENTS</b>	-	<b>EXPENDITURE ADJUSTMENTS</b>	<b>130,629</b>
<b>Vehicle Fund 583.01</b>			
<b>Decrease Revenue for Fleet Overhead Vehicle FD583.01</b>	<b>(29,441)</b>	<b>Add funding for Box Truck for Parks &amp; Recreation Vehicle</b>	<b>25,000</b>
Per Auditor Recommendation revise Fleet Overhead Allocations		Per Auditor Recommendation governmental fund vehicle purchases should be in the Vehicle Fund	
<b>Decrease Revenue for Fleet Overhead Vehicle FD583.01</b>	<b>(1,000,000)</b>	<b>Add funding for other equipment expense</b>	<b>(321,455)</b>
Per Auditor Recommendation remove in-car camera Driver Enhancement Program from overhead		Per Auditor Recommendation move In-car camera Driver Enhancement Program from overhead to capital costs	
		Personnel adjustments	(103,205)
		Adjustment to personnel complement	
<b>REVENUE ADJUSTMENTS</b>	<b>(1,029,441)</b>	<b>EXPENDITURE ADJUSTMENTS</b>	<b>(399,660)</b>
<b>Arts &amp; Science Fund 643.01</b>			
<b>Decrease Revenue</b>	<b>(416)</b>	<b>Decrease funding for Fleet Overhead</b>	<b>(416)</b>
Adjustment for reduction in Fleet Overhead		Per Auditor Recommendation revise Fleet Overhead Allocations	
<b>REVENUE ADJUSTMENTS</b>	<b>(416)</b>	<b>EXPENDITURE ADJUSTMENTS</b>	<b>(416)</b>
<b>TOTAL REVENUE ADJUSTMENTS</b>	<b>(334,521)</b>	<b>TOTAL EXPENDITURE ADJUSTMENTS</b>	<b>(2,030,071)</b>