

**FORT LAUDERDALE CITY COMMISSION REGULAR MEETING  
JANUARY 17, 2007**

**Agenda**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE, FLORIDA  
JANUARY 17, 2007**

Meeting was called to order at 6:00 p.m. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Christine Teel  
Commissioner Charlotte E. Rodstrom  
Commissioner Carlton B. Moore (Arrived at 6:03 p.m. as noted)  
Vice Mayor Cindi Hutchinson  
Mayor Jim Naugle

Absent: None

Also Present: City Manager                      George Gretsas  
City Auditor                                      John Herbst  
City Clerk                                         Jonda K. Joseph  
City Attorney                                     Harry A. Stewart  
Sergeant At Arms                                Sergeant John Kane

Invocation was offered by Captain Tom Loudon, Area Commander, Salvation Army of Broward County, followed by the recitation of the Pledge of Allegiance.

**NOTE: All items were presented by Mayor Naugle 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).**

Vice Mayor Moore arrived at 6:03 p.m.

**Motion** made by Vice Mayor Hutchinson and seconded by Commissioner Teel that the minutes of the January 4, 2007 Conference and Regular Meetings and agenda be approved. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: None.

**Presentations**

**1. Expression of Sympathy (PRES-01)**

Commissioner Teel and the City Commission offered an expression of sympathy to the family of Robert John Rozema.

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**Consent Agenda**

**(CA)**

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

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

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**Event Agreement – Great American Duck Race (M-01)**  
**Closing West Las Olas Cul-De-Sac**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Kids in Distress, Inc. for Great American Duck Race, to be held Saturday, January 27, 2007, 10AM – 2PM; and authorizing closing the west Las Olas cul-de-sac.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0112

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**Event Agreement – Rotary Mardi Gras Run (M-02)**  
**Closing City Streets Along Route**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Rotary Club of Fort Lauderdale, Florida, Inc. for 4<sup>th</sup> Annual Rotary Mardi Gras Run, to be held Saturday, February 3, 2007, 7:30 AM – 9:30 AM, at Huizenga Plaza and along downtown streets and closing of City streets along the route.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0117

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**Event Agreement – Saint Demetrios Greek Festival (M-03)**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with the Greek Orthodox Community of Broward County, Inc. for Saint Demetrios Greek Festival, to be held Friday and Saturday, February 9 and 10, 2007, 11 AM – 11 PM; and Sunday, February 11, 2007, 12 Noon – 8 PM, on church grounds – 815 NE 15 Avenue.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0118

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**Event Agreement – Super Bowl Party 2007 (M-04)**  
**Closing Sunrise Lane – 9 Street to North End**  
**Of Parrot Lounge**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with North Beach Square Neighborhood Association, Inc. for Super Bowl Party 2007, to be held Friday through Sunday, February 2-4, 2007, 12 Noon – 11 PM and closing Sunrise Lane from NE 9 Street to north end of Parrot Lounge.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0097

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**Event Agreement – FTL MODA 2007 Fort Lauderdale (M-05)**  
**Fashion Weekend**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with FTL MODA, Inc. for FTL MODA 2007 Fort Lauderdale Fashion Weekend, to be held at Huizenga Plaza on Saturday and Sunday, January 27 and 28, 2007, 12 Noon to 9 PM.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0108

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**Event Agreement – A-1-A Marathon (M-06)**  
**Closing Streets Along Route**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Exclusive Sports Marketing, Inc. for A-1-A Marathon, to be held on Sunday, February 18, 2007, 5:30 AM – 12 Noon and closing of City streets along route.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0109

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**Event Agreement – Super Bowl Street Party (M-07)**  
**Closing SW 2 Street – SW 2 Avenue to West Side of Fat Cats**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Old Town at Riverwalk Merchants Association, Inc. for Super Bowl Street Party, to be held Sunday, February 4, 2007, 3 PM – 11 PM and closing of SW 2 Street.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0110

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**Event Agreement – Las Olas Gourmet Market (M-08)**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Las Olas Association, Inc. for Las Olas Gourmet Market, to be held at 1201 East Las Olas Boulevard on the following Sundays: February 11, March 11, and April 8, 2007, and at 1101 East Las Olas Boulevard on the following Sundays: February 25, March 25, and April 22, 2007, 8 AM – 1 PM.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0093

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**Event Agreement – Huizenga Light Project Unveiling (M-09)**

**No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Downtown Development Authority for Huizenga Light Project Unveiling to be held at Huizenga Plaza on Thursday, January 25, 2007, 5-9 PM.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0094

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**Parks and Recreation Department – Tennis Coordinator (M-10)**  
**Position Request**

**\$48,557 is currently included in PKR011001-3246 to fund the three-month extension and new position once it is filled.**

A motion authorizing: (1) Parks and Recreation Department to add a Tennis Coordinator position to manage and administer operations of City's tennis facilities and programs, and (2) proper City Officials to execute a three-month extension to the agreement with Tennis Management Group Inc. for tennis program services – February 28, 2007 to May 31, 2007.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0074

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**Turf Grass Maintenance Interim Services** (M-11)

**\$4,000 is budgeted in PAR020103-3237 Pkg Fund/\$4,500 in PBS660602-3237 Public Serv. Gen'l Fund/\$39,500 in PKR061901-3237/\$4,000 in PKR060301-3237 P&R Gen'l.**

A motion to approve after-the-fact payment for three months of turf grass maintenance interim services by DynaServ Florida, Inc. - \$52,000.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0106

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**Work Authorization – Keith & Schnars, P.A. - \$25,500** (M-12)  
**Survey Services – Fire Station 3**

**\$10,000 is budgeted in P10916.336, 6599 and \$15,500 to be transferred from P10912.336, 6599 to P10916.336, 6599.**

A motion authorizing the proper City Officials to execute Work Authorization 16724.11 to Keith & Schnars, P.A., in the amount of \$25,500 – survey services – Fire Station 3 – Project 10916.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0111

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**Task Order – Post, Buckley, Schuh & Jernigan, Inc. - \$30,573.20** (M-13)  
**Architectural Services – International Swimming Hall of Fame**

**\$30,573.20 is budgeted in P10720.331, sub-object 6599.**

A motion authorizing the proper City Officials to execute Task Order 2006-02 to Post, Buckley, Schuh & Jernigan, Inc., in an amount not-to-exceed \$30,573.20 – Architectural Services – Schematic Phase Accessibility Improvements International Swimming Hall of Fame.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0115

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**Task Order – Post, Buckley, Schuh & Jernigan, Inc. - \$48,415.60 (M-14)**  
**Architectural Services – Floyd Hull Stadium and Morton Center**

**\$48,415.60 is budgeted in P10720.331, sub-object 6599.**

A motion authorizing the proper City Officials to execute Task Order 2006-01 to Post, Buckley, Schuh & Jernigan, Inc., in an amount not-to-exceed \$48,415.60 – Architectural Services – Schematic Phase ADA Improvements and Master Plan Evaluation at Floyd Hull Stadium and the Morton Center.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0116

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**Task Order – CMTS Florida, LLC. – Utility Construction Inspection (M-15)**  
**Services – Northeast Large Water Main Improvements - \$266,461.33**

**\$298,436.69 to be transferred from the Water and Sewer Revenue Bonds to Project 10567.482 sub-object 6599.**

A motion authorizing the proper City Officials to execute Task Order 28 with CMTS Florida, LLC, in the amount of \$266,461.33 – utility construction inspection services – Northeast Large Water Main Improvements – Project 10567.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0092

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**Contract Award – Metro Equipment Service, Inc. - \$4,656,625 (M-16)**  
**Phase I – System-Wide Pump Station Rehabilitation Upgrades**

**\$5,215,420 to be transferred from the Water and Sewer Revenue Bonds, to Project 10874.482 sub-object 6599.**

A motion authorizing the proper City Officials to award and execute a contract with Metro Equipment Service, Inc., in the amount of \$4,656,625 – Phase I – System-Wide Pump Station Rehabilitation Upgrades – Project 10874.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0105

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**Contract Award – Trio Development Corporation - \$2,246,525 (M-17)**

**Group V Pump Station Rehabilitation and Replacement**

**\$2,516,108 to be transferred from the Water and Sewer Revenue Bonds to Project 11122.482 – 6599.**

A motion authorizing the proper City Officials to award and execute a contract with Trio Development Corporation, in the amount of \$2,246,525 – Group V Pump Station Rehabilitation and Replacement – Project 11122.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0107

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**Continuing Contract – Electrical/Mechanical Engineering Services** (M-18)

**No budgetary impact.**

A motion authorizing the proper City Officials to terminate negotiations with TLC Engineering for Architecture, Inc. and authorize negotiations with Johnson, Avedano, Lopez, Rodriguez & Walewski Engineering Group, Inc. for RFQ 262-9403 Electrical/Mechanical Engineering Services – Continuing Contract.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0102

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**Former Compost Plant Property – Reimbursement to U.S. Environmental Protection Agency - \$5,960,624** (M-19)

**\$5,960,625 needs to be transferred from available net asset in Water and Sewer Capital project Fund 454 to P11172.454, sub-object 6599 (Construction).**

A motion authorizing: (1) retention of former compost plant site – 4030 State Road 7, Dania Beach, Florida, and (2) reimbursement in the amount of \$5,960,624 to United States Environmental Protection Agency.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0126

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**Change Order 3 – Asphalt Consultants, Inc. – Credit (\$3,213.76) & Add 60 Days – East Las Olas – Seven Isles Utility Rehabilitation** (M-20)

**Transfer \$18,819.60 from the Water and Sewer Revenue Bonds to P10751.482, sub-object 6599.**

A motion authorizing: (1) Change Order 3 with Asphalt Consultants, Inc., in the CREDIT amount of (\$3,213.76) and the addition of 60 non-compensable calendar days to contract duration for additional work – East Las Olas – Seven Isles Utility Rehabilitation, and (2) transfer of \$18,819.60 from Water and Sewer Revenue Bonds to Project 10751.482.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0066

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**Change Order 1 – Miguel Lopez, Jr., Inc. - \$150,000 (M-21)**  
**2006-2007 Annual Parking Lot Repair Contract**

**\$150,000 is budgeted in P10720.331, sub-object 6599.**

A motion authorizing Change Order 1 with Miguel Lopez, Jr., Inc. in an amount not-to-exceed \$150,000 for various ADA improvements – 2006-2007 Annual Parking Lot Repair Contract – Project 11154.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0128

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**Contract Renewals – April, May, June 2007 (M-22)**

**No budgetary impact.**

A motion authorizing renewal of recommended contracts that expire during the period of April, 2007, through June, 2007, including one from January and March, 2007, and authorizing proper City Officials to execute all necessary documents.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0038

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**Mediated Settlement Agreement – Swim School, Swim Team (M-23)**  
**And City Reject Bids – RFP 762-9576**

**Projected revenues \$97,000 BUS040101-K530 Swim Contract; projected expenses \$55,000 BUS040101-3213 coach/umpire services.**

A motion to approve and authorize the proper City Officials to: (1) Execute Mediated Settlement Agreement between Jack Nelson Swim Club (“Swim School”), Aquatics Management International, Inc. (“Swim Team”) and City-resolving operational differences between the Swim School and Swim Team at the Aquatic Complex and, (2) reject all bids under RFP 762-9576.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0100

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**Revocable License – Trump International Hotel and Towers – Temporary Street Closures (M-24)**

**No budgetary impact.**

A motion authorizing the proper City Officials to execute a Revocable License Agreement for S.B. Hotel Associates – Trump International Hotel and Towers – temporary closure of portions of Terramar Street, Windamar Street and Breakers Avenue – April, 2008.

**Recommend:** Motion to approve.

**Exhibit:** Commission Agenda Report 07-0136

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<b>CONSENT RESOLUTION</b>
---------------------------

**Grant Acceptance – Metropolitan Medical Response System \$232,330 – Florida Department of Community Affairs (CR-01)**

**Grant award of \$232,330 funded in C310 DHS Pass-thru Dept. of Community Affairs in grant index code GMMRS08 (Metropolitan Medical Response System).**

A resolution authorizing the proper City Officials to accept \$232,330 from U.S. Department of Homeland Security via Florida Department of Community Affairs for Fiscal Year 2006 Metropolitan Medical Response System Grant Program and execute all necessary documents to receive and disburse these grant funds.

RESOLUTION NO. 07-14

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS UNDER THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY'S FY 06 METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE DOCUMENTS NECESSARY TO RECEIVE AND DISBURSE SUCH GRANT FUNDS.

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 07-0077

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**Street Name Change – Fort Lauderdale Grande Drive (CR-02)**

**No budgetary impact.**

A resolution changing the name of Marriott Drive to Fort Lauderdale Grande Drive.

RESOLUTION NO. 07-15

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING THAT "MARRIOTT DRIVE" BE RENAMED AS "GRANDE DRIVE."

**Recommend:** Adopt resolution.

**Exhibit:** Commission Agenda Report 06-0101

**PURCHASING AGENDA**

**Proprietary – Temporary Clerical Staff** **(PUR-01)**

**\$19,255 available from salary savings FIN040101-1101 (Vacant Accountant I position).**

Approval to purchase additional temporary clerical staff for four months is being presented for approval by the Finance Department.

**Recommend:** Motion to approve.

**Vendor:** David Wood Temporaries, Inc.  
West Palm Beach, FL

**Amount:** \$19,255.00 (estimated four months)

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 07-0099

The Procurement Services Department has reviewed this item and recommends approving the proprietary purchase.

**State – Bullet Resistant Body Armor** **(PUR-02)**

**\$10,000 from POL020406-Police Supply, sub-object 3940-uniforms; \$60,788 from POLO30201-Patrol Budget, sub-object 1101 – salaries to be put in POL020406/3940.**

Approval to purchase 145 additional "GatorHawk" bullet resistant body armor is being presented for approval by the Police Department.

**Recommend:** Motion to approve.

**Vendor:** GL Distributors, Inc.  
Pembroke Pines, FL

**Amount:** \$70,788.00

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 07-0122

The Procurement Services Department recommends approving the purchase from the State of Florida Contract.

**Additional Vehicle Rentals For Tactical Impact Unit** (PUR-03)

**\$15,000 from Law Enforcement Property Fund (Fund 104) to the General Police Confiscation account POL050201, sub-object 3307-Vehicle Rental.**

Approval for additional vehicle rentals, utilizing the existing rental car contract for Tactical Impact Unit is being presented for approval by the Police Department.

**Recommend:** Motion to approve.

**Vendor:** Enterprise Leasing Company  
Coconut Creek, FL

**Amount:** \$15,000.00 (estimated)

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 07-0087

The Procurement Services Department recommends utilizing the City of Hollywood contract for this additional expenditure.

**472-9628 – Tapping Sleeves and Valves** (PUR-04)

**\$177,000 is budgeted in PBS704135, sub-object 5401 (purchases)**

One-year contract for purchase of tapping sleeves and valves is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** HD Supply Waterworks, Ltd  
Orlando, FL  
Ferguson Enterprises, Inc.  
Newport News, VA

**Amount:** Per unit prices

**Bids Solicited/Rec'd:** 177/3

**Exhibit:** Commission Agenda Report 07-0054

The Procurement Services Department has reviewed this item and recommends awarding to the low responsive and responsible bidder.

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**472-9643 – Flexible Couplings**

**(PUR-05)**

**\$50,000 is budgeted in PBS704135, sub-object 5401 (Purchases).**

One-year contract for supply of flexible couplings is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Ferguson Enterprises, Inc.  
Newport News, VA

**Amount:** Per unit prices

**Bids Solicited/Rec'd:** 164/4

**Exhibit:** Commission Agenda Report 07-0055

The Procurement Services Department has reviewed this item and recommends awarding to the low responsive and responsible bidder.

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**Proprietary – Nortel Phone Switch**

**(PUR-06)**

**\$14,679 is budgeted in Project 10454.482, sub-object 6599.**

Approval to purchase a Nortel phone switch is being presented for approval by the Public Works Department.

**Recommend:** Motion to approve.

**Vendor:** Black Box Network Services, Inc.  
Murfreesboro, TN

**Amount:** \$14,679.00 (estimated)

**Bids Solicited/Rec'd:** N/A

**Exhibit:** Commission Agenda Report 07-0069

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

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**Co-Op – Purchase of Bunker Gear**

**(PUR-07)**

**\$148,998.20 is budgeted in FIR010501, sub-object 6499 (Other Equipment).**

Approval to purchase 85 sets of bunker gear is being presented for approval by the Fire Rescue Department.

**Recommend:** Motion to approve.

**Vendor:** Fisher Scientific Company, L.C.C.  
Pittsburgh, PA  
**Amount:** \$148,998.20  
**Bids Solicited/Rec'd:** N/A  
**Exhibit:** Commission Agenda Report 07-0072

The Procurement Services Department recommends approving the purchase from the Southeast Florida Cooperative Purchasing Contract.

**573-9637 – Turf Grass Maintenance Services** (PUR-08)

**\$29,154 is budgeted in PAR020103-3237 Pkg Fund/\$14,068 in PBS660602-3237 Public Serv. Gen'l Fund/\$612,620 in PKR060301, PKR061401.**

One-year contract to provide turf grass maintenance services is being presented for approval by the Parks and Recreation Department.

**Recommend:** Motion to approve.

**Vendor:** DynaServ Florida, Inc.  
Davie, FL  
**Amount:** \$655,842.00 (estimated)  
**Bids Solicited/Rec'd:** 162/8  
**Exhibit:** Commission Agenda Report 07-0080

The Procurement Services Department recommends awarding to the low responsive and responsible bidder.

The following items were removed from the Consent Agenda as recommended:

**Motion** made by Vice Mayor Hutchinson and seconded by Commissioner Teel that Consent Agenda Items M-10, M-16, M-19, Pur-02, Pur-03, and Pur-08 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 Moore, Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: None.

**Mediated Settlement Agreement – Swim School, Swim Team** (M-23)  
**And City Reject Bids – RFP 762-9576**

Mayor Naugle announced that this item was removed from tonight's agenda.

**Street Name Change – Fort Lauderdale Grande Drive** (CR-02)

The City Clerk announced that the street name is being changed from Marriott Drive to Grande Drive.

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**Parks and Recreation Department – Tennis  
Coordinator Position Request**

**(M-10)**

Commissioner Rodstrom said she would have preferred the two items to be voted on separately.

In response to Commissioner Rodstrom, Phil Thornburg, Director of Parks and Recreation, said that the individual has been in this position for the last nine years and no complaints were received until the last two months.

Commissioner Rodstrom said Whitney Kraft is an essential part of the tennis community. He was groomed personally by Jimmy Evert. He has a huge following in the community. She understood the independent contractor position which he currently holds is becoming a City employee position. Mr. Thornburg said that the position would be changing from a contract employee to a City employee, but it would be opened for competitive bids.

Commissioner Rodstrom outlined her understanding of the civil service process. The current individual who already has this job and has been performing it for nine years. He has an incredible following, handpicked by Jimmy Evert and is well established in the community. He will have to re-apply for this job that he has been doing for the last nine years. He has survived the last three city manager's and there have been no problems until now. She questioned if this is a legal or political matter. If this is a legal matter, she asked if the same would take place for all independent contractors that work for the City. The City Attorney said this problem was raised by his office. The current contract needs to be amended significantly because of problems that arose over the years with basically granting City property and the way the City has treated some of its special coaches. If the Commission wants to continue to contract out the services, then a contract could be drafted to do so. Staff's recommendation was that it would be easier to bring the position in-house and have the facilities run by an employee as opposed to someone on the outside.

Commissioner Rodstrom said if this is a legal matter, then it would apply across the city and every independent contractor could have a legal problem with their contract. In other words, Coach Nelson would have to apply for the job. The City Attorney said that it is potentially across the city. Independent contracts are required to be bid out. There is a provision in the ordinance which allows the City, under certain circumstances where a unique coach or skill is involved, to enter into a contract with such individuals in order for those services to be provided on City property, and to utilize City services in order to teach their classes. The City charges these individuals a portion of the revenue in order to pay for use of the facilities. Also, there are coaches on staff, which is this proposal; they are City employees.

Commissioner Rodstrom understood he would still have to apply for the job and there is no guarantee he would get the job. The Commission would be giving up the ability to make that determination in this case and probably others such as Jack Nelson. The City Attorney indicated that is the civil service portion of the Charter.

**Motion** made by Commissioner Rodstrom to defer this item until the Jack Nelson Swim School matter is finalized.

Commissioner Moore said this is being done for several reasons. He understood it would be appropriate for the City to utilize their present budget and gain more control over swimming programs throughout the city, utilizing a particular person who would benefit a number of constituents, rather than just a few. If staff has limited control in delivery of service, the City should try to maximize it. He agreed that the political end should be taken out of this. It has been political for a number of the years. A particular individual is given the opportunity politically to garnish salary and staff paid for by the public, such as the swimming pool and the tennis court. Staff has made a recommendation that they would be able to deliver this service to more individuals if they were able to manage the position. Mr. Thornburg confirmed that as correct. This position has grown over the last few years. It is more than just the Jimmy Evert Tennis Center.

The City Manager explained that the reality is that the relationship the City has had with Mr. Kraft has gone on for years. At some point as staff processed the next year, the City Attorney's office looked at it and said it is not legal. Had that not been said, this discussion would not be occurring now. Unfortunately, Mr. Kraft was the subject of personal attacks by an individual at the early stages of this. He did not feel the matter should be delayed for Mr. Kraft's sake.

Vice Mayor Hutchinson said that this agenda item was heard on December 12<sup>th</sup>. There was the opportunity to bring these issues forward. The matter was tabled so staff could meet with individuals from the Tennis Center, along with anyone in the community who was interested. A meeting was held at Holiday Park in December. She believed what is being done has no reflection on Mr. Kraft's ability to perform the job. This is simply cleaning up old contracts that are not in the City's best interests legally. Mr. Kraft may apply for the position. She felt the City is moving in the right direction. She did not want to table the matter.

Commissioner Rodstrom said at the December meeting, one request was if this moves forward, that there be citizen input on who is hired, a citizen representative sit on the interview committee. Mr. Thornburg said that if there are a lot of applicants, there would be a selection committee to review all applications and rank the top five. Mr. Thornburg and the City Manager's Office would make the final decision, but citizens could assist in the selection of the top five applicants if there are that many.

Commissioner Moore said if an individual is as renowned as the public is saying, then that individual could work at any club they so desired. There would still be accessibility. He has always been concerned how the City utilizes public property and allow a vendor or consultant to operate such public venue as if they own it and there is a lack of competition. There have been a number of contracts in the past in connection with public property and in once instance it had been over 40 years before a bid was put out. He commended staff in their attempt to deliver services better. He did not eliminate this individual from being a potential candidate. He was concerned making this a public selection is dangerous.

In response to Commissioner Moore, Averill Dorsett, Director of Human Resources, said that sometimes individuals are chosen of the same profession from another city to assist in reviewing applications, but the general public is not normally involved. Commissioner Moore thought the legality of the process could be compromised. If an individual of the same professional background is offering their professional opinion in connection with the evaluation of another professional, that should be as far as the City goes.

Commissioner Rodstrom suggested Mr. Evert be asked to serve on such a committee as a professional tennis person.

**Motion** made by Commissioner Moore and seconded by Vice Mayor Hutchinson to approve the item as presented. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, and Commissioner Teel. NAYS: Commissioner Rodstrom and Mayor Naugle.

In light of concerns of this being politicized, he felt it would be best if the selection process remain in-house. There are two factions involved. It is very unusual to have the public involved in the selection process. This is a management decision.

Commissioner Rodstrom asked if a motion could be made at this time requesting that Mr. Evert be a member of the selection committee as an expert in the field of tennis.

Commissioner Moore did not think it is appropriate at this time. He did not have a problem in having this as an item on the agenda, so that the public would have the opportunity to understand what is involved. Mayor Naugle concluded it would be scheduled for discussion.

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**Contract Award – Metro Equipment Service, Inc. - \$4,656,625**  
**Phase I – System-Wide Pump Station Rehabilitation Upgrades**

**(M-16)**

Commissioner Rodstrom said this is a single bid and the amount is over \$4 million. She asked who estimated the job at \$5 million. Paul Bohlander, Assistant Utilities Services Director, said these jobs are estimated by CH2Mhill, Program Management Partner, on a project-by-project basis.

Commissioner Rodstrom said she has a problem with the single-bid process. She believed it is either rigged or the specifications are set for only one qualified bidder to be able to apply or the City's mailing list is not broad enough. She asked how many responses were received, how many were mailed and so forth.

Commissioner Moore left the dais at approximately 6:24 p.m. and returned to the dais at approximately 6:25 p.m.

Mr. Bohlander said this is not like a typical purchasing item where a certain number of notices are mailed out. This work was advertised in all of the usual places. Normally such work is done by large contractors, and so there is a limited pool of contractors who might entertain this kind of work. Typically, a single bid would be reviewed closely and this was looked at closely. It is apparent that Metro, when placing their bid, did not feel they would be the only bidder. They are almost \$1 million below the engineer's estimate. If he was the only bidder, he would come in closer to the engineer's estimate or be a lot

higher. This company also placed a bid on a similar project on tonight's agenda and ranked number two; their pricing was competitive in that case. He believed it is competitive in this case also.

Commissioner Rodstrom mentioned other recent single bid awards.

**Motion** made by Commissioner Rodstrom to send this project out for re-bid died for lack of a second.

**Motion** made by Commissioner Moore and seconded by Vice Mayor Hutchinson to approve the item as presented. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioner Teel and Mayor Naugle. NAYS: Commissioner Rodstrom.

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**Former Compost Plant Property – Reimbursement to U.S. Environmental Protection Agency - \$5,960,624** (M-19)

Commissioner Moore did not feel the City should have to repay any monies. He recognized the City did everything possible not to have to do so. The federal government asked the City to do a trial product that failed. He commended staff for fighting the issue. He suggested that management recommend that the City pay \$1 million annually over the next six years instead of making one lump sum payment. Albert Carbon, Director of Public Works, said that staff could make such a recommendation, but there would be no guarantee that the payments could be extended.

**Motion** made by Commissioner Moore and seconded by Vice Mayor Hutchinson to approve the item as presented with the noted request as to payment methodology. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: None.

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**State – Bullet Resistant Body Armor** (PUR-02)

Commissioner Moore was opposed to this item.

**Motion** made by Vice Mayor Hutchinson and seconded by Commissioner Teel to approve the item as presented. Roll call showed: YEAS: Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: Commissioner Moore.

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**Additional Vehicle Rentals For Tactical Impact Unit** (PUR-03)

Commissioner Moore opposed this item because he is concerned about piggybacking onto another contract.

Commissioner Rodstrom asked if the tactical unit is an undercover status unit. Kirk Buffington, Director of Procurement Services, confirmed that as correct.

Commissioner Rodstrom asked why they would be driving rental cars instead of those having been confiscated so as to blend with the community. Mr. Buffington said the

majority of confiscated vehicles do not become the possession of the City because the majority of drug persons do not own those vehicles. Ultimately, the vehicles are returned to the registered owners. Rental cars allow the undercover officers to exchange them as needed.

Commissioner Rodstrom asked if rental vehicles have a different type of license tag making them identifiable. She also asked if confiscated vehicles had been used in drug activity should those vehicles continue to be used because they are well known to drug related individuals. Police Captain Michael Gregory said tag numbers change on rental cars. The cars also have to meet criteria before they are accepted. Not all cars seized, are easily brought into service for the City. They need to be serviceable by the garage; otherwise there would be an investment for maintenance. Most vehicles are either returned or sold at auction.

In response to Commissioner Rodstrom, Captain Gregory felt this would be the most effective way, rotating cars and keeping a variety available.

Commissioner Rodstrom asked how many rental vehicles are already in the Police Department. Captain Gregory said there is an existing grant that allows for renting vehicles and getting reimbursed. This would be a similar type of arrangement, but the Department would be paying for this out of confiscated funds and not from the General Fund.

**Motion** made by Vice Mayor Hutchinson and seconded by Commissioner Moore to approve the item as presented. Roll call showed: YEAS: Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: Commissioner Moore.

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### **573-9637 – Turf Grass Maintenance Services**

**(PUR-08)**

Commissioner Rodstrom noted this is related to Item M-11. Kirk Buffington, Director of Procurement Services, confirmed Commissioner Rodstrom outline of this item. She was opposed to this item. The bid tabulations are broad for the specifications.

Commissioner Moore left the dais at approximately 6:33 p.m.

In response to Commissioner Rodstrom, Mr. Buffington clarified the difference between Item M-11 and this item. Item M-11 was not an extension; it was payment for services they continued to do while this bid was going through the bid process. One of the reasons the evaluation took longer than normal is because of the wide diversity in the numbers. Three bidders are clumped in the middle. The first three bidders clearly did not understand the scope of services. This has gone from a process of just mowing grass and cleaning out weeds and a little litter control to a more expanded scope of services, including the ability of the contractor to apply herbicides to control weeds in the medians. The first three contractors did not have the appropriate licenses for that work. The competitive marketplace has shown the City that is what the difference in scope of services will cost.

Commissioner Moore returned to the dais at approximately 6:34 p.m.

Commissioner Moore said the issue is there might have been a way to separate weeding and chemical use into two separate contracts so there could be a larger pool of individuals responding and small disadvantaged businesses could perform some of the services. This RFP was bundled in such a way as to limit responses. He did not support this item. The City may have convoluted the bid and has not gotten the best price.

**Motion** made by Vice Mayor Hutchinson and seconded by Commissioner Teel to approve the item as presented. Roll call showed: YEAS: Vice Mayor Hutchinson, Commissioner Teel and Mayor Naugle. NAYS: Commissioners Moore and Rodstrom.

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<b>RESOLUTIONS</b>
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**Appeal – Planning & Zoning Board Decision – Site Plan (R-01)**  
**Case 59-R-06 – V & L Associates – 3465 Galt Ocean Drive**  
**Parking Reduction**

**No budgetary impact.**

**Applicant: V & L Associates**  
**Location: 3465 Galt Ocean Drive**  
**Zoning: CB (Community Business)**

**Motion** made by Commissioner Moore and seconded by Vice Mayor Hutchinson to defer this item until February 6, 2007 at 6 p.m. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: None.

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**Future Land Use Plan – Small Scale Map Amendment - (R-02)**  
**Fire Station 3 – Conservation to Community Facilities –**  
**Case 15-T-06**

**No budgetary impact**

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 07-11

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA , APPROVING THE TRANSMITTAL OF A SMALL SCALE AMENDMENT TO THE CITY OF FORT LAUDERDALE FUTURE LAND USE PLAN TO CHANGE THE DESIGNATION OF CERTAIN LAND LOCATED SOUTHWEST OF THE INTERSECTION OF S.W. 28<sup>TH</sup> STREET AND S.W. 4<sup>TH</sup> AVENUE FROM CONSERVATION TO COMMUNITY FACILITIES TO THE BROWARD COUNTY PLANNING COUNCIL AND REQUESTING AMENDMENT OF THE BROWARD COUNTY LAND USE PLAN.

Which resolution was read by title only. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: None.

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<b>PUBLIC HEARINGS</b>
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**Historic Designation – Americana Motor Inn – Case 11-H-06**  
**2150 SE 17 Street**

**(PH-01)**

**No budgetary impact.**

**Motion** made by Vice Mayor Hutchinson and seconded by Commissioner Moore to defer this item until April 17, 2007 at 6 p.m. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: None.

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**Historic Designation – 1610 NE 2 Court – Case 2-H-06**

**(PH-02)**

**No budgetary impact.**

**Motion** made by Vice Mayor Hutchinson and seconded by Commissioner Moore to defer this item until February 6, 2007 at 6 p.m. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: None.

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**Beach Business Improvement District -**  
**Final Assessment**

**(PH-03)**

**No budgetary impact.**

**Motion** made by Commissioner Moore and seconded by Vice Mayor Hutchinson to defer this item until February 20, 2007 at 6 p.m. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: None.

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<b>ORDINANCES</b>
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**Special Assessments For Beach Improvements**  
**Clarifying Definition – Government Property**

**(O-01)**

**No budgetary impact**

Commissioner Moore introduced the following ordinance on the second reading:

## ORDINANCE NO. C-07-02

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE 06-34 CREATING A BEACH IMPROVEMENT AREA AND AUTHORIZING THE CITY COMMISSION TO IMPOSE SPECIAL ASSESSMENTS FOR BEACH IMPROVEMENTS TO CLARIFY THE DEFINITION OF "GOVERNMENT PROPERTY" AND PROVIDING FOR AN EFFECTIVE DATE.

Which ordinance was read by title only.

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**Beach Business Improvement District – Final Assessment**

**(PH-03)**

Continued from page 20.

Michael Mann, Sea Club Resort, opposed this item. The entire beach is going through a transformation from hotels to condo hotels. According to this ordinance, the tax would be assessed by square foot. There are very few small budget hotels remaining on the beach. The new ordinance would exempt the condo hotels from paying the tax. Mayor Naugle said that the condo hotel is a commercial use; the unit cannot be lived in year-round; it is taxed as a hotel. The City Attorney confirmed this is correct.

Mr. Mann asked if each unit would pay the tax. The City Attorney confirmed that is correct. Mr. Mann indicated that was not how it had been explained to him.

Mayor Naugle said that Mr. Mann's comments have to do with PH-03 which has been deferred until February 20, 2007. The Commission is now discussing Item O-01.

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**Special Assessments For Beach Improvements  
Clarifying Definition – Government Property**

**(O-01)**

**Continued from Page 20**

Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: None.

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**Beach Redevelopment Advisory Board – Membership Composition**

**(O-02)**

**No budgetary impact**

Commissioner Moore introduced the ordinance on the second reading:

ORDINANCE NO. C-07-01

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-88-56 CREATING THE BEACH

REDEVELOPMENT BOARD AS AMENDED BY ORDINANCE NO. C-92-4, IN ORDER TO ADD THREE MEMBERS TO THE BOARD.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: None.

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**Amend Operating Budget – Fiscal Year 2006-2007 (O-03)**  
**Transfer From Water and Sewer Capital Project Fund**  
**454 - \$5,960,624**

**\$5,960,624 to be transferred from available Net Assets in the Water and Sewer Capital Project Fund 454 to P11172.454, sub-object 6599 (Construction).**

Commissioner Moore introduced the ordinance on the first reading:

ORDINANCE NO. C-07-03

AN ORDINANCE AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 BY TRANSFERRING \$5,960,624 FROM NET ASSETS IN THE WATER AND SEWER CAPITAL PROJECT FUND 454 TO WATER AND SEWER FUND, THE REIMBURSEMENT FOR COMPOST PLANT SITE CONSTRUCTION ACCOUNT WITHIN THE FINAL OPERATING BUDGET.

Which ordinance was read by title only.

Based on his earlier comments, Commissioner Moore asked if it is necessary to move forward on this item now. Albert Carbon, Director of Public Works, said this is the first reading; it and will come back for the second reading.

Mayor Naugle said if the federal government charges the City an interest rate and it is higher than what it would cost the City to borrow on a revenue bond or a state loan, it might not be to the City's advantage to make payments. Commissioner Moore agreed, but wanted the matter looked into.

Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: None.

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**Florida League of Cities' 2007 Legislative Priorities**

Mayor Naugle asked about the League of Cities' Legislative package which was supposed to be on tonight's agenda.

**Motion** made by Commissioner Moore and seconded by Vice Mayor Hutchinson to adopt a resolution supporting the Florida League of Cities' priority legislation.

## RESOLUTION 07-13

A RESOLUTION OF THE CITY OF FORT LAUDERDALE URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FLORIDA LEAGUE OF CITIES LEGISLATIVE PRIORITY ISSUES DURING THE 2007 LEGISLATIVE SESSION AS LISTED IN THE ATTACHED EXHIBIT.

Which resolution was read by title only.

Commissioner Rodstrom said that the resolution presented to the Commission by the League of Cities is a draft that identified four hundred plus cities. It was not something that every city had to adopt. She questioned the use of the word, restore, with respect to home rule powers.

Mayor Naugle said the League of Cities stated in their letter that they want to take a strong position to protect municipal revenues and the resolution attached had been adopted by 'X' number of cities. They indicated if the wording was changed, then you should not bother to submit it. He preferred to leave the resolution as presented. If it is amended, the City's vote would not be counted. Commissioner Rodstrom suggested saying maintain home rule.

**Motion** made by Commissioner Moore and seconded by Vice Mayor Hutchinson to call the question. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioner Teel and Mayor Naugle. NAYS: Commissioner Rodstrom.

The following vote was taken on the resolution introduced by Commissioner Moore. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioner Teel, and Mayor Naugle. NAYS: Commissioner Rodstrom.

**Swim Club and Swim Team Contract Extensions****(OB)**

**Motion** made by Commissioner Moore and seconded by Vice Mayor Hutchinson authorizing agreements for both the Swim Club and Swim Team be extended for 30 days ending February 28, 2007. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: None.

**Advisory Board /Committee Appointments****(OB)**

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

Beach Redevelopment Advisory  
Board

Amaury J. Piedra  
Judith Scher  
Eileen Helfer  
Henry A. Sniezek  
Eunice Miranda Lopez

	Shirley Smith
Budget Advisory Board	Alan Silva
Cemeteries Board of Trustees	Alfred C. Calloway Anne Platt Mark Van Rees Larry W. Sherman Jose Manuel Portela
Community Appearance Board	John Castelli
Historic Preservation Board	Jay Marion Adams
Nuisance Abatement Board	Caldwell Cooper Harry MacGrotty Pat Mayers Douglas H. Reynolds David C. Svetlick Laurie A. Watkins, Alternate

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 07-12

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

Which resolution was read by title only. Roll call showed: YEAS: Commissioner Moore, Vice Mayor Hutchinson, Commissioners Teel and Rodstrom, and Mayor Naugle. NAYS: None.

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The City Manager introduced the new Fire Rescue Chief, Jim Eddy, who reviewed his background.

The City Manager thanked Interim Chief Gerald Simon for his hard work and efforts.

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Fort Lauderdale City News

Mayor Naugle said that the Fort Lauderdale City News is holding a citizen volunteer appreciation event. Staff recently sent out an email requesting nominations. Steve Kelly publishes this newspaper. He has found Mr. Kelly to be one of the most dishonest people in the city. He was dismissed from a neighborhood when they discovered funds

missing. Some of the articles he writes are scandalous. He preferred not to have the City participate in this event.

Commissioner Rodstrom said that the Commission staff is being asked to participate. The office is short two employees now, therefore, she did not think the timing is right.

Vice Mayor Hutchinson said the e-mail she saw came from a District II Fort Lauderdale taxpayer, asking if any of the commission districts wanted to participate, and if any commissioner had volunteers who were worthy of being recognized. City staff help was not requested.

Commissioner Moore said he holds freedom of the press very dearly. To claim selectivity with respect to a particular newspaper, he hoped the Commission would not endear with its comments. It should be at each individual's discretion. He would not use this platform to take a position with respect to a newspaper.

Commissioner Teel referred to an article concerning a citizen that she honored recently was filled with misrepresentations. She found articles to be full of inaccuracies and no opportunity to respond to them. The City is capable of honoring their volunteers. She did not want to be associated with this group.

Commissioner Rodstrom did not feel it would be setting the right precedent for the Commission to endorse volunteers to other agencies.

Mayor Naugle concluded that City staff would not participate. In response to Commissioner Moore, Mayor Naugle clarified that he is not speaking about City staff participating on their own time.

There being no other matters to come before the Commission, the meeting was adjourned at 7:02 p.m.

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Jim Naugle  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk