

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
NOVEMBER 16, 2010

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE
November 16, 2010**

Meeting was called to order at 6:04 p.m. by Mayor Seiler on the above date, in City Hall, 100 North Andrews Avenue, 1st floor Chambers.

Roll call showed:

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

Absent: None.

Also Present: Acting City Manager Allyson C. Love
City Auditor John Herbst
City Clerk Jonda K. Joseph
City Attorney Harry A. Stewart
Sergeant At Arms Sergeant Jaime Costas

Invocation was offered by Reverend Michael "Happy" Hoyer, Our Lady Queen of Martyrs, followed by the recitation of the pledge by Robert Walsh.

NOTE: All items were presented by Mayor Seiler unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

Motion made by Commissioner Roberts and seconded by Commissioner DuBose to approve the minutes of the October 5, 2010 Conference Meeting and October 19, 2010 Regular Meeting.

In response to Commissioner Rodstrom, the City Clerk advised that the audio recording of the meetings is available.

Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

Presentations

1. **Happy 100th Birthday Wish from Willard Scott - City's Centennial Celebration** (PRES-01)

Lisa Scott-Founds, President and CEO of Winterfest, thanked the Commission for choosing Winterfest as the kick-off celebration for the centennial. She presented a video clip from NBC's Today Show personality Willard Scott wishing a happy 100th birthday to the city.

2. National Family Week – November 21-26, 2010 (PRES-03)

Mayor Seiler announced a proclamation designating November 21-26, 2010 as National Family Week in the city. Due to illness, the recipient, Reed Markham, Director of Alliance for Children and Families, was unable to take delivery this evening.

3. Pancreatic Cancer Awareness Month – November, 2010 (PRES-04)

Commissioner Roberts presented a proclamation designating the month of November, 2010, as Pancreatic Cancer Awareness Month in the city to Stephen Ferrante, Education and Outreach Coordinator of South Florida Affiliate Pancreatic Cancer Action Network. Mr. Ferrante thanked the Commission.

4. Community Appearance Board – WOW Award – District II (PRES-05)

Commissioner Rodstrom recognized James Farrick who resides in Victoria Park as the recipient of the WOW Award for District II. Mr. Farrick thanked his nominators. He urged residents to pitch in and improve the city's neighborhoods.

5. Joseph C. Carter Park Legacy Circle Program (PRES-02)

Commissioner DuBose acknowledged his former election opponent, Nadine Hankerson, for her service to the city and involvement in this program. He went on to present a proclamation designating November 16, 2010 as Carter Park Legacy Circle Honoree Day in the city to the following inductees: Ada Moore; Floree Dixon; Johnny Alexander; Robert Green; Herbert Burrows; George Burrows; Louise Dowdy; Mickey Hinton; Calvin Shirley; and Levi Henry. He thanked them for their legendary service to the community. Ms. Hankerson thanked the Carter Park staff and encouraged the public to reinvest in the community. Mayor Seiler thanked the inductees and Dr. Hankerson for their contributions to the city.

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.

**Rezoning to Planned Unit Development – 1224 East Las Olas Boulevard (PH-02)
First Presbyterian Church of Fort Lauderdale – Case 4-ZPUD-08**

No budgetary impact.

Motion made by Vice Mayor Rogers and seconded by Commissioner Roberts to defer the item to February 15, 2011 (request of Applicant). Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

**Contract Award – Homestead Concrete & Drainage, Inc. - \$130,291 (M-13)
Sidewalk – SE 10 Avenue – Harbordale Elementary School**

Please see funding information attached to these minutes.

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

**Task Order 1 – Post Buckley Schuh & Jernigan, Inc. (M-16)
State Road A-1-A Streetscape Feasibility Study**

Please see funding information attached to these minutes.

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

**Event Agreement – (M-01)
1st Annual Fort Lauderdale Beach Bench Press Benefit**

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Collaboration For Restoring Families Inc. for 1st Annual Fort Lauderdale Beach Bench Press Benefit, to be held January 8, 2011, 12 PM – 6 PM, at D.C. Alexander Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1641

Event Agreement – Dolphins Cycling Challenge* (M-02)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with South Florida Sports Foundation, Inc. for Dolphins Cycling Challenge, to be held November 20, 2010, 8 AM – 1 PM, and November 21, 2010, 10 AM – 2 PM, contingent upon City Attorney receiving and approving a validly executed agreement.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1642

*The Background/Detail section of this Commission Agenda Report (10-1384) was revised in accordance with Memorandum No. 10-313 which is attached to these minutes.

Event Agreement – Festival of Joy

(M-03)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Calvary Chapel Church, Inc. for Festival of Joy, to be held December 21 and 22, 2010, 5 PM – 9 PM on church property.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1643

Event Agreement – Riverwalk on Water – Paddle Board Challenge

(M-04)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Riverwalk Fort Lauderdale, Inc. for Riverwalk on Water – Paddle Board Challenge, to be held December 4, 2010, 9 AM - 2 PM, at Esplanade and on the New River.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1645

Event Agreement – Movie In The Park

(M-05)

No budgetary impact.

A motion authorizing and approving execution of an Event Agreement with Leadership Broward Foundation, Inc. for Movie In The Park, to be held December 10, 2010, 7 PM – 9 PM, at Huizenga Plaza.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1646

**Event Agreement – Home for The Holidays
Closing Portion of SW 2 Avenue****(M-06)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Tarpon Bend Food and Tackle – Riverwalk, Ltd. for Home for the Holidays, to be held November 24, 2010, 6 PM – 12 Midnight, at Tarpon Bend – 200 SW 2 Street and closing a portion of SW 2 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1657

Event Agreement – Rio Vista Holiday Party**(M-07)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Rio Vista Civic Association, Inc. for Rio Vista Holiday Party, to be held December 4, 2010, 5:30 PM – 10 PM, at Virginia Young Park.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1680

Event Agreement – Chanukah on Las Olas**(M-08)****No budgetary impact.**

A motion authorizing and approving execution of an Event Agreement with Mekor Chayim, Inc. for Chanukah on Las Olas, to be held December 5, 2010, 12 Noon – 5 PM, on the Riverside Hotel lawn.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1681

**IRS Voluntary Compliance Program –
Police and Firefighters Retirement System****(M-09)****No budgetary impact.**

A motion authorizing the Mayor to execute Internal Revenue Service voluntary compliance statement – Police and Firefighters Retirement System.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1675

Disbursement of Funds/Joint Investigation/O.R. 08-116072 - \$4,776.42 (M-10)
Law Enforcement Trust Fund

Please see funding information attached to these minutes.

A motion authorizing equitable disbursement of \$28,658.12 with each of the eleven participating law enforcement agencies to receive \$2,388.17 and Fort Lauderdale Police Department to receive \$4,776.42 due to additional assigned agent.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1604

Donation – Solar Photovoltaic System – Beach Community Center (M-11)
Agreements – FPL Group Foundation, Inc.

No budgetary impact.

A motion authorizing the proper City Officials to execute agreements with FPL Group Foundation, Inc. relating to 1) donation of 5KW solar photovoltaic system to be installed at Beach Community Center and 2) interconnection – customer-owned renewable generation tier 1-10 KW or less.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-0907

Contract Award – A Cut Above Landscape and Maintenance, Inc. - (M-12)
\$89,538.75 NE 15 Avenue Median Landscaping Improvements

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to award and execute contract with A Cut Above Landscape and Maintenance, Inc., in the amount of \$89,538.75 – NE 15 Avenue median landscaping improvements – Project 11491.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1628

Contract Award – Homestead Concrete & Drainage, Inc. - \$130,291 (M-13)
Sidewalk – SE 10 Avenue – Harbordale Elementary School

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to award and execute contract with Homestead Concrete & Drainage, Inc., in the amount of \$130,291 – sidewalk on SE 10 Avenue – Harbordale Elementary School – Project 11597 – Safe Route to School grant program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1630

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

Contract Award – MBR Construction, Inc. - \$27,579.84 (M-14)
Sidewalk – NW 7 Terrace – Thurgood Marshall Elementary

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to award and execute contract with MBR Construction, Inc., in the amount of \$27,579.84 – sidewalk on NW 7 Terrace – Thurgood Marshall School – Project 11596 – Safe Route to School grant program.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1631

Contract Award – Hi-Lite Markings, Inc. - \$74,470.21 (M-15)
Executive Airport – Airfield Pavement Markings Rehabilitation

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to award and execute contract with Hi-Lite Markings, Inc., in the amount of \$74,470.21 – Executive Airport Airfield Pavement Markings Rehabilitation – Project 11452.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1634

Task Order 1 – Post Buckley Schuh & Jernigan, Inc. (M-16)
State Road A-1-A Streetscape Feasibility Study

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute Task Order 1 with Post Buckley Schuh & Jernigan, Inc., in the amount of \$10,508 – State Road A-1-A Streetscape Feasibility Study – part of Central Beach Streetscape Master Plan implementation – contingency upon Community Redevelopment Agency Board appropriating funding for the task order.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1651

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

**Amendment 1 to Task Order 5 – Kimley-Horn and Associates, Inc. - \$40,500 (M-17)
Executive Airport – U.S. Customs and Border Protection Facility**

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute Amendment 1 to Task Order 5 with Kimley-Horn and Associates, Inc., in the amount of \$40,500 – civil engineering and LEED design services – Executive Airport – U.S. Customs and Border Protection Facility – Project 11242.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1653

**Change Order 2 – Gonzalez Pavement Equipments, Inc. - \$57,612.73 (M-18)
Annual Storm Drainage Contract – Inline Check Valves – Riviera Isles***

Please see funding information attached to these minutes.

A motion amending fiscal year 2010-2011 budget by authorizing Change Order 2 to Gonzalez Pavement Equipments, Inc., in the total amount of \$57,612.73 – 2010-2011 Annual Storm Drainage Contract – five inline check valves for Riviera Isles neighborhood – pilot cost-sharing program – Project 11613.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1656

*This item was revised in accordance with Memorandum No. 10-312 which is attached to these minutes. See discussion on page 21.

RESOLUTION NO. 10-315

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011, BY APPROPRIATING FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED, AND PROVIDING FOR AN EFFECTIVE DATE.

Winterfest Boat Parade – Winterfest, Inc. (M-19)
New River – Riverwalk Dockage Facility Use Agreement
Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute a dockage facility use agreement with Winterfest, Inc. – New River – Riverwalk dockage in conjunction with staging of vessels – 2010 Winterfest Boat Parade – December 11, 2010.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1555

Amendment to Agreement – Wake of Fame – Aquatic Complex (M-20)
Red Bull North America, Inc.

Please see funding information attached to these minutes.

A motion authorizing the proper City Officials to execute an Amendment to Agreement with Red Bull North America, Inc., in substantially the form provided – Wake of Fame event at Aquatic Complex – additional day – November 29, 2010 through December 4, 2010.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 10-1694

CONSENT RESOLUTION

Amendment 1 – Frequency Reconfiguration Agreement – (CR-01)
Nextel South Corporation Public Safety Radio Communications System –
Acceptance of \$20,300

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1600

RESOLUTION NO. 10-316

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AMENDMENT #1 TO FREQUENCY RECONFIGURATION AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND NEXTEL SOUTH CORP., ACCEPTING \$20,300 IN CONNECTION WITH AMENDMENT #1 TO FREQUENCY RECONFIGURATION AGREEMENT, AMENDING THE FINAL OPERATING

BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011, BY APPROPRIATING FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT, AND PROVIDING FOR AN EFFECTIVE DATE.

Amend Operating Budget – Appropriation - \$3,500
Sponsorship – 2011 Suntrust Sunday Jazz Brunch

(CR-02)

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1617

RESOLUTION NO. 10-317

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011, BY ACCEPTING AND APPROPRIATING CASH SPONSORSHIP IN THE AMOUNT OF \$3,500.00 FROM HEINEKEN FOR THE 2011 SUNTRUST SUNDAY JAZZ BRUNCH AND APPROPRIATING EXPENSES IN THE AMOUNT OF \$3,500.00 INCLUDING A \$455.00 PAYMENT TO JAN BETH IDELMAN, INC., THE EVENT FUNDRAISER, AS SET FORTH IN THE ATTACHED EXHIBIT.

Amend Operating Budget – Appropriation - \$10,000
Sponsorship – New Year’s Eve Celebration – Downtown Countdown

(CR-03)

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1662

RESOLUTION NO. 10-318

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING

SEPTEMBER 30, 2011, BY ACCEPTING AND APPROPRIATING CASH SPONSORSHIP IN THE AMOUNT OF \$10,000.00 FROM FPL FOR THE NEW YEAR'S EVE CELEBRATION DOWNTOWN COUNTDOWN 2010 AND APPROPRIATING EXPENSES IN THE AMOUNT OF \$10,000.00 INCLUDING A \$1,300.00 PAYMENT TO JAN BETH IDELMAN, INC., THE EVENT FUNDRAISER, AS SET FORTH IN THE ATTACHED EXHIBIT.

Amend Operating Budget – Appropriation - \$5,000
Sponsorship – 2010 July 4th Celebration

(CR-04)

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1667

RESOLUTION NO. 10-319

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011, BY ACCEPTING AND APPROPRIATING CASH SPONSORSHIP IN THE AMOUNT OF \$5,000.00 FROM GLACEAU FOR THE 2010 JULY 4TH CELEBRATION AND APPROPRIATING EXPENSES IN THE AMOUNT OF \$5,000.00 INCLUDING A \$650.00 PAYMENT TO JAN BETH IDELMAN, INC., THE EVENT FUNDRAISER, AS SET FORTH IN THE ATTACHED EXHIBIT.

Amend Operating Budget – Appropriation - \$21,966.80
Multi-Space Parking Meters

(CR-05)

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1672

RESOLUTION NO. 10-320

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING

THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011, BY APPROPRIATING FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED AND PROVIDING FOR AN EFFECTIVE DATE.

Grant Acceptance – Edward Byrne Memorial Justice Assistance Program (CR-06)
U.S. Department of Justice – Equipment and Supplies - \$143,989

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1633

RESOLUTION NO. 10-321

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$143,989 FROM THE UNITED STATES DEPARTMENT OF JUSTICE, UNDER THE 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG), VIA THE BROWARD SHERIFF'S OFFICE, EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN SUCH GRANT FUNDING AND AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011, BY APPROPRIATING SUCH GRANT FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT.

Grant Acceptance – Metropolitan Medical Response System Program (CR-07)
Florida Division of Emergency Management - \$317,419

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1655

RESOLUTION NO. 10-322

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO

ACCEPT GRANT FUNDS IN THE AMOUNT OF \$317,419 FROM THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF EMERGENCY MANAGEMENT – METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM, EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN SUCH GRANT FUNDING AND AMEND THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011, BY APPROPRIATING SUCH GRANT FUNDS AS SET FORTH IN THE ATTACHED EXHIBIT.

Special Counsel – Steven A. Schaet, LLC
Court-Appointed Counsel to Indigent Defendants

(CR-08)

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1673

RESOLUTION NO. 10-323

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING LAW OFFICES OF STEVEN A. SCHAET LLC AS SPECIAL COUNSEL TO INDIGENT DEFENDANTS WHEN APPOINTED BY THE COUNTY COURT IN AND FOR BROWARD COUNTY, FLORIDA, IN CITY OF FORT LAUDERDALE MUNICIPAL VIOLATION CASES.

Amend Operating Budget – Appropriation -
Water Treatment Plants and Wellfield
Access Control and Video Security System and Replacement Parts - \$100,000

(CR-09)

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1162

RESOLUTION NO. 10-324

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF

FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011, BY APPROPRIATING FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED AND PROVIDING FOR AN EFFECTIVE DATE.

Contract Award – Chaz Equipment Company, Inc. - \$399,078.35
Dixie Wellfield Well Abandonment

(CR-10)

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1615

RESOLUTION NO. 10-325

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011, BY APPROPRIATING FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE UNDERLYING DOCUMENT(S) AND PROVIDING FOR AN EFFECTIVE DATE.

Amend Operating Budget – Appropriation - \$35,000
Neighborhood and Business Capital Improvement Programs

(CR-11)

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1647

RESOLUTION NO. 10-326

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011, BY APPROPRIATING FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED, AND PROVIDING FOR AN EFFECTIVE DATE.

Grant Acceptance – (CR-12)
Museum of Discovery and Science Building Expansion
New World Aquarium and Broward Environmental Education Center - \$4,415,200

Please see funding information attached to these minutes.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1670

RESOLUTION NO. 10-327

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$4,415,200.00 FROM THE SCHOOL BOARD OF BROWARD COUNTY SECURED THROUGH FLORIDA PUBLIC EDUCATIONAL CAPITAL OUTLAY (PECO) GRANT FUNDS FOR THE MUSEUM OF DISCOVERY AND SCIENCE BUILDING EXPANSION PROJECT AND AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011 BY APPROPRIATING GRANT FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED, AND PROVIDING FOR AN EFFECTIVE DATE.

Taxiways Charlie and Delta - (CR-13)
Supplemental Joint Participation Agreement 1
Executive Airport – Florida Department of Transportation

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1626

RESOLUTION NO. 10-328

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NUMBER 1 WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, TO AMEND THE PROJECT DESCRIPTION AND RESPONSIBILITIES OF THE JOINT PARTICIPATION AGREEMENT FOR THE REHABILITATION OF TAXIWAYS "C" (CHARLIE) AND "D" (DELTA) AT THE

EXECUTIVE AIRPORT (FINANCIAL PROJECT NO. 420763-1-94-01, CONTRACT NO. APZ37).

**Executive Airport – Taxiway Golf -
Supplemental Joint Participation Agreement 1
Florida Department of Transportation**

(CR-14)

No budgetary impact.

Recommend: Adopt resolution.

Exhibit: Commission Agenda Report 10-1625

RESOLUTION NO. 10-329

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NUMBER 1 WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, TO AMEND THE PROJECT DESCRIPTION AND RESPONSIBILITIES OF THE JOINT PARTICIPATION AGREEMENT FOR THE DESIGN OF TAXIWAY “G” (GOLF) AT THE EXECUTIVE AIRPORT (FINANCIAL PROJECT NO. 420765-1-94-01, CONTRACT NO. APZ38).

PURCHASING AGENDA

**162-9565 – Self-Funded Group Health Plan –
Annual Reinsurance Renewal - \$850,136**

(PUR-01)

Please see funding information attached to these minutes.

One-year renewal – reinsurance policy for self-funded, group health plan is being presented for approval by Finance Department.

Recommend: Motion to approve.

Vendor: Companion Life Insurance Company, Columbia, SC, billed through AvMed, Inc., d/b/a AvMed Health Plans, Miami, FL

Amount: \$850,136.00 (estimated)

Bids Solicited/Rec’d: N/A

Exhibit: Commission Agenda Report 10-1583

The Procurement Services Department has reviewed this item and recommends awarding to this vendor.

115-10630 – Property Insurance Appraisal Services - \$26,025**(PUR-02)****Please see funding information attached to these minutes.**

One-year contract with three, one-year renewal options for property insurance appraisal services is being presented for approval by Finance Department.

Recommend: Motion to approve.

Vendor: Specialty Property Appraisals LLC
Miami Beach, FL

Amount: \$26,025.00

Bids Solicited/Rec'd: 615/6

Exhibit: Commission Agenda Report 10-1638

The Procurement Services Department has reviewed this item and recommends awarding to the first ranked proposer for the property insurance appraisal services.

Excess Workers Compensation Insurance Audit Premium - \$52,359**(PUR-03)****Please see funding information attached to these minutes.**

Payment of City's excess workers compensation insurance audit premium to Arch Insurance Company through Thomas Rutherford, Inc., City's agent at time of original policy purchase, is being presented for approval by Finance Department.

Recommend: Motion to approve.

Vendor: Arch Insurance Company, New York, NY via City's agent
at the time of the original policy, Thomas Rutherford, Inc.,
Richmond, VA

Amount: \$52,359.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1640

The Procurement Services Department has reviewed this item and recommends approval of additional insurance premium.

504-10412 – Multi-Space Parking Meters - \$21,966.80**(PUR-04)****Please see funding information attached to these minutes.**

Purchase two digital multi-space parking meters – SE 1 Avenue behind Museum of Art – presented for approval by Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Digital Payment Technologies Corp.
Burnaby, BC
Amount: \$21,966.80
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 10-1659

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

Mechanical, Electrical and Plumbing Engineering Services - (PUR-05)
Continuing Contract

No budgetary impact. Funding for these services will be derived from individual projects when services are contracted through individual Task Orders.

A motion accepting Consultants Competitive Negotiation Act Selection Committee's recommendation of ranking firms – continuing contract for mechanical electrical and plumbing engineering services and authorizing proper City Officials to commence negotiations with top two ranked firms: 1) Gartek Engineering Corp and 2) DeRose Design Consultants, Inc.

Recommend: Motion to approve.

Vendor: Gartek Engineering Corporation; Miami, FL
DeRose Design Consultants, Inc.; Pompano Beach, FL
Amount: N/A
Bids Solicited/Rec'd: 509/11
Exhibit: Commission Agenda Report 10-1561

The Procurement Services Department has reviewed this item and recommends approval to negotiate with the two top ranked proposers.

413-10608 – Hydrogen Peroxide - \$386,580 (PUR-06)

Please see funding information attached to these minutes.

One-year contract for purchase of hydrogen peroxide is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: U.S. Peroxide, LLC
London, Ontario Canada
Amount: \$386,580.00 (not to exceed)
Bids Solicited/Rec'd: 592/2
Exhibit: Commission Agenda Report 10-1621

The Procurement Services Department has reviewed this item and recommends an award to the low bidder, U.S. Peroxide, LLC.

512-10612 – Co-Op Contract – Red Clay/Sand and Silica Sand - \$30,000 (PUR-07)

Please see funding information attached to these minutes.

One-year co-op contract with three, one-year renewal options for purchase of red clay/sand and silica sand is being presented for approval by Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: Pro-Grounds Product, Inc.; Miami, FL
Soil Tech Distributors, Inc.; Miami, FL

Amount: \$30,000.00 (estimated)

Bids Solicited/Rec'd: 221/6

Exhibit: Commission Agenda Report 10-1637

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

773-9676-1 – Contract Extension – (PUR-08)
Board and Committee Minutes Services - \$71,549

Please see funding information attached to these minutes.

One-year contract extension for board and committee minutes services is being presented for approval by City Clerk's Office.

Recommend: Motion to approve.

Vendor: Prototype, Inc., Davie, FL

Amount: \$71,549.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1565

The Procurement Services Department has reviewed this item and recommends approval of a one-year contract extension.

City Manager Recruitment – Executive Search Firm – (PUR-09)
Not to Exceed \$30,000

Please see funding information attached to these minutes.

Contract to purchase executive search services for city manager recruitment in substantially the form provided, is being presented for approval by Human Resources Department.

Recommend: Motion to approve.

Vendor: MBN Services, Inc., a California corporation authorized to transact business in the State of Florida as Bob Murray & Associates Inc.
Tallahassee, FL

Amount: \$30,000.00 (not to exceed)

Bids Solicited/Rec'd: 7/7

Exhibit: Commission Agenda Report 10-1695

The Procurement Services Department has reviewed this item and agrees with the recommendation.

The following items were removed from the Consent Agenda:

Motion made by Commissioner DuBose and seconded by Commissioner Rodstrom that Consent Agenda Items M-04, M-12, M-18, and PUR-09 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 Rodstrom, Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

Event Agreement – Riverwalk on Water – Paddle Board Challenge (M-04)

This item was removed from the consent agenda so that the event could be announced by Josh Vajda, representing the Riverwalk Trust.

Mayor Seiler noted that 71,000 of the City's 100,000-hour Volunteer Challenge have been logged thus far.

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

Contract Award – A Cut Above Landscape and Maintenance, Inc. - \$89,538.75 NE 15 Avenue Median Landscaping Improvements (M-12)

Robert Walsh, 401 East Las Olas Boulevard, questioned who owns this business. Albert Carbon, Public Works Director, explained that responsiveness to the bid, qualifications, insurance and bond are checked, not the corporate officers. In response to questions raised by Mayor Seiler and Commissioner Rodstrom, he advised this is a Florida

corporation that was the most responsive bidder. There were eight bidders. He also noted the funding source.

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

Change Order 2 – Gonzalez Pavement Equipments, Inc. - \$57,612.73 (M-18)
Annual Storm Drainage Contract – Inline Check Valves – Riviera Isles

Joe Holland, 1919 NE 32 Avenue, noted his experience and credentials as a professional engineer. Although he understood Riviera Isles' desire to relieve their lunar high-tide related flooding, he expressed concern regarding the expensive maintenance costs to be paid by the City. He suggested the City be reimbursed. He wanted the Commission to pursue securing more definitive maintenance cost information. He pointed to a problem in Sunrise Key that needs proper studying. He did not want this to be an everlasting maintenance commitment for the city.

In response to Commissioner DuBose, Albert Carbon, Public Works Director, advised that this change order is for five valves. On December 7, a reimbursement agreement will be presented for the homeowners association to pay their portion of the change order approved (October 19, 2010) and these five valves. It was necessary to move forward with this change order to ensure the valves are installed before the upcoming high tides. The City agreed to pay 50 percent of the cost for the first seven valves which was just awarded (October 19, 2010). The cost of this change order will be borne entirely by the homeowners association.

Mayor Seiler believed Mr. Holland's concerns are valid, but emphasized the need to try out the valves as a possible solution. Mr. Carbon indicated that the concerns raised by Mr. Holland were addressed. In response to Vice Mayor Rogers, he noted that access to the valves was improved by placing them in the right-of-way, rather than the canal. He went on to elaborate upon what is required for maintenance and installation particulars. This will be an addition to the City's inventory and maintenance responsibility. He offered to report back on the percentage of increased maintenance, but thought a two-man crew each quarter for approximately one day would be required for each valve.

Mayor Seiler shared Mr. Holland's concerns, but explained there is a severe flooding problem. This type of valve is less costly than previous proposals. He reasoned that the City will not reimburse Riviera Isles if the valves prove ineffective. Mr. Carbon confirmed that there is percolation occurring in Sunrise Key from rising groundwater, not the pipeline. Commissioner Rodstrom pointed out this neighborhood wants to address the issue now, rather than wait for the capital improvement project planned for 2014.

Motion made by Commissioner Rodstrom and seconded by Commissioner DuBose to approve the item [revised to be a resolution (Memorandum 10-312)] including authorizing Change Order 2 with Gonzalez Pavement Equipments, Inc (pilot cost-sharing program with Riviera Isles). Roll call showed: YEAS: Commissioner Rodstrom, Commissioner DuBose, Vice Mayor Rogers, Commissioner Roberts, and Mayor Seiler. NAYS: None.

*RESOLUTION NO. 10-315

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011, BY APPROPRIATING FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED, AND PROVIDING FOR AN EFFECTIVE DATE.

**City Manager Recruitment – Executive Search Firm –
Not to Exceed \$30,000**

(PUR-09)

Averill Dorsett, Director of Human Resources, noted that Renee Narloch of Bob Murray & Associates has indicated their agreement to provide a second executive search for a city manager at no additional professional fee if there would need to be a replacement, however, the proposed contract drafted by the City Attorney's Office provides that there would be no cost (Section K). The industry standard for second searches is to charge for reimbursable expenses like travel, not a professional fee. Commissioner DuBose recalled asking that specific question. Ms. Dorsett did not recall the specific dialogue. She went on to read Mr. Narloch's e-mail requesting the change, dated November 16, 2010. A copy of the e-mail was made part of the record. *WENDY, I HAVE EMAILED JERRY CROSSLEY FOR THE EMAIL12/8) In response to Vice Mayor Rogers' concern about the for cause language, the City Attorney clarified that the contract states (leaving employment for) any reason. The contract controls over the letter; Exhibit 4, Paragraph 7 of Commission Agenda Report 10-1695. Mayor Seiler thought it is fair to pay additional (reimbursable) costs if the firm agrees to a second search for any reason. The City Attorney confirmed that the contract can be revised to read, conduct a second executive search for a city manager at no additional professional fee to the City in the event the successful candidate leaves employment with the City within one year of the successful candidate's start date.

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

MOTIONS

Proprietary – Black Box Telephone Equipment Parts - \$35,498

(MD-01)

Public Works Utilities Telephone System

Purchases are made on an as-needed basis and charged to the individual operating budgets per available funds and in accordance with established pricing.

Purchase telephone equipment parts for Public Works Utilities – Black Box telephone system is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Nextiraone, LLC d/b/a Black Box Network Services
Houston, TX

Amount: \$35,498.00 (not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1192

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

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

Proprietary – Ashbrook Belt Filter Press Parts and Service – (MD-02)
As Needed Basis
Lohmeyer Wastewater Treatment Plant

Purchases are made on an as-needed basis and charged to the individual operating budgets per available funds and in accordance with established pricing.

Purchase Ashbrook belt filter press parts and service for Lohmeyer Wastewater Treatment Plant is being presented for approval by Public Works Department.

Recommend: Motion to approve.

Vendor: Ashbrook Simon-Hartley Operations, LP
Houston, TX

Amount: Per Unit Prices

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1330

The Procurement Services Department has reviewed this item and recommends awarding these proprietary purchases.

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

Proprietary – Provide Enterprise Software - \$69,200 (MD-03)
Housing Opportunities for Persons with HIV/AIDS

Please see funding information attached to these minutes.

Purchase Provide Enterprise software – design and implement – automated service delivery system connecting Housing Opportunities for persons with HIV/AIDS resources with lead continuum of care agency that manages health care services and support for persons living with HIV/AIDS under Ryan White Care Act in Broward County.

Recommend: Motion to approve.

Vendor: Groupware Technologies, Inc.
Wauwatosa, WI

Amount: \$69,200.00 (not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1572

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

Robert Walsh, 401 East Las Olas Boulevard, emphasized that persons living with HIV/AIDS are fortunate to reside in this county and benefit from such programs. In response to Mr. Walsh, Jonathan Brown, Housing and Community Development Manager, described the software and its benefits.

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

Proprietary – Local Voice and Data Services – Annual Cost - \$589,840 (MD-04)

Please see funding information attached to these minutes.

Three-year contract to purchase local voice and data services is being presented for approval by Information Technology Services Department.

Recommend: Motion to approve.

Vendor: Bellsouth Telecommunications, Inc. d/b/a AT&T Florida
Atlanta, GA

Amount: \$1,769,520.00 (not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 10-1636

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

In response to Mayor Seiler, Tim Edkin, Information Technology Services Director, confirmed there is an approximate 20 percent savings for a total of \$471,600 over three years. He described staff's continuing efforts to lower cost. In response to Vice Mayor Rogers, he explained that BellSouth (d/b/a) AT&T is the only vendor capable of providing all of the local services because the City uses many types of equipment. As

technology advances, if the City can either find other vendors to provide all of these services or some services become unnecessary, they can be reduced from the contract.

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

RESOLUTIONS

City Manager Search Committee

(R-01)

No budgetary impact.

Commissioner Roberts introduced the following resolution:

The City Attorney indicated that this is a resolution to amend the previously adopted resolution which established the City Manager Search Committee. The prior resolution required residency in the city as a condition of appointment. This resolution adds to that requirement that the (appointed) individual could be someone who owns property in the city or works within the city.

RESOLUTION NO. 10-313

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FORT LAUDERDALE, FLORIDA, AMENDING
RESOLUTION ESTABLISHING THE CITY MANAGER
SEARCH COMMITTEE AND PROVIDING AMENDED
CRITERIA FOR COMMITTEE MEMBERSHIP.

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

Board and Committee Appointments

(R-02)

No budgetary impact.

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

Audit Advisory Board

Martin J. Kurtz (Mayor Seiler)
Cindy Probeck (Commissioner Roberts)

Centennial Celebration Committee

Lisa Scott-Founds (Commissioner Roberts)
Chuck Malkus (Commissioner Roberts)
Beauregard Cummings (Commissioner DuBose)

Citizens Police Review Board

Marc Dickerman (Mayor Seiler)

	Alan Stotsky (Vice Mayor Rogers) Eileen G. Helfer (Commissioner Roberts) Roosevelt Walters (Commissioner DuBose)
Community Appearance Board	Sheila Franklin (Mayor Seiler) Karen Doyle (Vice Mayor Rogers) Ryan Paton (Vice Mayor Rogers) Barbra Stern (Vice Mayor Rogers) Franci Bindler (Commissioner Roberts) John T. Holmes (Commissioner Roberts) Barbara Van Voast (Commissioner Roberts) Ayisha Gordon (Commissioner DuBose) Larry Lee Nielsen (Commissioner DuBose) Jimmy Witherspoon (Commissioner DuBose)
Economic Development Advisory Board	Ralph Riehl (Vice Mayor Rogers) George Mihaiu (Commissioner Roberts) Christopher "Kit" W. Denison (Commissioner Rodstrom) Sheryl Dickey (Commissioner DuBose) Miya Burt-Stewart (Commissioner DuBose)
Education Advisory Board	Shezette Blue-Small (Commissioner DuBose)
Fire-Rescue Facilities Bond Issue Blue Ribbon Committee	Frank B. Anderson, Jr. (Vice Mayor Rogers) Frederick Nesbitt (Commissioner Roberts) June D. Page (Commissioner Roberts) Nadine Hankerson (Commissioner DuBose)
Insurance Advisory Board	Steve Botkin (Consensus) James E. Drake (Consensus) Charles J. Grimsley (Consensus) Joseph Piechura, Sr. (Consensus)
Marine Advisory Board	Frank Herhold (effective January 1, 2011) (Mayor Seiler)
Parks, Recreation and Beaches Board	Richard Zaden (Mayor Seiler) Matthew L. Weiss (Commissioner Rodstrom)
*Police and Firefighters Retirement System, Board of Trustees	Jim Naugle (Consensus) Dennis Hole (Consensus)
Short Term Residential Use Committee	F. Ronald Mastriana (Mayor Seiler) H. Collins Forman, Jr. (Vice Mayor Rogers) Marilyn Mammano (Vice Mayor Rogers) Lula Myers (Commissioner DuBose) D.J. Parker (Commissioner DuBose)
Utility Advisory Committee	Terri Murru (Mayor Seiler) Ruchel Louis (Vice Mayor Rogers)

Don Larson (Vice Mayor Rogers)
Jay Weiss (Commissioner Rodstrom)

Commissioner Rodstrom introduced the following resolution:

RESOLUTION NO. 10-314

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

**Amend Operating Budget – Appropriate Budget for Fund 129 – (OB)
GTRANSIT (5th Cent Gas Tax for Transportation) - \$233,473.83**

Commissioner Roberts introduced the following resolution:

RESOLUTION NO. 10-330

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE FINAL OPERATING BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, BY APPROPRIATING FUNDS AS SET FORTH IN THE EXHIBIT ATTACHED AND PROVIDING FOR AN EFFECTIVE DATE. (See Memorandum No. 10-314)

In response to Mayor Seiler, Shonda Singleton-Taylor, Deputy Director of Finance, confirmed this is local option gas tax revenue.

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

PUBLIC HEARINGS

**Relief from Parking Requirements for Public Purpose Use (PH-01)
Dr. Kennedy Homes – 1004 West Broward Boulevard – Case 64-R-10**

No budgetary impact.

Applicant: Housing Authority, City of Fort Lauderdale

Location: 1004 West Broward Boulevard
Zoning: Residential Multifamily Mid Rise/Medium High Density RMM-25

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

The Commission announced their disclosures were the same as those indicated on first reading.

Robert Lochrie, representing the Applicant, Housing Authority of Fort Lauderdale (Housing Authority) and Carlisle Development Group, advised that the existing project includes 132 units and 71 parking spaces. The proposal more than doubles onsite parking to 173 spaces and a parking ratio of 1.13 spaces per unit far exceeds the ratio of .81 at the Dixie Court project which is almost fully occupied with a similar demographic. Landscaping and open space will take the place of the extra parking. He elaborated upon the proposed landscaping specifications of 54% of the site, including 421 trees. There will be improved access for police and fire services and better living conditions.

Mayor Seiler opened the floor for public comment.

Charles Jordan, representing Trust for Historic Sailboat Bend (Trust), proffered objections from Ralph Brooks, also representing the Trust and Mark Kerr; an annotated section of the ULDR (Unified Land Development Regulations) highlighting code violations that he claimed were not addressed by the Applicant; and a copy of Mayor Seiler's letter of support, dated September 14, 2009, which was prior to the start of this proceeding. Copies of these documents are attached to these minutes. In response to Mayor Seiler, Mr. Jordan confirmed the support letter is dated prior to any notice for a hearing before the Commission. He claimed delivery of the letter was not disclosed at the hearing. He discovered the letter later in a HUD package. Mayor Seiler emphasized that nothing was scheduled to come before the Commission when the letter was written. Mr. Jordan then claimed that a Commission hearing was scheduled when the letter was written. When an applicant appeals a decision of the Historic Preservation Board, the mayor is in that lint in terms of process. He recalled a variance for this parking reduction was challenged by the Trust at a Board of Adjustment hearing. The variance has now taken the form of a parking reduction request as another way of getting around not providing enough parking. He believed this proceeding is a way to avoid requirements of the variance process. He reviewed information in the annotated ULDR document. With a permitted annual income of \$48,000, he believed a family may have more than on car. He referred again to the support letter from Mayor Seiler and indicated consequently he believes quasi-judicial procedures have not been followed. He requested the application be denied.

Mayor Seiler questioned if he has been the deciding vote on this matter to date. Mr. Jordan felt Mayor Seiler failed to disclose the letter. Mayor Seiler contended the letter was disclosed numerous times. Mr. Jordan claimed it was incumbent upon Mayor Seiler to disclose the letter in December, (2009). He further claimed Mayor Seiler went beyond his authority to write the letter on behalf of the City. Mayor Seiler indicated that he has addressed this issue with the City Attorney.

Mark Kerr, 916 SW 2 Street, noted the proximity of his property to this project and that it has been owned by his family for over sixty years. Over time there has been a decline in maintenance of Kennedy Homes. He felt the homes have historical significance and

could be easily restored for far less expense. He believed the original intent of the property is being disregarded. He believed street parking for low income housing draws an undesirable element. He expressed concern that construction will be problematic for all SW 2 Street property owners and may prevent him from maintaining tenants. Commissioner DuBose believed Mr. Kerr is relating income level to class. He emphasized that economic status does not determine the amount of class one possesses. He was offended. Mr. Kerr agreed and apologized for any misunderstanding. In response to Mayor Seiler, he indicated he was unaware of any former Kennedy Homes resident that preferred renovation over the proposed project. He reiterated that the development has gradually deteriorated and been neglected by the Housing Authority. Consequently, occupants would naturally want something new. He believed that the Kennedy Homes project is a landmark, he urged the City to investigate refurbishment. In response to Mayor Seiler's question, Mr. Kerr noted the proximity of his property to the three units being preserved and went on to express his opinion that preservation of those units would not have any impact as to preserving the project. Mayor Seiler emphasized the City is not part of the proposal and does not own the property. The Housing Authority is a separate entity. Commissioner DuBose recalled that the Kennedy Homes residents clearly stated their desires. It is not Mr. Kerr's place to speak for them. Discussion ensued as to whether the residents would be invited to return once the construction is completed and what occurred with the Dixie Court project.

In response to Mayor Seiler, Mr. Jordan noted the historic preservation consultant's report (Merrilyn Rathbun) was not included with his proffered documents as it was previously entered into the record of the Historic Preservation Board hearings, the appeal hearings by the Commission and court documents relating to this case. He offered to provide the City Clerk a copy if necessary.

Charles Willard, 425 Riverhighlands, questioned if non-Sailboat Bend residents know what is best for Sailboat Bend residents. He elaborated upon neighborhood improvements brought about as a result of the association's efforts. He believed association members and the historic designation greatly contributed to the neighborhood's progress. He thought opinions of long-term residents should be respected. He invited the Commission to get acquainted with Sailboat Bend residents and listen more in general. He thought the proposed project is too large for the neighborhood. Commissioner Roberts agreed that Sailboat Bend has been improved. However, he believed the proposed project is a further enhancement. Kennedy Homes' residents are also residents of Sailboat Bend. Mayor Seiler indicated that he has not spoken to any Kennedy Homes resident who did not want this project. Compromises must be made. Better living conditions will be provided. Discussion ensued between Mayor Seiler and Mr. Willard regarding preservation of a neighborhood of low-height residences and the proposed project. Mayor Seiler did not think this would mean a change. He believed the homes and historic and residential flavor of the neighborhood could be preserved. Mr. Willard pointed to the construction of five-story project in and around Sailboat Bend. One project claimed there would be two-story buildings with an occasional three-story, but it has been the opposite. He did not know who to trust. Vice Mayor Rogers appreciated the efforts to establish an historic district and that one was established, but the law must be followed. He believed Kennedy Homes meets the criteria set forth in the ULDR. He agreed it is important to listen and assured him that he would do so. Commissioner Rodstrom believed in historic preservation. If the situation was different, she wished the Kennedy Homes could be saved. She emphasized the

City's mission of health, safety, and welfare. She believed Kennedy Homes was inadequately maintained; therefore, the residents felt their health, safety and welfare were jeopardized. She thought the maintenance issue should be raised with the responsible party.

Dave Parker, 801 SW 2 Court, indicated he is speaking as a resident. He recalled that Sailboat Bend residents take issue with buildings higher than two-stories. He urged that no more variances on the project's design be allowed. He suggested use of canopy trees and not palm trees. He recalled the police training on October 5 angered the neighborhood. He wanted the neighborhood to be respected. Vice Mayor Rogers recalled his request to Tam English, executive director of the Housing Authority, to ensure communications with residents. He asked Mr. Parker to contact him in the event there is not proper communication.

In response to Mayor Seiler, Karl B. Peterson of Jacobs Engineering, representing the Applicant, explained the area's bus route changes to take effect October 31, 2010. The changes do not affect his conclusions.

In response to Mayor Seiler's question about canopy trees raised by Mr. Parker, Mr. Lochrie referred to the vehicular use areas on the site plan as an example (Exhibit 5) and noted there is a 25% shade tree requirement, for example. The number of shade trees for the entire site are almost double the code requirement. He elaborated upon the types of trees to be used in different areas of the project. In further response to Mayor Seiler, he explained what types of shade and flowering trees will be used along SW 2 Street.

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

Commissioner Roberts introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-10-40

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AFFORDABLE HOUSING PROJECT AS A PUBLIC PURPOSE USE THAT DOES NOT MEET THE PARKING AND LOADING REQUIREMENTS IN AN RMM-25 ZONING DISTRICT AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), WHICH SITE IS MORE FULLY DESCRIBED AS ALL OF BLOCK 1, DR. KENNEDY HOMES HOUSING PROJECT ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 70 OF THE PUBLIC RECORDS OF BROWARD COUNTY; LESS AND EXCEPT THAT PORTION TAKEN FOR RIGHT OF WAY FOR BROWARD BOULEVARD; LOCATED ON THE SOUTH SIDE OF WEST BROWARD BOULEVARD BETWEEN SOUTHWEST 9TH AVENUE AND SOUTHWEST 11TH

AVENUE AND GRANTING RELIEF FROM THE ULDR REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE ULDR OF THE CITY OF FORT LAUDERDALE, FLORIDA.

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

**Rezoning to Planned Unit Development – 1224 East Las Olas Boulevard (PH-02)
First Presbyterian Church of Fort Lauderdale – Case 4-ZPUD-08**

No budgetary impact.

Applicant: First Presbyterian Church of Fort Lauderdale
Location: 1224 East Las Olas Boulevard
Current Zoning: Boulevard Business B-1, Residential Single Family/Low Medium Density RS-8, Limited Residential Office ROA, Community Facility – House of Worship and School CF-HS
Proposed Zoning: Planned Unit Development PUD
Future Land Use: Commercial, Low Medium Residential

This item was deferred to February 15, 2011. See page 3.

ORDINANCES

Code Amendment – Section 2-61 – Five Year Financial Forecast (O-01)

No budgetary impact.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-42

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, REQUIRING THE CITY MANAGER TO INCLUDE A FINANCIAL FORECAST PROJECTED FIVE YEARS INTO THE FUTURE; AND PROVIDING SEVERABILITY, REPEAL OR CONFLICTING ORDINANCE PROVISIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

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

**Code Amendment – Police and Firefighters Retirement System
Police Overtime, Beneficiary or Joint Annuitant, Retirement**

(O-02)

No budgetary impact.

Commissioner Roberts introduced the following ordinance on FIRST reading:

Vice Mayor Rogers pointed out a scrivener's error on the second page of the ordinance wherein 40 years should read 40 hours.

ORDINANCE NO. C-10-43

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE FLORIDA RESPECTING THE CITY'S POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM BY AMENDING CITY OF FORT LAUDERDALE CODE SECTION 20-127, DEFINITIONS, BY REVISING AND ADDING NEW DEFINITIONS; CREATING A NEW SECTION 20-127.5, OVERTIME EARNINGS FOR POLICE OFFICERS, PERMITTING 40 HOURS OF OVERTIME PER POLICE OFFICER PER CALENDAR YEAR TO BE TREATED AS EARNINGS UNDER THE PLAN AND PROVIDING FOR SUBSEQUENT AMENDMENT OR SUNSET AND REPEAL THEREOF, SUBJECT TO TERMS AND CONDITIONS; BY AMENDING SECTION 20-128, ELIGIBILITY, REGARDING DESIGNATION OF A BENEFICIARY OR JOINT ANNUITANT; AMENDING SEC. 20-129, RETIREMENT DATES AND BENEFITS, REGARDING EARLY RETIREMENT; AMENDING SECTION 20-131, OPTIONAL FORMS OF RETIREMENT BENEFITS, REGARDING DESIGNATION OF A BENEFICIARY OR JOINT ANNUITANT FOR OPTIONAL FORMS OF RETIREMENT BENEFITS; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATES.

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

Code Amendment – Article V, Division 2 – Bid Protest Procedure

(O-03)

No budgetary impact.

Vice Mayor Rogers introduced the following ordinance on SECOND reading:

ORDINANCE NO. C-10-41

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING A BID PROTEST PROCEDURE, AND PROVIDING FOR CODIFICATION, SEVERABILITY,

REPEAL OF CONFLICTING ORDINANCE PROVISIONS,
AND AN EFFECTIVE DATE.

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

Code Amendment – Section 47-19.3 – Boat Mooring Devices

(O-04)

No budgetary impact.

Vice Mayor Rogers noted it appears there is no restriction on vessel height. Anthony Fajardo, Planning and Zoning, explained that when staff looked at the (boat height) issue, they found a number of varied boat designs. Limiting vessel height was not addressed, although view corridors are impacted. In terms of vessel weight, Andrew Cuba, Marine Facilities Manager, indicated there are lifts that can raise more than 200,000 pounds. But the majority of lifts requested are for vessels of less than 50,000 pounds. In further response, Mr. Cuba went on to explain that floats were proposed as an alternative to guidepoles because some lifts are in narrow lots. Staff believes this is the best solution. Mr. Fajardo noted the language provides for alternatives to be subject to approval by the marine facilities manager in case other devices can be used for this purpose. In response to Commissioner Rodstrom, Mr. Fajardo confirmed that this applies to boats docked both vertically and horizontally on the property line. The proposed permitting process will be the DRC (Development Review Committee) with Marine Facilities involvement. In response to Mayor Seiler, he confirmed that the Marine Advisory Board fully supports these amendments.

Commissioner Rodstrom introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-44

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 8-91 MOORING STRUCTURES AND 47-19.3 BOAT SLIPS, DOCKS, BOAT DAVITS, HOISTS AND SIMILAR MOORING DEVICES TO INCREASE THE DISTANCE MOORING STRUCTURES MAY EXTEND INTO THE WATERWAY; INCREASE THE HEIGHT VESSELS MAY BE LIFTED OUT OF THE WATER; PROVIDING DEFINITIONS; PERMITTING AN ALTERNATE SAFETY DEVICE AND REQUIRING ATTACHMENT TO ANY SUBMERGED MOORING DEVICE; PERMITTING ADDITIONAL MOORING DEVICES ON A DEVELOPMENT SITE AND PROVIDING A PERMITTING PROCESS; AMENDING MEASUREMENT OF THE HEIGHT OF A DOCK OR SEAWALL; PROVIDING AN EFFECTIVE DATE.

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

Code Amendment – Section 47-22 – Message Center Signs

(O-05)

No budgetary impact.

Commissioner Roberts introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-45

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-22.3, GENERAL REGULATIONS, OF SECTION 47-22, SIGN REQUIREMENTS, TO PERMIT MESSAGE CENTER SIGNS IN ADDITIONAL LOCATIONS; PROVIDING ADDITIONAL DIMENSIONAL REQUIREMENTS AND STANDARDS; PROVIDING AN EFFECTIVE DATE.

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

**Pilot Program – Sandwich Board and Banner Signs
Unified Land Development Regulations – Section 47-22**

(O-06)

No budgetary impact.

Mayor Seiler thanked staff for promptly bringing this back from a conference meeting.

In response to Vice Mayor Rogers, Greg Brewton, Director of Planning and Zoning, explained that permit fees for signs were established by resolution. All fee schedules are based on an hourly rate for staff time. He was uncertain what a sandwich board permit would cost, but offered to report back at the second reading. He believed it is affordable.

Vice Mayor Rogers introduced the following ordinance on FIRST reading:

ORDINANCE NO. C-10-46

AN ORDINANCE CREATING TEMPORARY SIGN REGULATIONS AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO CREATE A PILOT PROGRAM TO PERMIT ON A TEMPORARY BASIS

BANNERS AND SANDWICH SIGNS; PROVIDING
STANDARDS AND CRITERIA; PROVIDING AN
EFFECTIVE DATE.

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

Note: The City Commission adjourned the regular meeting at 8:21 p.m. and returned to the conference meeting agenda, Commission Reports, from 8:21 p.m. to 8:46 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk